



DEPARTMENT OF THE NAVY

OFFICE OF THE JUDGE ADVOCATE GENERAL

200 STOVALL STREET

ALEXANDRIA, VA 22332-2400

IN REPLY REFER TO

JAGINST 1301.2B

62

6 Mar 1997

JAG INSTRUCTION 1301.2B

From: Judge Advocate General

Subj: BILLET ASSIGNMENT RECOMMENDATIONS FOR INACTIVE DUTY NAVAL RESERVE JUDGE ADVOCATES

Ref: (a) 10 U.S.C. §806 (Art. 6, UCMJ)
(b) OPNAVINST 1001.21A
(c) COMNAVSURFRESFORINST 5400.7E
(d) COMNAVRESFORINST 1001.5B

1. Purpose. To define the policy regarding the assignment recommendation of inactive duty Naval Reserve Judge Advocates to Selected Reserve (SELRES) and Individual Ready Reserve (IRR) billets.
2. Cancellation. JAGINST 1301.2A
3. Background. Reference (a) codifies congressional intent that all judge advocates be assigned in accordance with the recommendations of the Judge Advocate General. The interest of the Judge Advocate General is to comply with the statutory mandate and to ensure that the most competent and professionally qualified inactive duty Naval Reserve judge advocates are assigned to billets which enhance career progression, mobilization readiness, and service and support to the fleet. This assignment policy will maximize the efficiency and readiness of the entire Judge Advocate General's Corps and Total Force as required by reference (b).
4. Policy. It is the policy of the Judge Advocate General that the best qualified inactive duty Naval Reserve judge advocates be recommended for assignment to billets having command and/or supervisory responsibilities, and to the judiciary. Mobilization readiness and retention resulting from professional career progression are maximized through use of assignment recommendations for all Naval Reserve Judge Advocates. To ensure compliance with this policy statement, the following guidance is provided:
 - a. The Naval Reserve Senior Judge Advocate shall be responsible for the implementation of policy through this delegation of the Judge Advocate General's assignment recommendation authority under reference (a) only for the assignments of inactive duty Naval Reserve Judge Advocates. The

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Naval Reserve Senior Judge Advocate may subdelegate this authority to Readiness Command staff judge advocates only for the purpose of assignment of non-command lieutenant commanders and below and assignment to temporary or interim billets.

The delegation to be exercised by the Naval Reserve Senior Judge Advocate shall extend to billets for Readiness Command staff judge advocates, Naval Construction Force Reserve staff judge advocates, the Naval Expeditionary Logistics Force staff judge advocate, all Law Program unit commanding officers, all Naval Reserve Trial and Appellate Judiciary billets, all other unit commanding officers whose designator is 2505, and all non-command captain and commander billets for which the required designator is 2505;

b. Professional Qualifications Screening Board (PQSB). Recommendation for assignment of inactive duty Naval Reserve judge advocates shall be subject to screening by a board. The Naval Reserve Senior Judge Advocate will serve as President of the PQSB. The Force Judge Advocate for COMNAVRESFOR (Code N003), and the Force Judge Advocate for COMNAVSURFRESFOR (Code N00J)/Law Program Manager (Code N55) will serve as permanent members of the PQSB. The Deputy Assistant Judge Advocate General for Reserve and Retired Programs (Code 62) will serve as Recorder for the PQSB. The Senior Naval Reserve Judge Advocate may name further members to the PQSB, who are Naval Reserve judge advocates in the grade of O-6, as he shall determine. The Chief Judge, Navy-Marine Corps Trial Judiciary shall serve as a member of the PQSB for consideration of applications for assignment recommendations to the Naval Reserve Trial Judiciary;

c. The PQSB shall be convened at the same time and at the same location as the COMNAVSURFRESFOR Screening Board convened in accordance with reference (c). The PQSB will be governed by this instruction. Its members will be sworn in accordance with the oath prescribed in reference (c). Upon completion of the PQSB, the Senior Naval Reserve Judge Advocate will report the results of the PQSB and make recommendations for assignment of inactive duty Naval Reserve judge advocates to COMNAVSURFRESFOR. The names of the inactive duty Naval Reserve judge advocates selected for assignment will be released by COMNAVSURFRESFOR in accordance with reference (c);

d. In making recommendations for billet assignments, the PQSB and Readiness Command staff judge advocates (in the case of assignment of non-command lieutenant commanders and below and temporary and interim fills) shall consider the following:

(1) Billet specific requirements that may be contained in the Reserve Billet Training Plan, the Reserve Unit Assignment Document, and other pertinent instructions including the program specific Navy Training Plan;

(2) The requirements and input of the gaining command;

(3) The requirements and input of the Readiness Commander in the case of Readiness Command staff judge advocates and Law Program unit commanding officers, of Commander, Second/Third Naval Construction Brigade in the case of Naval Construction Brigade staff judge advocates, and Commander, Naval Expeditionary Logistics Support Force, in the case of its staff judge advocate;

(4) The application materials forwarded by the applicant;

(5) The career pattern and path of the applicant;

(6) The overall needs of the Judge Advocate General's Corps and the Total Force;

e. In addition to the foregoing requirements, the PQSB reviewing applications for assignment recommendations of Readiness Command staff judge advocates, Naval Construction Brigade staff judge advocates, the Naval Expeditionary Logistics Support Force staff judge advocate, Naval Reserve Trial Judiciary Activity, Law Program commanding officers, all other unit commanding officers whose designator is 2505, and all non-command captain and commander billets for which the required designator is 2505, will consider the following:

(1) Readiness Command Staff Judge Advocates, Reserve Naval Construction Brigade Staff Judge Advocates and The Naval Expeditionary Support Force Staff Judge Advocate. Judge advocates serving in these supervisory billets are the primary legal advisor to their commanders and subordinate commands, and serve as the technical and professional supervisors for judge advocates and legalmen under their cognizance. The judge advocates recommended for assignment to these positions must exhibit dedication, self-motivation, professional competence in military justice and civil law, a high degree of technical legal training, and program management knowledge and understanding. Prior service as a unit commanding officer or senior leadership position shall be considered by the PQSB;

(2) Naval Reserve Trial Judiciary Activity. Judge advocates recommended for assignment as military judges or judges

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of the Navy-Marine Corps Court of Criminal Appeals must exhibit qualities of judicial temperament, objectivity, and knowledge of courtroom demeanor, procedure, and rules of evidence;

(3) Commanding Officers. Judge advocates recommended for assignment as commanding officers of Law Program units and other units requiring 2505 designators must exhibit command potential, leadership, and the ability to supervise and train subordinate judge advocates and legalmen to perform the duties to which they are assigned. Prior service as an executive officer, administrative officer, or training officer is indicative of such understanding;

(4) Non-Command Captains and Commanders. Judge advocates recommended for assignment to non-command captain and commander billets must exhibit a strong ability to work independently, and provide meaningful and timely advice to their line commanders and commanding officers. Prior service as a unit commanding officer with understanding of military justice and civil law indicates the applicant has such experience.

f. Additional Considerations.

(1) While rotation from SELRES to IRR is desirable in the career progression of an inactive duty Naval Reserve judge advocate, the rule of best-qualified will apply, and rotation from SELRES to IRR will not be automatic;

(2) Inactive duty Naval Reserve judge advocates shall not be assigned to any billet other than one with a required 2505 designator without the prior written approval of the Naval Reserve Senior Judge Advocate;

(3) All inactive duty Naval Reserve judge advocate billets in the Naval Reserve Force will be advertised nationally by COMNAVSURFRESFOR, and the best-qualified judge advocate applicant will be recommended for assignment without regard to geographical location of either the applicant or the vacancy;

(4) Billet rotation shall be in accordance with references (c) and (d), except that in the case of the Naval Reserve Trial and Appellate Judiciary billets the rotation shall be five years;

(5) Naval Reserve Trial/Appellate Judiciary billets will be filled only after the active duty Judicial PQSB has made its recommendation to the Judge Advocate General, and the Judge

Advocate General has approved those recommendations.

5. Procedures. The procedures for submitting applications for billet assignment recommendations are:

a. Judge advocates applying for assignment recommendation for Readiness Command staff judge advocate, Naval Construction Brigade staff judge advocate, Naval Expeditionary Logistics Force staff judge advocate, Naval Reserve Trial Judiciary Activity, Law Program unit commanding officer, or other unit commanding officer requiring a 2505 designator, or non-command captain or commander billet, shall comply fully with reference (c). Additionally, they will forward a copy of the application required by reference (c) to Code 62 and the Law Program Manager, the gaining command commanding officer or equivalent, and to the staff judge advocate for the Readiness Command in which the billet is located no later than the deadline for filing applications established by reference (c);

b. Inactive duty Naval Reserve judge advocates applying for billet assignments other than Readiness Command staff judge advocate, Naval Construction Brigade staff judge advocate, Naval Expeditionary Logistics Force staff judge advocate, Law Program unit commanding officer, commanding officer of any unit requiring a 2505 designator, or non-command captain and commander billets, or applying for assignment to an interim billet assignment other than a Readiness Command staff judge advocate billet, Naval Construction Brigade staff judge advocate billet, or Naval Expeditionary Logistics Force staff judge advocate billet, shall submit their applications in accordance with the then-applicable COMNAVSURFRESFOR instruction. Additionally, a copy of their application as described above will be forwarded directly to the staff judge advocate for the region in which the billet is located no later than the deadline established by COMNAVSURFRESFOR instruction for the fiscal year for which the assignment is sought.

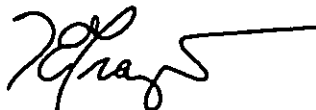
In the case of interim billet assignments, however, the application should be submitted within such time as is required by local directives or notices. The Readiness Command staff judge advocate shall screen such applications as have been received, and shall provide the Readiness Commander with the recommendations for billet assignments, including those in law voluntary training units, within the time frame established by Readiness Command instructions, except in the case of interim billet assignments, where the recommendations should be made as soon as practicable. The Readiness Command staff judge advocate

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shall report those recommendations to the Law Program Manager and the Deputy Assistant Judge Advocate General for Reserve and Retired Programs at the same time such recommendations are made to the Readiness Command. Applications for interim Readiness Command staff judge advocate, Naval Construction Brigade staff judge advocate, or Naval Expeditionary Logistics Force staff judge advocate billet assignments shall be submitted to the Naval Reserve Senior Judge Advocate, who shall provide the billet assignment recommendation to COMNAVSURFRESFOR, the applicable Readiness Command Commander, Commander, Naval Construction Brigade, or Commander, Naval Expeditionary Logistics Force, as appropriate;

c. This instruction does not replace or supersede those instructions and regulations within the Naval Reserve Force or the Naval Surface Reserve Force regarding applications for assignment to SELRES billets. This instruction pertains only to the background, process and applications procedures by which the Judge Advocate General may comply with his statutory responsibilities. Reference (c) continues to apply to all inactive duty Naval Reserve judge advocates who desire to apply for assignment to billets for which COMNAVRESFOR, COMNAVSURFRESFOR and COMNAVAIRESFOR have established selection processes. Compliance with this instruction does not establish compliance with other directives for billet assignment. All judge advocates applying for billet assignment must comply with other COMNAVRESFOR, COMNAVSURFRESFOR and COMNAVAIRESFOR instructions, as appropriate, regarding applications.

6. Effective Date. This instruction is effective immediately. This instruction does not extend the normal rotation dates of current billet assignments and is applicable to the billet assignment recommendation process for fiscal year 1998 and thereafter.



H. E. GRANT

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