



DEPARTMENT OF THE NAVY
OFFICE OF THE JUDGE ADVOCATE GENERAL
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WASHINGTON NAVY YARD DC 20374-5066

IN REPLY REFER TO
JAGINST 5219.1F
JAG 13
19 November 2003

JAG INSTRUCTION 5219.1F

From: Judge Advocate General

Subj: PUBLICATION OF THE MANUAL OF THE JUDGE ADVOCATE GENERAL
(JAGMAN)

Ref: (a) Article 0105, U.S. Navy Regulations, 1990

Encl: (1) Sample format to propose change to JAGMAN

1. Purpose. To assign responsibilities and establish procedures for reviewing, coordinating changes to, editing and publishing the JAGMAN.

2. Cancellation. JAGINST 5219.1E.

3. Authority. The Judge Advocate General (JAG) issues the JAG manual and publishes changes to it in accordance with the authority delegated in reference (a). Those sections of the JAGMAN concerning nondelegable or Department of the Navy (DON) policy matters beyond the authority of the JAG to promulgate are approved by the Secretary of the Navy (SECNAV). Documents reflecting approval by the Secretary are on file in the Office of the Judge Advocate General (OJAG), Administrative Law Division.

4. Policy. The JAGMAN is part of the DON directives system. It provides a single, concise source of authoritative information on matters of Naval administration under the cognizance of the JAG. It is intended for use by all Navy and Marine Corps commands and activities and is distributed to all ships and stations. The JAGMAN is one of the principal regulatory documents of the DON.

5. Responsibilities. Within OJAG, responsibilities for publication of the JAGMAN are assigned as follows:

a. Deputy Judge Advocate General (DJAG). The DJAG shall review the annual status report prepared by the Deputy Assistant Judge Advocate General, Administrative Law (DAJAG AL), submitted via the Assistant Judge Advocate General (AJAG) (Civil Law), and forward it to the JAG with appropriate comments.

b. AJAG (Civil Law). The AJAG (Civil Law) is responsible for overall coordination of and publishing the JAGMAN, to include reviewing, commenting on and forwarding to the DJAG the annual status report prepared by the DAJAG AL.

c. Division Directors

(1) Division directors are responsible for monitoring on a continuing basis the accuracy of chapters under their cognizance, and if required by changes in law, policy, or other compelling need, promptly initiating proposed changes to their assigned chapters. They should advise the DAJAG AL in writing at the earliest possible time when a proposed change to the JAGMAN is being considered, drafted, or otherwise being prepared. At a minimum, they will conduct a review and submit a report with any editorial or substantive changes to the DAJAG AL no later than 1 October of each year. Division directors are responsible for ensuring the accuracy of statutory and regulatory citations, addresses, and telephone numbers.

(2) Division directors are responsible for preparing the table of contents and submitting index changes for the portions of the JAGMAN under their cognizance.

(3) Division directors shall recommend additional topics within their respective areas of responsibility for inclusion in the JAGMAN as additional chapters or otherwise, and shall prepare draft materials implementing their recommendations.

(4) Responsibility for JAGMAN content is assigned as follows:

<u>JAGMAN</u> <u>CHAPTER</u>	<u>SUBJECT</u>	<u>RESPONSIBLE</u> <u>DIVISIONS</u>
I	Regulations Implementing and Supplementing the Manual for Courts-Martial	20
II	Administrative Investigations (Fact Finding Bodies)	15
III	Article 138 Complaints -- Complaints of Wrongs	13
IV	Article 139 Investigations -- Redress of Injuries to Property	15

V	Release of Government Information	13
VI	Delivery of Servicemembers, Civilians, and Dependents -- Service of Process -- State Tax Regulatory Authority	14
VII	Legal Assistance	16
VIII	General Claims Regulation	15
IX	Authority of Armed Forces Personnel to Perform Notarial Acts	16
X	International Law	10
XI	Customs Requirements -- Domestic and Foreign	10
XII	Admiralty Claims	11
XIII	Environmental Protection	12
XIV	Payments Due Mentally Incompetent Members, Physical Examinations of Such Members, and Trustee Designations	13

d. DAJAG AL. The DAJAG AL shall be responsible for regular review, editing as appropriate, and publishing the JAGMAN. In furtherance of these responsibilities, that officer shall:

- (1) Assume overall responsibility for subject matter content, format, and issuance of changes;
 - (2) Provide technical advice and editorial guidance to the divisions and relevant commands on the publication of the JAGMAN;
 - (3) Provide administrative guidance and coordination of proposed changes to the JAGMAN;
 - (4) Coordinate and obtain departmental approval of proposed changes, when required;
 - (5) Maintain custody of JAGMAN files;
 - (6) Effect the publication and distribution of the JAGMAN;
- and

(7) Prepare an annual status report on the JAGMAN including the status of proposed changes, additional topics for inclusion in the JAGMAN, printing distribution, changes in technology, and resources.

6. Procedures. Divisions shall submit proposed changes to the JAGMAN in the following format:

a. Submission of changes. Each proposal shall be submitted as a separate enclosure to a memorandum via diskette or e-mail attachment. The proposal must follow the format of enclosure (1) and should contain the following information, as appropriate:

(1) A one-sentence summary of the proposed change suitable for use in the change transmittal;

(2) The precise language of the proposed change, with the deleted language indicated by lining through and the substituted or added language indicated by underline;

(3) A concise statement of the reasons for the change;

(4) A list of regulations or JAGMAN sections pertaining to provisions being changed, and a statement discussing the effect, if any, on those regulations or sections;

(5) A notation of required JAGMAN index changes;

(6) If the proposed change affects requirements for submitting reports or using forms, a statement that these matters have been coordinated with the DAJAG, Fiscal and Resource Services Support Division; and

(7) Whether the proposed change requires publication in the Federal Register and request for public comment, as required by SECNAVINST 5720.45A, Indexing, Public Inspection, and Federal Register Publication of Department of the Navy Directives and Other Documents Affecting the Public.

b. Style. Proposed changes to the JAGMAN will be written in clear, direct, and concise language. To the extent practicable, legal and/or technical phrases and terms are to be avoided.

c. Additional documents. Additional documents required in support of a proposed change will be submitted with the proposed change.

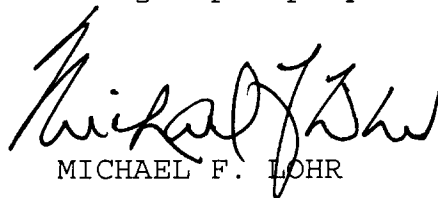
d. Approval. The DAJAG AL will review the proposed change. Changes requiring SECNAV approval will be forwarded by JAG via the Chief of Naval Operations and the Commandant of the Marine Corps for concurrence and comment. Changes not requiring SECNAV approval will be forwarded simultaneously to the Special Counsel to the Chief of Naval Operations and the Staff Judge Advocate to the Commandant of the Marine Corps for review and comment prior to JAG approval. JAGMAN changes are effective when approved unless a later date is specified in the change.

7. Promulgation. Changes to the JAGMAN may be promulgated by either naval message or change transmittal letter.

a. Change transmittal letter. When promulgation is to be by ordinary printed means and the change has been approved, the DAJAG AL will prepare the JAGMAN change for promulgation under cover of a change transmittal letter signed by the JAG.

b. Naval message. Message promulgation of advance changes may be appropriate when the change involves significant policy modifications or accords specific rights or entitlements to service members subject to judicial, nonjudicial, or administrative proceedings. If message promulgation is required, the cognizant division director will forward the proposed change for approval in message format, in addition to complying with the requirements of paragraph 7a above. Message changes will be coordinated before release in the same manner as any other change to the JAGMAN.

8. Action. Responsible officers shall comply with this instruction and recommend changes to it as necessary to ensure the timely and accurate regular review, change as appropriate, and follow-on publication of the JAGMAN. Problem areas and issues requiring resolution shall be brought promptly to the attention of the AJAG (Civil Law).



MICHAEL F. LOHR

Distribution:
 JAG Special List 40
 All Divisions of JAG
 NAVMARTRIJUDIC
 NAVJUSTSCOL
 NAMARA (45, 46)

JAGMAN CHANGE FORMAT
(to be prepared double-spaced)

JAGMAN (insert section number to be changed)

1. Summary: Concise statement describing the purpose of the proposed change.
2. Recommendation: Proposed change exactly as it is to be inserted into the JAGMAN.
3. Reasons: Reason for the proposed change.
4. Other regulations affected. Regulations, if any, affected by the proposed change. If none, so state.
5. Reports or forms affected. Reports or forms affected by the proposed change. If none, so state.
6. JAGMAN index change required. Corresponding changes to be made to the JAGMAN index as a result of the proposed change.
7. Federal Register publication required. Indicate whether proposed change must be published in the Federal Register.