



JAGINST 5800.7G – JAGMAN Changes

The below paragraphs highlight significant changes included in JAGINST 5800.7G, Manual of the Judge Advocate General (JAGMAN). The Secretary of the Navy approved Revision G of the JAGMAN with an effective date of 15 January 2021. The instruction is available on the Navy JAG Corps website:

https://www.jag.navy.mil/library/instructions/JAGINST_5800.7G.pdf. This advisory does not include all changes made to the JAGMAN; therefore, judge advocates should conduct a careful and thorough review of Revision G.

Chapter I – Regulations Implementing and Supplementing the Manual for Courts-Martial

- Incorporates changes to Section 0128i(1) outlined in ALNAV 082/20.
- Contains FY20 NDAA mandated changes to command required notifications to victim and changes to disposition timelines for non-prosecutable sex-related offenses.
- A separate Code 20/JMJ Sidebar (February 2021) discussing the changes to JAGMAN, Chapter I in greater detail and containing a template for commands to use when notifying victims is available on the SJA to CMC website (<https://www.hqmc.marines.mil/sja>) under the JAD Resources menu.

Chapter II – Administrative Investigations

- There were no changes made to Chapter II. However, a revision to Chapter II is in staffing and will be published as a change to JAGINST 5700.7G.

Chapter III – Complaints of Wrong

- Chapter III is a complete revision and should be reviewed in its entirety. Some of the major changes include:
 - Delegation of authority to the SJA to CMC and Branch Head, JCA, to take final action on complaints of wrongs within the Marine Corps under Article 138, UCMJ, and Article 1150, U.S. Navy Regulations.
 - Requires any allegation or complaint of wrongdoing against a senior official (O-7 and above) to be reported to the IGMC prior to final action.
 - Removal of the requirement that the GCMCA provide the complainant with a copy of all material (including response and endorsements) and the complainant's opportunity to rebut matters. Further, elimination of the requirement for the GCMCA to forward an advanced copy of the complaint to HQMC.

Chapter IV – Article 139 Claims - Redress of Damage to Property

- Incorporates a variety of updates specific to processing Article 139, UCMJ, claims within the Marine Corps:
 - Identifies DC (M&RA) as the new default authority for claims in which the command of the offender cannot be determined.
 - Permits forwarding of investigations to the JAD (JCA) when forwarding to a common superior GCMCA it is not practicable.
 - JAD (JCA) is now authorized to receive requests for reconsideration and may complete the final review.
 - Clarifies that pecuniary liability will not be assessed until the subject service member has been provided an opportunity to request reconsideration and final action has been taken on any such request.

Chapter V – Environmental Protection and Management

- This chapter has been deleted from the JAGMAN and is reserved for future use. MCO P5090.2A “Environmental Compliance and Protection Program” is now the primary reference concerning the implementation of environmental law and policy within the Marine Corps.

Chapter VI – Delivery of Service members, Civilians, and Dependents; Service of Process and Subpoenas; State Tax and Regulatory Authority

- Eliminates the requirement for pre-existing delivery agreements before delivery of a service member to civilian authorities.
- Institutes use of commanding officer issued “orders to return” for service members, and places the burden to return on the service member rather than state authorities.
- Clarifies the commanding officer’s responsibilities in granting leave or liberty to permit a service member who was arrested and later released to appear for trial.
- Includes references for notification of the Office of the Judge Advocate General by facsimile and e-mail.
- Clarifies which party is responsible for travel costs of witnesses.
- Contains a template for written “orders to return” for service members released from civilian custody.

Chapter VII – Legal Assistance

- Expands legal assistance eligibility to reservists in emergency and pre-mobilization situations.
- Expands legal assistance eligibility to active duty and retired members of the Public Health Service and National Oceanic and Atmospheric Administration and their dependents.
- Expands notary eligibility to Department of Defense civilian employees for matters related to their official duties.
- SJA to CMC or Commanding Officer, RLSO, may authorize limited in-court representation to victims of crimes for the purpose of obtaining a civilian temporary restraining order or protective order.

Chapter VIII – General Claims Provisions

- Updates categories of claims payable to include contractors and corporations working in the country for reasons other than fulfilling a U.S. Government contract.
- Updates the list of countries where the U.S. Navy has single-service claims responsibility.
- Includes guidance on computation of awards in U.S. currency.
- Updates payment section to reflect current Defense Finance Accounting Service (DFAS) and Comptroller requirements.

Chapter IX – Authority of Armed Forces Personnel to Perform Notarial Acts

- There were no changes made to Chapter IX.

Chapter X – International Law & Application of U.S. Law Overseas

- References (a), (c), and (g) were all recently updated. International Agreements/Arrangements and Foreign Criminal Jurisdiction (FCJ) practitioners should review them in their entirety.
 - (a) DoDD 5530.3 is now DoDI 5530.03 (Dec 2019);
 - (c) SECNAVINST 5710.25 is now 5710.32 (July 2019);
 - (g) DoDD 5525.1 is now DoDI 5525.01 (May 2019)
- Removes textual discussion on naval operations overseas, security assistance, political asylum and temporary refuge, foreign litigation, and noncombatant evacuation procedures. A list of primary sources for this subject matter has been included in section 1008.
- Clarifies that service members must have both procedural and substantive authority to negotiate and conclude international agreements, and may do so only with written authorization from cognizant approval authority.
- Provides updated requirements for requests to negotiate and conclude international agreements.
- Emphasizes the requirement to forward concluded international agreements and arrangements to OJAG, Code 10. This requirement is in support of SECNAV’s mandated repository and for required statutory processing to the

Department of State. An additional copy of any agreement affecting Marine Corps interests or subjects should be forwarded to JAD (JAO).

- Explains that diplomatic notes or other international agreements may provide for legal status of U.S. military personnel in countries where a status of forces agreement does not exist.
- Aligns the subsection on solatia payments with the Department of Navy Financial Management Policy Manual.

Chapter XI – Admiralty and Maritime Law

- Establishes a goal of 30 days for completion of admiralty investigations.
- Inserts public affairs, international relations, and casualty assistance into the list of factors to consider when determining whether to conduct a privileged admiralty investigation or command investigation releasable under the Freedom of Information Act (FOIA).
- Clarifies the section regarding Dual-Purpose Investigations and their release under FOIA.
- Directs preservation of both navigation data and the hardware that created the data during investigations.
- Clarifies that completion of an Admiralty Letter Report or Dual-Purpose Investigation should not be delayed pending receipt of DON damage and repair cost estimates.

Points of Contact

Questions about this Practice Advisory may be directed to the JMJ Branch Head at (703) 693-9005 or JMJ Deputy Branch Head at (703) 859-5372.