



DEPARTMENT OF THE NAVY  
OFFICE OF THE JUDGE ADVOCATE GENERAL  
WASHINGTON NAVY YARD BLDG 33  
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WASHINGTON, DC 20374-5066

IN REPLY REFER TO

JAG/COMNAVLEGSVCCOMINST 5350.1C  
63.11  
30 Nov 98

JAG/COMNAVLEGSVCCOM INSTRUCTION 5350.1C

Subj: URINALYSIS TESTING PROGRAM

Ref: (a) SECNAVINST 5300.28B  
(b) OPNAVINST 5350.4B

Encl: (1) Duties of DAJAG (Management and Plans)  
(2) Duties of Unit Urinalysis Coordinator  
(3) Duties of Assistant Unit Urinalysis Coordinator(s)  
(4) Procedures

1. Purpose. The purpose of this instruction is to prescribe policies, procedures and responsibilities for implementing the urinalysis testing program within the Office of the Judge Advocate General (OJAG) and Naval Legal Service Command (NLSC) headquarters.

2. Cancellation. JAGSTAFFINST/COMNAVLEGSVCCOMINST 5350.1B.

3. Background. Drug abuse undermines combat readiness, health, safety, discipline, and loyalty. It is incompatible with the maintenance of high standards of performance, military discipline, and readiness; and is destructive of Navy efforts to instill pride, promote professionalism, and enhance personal excellence.

4. Policy.

a. Urinalysis testing will be conducted within OJAG/NLSC for the primary purpose of ensuring the health and fitness of military personnel subject to the program, and their readiness to achieve the mission of the units to which they are assigned.

b. The program established by this instruction will adhere to the policies promulgated in reference (a), and will follow the provisions of reference (b) and enclosures (1) through (4) where required.

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5. Applicability.

a. Excepting only those who are excluded in subparagraph 5b, below, the provisions of this instruction apply to all military personnel within OJAG/NLSC, whether assigned thereto for duty, temporary additional duty, temporary duty, or active duty for training. Specifically included are all naval officers and enlisted personnel assigned to:

(1) The immediate Office of the Judge Advocate General;

(2) Naval Legal Service Command headquarters;

(3) The Naval Civil Law Support Activity;

(4) The Navy-Marine Corps Appellate Review Activity, including all judges and commissioners assigned to the U.S. Navy-Marine Corps Court of Criminal Appeals and;

(5) The Navy-Marine Corps Trial Judiciary. However, for practical reasons, this instruction is limited to military judges with offices located at the Washington Navy Yard.

b. Excluded from this program are all personnel subject to and participating in another urinalysis program. Specifically excluded are all Marine Corps personnel participating in the program administered by Headquarters Battalion, U.S. Marine Corps. Individuals or OJAG Codes, other than Marines, who claim exemption from this program by reason of participation in another program will apply to the Deputy Assistant Judge Advocate General (DAJAG) (Management and Plans), who will determine whether to grant the exemption. The burden of establishing active participation in another program is on the person or Division Director of the Code claiming exemption.

6. Action.

a. All personnel governed by this instruction shall participate in one of the following two urinalysis programs. Personnel assigned to Codes physically located in the Pentagon or at Presidential Towers, Crystal City, will participate in the urinalysis program administered by Chief of Naval Operations (OPNAV) Services and Security Division, located at the Pentagon. Personnel assigned to Codes physically located at the Washington

Navy Yard will participate in the urinalysis program administered by Naval District Washington, located at Building 2, Naval Station Anacostia. Arranging for transportation to and from the urinalysis collection site is the responsibility of the individual selected to provide a sample. Personnel who encounter problems with transportation to and from the urinalysis collection sites shall notify their DAJAG.

b. The DAJAG (Management and Plans) will direct the commencement of inspections under this instruction.

7. Responsibility.

a. The DAJAG (Management and Plans) has overall responsibility for administration and management of the OJAG/NLSC urinalysis testing program.

b. DAJAGs, Officer in Charge of the U.S. Navy and Marine Corps Appellate Review Activity, and Chief Judges will ensure prompt and cooperative participation in this program on the part of all military personnel under their supervision.

c. The Unit Urinalysis Coordinator and Assistant Unit Urinalysis Coordinator(s) are responsible for coordination of this program with the urinalysis program conducted by OPNAV Services and Security Division.



J. D. SCRANTON  
By direction

Distribution:  
DJAG  
AJAGs  
Director of Operations  
DAJAGs  
OIC, NAMARA  
Chief Judge, NMCCA  
Chief Judge, NAVMARTRIJUDIC  
CO, NAVCIVLAWSUPPACT  
Urinalysis Coordinator, OPNAV (N09B31)  
Urinalysis Coordinator, NDW

DUTIES OF DAJAG (MANAGEMENT AND PLANS)

The Deputy Assistant Judge Advocate General (Management and Plans) will:

1. Appoint in writing as many officers or chief petty officers as is necessary to act as Unit Urinalysis Coordinator and Assistant Unit Urinalysis Coordinators. These individuals will assist in administering within OJAG/NLSC, the urinalysis programs conducted by OPNAV Services and Security Division and Naval District Washington.
2. Assign officers or chief petty officers as required to act as observers during the collection process.
3. Supervise the Unit Urinalysis Coordinator and Assistant Coordinator(s) in the performance of their assigned duties under this instruction.

DUTIES OF UNIT URINALYSIS COORDINATOR

The Unit Urinalysis Coordinator will:

1. Review and become familiar with the provisions of references (a) and (b).
2. Act as liaison between the OPNAV Services and Security Division Urinalysis Coordinator, Naval District Washington Urinalysis Coordinator, and OJAG/NLSC personnel selected for urinalysis inspection under those urinalysis inspection programs.
3. Notify all personnel selected to provide a urine sample.
4. Maintain and provide up-to-date rosters of all OJAG/NLSC personnel falling under the OPNAV Services and Security Division urinalysis program per this instruction to the OPNAV Services and Security Division Urinalysis Coordinator for use in the administration of that urinalysis program.
5. Maintain up-to-date rosters of all OJAG/NLSC personnel falling under the Naval District Washington urinalysis program per this instruction.
6. Perform random selection of OJAG/NLSC personnel falling under the Naval District Washington urinalysis program per this instruction and provide a list of names of personnel selected for urinalysis testing to the Naval District Washington Urinalysis Coordinator.
7. Provide such administrative assistance as required by OPNAV Services and Security Division and Naval District Washington in administering this urinalysis program.
8. Upon receipt of the list of personnel to be tested from the Urinalysis Coordinator, OPNAV Services and Security Division, or upon random selection of personnel to be tested under the Naval District Washington Program, immediately notify the DAJAG (Management and Plans) of personnel to be tested.

DUTIES OF ASSISTANT UNIT URINALYSIS COORDINATOR(S)

The Assistant Unit Urinalysis Coordinator(s) will:

1. Review and become familiar with the provisions of references (a) and (b).
2. Assist the Unit Urinalysis Coordinator as required.
3. Provide such administrative assistance as required by OPNAV Services and Security Division and Naval District Washington in administering this urinalysis program.

PROCEDURES

1. Reporting for Inspection.

a. Upon notification from the Urinalysis Coordinator, OPNAV Services and Security Division (Pentagon and Crystal City personnel) or random selection (Washington Navy Yard personnel), the OJAG/NLSC Unit Urinalysis Coordinator will advise the appropriate Deputy Assistant Judge Advocates General (DAJAGs), the Officer in Charge (OIC), U.S. Navy and Marine Corps Appellate Review Activity (NAMARA), and Chief Judges of the U.S. Navy-Marine Corps Trial Judiciary (NAVMARTRIJUDIC) and U.S. Navy-Marine Court of Criminal Appeals (NMCCA), of the time and place for inspection, and of the persons to be inspected. DAJAGs, OIC, NAMARA, and Chief Judges at NAVMARTRIJUDIC and NMCCA will ensure their personnel report at the time and place prescribed.

b. If the Judge Advocate General, Deputy Judge Advocate General/Commander, Naval Legal Service Command, an Assistant Judge Advocate General (AJAG), Director of Operations, OIC, NAMARA, a Chief Judge of NAVMARTRIJUDIC or NMCCA, or a DAJAG is to be inspected, the Unit Urinalysis Coordinator will inform that officer personally if reasonably possible.

c. Anyone on pre-approved leave, liberty, or TAD on the date of a scheduled urinalysis inspection is excused from participation in that inspection.

2. Authority to Excuse Individuals From Inspection. It is recognized that unavoidable circumstances may preclude an individual's participation in a given inspection. Individuals may be excused from inspection as follows:

a. Personnel may be excused from participation in a given inspection only by their DAJAG, OIC, NAMARA, or Chief Judges of NAVMARTRIJUDIC or NMCCA, as appropriate. Personnel will be excused from inspection only for good cause. In the absence of the DAJAG, OIC, NAMARA or the Chief Judge of NAVMARTRIJUDIC or NMCCA, an individual will be excused only by the AJAG or Acting AJAG for that individual's division or unit. The excusing official will advise DAJAG (Management and Plans) when and why randomly-selected personnel assigned to their division or unit have been excused from or cannot participate in a given inspection.

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b. The Director of Operations may excuse AJAG's, DAJAGs, OIC, NAMARA or Chief Judges of NAVMARTRIJUDIC or NMCCA from participation in urinalysis testing upon a showing of good cause.

3. Excusal of Unit Urinalysis Coordinator, Assistant Unit Urinalysis Coordinator(s) and Observers.

a. No one providing a urine sample for a given inspection will be employed as an observer for that inspection.

b. Neither the Unit Urinalysis Coordinator nor the Assistant Unit Urinalysis Coordinator(s) will provide samples during an inspection in which they provide administrative assistance.

4. Inability to Provide Sample. If a member is unable to provide a sample or submits less than the required 60 milliliters, the member will remain at the collection site until such time as he/she can provide a sample. If a member is unable to provide a sample during the prescribed collection period the DAJAG (Management and Plans) or Director of Operations as appropriate will be notified. The DAJAG (Management and Plans) or Director of Operations will take appropriate action in accordance with reference (b).