OFFICER MISCONDUCT PACKAGE CHECKLIST

☐ ALL MISCONDUCT PACKAGES
  o SNO acknowledges that adverse matters will be included in their OMPF
  o Every month command confirms whether SNO has impending mandatory separation/retirement/removal date; if so, advise JPL

☐ ALL SEPARATION PACKAGES
  o PTSD/TBI screen (MARADMIN 328/10; Ref. b § 4002.2.c)
    ◊ If PTSD/TBI is positive, the screen must state whether PTSD/TBI was a contributing factor to SNO’s misconduct, and the GCMCA must reference it in their endorsement
  o Advanced education assistance reimbursement recommendation, if applicable
  o Recommendation as to characterization of service¹, or, if eligible, a retirement grade² (warrant officers cannot be retired in a lesser grade)

☐ SUBSTANCE ABUSE-RELATED INCIDENT (MARADMIN 316/01; Ref. b § 4002.1.b)
  o SACC screen
  o Related referral and treatment documents
  o Completion certificate(s) of recommended treatment
  o Report required even if alcohol-related offense is reduced to a non-alcohol related charge, e.g., reckless driving

☐ SUPPORTING DOCUMENTS RELATING TO MISCONDUCT
  o Preliminary Inquiry
  o Command Investigation
  o NCIS investigation
  o CID investigation
  o IG investigation
  o Police report
  o Article 32 investigation

☐ REPORT OF MISCONDUCT³ (Ref. b, § 4005.3.c.2)
  o Report of Misconduct (Ref. b, Fig 4-9) with supporting documents relating to misconduct
  o Evidence of alternative administrative disposition, if applicable
  o Acknowledgement of receipt of the Report of Misconduct and matters, if any⁴ (Ref. b, Fig. 4-8)
  o Show cause recommendation

☐ NJP IMPOSED (REPORT OF NJP) (Ref. b, § 4005.3.c.3; Ref. c, Ch. I, Part B)
  o Notification of NJP hearing (Ref. b, Fig. 4-1/4-2; Ref. c, appendix A-1-i)
  o Acceptance of NJP (Ref. b, Fig. 4-1/4-2)
  o Documents relating to the misconduct considered at the NJP (see above; Ref. b, § 4005.3.c)
  o Report of NJP (Ref. b, Fig. 4-5)
  o Acknowledgement of receipt of Report of NJP and matters, if any⁵ (Ref. b, Fig. 4-8)
  o Acknowledgement of appeal rights and matters, if any (Ref. b, Fig 4-3)
  o Punitive letter of reprimand and acknowledgment, and matters, if any⁶ (Ref. b, Fig. 4-4; Ref. c, § 0114 & A-1-h; Ref. d §1000.4.a.2)
  o Verbatim transcript of NJP (Ref. b, § 4005.3.c.3)
BOI HELD (REPORT OF THE BOI) (Ref. a, Encl. (8); Ref. b, § 4007)
- BOI direction letter signed by a SCA/ASCA (Ref. b, Fig. 4-14/4-15)
- Notification of the BOI (Ref. a, Encl. (8), Para. 5; Ref. b, Fig. 4-16/4-17)
- Acknowledgement of receipt of the Notification of the BOI (Ref. b, Fig. 4-16/4-17 page 6)
- Appointing order signed by a GCMCA (Ref. b, Fig. 4-18)
- Respondent requests and actions thereon (delay, witnesses, etc.)
- Exhibits presented by the recorder (Ref. a, Encl. (8), Para. 12.a.1)
- Exhibits presented by the respondent (Ref. a, Encl. (8), Para. 12.a.1)
- Findings worksheet (Ref. b, Fig. 4-21a/4-21b) with finding on each of the reasons for separation
- Separation recommendation
  ◯ If separation recommended, state recommended characterization of service; or, if retirement-eligible, state recommended retirement grade
  ▴ Warrant officers cannot be retired in a lesser grade
- Performance or conduct identified more than five years prior to the initiation of processing cannot form the basis for separation (Ref. a, Encl. (4), Para. 11.e)
- Verbatim or summarized transcript of the BOI (authenticated)
- Acknowledgement of receipt of the BOI transcript and corrections, if any
- Report of the BOI (Ref. a, Encl. (8), Para. 12; Ref. b, Figs. 4-22/4-23)
- Minority report explaining extent of nonconcurrence and reasons therefor (Ref. a, Encl. (8), Para. 12.d; Ref. b, Fig. 4-24)
- Acknowledgement of receipt of the Report of the BOI and matters, if any (Ref. a, Encl. (8), Para. 12.e; Ref. b, Fig. 4-8)
- The Report of Misconduct, NJP, or Civilian Conviction that preceded the BOI, with endorsements

BOI WAIVER (Ref. a, Encl. (8), Para. 8; Ref. b, § 4008.4)
- Waiver IAW the references (Ref. b, Fig. 4-33/4-34)

REPORT OF CIVILIAN CONVICTION (Ref. b, § 4005.3.c.4)12
- Documentation reflecting the civilian conviction13
- Proof of completion of the terms of the civilian conviction (e.g., fine, treatment, community service)
- Acknowledgement of receipt of the Report of Civilian Conviction and matters, if any (Ref. b, Fig. 4-8)

REPORT OF COURT-MARTIAL CONVICTION (Ref. b, § 4005.3.c.5)15
- Documentation reflecting the court-martial conviction
  ◯ Result of Trial
  ◯ Convening Authority’s Action
  ◯ Transcript
- Proof of completion of any terms of the court-martial conviction
- Acknowledgement of receipt of the Report of Court-Martial Conviction and matters, if any (Ref. b, Fig. 4-8)

SEPARATION VIA NOTIFICATION PROCEDURES (Ref. a, Encl. 7; Ref. b, § 4008 )17
- Recommendation IAW the references (Ref. b, Fig. 4-29)
- Notification IAW the references (Ref. b, Fig. 4-27)
- Acknowledgement of receipt of notification and matters, if any (Ref. b, Fig. 4-28)
- Supporting documents relating to misconduct (see above)
- Relevant report(s) as provided above
- Performance or conduct identified more than 5 years prior to the initiation of processing does not form the basis for separation (Ref. a, Encl. (4), Para. 11.e)
☐ **RESIGNATION IN LIEU OF FURTHER ADMINISTRATIVE PROCESSING** (Ref. a, Encl. 4, Para. 12.a; Ref. b, § 4008.3; Ref. e, § 4104)
   - Recommendation IAW the references (Ref. b, Fig. 4-31)
     - States resignation is for cause and is being offered in lieu of further administrative separation processing
     - Basis of misconduct is stated and SNO admits to the basis of misconduct (Ref. b, § 4008.3.2.g)
     - Appropriate statement corresponding to type of discharge requested (Ref. e, § 4104.3)
       - Unqualified (Hon), Qualified (Gen), Good of the Service (OTH)
   - Supporting documents relating to misconduct and relevant report(s) as provided above

☐ **RESIGNATION IN LIEU OF TRIAL** (Ref. a, Encl. 3, Para. 1.d; Ref. e, § 4104.4)
   - Recommendation IAW the references (Ref. b, Fig. 4-32)
   - Statement that SNO was afforded right to consult with qualified counsel
     - Request signed by counsel
   - SNO states he/she understands:
     - Elements of the offense(s) charged
     - That an OTH is authorized
     - Adverse nature of such characterization and possible consequences
   - Acknowledgement of guilt
   - Summary of the evidence
   - Supporting documents relating to misconduct and relevant report(s) as provided above

☐ **RETIREMENT IN LIEU OF FURTHER ADMINISTRATIVE PROCESSING** (Ref. a, Encl. 6, Para. 2)
   - Recommendation IAW the references (Ref. b, § 4008.3, Fig. 4-30)
     - States officer understands:
       - BOI will not be convened
       - SECNAV may retire officer in a lesser grade (warrant officers cannot be retired in a lesser grade)
     - Officer consulted with counsel
     - Officer admits his/her performance of duty was substandard and/or admits committing misconduct
     - Request is voluntary and may only be withdrawn with the permission of SECNAV
   - Supporting documents relating to misconduct and relevant report(s) as provided above
1 Ref. a, Encl. (5) and Ref. e, §1004 provide guidelines on characterization of service.

2 Ref. a, Encl. (6) provides guidelines on retirement grade recommendations.

3 Required in cases of substantiated officer misconduct not involving NJP, court-martial, or civilian conviction; cases involving NJP require a Report of NJP (Ref. b, § 4005.3.c.2). The facts and circumstances regarding the allegation of misconduct and disposition must be thoroughly explained in the Report of Misconduct. Pursuant to Ref. d, § 1000.4.c(2)(e), MMSB will not file documents related to law enforcement investigations or those created by any military or civilian law enforcement agencies. However, MMSB may insert summaries of substantiated misconduct/adverse information extracted from law enforcement investigations. Such material may be entered in the OMPF only after providing the Marine an opportunity to rebut.

4 An e-mail response from the respondent or his/her counsel is not acceptable. (Ref. b, Fig. 4-8)

5 An e-mail response from the respondent or his/her counsel is not acceptable. (Ref. b, Fig. 4-8)

6 An e-mail response from the respondent or his/her counsel is not acceptable. (Ref. b, Fig. 4-8)

7 Ref. a, Encl. (5) and Ref. e, §1004 provide guidelines on characterization of service.

8 Ref. a, Encl. (6) provides guidelines on retirement grade recommendations.

9 Summarized required unless directed by a SCA (Ref. a, Encl. (8), Para. 12; Ref. b, § 4007.2.g); but it is encouraged to prepare a verbatim transcript if the BOI recommends separation or retirement.

10 An e-mail response from the respondent or his/her counsel is not acceptable. (Ref. b, Fig. 4-8)

11 An e-mail response from the respondent or his/her counsel is not acceptable. (Ref. b, Fig. 4-8)

12 Required even if another report is created in the same case, e.g. SNO arrested for DUI and is pending a civilian court date. Meanwhile, the CG imposes NJP. Requires a Report of NJP and Report of Civilian Conviction, routed together after the civilian court hearing.

13 The findings and sentence must be thoroughly explained in the Report of Civilian Conviction. Pursuant to Ref. d, § 1000.4.c(2)(e), MMSB will not file documents related to law enforcement investigations or those created by any military or civilian law enforcement agencies. However, MMSB may insert summaries of substantiated misconduct/adverse information extracted from law enforcement investigations. Such material may be entered in the OMPF only after providing the Marine an opportunity to rebut.

14 An e-mail response from the respondent or his/her counsel is not acceptable. (Ref. b, Fig. 4-8)

15 Required if dismissal not adjudged.

16 An e-mail response from the respondent or his/her counsel is not acceptable. (Ref. b, Fig. 4-8)

17 Available for probationary officers, which includes commissioned officers on the ADL with fewer than 6 years of active commissioned service; reserve commissioned officer with fewer than 6 years of commissioned service; regular warrant officers with less than 3 years; and reserve warrant officers with fewer than 6 years of service as a warrant officer.

18 An e-mail response from the respondent or his/her counsel is not acceptable. (Ref. b, Fig. 4-8)