



DEPARTMENT OF THE NAVY
OFFICE OF THE JUDGE ADVOCATE GENERAL
200 STOVALL STREET
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IN REPLY REFER TO

JAGINST 5400.1A
JAG 63
06 JUL 1992

JAG INSTRUCTION 5400.1A

Subj: OFFICE OF THE JUDGE ADVOCATE GENERAL (OJAG) ORGANIZATION
MANUAL

Encl: (1) Subject Manual

1. Purpose. To reissue the OJAG Organization Manual.
2. Cancellation. JAGINST 5400.1.
3. Scope. The OJAG Organization Manual contains official organization information, policy, and procedures applicable to all military personnel attached to and civilian personnel employed by the Office of the Judge Advocate General (UIC 00013), the Naval Civil Law Support Activity (UIC 44690), and the Navy-Marine Corps Appellate Review Activity (UIC 65116). Additions, deletions, and revisions in this reissue of the Manual are indicated in left margin notations.
4. Action.
 - a. All personnel will comply with the procedures and requirements set forth in the Manual.
 - b. Requests for changes to the Manual should be submitted to the Management and Plans Division (Code 63) on an as-occurring basis. Code 63 will review the Manual annually prior to 31 December to ensure that it reflects current and up-to-date information.


J. E. GORDON

Distribution:
All OJAG Divisions



DEPARTMENT OF THE NAVY
OFFICE OF THE JUDGE ADVOCATE GENERAL
STANDARD ORGANIZATION MANUAL

TABLE OF CONTENTS

CHAPTER ONE - ORGANIZATION AND RESPONSIBILITIES

101. THE OFFICE OF THE JUDGE ADVOCATE GENERAL OF THE NAVY	1-1
102. JUDGE ADVOCATE GENERAL OF THE NAVY - CODE 00	1-1
103. DEPUTY JUDGE ADVOCATE GENERAL OF THE NAVY - CODE 001	1-1
104. ASSISTANT JUDGE ADVOCATES GENERAL	1-2
105. ASSISTANT JUDGE ADVOCATE GENERAL (CIVIL LAW) (CODE 01) AND DIVISIONS - CODES 10, 11, 12, AND 13	1-2
106. ASSISTANT JUDGE ADVOCATE GENERAL (GENERAL LAW) (CODE 03) AND DIVISIONS - CODES 31, 32, 33, 34, 35, AND 36	1-7
107. ASSISTANT JUDGE ADVOCATE GENERAL (MILITARY JUSTICE) (CODE 02) AND DIVISIONS - CODES 20, 40, 45, AND 46	1-16
108. ASSISTANT JUDGE ADVOCATE GENERAL (OPERATIONS AND MANAGEMENT) (CODE 06) AND DIVISIONS - CODES 61, 62, 63, AND 64	1-22
109. U.S. NAVY-MARINE CORPS COURT OF MILITARY REVIEW (NMCMR) (CODE 07)	1-30
110. NAVY-MARINE CORPS TRIAL JUDICIARY (TRIJUDIC) (CODE 05)	1-30
111. SPECIAL ASSISTANTS	1-30

CHAPTER TWO - GENERAL POLICIES AND PROCEDURES

201. OJAG/NAVLEGSVCCOM COORDINATION	2-1
202. DEPARTMENT OF THE NAVY SEAL	2-1
203. TURNOVER FILES	2-1
204. SEAL OF THE JUDGE ADVOCATE GENERAL	2-2
205. AUTHENTICATION OF COPIES OF DOCUMENTS, RECORDS, OR PAPERS CONTAINED IN FILES OF THE OFFICE OF THE JAG	2-2
206. TRAINING	2-2
207. PHYSICAL SECURITY	2-4
208. AUTOMATED INFORMATION SYSTEM (AIS) SECURITY	2-4

209. INQUIRIES FROM SENIOR OFFICIALS WITHIN THE DON	2-5
210. REQUESTS FOR PERSONAL LEGAL ADVICE	2-5
211. LEGAL ASSISTANCE REFERRALS	2-6
212. OFF THE RECORD	2-7
213. PRESS INTERVIEWS AND INQUIRIES	2-7
214. HOUSING	2-8
215. QUESTIONS CONCERNING CASUALTIES AND DISASTERS	2-8
216. FEDERAL REGISTER AND CODE OF FEDERAL REGULATIONS MATTERS	2-8
217. ANNUAL WORK STATUS REPORT	2-9
218. PROFESSIONAL PERFORMANCE OF DUTY AND MILITARY APPEARANCE	2-11
219. CHAIN OF COMMAND	2-11
220. OUTSIDE EMPLOYMENT	2-11
221. SPONSORS FOR NEWLY-ASSIGNED PERSONNEL	2-11
222. COLLATERAL DUTIES	2-13
223. AWARDS	2-13
224. EQUAL OPPORTUNITY	2-13
225. SAFETY	2-13
226. SMOKING POLICY	2-14
227. FRATERNIZATION	2-14
228. ALCOHOLIC BEVERAGES	2-14
229. STANDARDS OF CONDUCT AND GOVERNMENT ETHICS	2-14
230. SEXUAL HARASSMENT	2-16

CHAPTER THREE - CORRESPONDENCE

301. DEFINITIONS	3-1
302. RESPONSIBILITY FOR ACTION	3-1
303. ROUTING AND CONTROL PROCEDURES	3-2

304. PREPARATION OF CORRESPONDENCE	3-2
305. DISPOSITION OF CORRESPONDENCE	3-3
306. HOW TO WRITE OPINIONS	3-4
307. CENTRAL CORRESPONDENCE FILES	3-5
308. CONGRESSIONAL CORRESPONDENCE	3-5
309. SECRETARIAL CORRESPONDENCE	3-6
310. RESPONSIBILITY FOR SIGNING DOCUMENTS, CORRESPONDENCE	3-6
311. RECEIPT AND DISTRIBUTION OF UNCLASSIFIED MESSAGES	3-6
312. RECEIPT AND DISTRIBUTION OF CLASSIFIED MESSAGES	3-6
313. PREPARATION OF OUTGOING MESSAGES	3-7
314. MESSAGE CONTROL PROCEDURES	3-7
315. AUTHORITY TO RELEASE MESSAGES	3-7
316. "FOR OFFICIAL USE ONLY" MARKING OF DOCUMENTS	3-7
317. INDEXING NAVY DEPARTMENT FINAL OPINIONS AND JAG STATEMENTS	3-7

CHAPTER FOUR - ADMINISTRATIVE SERVICES

401. LIBRARY SERVICES	4-1
402. FIELD LAW LIBRARIES	4-2
403. DIRECTIVE PREPARATION	4-2
404. FORMS MANAGEMENT	4-3
405. REPORTS MANAGEMENT	4-4
406. RECORDS MANAGEMENT	4-4
407. SUPPLIES	4-5
408. EQUIPMENT	4-5
409. CONFERENCE ROOMS	4-5
410. TELEPHONES	4-5
411. COPY MACHINES	4-8

412. CONSOLIDATED MAIL, MESSENGER, AND COURIER SERVICE	4-8
413. PLANT PROPERTY ACCOUNTABILITY, USE, AND CONTROL	4-9
414. REPAIRS AND MAINTENANCE REQUIREMENTS	4-10
415. TRAVEL	4-10
416. DOD AGENCY CONTACT	4-10

CHAPTER FIVE - MILITARY PERSONNEL

501. REPORTING AND DETACHMENT PROCEDURES	5-1
502. LEAVE AND LIBERTY	5-1
503. SICK LEAVE	5-2
504. PHYSICAL READINESS	5-2
505. UNIFORMS	5-2
506. FITNESS REPORTS	5-2
507. EQUAL OPPORTUNITY AND SEXUAL HARASSMENT	5-3

CHAPTER SIX - MILITARY DUTY AND WATCH STANDING

601. OJAG DUTY OFFICER	6-1
602. SENIOR WATCH OFFICER	6-1
603. ASSISTANT SENIOR WATCH OFFICER	6-1
604. DUTY OFFICER	6-2
605. DUTY PETTY OFFICER	6-3
606. UNAVAILABILITY FOR DUTY AND EXCHANGE OF DUTIES	6-4
607. MESSAGES	6-4
608. THE JAG LOG	6-4
609. UNIFORM FOR WATCH STANDERS	6-5
610. SECURITY	6-5
611. CHANGE OF ADDRESS AND/OR TELEPHONE NUMBERS	6-5

CHAPTER SEVEN - CIVILIAN PERSONNEL MANAGEMENT AND ADMINISTRATION

701. GENERAL INFORMATION	7-1
702. OBJECTIVES AND RESPONSIBILITIES	7-1
703. NAVAL EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION PROGRAM	7-1
704. DISCRIMINATION COMPLAINT PROCEDURES	7-1
705. RESERVED	7-2
706. EMPLOYEE RESPONSIBILITIES, BENEFITS, SERVICES AND INFORMATION	7-2
707. SUPERVISORY RESPONSIBILITIES AND INFORMATION	7-2
708. EMPLOYEE DEVELOPMENT AND TRAINING PROGRAM	7-2
709. UPWARD MOBILITY PROGRAM	7-4
710. PERFORMANCE APPRAISAL REVIEW SYSTEM (PARS)	7-4
711. PERFORMANCE MANAGEMENT AND RECOGNITION SYSTEM (PMRS)	7-5
712. MERIT STAFFING PROGRAM	7-6
713. INCENTIVE AWARDS	7-7
714. PART-TIME CAREER EMPLOYMENT PROGRAM	7-7
715. DISCIPLINARY AND ADVERSE ACTION PROCEDURES	7-8
716. LEAVE ADMINISTRATION	7-8
717. OVERTIME ADMINISTRATION	7-10
718. HAZARDOUS WEATHER POLICY IN THE WASHINGTON METROPOLITAN AREA	7-10
719. CIVILIAN ATTORNEYS UNDER JAG COGNIZANCE	7-11
720. WITHHOLDING OF WITHIN-GRADE INCREASES	7-12
721. EMPLOYEE ASSISTANCE/COUNSELING (PENTAGON EMPLOYEE REFERRAL SERVICE)	7-13
722. COMPETENCY FOR DUTY	7-14
723. POSITION CLASSIFICATION AND REVIEW	7-14
724. ADMINISTRATIVE GRIEVANCE PROCEDURE	7-16
725. TIME AND ATTENDANCE REPORTING	7-16

CHAPTER EIGHT - MILITARY JUSTICE MATTERS

801. COURT-MARTIAL RECORDS OF TRIAL (ROT)	8-1
802. ACTION ON RECEIPT OF RECORDS OF TRIAL	8-1
803. PROCESSING PROCEDURES FOR ARTICLE 66, UCMJ, GENERAL COURTS-MARTIAL AND BCD SPECIAL COURTS-MARTIAL	8-2
804. NOTIFICATION TO THE JUDGE ADVOCATE GENERAL OF COMPANION CASES REVIEWED UNDER ARTICLE 66, UCMJ, AND UNDER ARTICLE 69(A), UCMJ	8-3
805. CONTROL OF RECORDS	8-3
806. CLASSIFIED RECORDS	8-3
807. INSERTION AND REMOVAL OF PAPERS OR OTHER MATTER FROM RECORDS	8-3
808. PROMULGATION OF NCMCMR DECISIONS	8-4
809. STATISTICAL AND WORKLOAD REPORTS	8-5
810. CORRESPONDENCE AND CONGRESSIONAL INQUIRIES ON RECORDS DURING PROCESSING	8-5
811. CONTROL AND PROCESSING RESPONSIBILITIES FOR CASES BEFORE THE COURT OF MILITARY APPEALS AND THE U.S. SUPREME COURT	8-5
812. TRANSMITTAL OF RECORDS-PETITIONS TO COMA	8-6

CHAPTER NINE - CLASSIFIED INFORMATION AND PERSONNEL SECURITY PROGRAM

901. PURPOSE	9-1
902. BACKGROUND	9-1
903. PROGRAM MANAGEMENT	9-1
904. ORIGINATION, RECEIPT, TRANSMISSION, AND HANDLING OF CLASSIFIED MATERIAL	9-2
905. STORAGE OF CLASSIFIED MATERIAL	9-5
906. SECURITY INSPECTIONS	9-6
907. DESTRUCTION OF CLASSIFIED MATERIAL	9-7
908. REPRODUCTION OF CLASSIFIED MATERIAL	9-7
909. SECURITY EDUCATION	9-8

910. SECURITY CLASSIFICATION, DOWNGRADING, DECLASSIFICATION AND
MARKINGS 9-8

911. PERSONNEL SECURITY CLEARANCE AND ACCESS 9-9

912. PUBLIC MEDIA 9-10

913. TELEPHONE CONVERSATIONS 9-10

914. SECURITY VIOLATIONS 9-10

CHAPTER ONE

ORGANIZATION AND RESPONSIBILITIES

101. THE OFFICE OF THE JUDGE ADVOCATE GENERAL OF THE NAVY

The Judge Advocate General's Corps is a staff corps within the Department of the Navy (DON) authorized by statute at 10 U.S.C. § 5148. The Office of the Judge Advocate General (OJAG) is a staff office within the Office of the Secretary of the Navy (SECNAV) and includes the Judge Advocate General (JAG), the Deputy Judge Advocate General (DJAG), and the Assistant Judge Advocates General (AJAG's) and their staffs.

102. JUDGE ADVOCATE GENERAL OF THE NAVY - CODE 00

a. The JAG is appointed by the President, by and with the advice and consent of the Senate. Under the direction of SECNAV, the JAG will:

(1) Perform assigned duties relating to legal matters arising in DON;

(2) Perform functions and duties and exercise powers prescribed for the JAG in 10 U.S.C. chapter 47;

(3) Receive, revise, and have recorded the proceedings of boards for examination of officers of the naval service for promotion and retirement; and;

(4) Perform other duties as assigned. SECNAV Instructions 5430.27 [series] (Subj: Responsibility of the Judge Advocate General for supervision of certain legal services) and 5430.25 [series] (Subj: The General Counsel of the Navy; assignment of responsibilities) pertain, flowing from SECNAVINST 5430.18 [series] (Subj: Legal Advice and Services for the Department of the Navy). See also U.S. Navy Regulations, 1990, article 0331.

b. The JAG is assigned to the staff (OPNAV) of the Chief of Naval Operations (CNO) as Special Assistant for Legal Services (OP-09J), and is tasked to advise and assist the CNO in formulating and implementing policies and initiatives pertaining to the provision of legal services within the Navy. Additionally, as OP-09J, the JAG exercises, for CNO, centralized coordination of the provision of legal services by the Naval Legal Service Command and other judge advocates; effects liaison with Commandant of the Marine Corps concerning legal service matters of mutual interest to the Navy and Marine Corps; maintains liaison, for CNO, with other DOD components, other government agencies, and agencies outside the Government on legal service matters affecting the Navy; acts as OPNAV point of contact with CNO operating forces and shore activity commanders to ensure consistency of legal policies, procedures, objectives, training and support; monitors Navy judge advocate and support personnel staffing levels and workload trends in order to advise CNO concerning the appropriate distribution of assets to ensure the effective and efficient provision of legal services; and serves as OPNAV Command Assist Official for the Commander, Naval Legal Service Command.

103. DEPUTY JUDGE ADVOCATE GENERAL OF THE NAVY - CODE 001

The DJAG performs duties of the JAG during a vacancy in the Office of the JAG, or during the absence or disability of the JAG, until a successor is appointed or the absence or disability ceases. The DJAG is assigned additional duty to the CNO as Commander, Naval Legal Service Command (COMNAVLEGSVCCOM). COMNAVLEGSVCCOM is responsible for providing and overseeing Navy-wide legal services and related taskings assigned by CNO. AJAG's, principal assistants, and division directors may be assigned additional duty to COMNAVLEGSVCCOM.

104. ASSISTANT JUDGE ADVOCATES GENERAL

The AJAG's are assigned functional areas of responsibility as described below. When neither JAG nor the DJAG is able to perform assigned duties, AJAG's will carry out the JAG's duties in the order directed by JAG. Each AJAG, in addition to duties assigned by the JAG or DJAG, supervises the Deputy Assistant Judge Advocates General (DAJAG's) and their staffs assigned within their areas of responsibility. AJAG supervisory authority includes preparing and signing fitness reports for the assigned DAJAG's.

105. ASSISTANT JUDGE ADVOCATE GENERAL (CIVIL LAW) (CODE 01) AND DIVISIONS - CODES 10, 11, 12, AND 13

a. The AJAG (Civil Law) has primary supervisory responsibility for administrative law matters involving the Department of the Navy (DON); air, sea, space, and environmental law; government ethics; military personnel law; the Freedom of Information Act (FOIA) and the Privacy Act; FOIA and Privacy Act appeals under the cognizance of the JAG; domestic and international laws and regulations; special programs involving matters of espionage and terrorism; and other duties as assigned. Assigned additional duty as Commanding Officer, Naval Civil Law Support Activity.

(1) **INTERNATIONAL LAW DIVISION - CODE 10.** Provides legal advice, assistance, research and interpretation on a wide variety of issues involving the total spectrum of naval operations from a purely peacetime environment to total war; responds to requests for legal opinions from the Office of the Chief of Naval Operations, the Office of the Secretary of Defense, the Legal Advisor to the Chairman, Joint Chiefs of Staff, the Joint Staff, the Office of the Secretary of the Navy, and fleet and shore commands of the Navy and Marine Corps throughout the world.

(a) **DAJAG (INTERNATIONAL LAW) AND DIVISION DIRECTOR - CODE 10.** Supervises the division, which is based on a functional division of work into two major practice groups: the International Programs Practice Group and the Operational Law Practice Group. Each Practice Group is led by a Practice Group Chief, who is responsible to the division director for the operation of the group, including assignment and performance of tasks, meeting deadlines, establishing priorities, quality assurance of work product, training/cross-training and professional development of practice group members.

(b) **INTERNATIONAL PROGRAMS PRACTICE GROUP.** Composed of the following Branches: Security Assistance (101), International Negotiations/Base Rights (104), Foreign Criminal Jurisdiction and Civil Litigation (107), and Immigration/Naturalization (108).

(i) **SECURITY ASSISTANCE BRANCH - CODE 101.** Provides assistance during negotiations, implementation, and review of international agreements originated by the Navy concerning the sale, transfer, exchange, cooperative research and development, or co-production, as appropriate, of information, data, defense articles, defense services, and personnel; provides advice to and serves as the Department of the Navy's contact for coordination of security assistance matters with the Office of the Chief of Naval Operations, the Army and Air Force International Law Divisions, Defense Intelligence Agency, Department of Defense, and the Department of State; provides advice to DOD and DON managers and action officers concerning humanitarian/civic assistance programs, deployments for training, and international transactions.

(ii) **INTERNATIONAL NEGOTIATIONS/BASE RIGHTS BRANCH - CODE 104.** Provides legal opinions and advice concerning the scope and application of existing international agreements providing for a U.S. Navy presence overseas. Participates in the preparation for and the negotiation of proposed access, basing, status of forces, and other agreements relating to a U.S. presence in foreign countries.

(iii) FOREIGN CRIMINAL JURISDICTION AND CIVIL LITIGATION BRANCH - CODE 107. Serves as Navy JAG point of contact on SOFA matters relating to foreign criminal jurisdiction. Responsible for preparing relevant congressional reports and correspondence. Effects liaison between DOJ and Navy field activities and provides staff support in foreign civil litigation matters (i.e., matters where either the Navy or an employee of the Navy is named as a defendant in a civil suit).

(iv) IMMIGRATION/NATURALIZATION BRANCH - CODE 108. Provides advice and assistance concerning the Navy's immigration and naturalization program to Navy service personnel. Consults with officials of the Immigration and Naturalization Service, Department of Justice, Department of State, and cognizant command and judge advocates in the field in order to provide guidance and assistance to service members and their families relevant to the immigration and naturalization law of the U.S. Government.

(c) OPERATIONAL LAW PRACTICE GROUP. Composed of the following branches: Law of the Sea (102), Law of Armed Conflict (103), International Environmental Law (105), and National Security Law (106).

(i) LAW OF THE SEA BRANCH - CODE 102. Provides advice and assistance across the spectrum of law of the sea and law of naval warfare issues to assist policy makers throughout the Department of the Navy (including operational commanders), the Organization of the Joint Chiefs of Staff, and the Office of the Secretary of Defense. Interacts with other agencies, such as Department of Transportation and Department of the Interior, in the development of U.S. domestic ocean policies affected by the evolving international law of the sea, as well as with the Department of State on responses to ocean claims of other countries which affect U.S. navigational interests. Provides staff support to the DOD Representative for Ocean Policy Affairs through the Deputy DOD REPOA.

(ii) LAW OF ARMED CONFLICT BRANCH - CODE 103. Assists in the development and legal review of OPLANS, CONPLANS, and Rules of Engagement (ROE). Maintains current set of Navy, JCS, Unified Command, and NATO ROE, as well as ROE-related resource material. Serves as member of DOD Law of Armed Conflict Working Group. Analyzes and reports on international agreements, negotiations, and trends relating to the law of armed conflict. Assists in development of U.S. policy in the law of armed conflict arena. Conducts weapon reviews pursuant to DOD and Navy directives.

(iii) INTERNATIONAL ENVIRONMENTAL LAW BRANCH - CODE 105. Provides advice to OPNAV and the fleet on international environmental law issues such as the effect of international conventions and national/foreign legislation and regulations on the freedom of navigation/overflight. Actively involved in interagency working groups on international environmental issues, ensures that DOD/DON positions are fully considered during development of U.S. policy. Maintains close contact with JAG 12, JAG 34, OP-45, OP-616, State L/OES, NAVSEA-08, and fleet environmental law action officers to facilitate sharing of information and coordination of Navy positions.

(iv) NATIONAL SECURITY LAW BRANCH - CODE 106. Serves as action officer on issues, projects, and programs in subject matter areas related to National Security, including air and space law, counter-narcotics, counter-terrorism, maritime law enforcement, arms control, and relations with allies and other nations. Monitors, analyzes, and reports on activity, developments, and trends impacting the operational training, readiness, deployment, and employment of forces. Assists in development of national strategy, policy, and operational doctrine.

(2) SPECIAL PROGRAMS DIVISION - CODE 11. Provides litigation support in national security criminal cases; provides litigation support in national security civil cases; advises and provides counsel regarding FOIA appeals involving sensitive compartmented information (SCI) or special access programs (SAP); provides legal advice on intelligence and sensitive activities oversight; provides advice on terrorism, special warfare/operations, and other classified and sensitive programs; provides advice and coordination for judge

advocates in SCI and intelligence billets; performs Office of the JAG Security Coordinator and COMNAVLEGSVCCOM Security Manager duties.

(a) DAJAG (SPECIAL PROGRAMS) AND DIVISION DIRECTOR - CODE 11. Assists the JAG in advising CNO, the Naval Inspector General, and the Director of Naval Intelligence on the oversight of intelligence and special activities and other classified and sensitive programs; acts as OJAG point of contact for other departments and agencies in matters pertaining to such activities and programs; oversees litigation support to classified DOJ prosecutions and civil cases and to Navy national security and classified courts-martial. Top Secret Control Officer for OJAG and COMNAVLEGSVCCOM; Security Coordinator for OJAG; Security Manager for COMNAVLEGSVCCOM.

(b) ASSISTANT DIRECTOR - CODE 11.1. Assists in providing legal advice on terrorism, counter-terrorism, anti-terrorism, and intelligence and special activities; assists in providing litigation support in classified DOJ civil cases and in making recommendations to JAG regarding appeals under the FOIA and Privacy Acts involving special access programs or sensitive compartmented information; supervises the OJAG information- and personnel-security programs. Assistant OJAG Top Secret Control Officer; Assistant OJAG Security Coordinator; Assistant COMNAVLEGSVCCOM Security Manager.

R) (i) LEGAL TECHNICIAN/SECRETARY - CODE 11A. Provides clerical and administrative support and assists the Security Manager; composes correspondence concerning legal, security-related, and technical subjects.

A) (3) ENVIRONMENTAL LAW DIVISION - CODE 12. Responsible for providing legal advice, assistance, research and representation on a variety of issues involving laws protecting human health, the environment and historic and cultural resources. Together with the Assistant General Counsel (Installations and Environment), provides coordinated legal advice to the Office of the Assistant Secretary of the Navy (Installations and Environment) and the Office of the Chief of Naval Operations (Environmental Protection, Safety and Occupational Health), and serves as the Navy's chief legal representative in dealing with other Federal and State entities on environmental law matters. Division works closely with the Office of Legislative Affairs to review environmental legislation, and coordinates legal positions of field activities. The division director serves as the Deputy Assistant General Counsel (Installations and Environment). Division cooperates closely with the environmental branches of the General Litigation Division and the International Law Division. Division director provides advice to the Judge Advocate General and the Military Personnel Division on environmental specialist community management and training in environmental law.

(4) ADMINISTRATIVE LAW DIVISION - CODE 13. Advises on exercise and delegation of Secretarial authority; provides advice and opinions on all regulatory matters; advises on officer and enlisted personnel issues, flag matters, relief for cause, law enforcement, community relations, off-duty employment, and political activities; advises field commands on law, policies, statutes, and regulations pertaining to internal administration of the Department of the Navy; advises on Government standards of conduct and ethics, including outside employment and post-government service employment restrictions; provides policy and legal advice on rules of professional responsibility for DON attorneys practicing under JAG supervision; reviews and comments on all proposed ethics legislation; implements enacted ethics legislation within DON; provides standards of conduct training, reviews public financial disclosure reports, and reviews and maintains all confidential financial disclosure reports; provides policy and legal advice on the Freedom of Information (FOIA) and Privacy Acts; prepares annual FOIA and Privacy Act reports; serves on the Joint Service Review Activity and Defense Privacy Board Legal Committee; acts as Federal Register Liaison Officer for DON; reviews JAG, SECNAV, and DOD instructions; acts as JAG point of contact for all legislative matters; submits annual update for the Government Manual and the Code of Federal Regulations; and serves as Editor of the JAG Manual.

R) (a) DAJAG (ADMINISTRATIVE LAW) AND DIVISION DIRECTOR - CODE 13 (ADDU TO CO, NAVCIVLAWSUPPACT). Bears primary responsibility for the division's mission

accomplishment; coordinates with Codes 61, 63, and 64 to ensure the division's personnel, informational, and resource requirements are met; supervises military and civilian personnel assigned to the division; serves as JAG's functional manager for administrative law matters, Government standards of conduct, and professional ethics; serves as editor of the Manual of the Judge Advocate General; coordinates with the Commanding Officer of the Reserve unit supporting the division; and carries out special projects as assigned.

R) (b) ASSISTANT DIVISION DIRECTOR - CODE 13.1. Assists the division director in ensuring the division's mission is accomplished; manages the division's daily routine; and carries out special projects as assigned.

R) (c) OFFICE MANAGER - CODE 13A. Supervises and provides for training of administrative staff; reviews and prepares JAG actions on Financial Disclosure Reports (SF-278) and Confidential Statement of Affiliations and Financial Interests (DD Form 1555); receives and reviews all incoming/outgoing correspondence; maintains division databases; schedules travel and training; screens publications and directives; assembles information from files/databases to facilitate research of background information; arranges and prepares agenda for division staff conferences; prepares weekly work status reports; and coordinates/controls clerical and administrative work.

R) (d) HEAD, MILITARY AFFAIRS/PERSONNEL LAW BRANCH - CODE 131. Supervises and trains action officers, and assigns and reviews work product of branch attorneys; provides advice and prepares opinions for SECNAV, CNO, CMC, CNP, and other headquarters activities on legal issues and policies related to internal administration of the Department of the Navy, its personnel and relationships with other federal, state, and local entities. Has cognizance over issues related to: enlisted and officer procurement; authority of SECNAV/civilian executive assistants/commanding officers; delegations of authority; flag and general officer matters; detachment for cause; administrative separations; law enforcement and physical security; posse comitatus; installation commanders' authority; prepublication review and other exercise of first amendment rights matters; legislative jurisdiction; interagency agreements; jury duty; and other military affairs issues. Provides informal advice on professional responsibility matters pertaining to administrative discharge boards and related issues.

R) (i) MILITARY AFFAIRS ACTION OFFICER - CODE 131.1. Action officer for military affairs matters; researches issues and drafts opinions, correspondence and other documents; handles telephone inquiries; and provides advice and briefings as required.

R) (ii) MILITARY AFFAIRS ACTION OFFICER - CODE 131.2. Action officer for military affairs matters; researches issues and drafts opinions, correspondence and other documents; handles telephone inquiries; and provides advice and briefings as required.

R) (iii) MILITARY AFFAIRS ACTION OFFICER - CODE 131.3. Action officer for military affairs matters; researches issues and drafts opinions, correspondence and other documents; handles telephone inquiries; and provides advice and briefings as required.

R) (iv) MILITARY PERSONNEL ACTION OFFICER - CODE 131.4. Reviews and prepares JAG actions on selection board precepts, selection board reports, nominations, promotion and continuation plans, special selection board requests, and Department of the Navy instructions and legislation relating thereto; maintains close liaison with CNO, CNP, and CMC staffs; provides advice and prepares opinions concerning eligibility for promotion, retirement, separation, continuation, transfer and redesignation, service credit, failure of selection, and removal from promotion lists.

R) (v) LEGAL CLERK/TECHNICIAN - CODE 131.A. Supports 131 branch. Types a variety of correspondence reports; composes original and reply correspondence of a routine nature; reads, assembles, and checks outgoing mail and maintains related records; maintains a computer-assisted case

tracking and reporting system; and inputs information into databases. Indexes and files branch correspondence. Keeps branch publications up to date. Backup for Federal Register and Legislative Affairs technician duties.

R) (e) HEAD, STANDARDS OF CONDUCT BRANCH - CODE 132. Supervises and trains action officers, and assigns and reviews work product of branch attorneys; supports JAG in the performance of his duties as a deputy ethics official per SECNAVINST 5370.1 [series], Standards of Conduct and Government Ethics; provides advice on political activities, community relations, standards of conduct, and related issues; reviews and prepares JAG actions of Financial Disclosure Reports (SF-278), and advises on employment restrictions for former and retired naval personnel; provides briefings for individuals and groups on Standards of Conduct. Has cognizance of professional responsibility issues and provides informal advice on related matters.

R) (i) STANDARDS OF CONDUCT ATTORNEY - CODE 132.1. Action officer for Standards of Conduct matters; researches issues and drafts opinions, correspondence, and other documents; handles telephone inquiries; and provides advice and briefings as required.

R) (ii) STANDARDS OF CONDUCT ATTORNEY - CODE 132.2. Action officer for Standards of Conduct matters; administers the Financial Disclosure Report system. Researches issues and drafts opinions, correspondence, and other documents; handles telephone inquiries; and provides advice and briefings as required.

R) (iii) LEGAL CLERK/TECHNICIAN - CODE 132.A. Supports 132 branch. Receives visitors and callers; maintains supervisor's calendar and schedules appointments; composes original and reply correspondence of a routine nature; reviews incoming/outgoing correspondence; indexes and maintains files and records; and arranges travel for staff.

R) (f) HEAD, LEGISLATION & REGULATIONS BRANCH - CODE 133. Supervises and trains action officers, and assigns and reviews work product of branch attorneys; reviews Department of Defense/Navy directives, legislation, and instructions; provides opinions and advice on the Administrative Procedures Act and the Federal Advisory Committee Act; provides legal counsel and policy advice on the Freedom of Information Act and the Privacy Act to all Department of the Navy headquarters and field activities; serves as JAG member of the Defense Privacy Board; researches issues and drafts opinions, correspondence, and other documents; provides advice and briefings as required; responsible for drafting and updating JAG instruction for FOIA and Privacy Act implementation within OJAG; acts as JAG point of contact for various other administrative matters, including HIV(+) and drug testing policy; coordinates and edits changes to the Manual of the Judge Advocate General; acts as liaison for matters concerning publications of Navy materials in the Federal Register and Code of Federal Regulations; coordinates collection of Navy material to be published in the U.S. Government Manual; develops, coordinates, and processes comments of the JAG relating to proposed legislation, executive orders, and presidential proclamations; assists in drafting legislation to be proposed by JAG for inclusion in the Department of Defense legislative program; serves as single point of contact within OJAG for all legislative matters; and coordinates with OLA and provides weekly updates to JAG.

R) (i) BRANCH ATTORNEY - CODE 133.1. Performs research and drafts opinions, correspondence, and other comments; handles telephone inquiries; assists in editing and coordinating JAG Manual changes; and acts as alternate Federal Register Liaison Officer and Certifying Officer.

R) (ii) LEGAL CLERK/TECHNICIAN - CODE 133.A. Supports 133 Branch. Maintains Federal Register and Legislative Affairs materials; assists in basic legal research; responsible for the development and operation of computer-assisted case tracking and reporting; types a variety of narrative and tabular material; and maintains and indexes files/records systems.

106. ASSISTANT JUDGE ADVOCATE GENERAL (GENERAL LAW) (CODE 03) AND DIVISIONS -
CODES 31, 32, 33, 34, 35, AND 36

a. The AJAG (General Law) has primary responsibility for admiralty, civil affairs, investigations, general litigation, claims, and legal assistance matters.

(1) ADMIRALTY DIVISION - CODE 31. Provides advice on admiralty law matters to JAG, SECNAV and all sea and shore units in DON; processes maritime tort and salvage/towage claims; assists Department of Justice admiralty attorneys in maritime litigation; obtains navigational light certifications for U.S. Navy ships; coordinates work of naval reserve units supporting the division.

(a) DAJAG (ADMIRALTY) AND DIVISION DIRECTOR - CODE 31.

Admiralty Counsel of the Navy. Plans, directs, and administers the Navy's admiralty program; makes final determinations on admiralty tort and salvage/towage claims where the amount of payment or collection does not exceed \$100,000; prepares JAG memoranda recommending SECNAV approval of claims settlements exceeding \$100,000; initiates and prepares legislation pertaining to admiralty matters; coordinates and supervises the procurement of services for the Navy, Army and Air Force under the Navy's contract for marine-damage surveys; prepares navigational light certifications on Navy ships for signature by JAG; represents the DON on interagency committees and working groups.

(i) SECRETARY/OFFICE SUPERVISOR - CODE 31S.

(b) ASSISTANT DIVISION DIRECTOR - CODE 31.1. Screens and routes all incoming correspondence; assigns new cases, maintains admiralty case docket; supervises training of division officers; originates periodic and statistical reports; manages the clerical staff; coordinates the work of two reserve units supporting the division; provides advice on admiralty matters to operating forces and field legal offices.

(c) ADMIRALTY ATTORNEYS (3) - CODES 311, 312, and 313. Each attorney manages a portion of the admiralty case docket, performing all functions related to processing, negotiating, and recommending disposition of admiralty claims by and against the Navy, including preparation of memoranda and correspondence for signature by DAJAG (Admiralty), JAG, or SECNAV; preparation of litigation reports for the DOJ for admiralty litigation cases; assisting DOJ trial attorneys by locating Navy documents, preparing discovery responses, briefing relevant issues of law, and arranging for the attendance at trial of DON witnesses; each attorney is additionally assigned as a specialist in particular areas of maritime law such as salvage, navigation, ship pollution tort liability.

(i) SECRETARIES - CODES 31.1S/312S AND 311S/313S.

R) (2) CIVIL AFFAIRS DIVISION - CODE 32. Provides advice, actions, administration, and review of cases and requests in the areas of labor law, occupational safety and health, fiduciary affairs, military compensation, retirement law, the Disability Evaluation System, Article 138/1150 complaints, government taxation, and family advocacy.

(a) DAJAG (CIVIL AFFAIRS) AND DIVISION DIRECTOR - CODE 32. Responsible for the management, coordination, and completion of all the division's functions and requirements.

D)
R) (b) LABOR AND EMPLOYMENT LAW BRANCH - CODE 321. Oversees OJAG Labor and Civilian Personnel Law program; advises OJAG and field judge advocates regarding Merit System Protection Board (MSPB), Federal Labor Relations Authority (FLRA), and Equal Employment Opportunity Commission (EEOC) and Occupational Safety and Health Administration (OSHA) matters, as well as collective bargaining issues (including contract negotiations and grievance and arbitration issues upon request); handles

field and appeal proceedings involving the above agencies and subjects. Maintains liaison with Office of General Counsel (OGC) and the Office of Civilian Personnel Management (OCPM) on labor and employment issues; serves as member of the Navy Safety and Occupational Health Working Group (SOHWG); serves as JAG contact on Drug-Free Workplace Program (DFWP); and provides training to field commands.

R) (c) ARTICLE 138/ARTICLE 1106 COMPLAINTS BRANCH - CODE 322. Performs JAG review of all complaints submitted under Article 138, UCMJ, and article 1150, U.S. Navy Regulations, 1990; prepares memoranda and letters for signature by ASN (M&RA). Researches and drafts replies and proposed responses to congressional and other inquires relating to complaints; maintains complaint files and indexing system; provides guidance to field judge advocates regarding procedural and substantive aspects necessary for a proper complaint; reviews FOIA and Privacy Act requests seeking information from complaint files, and drafts appropriate responses. Maintains Chapter III JAGMAN.

R) (d) FIDUCIARY AFFAIRS BRANCH - CODE 323. Oversees the fiduciary-trustee program for the disbursement of military pay to active and retired Navy and Marine Corps personnel who have been found mentally incompetent to manage their financial affairs. Supervises the selection of the trustee and oversees the trusteeship including the annual accounting of the funds received and disbursed by the trustee; prepares and coordinates all correspondence and telephone inquiries regarding this program. Maintains liaison with the Navy and Marine Corps Finance Centers, the Department of Veterans Affairs, and the Naval Medical Command. Responsible for JAGMAN chapter XIV.

R) (e) FAMILY ADVOCACY BRANCH - CODE 324. Serves as JAG action officer on family advocacy matters; prepares policies and procedures on legal aspects of family advocacy issues; develops long-term JAG plan for legal aspects of family advocacy; provides training, materials, and resources for DOD and DON family advocacy programs; obtains funds for JA training; advises OJAG and field judge advocates regarding handling child abuse cases and utilization of multi-disciplinary approach. Monitors handling of complex child abuse prosecutions in the field; serves as attorney member of DOD Family Advocacy Command Assistance Team and DON Family Advocacy Team; maintains liaison with various federal and state agencies regarding family advocacy issues.

R) (f) FINANCE AND RETIREMENT LAW BRANCH - CODE 325. Prepares actions for the Judge Advocate General and SECNAV on requests from accountable officers for relief from liability and requests for waiver of Survivor Benefit Plan annuity overpayments; advises Navy organizations on legal aspects of Navy financial operations, including permissible uses of appropriated funds; advises the JAG on the use of Official Representation Funds. Reviews disability-evaluation cases for legal sufficiency; acts on members' appeals from determinations of Physical Evaluation Board; reviews retirement requests of Navy flag officers; makes war-related-disability determinations; acts on appeals from denials of the Reserve disability benefits; provides legal opinions concerning matters involving retirement and disability evaluation; and reviews instructions and regulations pertaining to retirement, separation, and disability evaluation and benefits.

D) (3) INVESTIGATIONS DIVISION - CODE 33. Manages incoming information (investigative reports and messages); reviews, reads, distributes, files, logs onto investigative control system (as appropriate) incoming message traffic, JAG Manual investigations, and NAVJAG Forms 5800/15; reads, reviews, and distributes (as appropriate), incoming amplifications; prepares, routes, reviews advance copy list; controls classified information, safes; manages storage and retrieval of cases from long-term storage in Suitland, MD; processes incoming requests for information (correspondence and telephonic); reviews smooth outgoing correspondence (initial and interim NOK, FOIA responses, non-standardized correspondence, amplifications); prepares, proofs, drafts, releases FOIA and NOK correspondence on proposed redacted copies; prepares, proofs, drafts correspondence for non-standardized responses and amplifications; reads and reviews incoming correspondence, requests for information (FOIA/NOK), assigns correspondence control number to each, researches for status of investigation; tracks initial responses to incoming requests, receipt of final and subsequent endorsements, and interim responses due; prepares high-visibility-case reports; responds to phone

inquiries on procedural requirements of JAG Manual investigations, status inquiries from NOK, CACO, FOIA, Congress, media, litigants; prepares investigations for release; reads investigation, makes deletions, drafts, prepares, reviews, and signs FOIA and NOK releases; discusses and coordinates FOIA/PA/NOK exemptions with Administrative Law, Admiralty, Litigation, and Claims Divisions.

(a) DAJAG (INVESTIGATIONS) AND DIVISION DIRECTOR - CODE 33. Ensures substantive accuracy of Chapter II of the JAG Manual and JAGINST 5830.1 disseminates guidance to the field, and manages available resources to achieve the division's mission in its functional area.

(b) ASSISTANT DIVISION DIRECTOR - CODE 33.1. Assists in promulgating procedures and policy for all facets of JAG Manual investigations; trains action officers; and ensures control and accuracy of the division's work product.

(c) ADVISORY LEGAL SPECIALIST - CODE 33.2. Ensures office procedures and policies are being adhered to as set forth by the division director; manages office personnel; receives and controls all classified material; provides advice to the field concerning administrative investigations.

(d) INFORMATION SPECIALIST (ACTION OFFICER) - CODE 33.3. Prepares JAG Manual investigative reports for release to next-of-kin of deceased and missing Navy and Marine Corps service members and other requesters under the FOIA and Privacy Act; coordinates release of investigative reports with various Navy and Marine Corps commands and congressional-liaison offices; responds to inquiries from the field concerning the preparation, content, and release of investigations; and prepares as directed responses to miscellaneous correspondence received.

R) (e) INFORMATION SPECIALIST (ACTION OFFICER) - CODE 33.4. Prepares JAG Manual investigative reports for release to next-of-kin of deceased and missing Navy and Marine Corps service members and other requesters under the FOIA and Privacy Act; coordinates release of investigative reports with various Navy and Marine Corps commands and congressional-liaison offices; responds to inquiries from the field concerning the preparation, content, and release of investigations; and prepares as directed responses to miscellaneous correspondence received.

R) (i) LEAD LEGAL TECHNICIAN - CODE 33A. Provides administrative support for the division; maintains clerical operations within the office; receives, reviews, controls, and distributes the workload of incoming correspondence, JAG Manual investigative reports and NAVJAG 5800/15 injury reports.

R) (ii) LEGAL TECHNICIAN (TYPING) - CODE 33B. Provides administrative support for the division; keypunches in the office computer system death messages, NAVJAG 5800/15 injury reports and JAG Manual investigations as directed. Key punches in the office computer system next-of-kin, FOIA, Privacy Act, and other correspondence initial and final letter responses;

R) (iii) LEGAL TECHNICIAN (TYPING) - CODE 33C. Provides administrative support for the division; keypunches in the office computer system death messages, NAVJAG 5800/15 injury reports and JAG Manual investigations as directed. Key punches in the office computer system next-of-kin, FOIA, Privacy Act, and other correspondence initial and final letter responses;

(4) GENERAL LITIGATION DIVISION - CODE 34. Defends DON policy, programs, and actions that are challenged in civil litigation; researches and analyzes issues, prepares motions and supporting briefs, defends/settles cases, prepares briefs for appellate actions, and provides advice to DON clients; accomplishes litigation-related tasking, including: evaluates complaints in civil suits; prepares dispositive and other motions for submission to cognizant federal courts; conducts discovery and defends cases in court at the

trial level; settles cases where appropriate; prepares memoranda setting out the DON position concerning advisability of appealing adverse decisions; prepares appellate briefs; provides preventive advice re litigation issues; coordinates litigation positions within DON, DOD, and other federal agencies; acts as SECNAV representative on matters involving litigation demands for witnesses or documents where the U.S. may be a party or where expert testimony is requested; provides advice concerning service of warrants and service of judicial process on service members; assists Department of Justice in obtaining Navy witnesses for federal litigation; acts as the reviewing authority and action office for SECNAV regarding Freedom of Information Act and Privacy Act appeals.

R) (a) DAJAG (GENERAL LITIGATION) AND DIVISION DIRECTOR - CODE 34.

Coordinates OJAG action in all civil litigation not under the cognizance of the General Counsel or other OJAG divisions; advises JAG and the AJAG (Civil Law) on legislation, regulations, and judicial decisions concerning civil litigation, FOIA, or the Privacy Act, that may affect DON operations; makes recommendations concerning litigation policy. Approves all motions, briefs, responsive pleadings, and memoranda submitted to DOJ or U.S. Attorneys for filing in U.S. courts; reviews all FOIA and Privacy Act appeal responses submitted to JAG; coordinates with DOJ, U.S. Attorneys, Navy OGC, Army JAG and Air Force JAG as required; compiles technical and statistical reports on FOIA and Privacy Act administrative appeals, litigation, and time-and-expenditure factors.

R) (b) DEPUTY DIVISION DIRECTOR - CODE 34.1. Assigns all incoming cases;

oversees progress and conduct of all litigation and FOIA administrative appeals; reviews all motions, briefs, responsive pleadings, and memoranda; reviews all FOIA and Privacy Act administrative appeal responses; coordinates with DOJ, U.S. Attorneys, Navy OGC, Army JAG and Air Force JAG as required; analyzes division resources, developing plans and making recommendations to the division director; supervises the clerical staff and acts for the division director in his/her absence; litigates cases as assigned.

(c) PERSONNEL LAW BRANCH HEAD - CODE 341. Oversees all litigation

involving military-personnel regulations, policies, and practices; coordinates with DOJ and U.S. Attorneys as required; coordinates appropriate cases with the other branches of the service and the Department of Defense; prepares and maintains a deskbook for addressing critical issues in the subject area; prepares articles for the OTR and other publications; responds to inquiries regarding litigation strategies and high visibility cases; conducts training on personnel law issues for active duty and reserve personnel; provides orientation and mentoring to the junior officers assigned to the branch; reviews cases, motions, correspondence, and other litigation documents provided to and prepared by members of the branch; litigates cases as assigned.

(i) PERSONNEL LAW ATTORNEY - CODE 341.1. Handles all matters

attendant to litigating cases assigned, including developing case strategy, coordinating with the Department of Justice and United States Attorneys' offices, conducting discovery, attending pretrial conferences, negotiating settlements, preparing all litigation documents for filing, examining witnesses, and arguing the cases in court; prepares training lectures for active duty and reserve personnel; prepares articles for the OTR and other publications; prepares memoranda on policy matters pertaining to personnel law as assigned; prepares memoranda and response letters on FOIA and Privacy Act appeals as assigned.

(ii) PERSONNEL LAW ATTORNEY - CODE 341.2. Handles all matters

attendant to litigating cases assigned, including developing case strategy, coordinating with the Department of Justice and United States Attorneys' offices, conducting discovery, attending pretrial conferences, negotiating settlements, preparing all litigation documents for filing, examining witnesses, and arguing the cases in court; prepares training lectures for active duty and reserve personnel; prepares articles for the OTR and other publications; prepares memoranda on policy matters pertaining to personnel law as assigned; prepares memoranda and response letters on FOIA and Privacy Act appeals as assigned.

(d) CONSTITUTIONAL LAW BRANCH HEAD - CODE 342. Oversees all litigation involving constitutional challenges to command authority, allegations of constitutional or state law torts by military personnel; coordinates with DOJ and U.S. Attorneys as required; coordinates appropriate cases with the other branches of the service and the Department of Defense; prepares and maintains a deskbook for addressing critical issues in the subject area; prepares articles for the OTR and other publications; responds to inquiries regarding litigation strategies and high visibility cases; conducts training on constitutional law and personal tort liability issues for active duty and reserve personnel; provides orientation and mentoring to the junior officers assigned to the branch; reviews cases, motions, correspondence, and other litigation documents provided to and prepared by members of the branch; litigates cases as assigned.

(i) CONSTITUTIONAL LAW ATTORNEY - CODE 342.1. Handles all matters attendant to litigating cases assigned, including developing case strategy, coordinating with the Department of Justice and United States Attorneys' offices, conducting discovery, attending pretrial conferences, negotiating settlements, preparing all litigation documents for filing, examining witnesses, and arguing the cases in court; prepares training lectures for active duty and reserve personnel; prepares articles for the OTR and other publications; prepares memoranda on policy matters pertaining to constitutional law as assigned; prepares memoranda and response letters on FOIA and Privacy Act appeals as assigned.

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(ii) PARALEGAL SPECIALIST - CODE 342T. Maintains automated case-tracking system; provides weekly updates on status of cases; maintains and archives finished case files; reviews incoming litigation, identifying issues and noting due dates; performs legal research and prepares civil pleadings for review by attorneys; coordinates and provides guidance on litigation related documents, witness, and deposition requests as required, including maintenance of litigation demand tracking system; prepares legal correspondence. Acts as technical service representative.

(e) DISABILITY LAW BRANCH HEAD - CODE 343. Oversees all litigation arising under disability laws or regulations, or agency disability determinations involving military or former military personnel; coordinates with DOJ and U.S. Attorneys as required; coordinates appropriate cases with the other branches of the service and the Department of Defense; prepares and maintains a deskbook for addressing critical issues in the subject area; prepares articles for the OTR and other publications; responds to inquiries regarding litigation strategies and high visibility cases; conducts training on disability law issues for active duty and reserve personnel; provides orientation and mentoring to the junior officers assigned to the branch; reviews cases, motions, correspondence, and other litigation documents provided to and prepared by members of the branch; litigates cases as assigned.

(i) DISABILITY LAW ATTORNEY - CODE 343.1. Handles all matters attendant to litigating cases assigned, including developing case strategy, coordinating with the Department of Justice and United States Attorneys' offices, conducting discovery, attending pretrial conferences, negotiating settlements, preparing all litigation documents for filing, examining witnesses, and arguing the cases in court; prepares training lectures for active duty and reserve personnel; prepares articles for the OTR and other publications; prepares memoranda on policy matters pertaining to disability laws or regulations as assigned; prepares memoranda and response letters on FOIA and Privacy Act appeals as assigned.

(f) ENVIRONMENTAL LAW BRANCH HEAD - CODE 344. Oversees all litigation under environmental laws applicable to U.S. arising from DON operations; coordinates with DOJ and U.S. Attorneys as required; coordinates appropriate cases with the other branches of the service and the Department of Defense; prepares and maintains a deskbook for addressing critical issues in the subject area; prepares articles for the OTR and other publications; responds to inquiries regarding litigation strategies and high visibility cases; conducts training on environmental law issues for active duty and reserve personnel; provides orientation and mentoring to the junior officers assigned to the branch; reviews cases, motions, correspondence, and other litigation documents provided to and prepared by members of the branch; provides input on environmental issues and proposed environmental legislation; litigates cases as assigned.

(i) ENVIRONMENTAL LAW ATTORNEY - CODE 344.1. Handles all matters attendant to litigating cases assigned, including developing case strategy, coordinating with the Department of Justice and United States Attorneys' offices, conducting discovery, attending pretrial conferences, negotiating settlements, preparing all litigation documents for filing, examining witnesses, and arguing the cases in court; prepares training lectures for active duty and reserve personnel; prepares articles for the OTR and other publications; prepares memoranda on environmental issues and proposed environmental legislation; prepares memoranda and response letters on FOIA and Privacy Act appeals as assigned.

(g) FREEDOM OF INFORMATION AND PRIVACY ACT BRANCH HEAD - CODE 345. Oversees all litigation arising under FOIA and Privacy Act appeals to JAG. Coordinates with DOJ and U.S. Attorneys as required; coordinates appropriate cases with the other branches of the service and the Department of Defense; prepares and maintains a deskbook for addressing critical issues in the subject area; prepares articles for the OTR and other publications. Assigns all FOIA and Privacy Act appeals, monitors progress, and reviews all memoranda and response letters prior to submission; oversees preparation of technical and statistical reports on FOIA and Privacy Act appeals, litigation, and time-and-expenditure factors; conducts training on FOIA and Privacy Act issues for active duty and reserve personnel; Litigates cases as assigned; prepares memoranda and response letters on FOIA and Privacy Act appeals as required.

(i) PARALEGAL SPECIALIST - CODE 345.1. Receives, organizes, and manages appeals to JAG under FOIA and Privacy Act; prepares weekly summaries and case-tracking reports on FOIA and Privacy Act appeals; prepares technical reports and statistical information concerning FOIA and Privacy Act appeals, litigation, and time-and-expenditure factors; coordinates and monitors classification reviews; provides guidance on FOIA and Privacy Act matters to other commands; prepares legal correspondence; handles requests by DOJ for DON witnesses.

(h) LEGAL TECHNICIAN/LEAD SECRETARY - CODE 346. Responsible for administrative support of assigned attorneys and paralegals by the support staff; assigns clerical and typing tasks; drafts routine correspondence; obtains material, information, and witnesses as required or directed; provides clerical and typing support; reviews all outgoing correspondence for proper form; Maintains correspondence tracking system and division files.

(i) CLERK/TYPIST - CODE 346.1. Provides clerical and typing support; receives telephone calls; acts for the Paralegal Specialist in his/her absence; maintains filing system.

(ii) CLERK/TYPIST - CODE 346.2. Provides clerical and typing support as assigned; receives telephone calls; acts for the Legal Technician in his/her absence.

(5) CLAIMS AND TORT LITIGATION DIVISION - CODE 35. Adjudicates claims against the Department of the Navy under the Federal Tort Claims Act, Military Claims Act, Foreign Claims Act, and Personnel Claims Act; provides litigation support to U.S. Attorneys representing the U.S. in claims litigation; asserts and collects affirmative claims under Federal Claims Collection Act and Medical Care Recovery Act; manages, oversees, and guides field activities' performance of claims functions.

R) (a) DAJAG (CLAIMS AND TORT LITIGATION) AND DIVISION DIRECTOR - CODE 35. Special Assistant for Claims, NAVLEGSVCCOM. Functionally manages the DON claims system, composed of the field activity adjudicating authorities and the headquarters claims attorneys; ensures the claims function is effectively and efficiently performed throughout the DON; coordinates claims-related resource and budget decisions with other divisions; and develops, proposes for approval, and then implements substantive and procedural claims policy and standards. Has settlement authority up to \$100,000.00 under the Federal Tort Claims Act and up to \$25,000.00 under the Military Claims Act, and unlimited denial authority under both Acts.

(i) LEGAL ASSISTANT/OFFICE SUPERVISOR & MANAGER - CODE 35A. Assists the division director in planning, organizing, and directing the division; maintains claims budget; acts as technical support representative; supervises support staff.

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(b) DEPUTY DIVISION DIRECTOR - CODE 35.1. Assigns all incoming cases; oversees progress and conduct of all adjudications and litigation support; reviews all settlement or denial correspondence. Coordinates with DOJ, U.S. Attorneys, Navy OGC, Army and Air Force JAG as required. Analyzes division resources, developing plans and making recommendations to the division director, and acts for the division director in his or her absence. Has settlement authority up to \$100,000.00 under the Federal Tort Claims Act and up to \$25,000.00 under the Military Claims Act, and unlimited denial authority under both Acts.

(c) FEDERAL TORT CLAIMS BRANCH - CODE 351. Monitors individually assigned DON claims and tort litigation cases, with specialized responsibility for those concerning nonappropriated fund instrumentalities; manages assigned cases when received for headquarters action from field activities; provides additional legal research and claims investigation, as necessary; conducts legal and factual analyses and authors memorandum recommendations regarding proper administrative adjudication; drafts related correspondence, including denial notices, settlement offers and agreements, and settlement recommendation submissions to DOJ, when settlement approval is required; communicates with witnesses, other government agency representatives, unrepresented claimants, and claimants' attorneys, field activity and other Federal agency support, including litigation reports, draft pleadings, motions and discovery, and assistance in obtaining witnesses and physical and documentary evidence; maintains current and accurate electronic data base of assigned cases and management information system; provides advice and policy guidance to field activity claims attorneys; performs such other duties as may be assigned.

(i) LEGAL TECHNICIAN - CODE 351S.

(ii) PARALEGAL SPECIALIST - CODE 35PS1.

(iii) LEGALMAN/PARALEGAL SPECIALIST - CODE 35PS2.

(d) LEGAL MEDICINE SECTION - CODE 351.1. Ensures headquarters coordination and oversight of the administrative adjudication of all medical negligence claims against DON, and of DON litigation support to DOJ in such actions, communicates with Chief, Bureau of Medicine and Surgery, on medical-legal issues; supervises section attorneys; monitors individually assigned DON claims and tort litigation, and manages those and other assigned cases received from field activities; performs legal research and claims investigation; conducts analyses and makes recommendations regarding proper administrative adjudication; drafts related correspondence, including the denial notices, settlement offers and agreements, and settlement recommendations to DOJ, when settlement approval is required; communicates with DOD medical experts, witnesses, other agency representatives, unrepresented claimants and claimants' attorneys, field activity, and other agency attorneys; provides litigation support, including litigation reports, draft pleadings, motions and discovery, and assists in obtaining witnesses and physical and documentary evidence; maintains automated database of assigned cases; and provides advice and policy guidance to field-activity claims attorneys.

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(i) PARALEGAL SPECIALIST - CODE 351.1PS1.

A)

(ii) LEGALMAN/PARALEGAL SPECIALIST - CODE 351.1PS2.

(e) MEDICAL MALPRACTICE ATTORNEY - CODE 351.11. Monitors assigned DON claims and tort litigation arising from allegations of medical negligence in Navy health care facilities and manages those and other assigned cases received for headquarters actions from field activities; provides additional legal research and claims investigation, as necessary; conducts legal and factual analyses and authors memorandum recommendations regarding proper administrative adjudication; drafts related correspondence.

including denial notices, settlement offers and agreements, and settlement recommendation submissions to DOJ, when settlement approval is required; communicates with DOD medical experts, witnesses, other government agency representatives, unrepresented claimants' attorneys, field activity and other federal agency attorneys, including DOJ and Assistant U.S. Attorneys; provides litigation support, including litigation reports, draft pleadings, motions and discovery, and assistance in obtaining witnesses and physical and documentary evidence; maintains current and electronic database of assigned cases; provides advice and policy guidance to field activity claims attorneys; performs such other duties as may be assigned.

D) (f) **MEDICAL MALPRACTICE ATTORNEY - CODE 351.12.** Monitors assigned DON claims and tort litigation, and manages those and other assigned cases received from field activities, performs legal research and claims investigation; conducts analyses and makes recommendations regarding proper notices, settlement offers and agreements, and settlement recommendations to DOJ, when settlement approval is required; communicates with DOD medical experts, witnesses, other agency representatives, unrepresented claimants, and claimants' attorneys, field-activity, and other agency attorneys; provides litigation support, including litigation reports, draft pleadings, motions, and discovery, and assistance in obtaining witnesses and physical documentary evidence; maintains automated database of assigned cases; and provides advice and policy guidance to field-activity claims attorneys.

(g) **INDUSTRIAL HAZARDS & WORKPLACE INJURY SECTION - CODE 351.2.** Monitors assigned DON claims and tort litigation, with specialized responsibility concerning toxic and industrial hazards and workplace injury cases; manages those and other assigned cases when received from field activities; performs legal research and claims investigation; conducts analyses and makes recommendations regarding proper administrative adjudication; drafts related correspondence, including denial notices, settlement offers and agreements, and settlement recommendations to DOJ, when settlement approval is required; communicates with witnesses, other agency representatives, unrepresented claimants, and claimants' attorneys, field activity and other agency attorneys; provides litigation support, including litigation reports, drafts pleadings, motions, and discovery, and assistance in obtaining witnesses and physical and documentary evidence; maintains automated database of assigned cases; and provides advice and policy guidance to field-activity claims attorneys.

(h) **MILITARY & FOREIGN CLAIMS BRANCH - CODE 352.** Coordinates administrative adjudication of claims against the DON under the Military Claims and Foreign Claims Act requiring SECNAV or JAG approval; makes recommendations to adjudication authorities; formulates policy recommendations; provides guidance to field activity attorneys and other DON personnel on claims and liability issues associated with status-of-forces agreements and other matters regarding foreign countries; monitors assigned DON claims and tort litigation cases; manages those and other assigned DON cases when received from field activities; performs legal research and claims investigation; conducts analyses and makes recommendations regarding proper administrative adjudication; drafts related correspondence, including denial notices, settlement offers and agreements, and settlement recommendations to DOJ, when settlement approval is required, communicates with witnesses, other agency representatives, unrepresented claimants and claimants' attorneys, field activity, and other agency attorneys; provides litigation support, including litigation reports, draft pleadings, motions, and discovery, and assistance in obtaining witnesses and physical documentary evidence; maintains automated database of assigned cases; and provides advice and policy guidance to field-activity claims attorneys.

(i) **LEGAL CLERK - CODE 352S.**

(i) **PERSONNEL & AFFIRMATIVE CLAIMS BRANCH - CODE 353.** Ensures headquarters coordination and oversight regarding Personnel Claims Act, Medical Care Recovery Act, carrier recovery, property damage and other affirmative claims throughout the DON; provides policy guidance to field activities and under the Personnel Claims Act and the preparation of JAG actions thereon; seeks recoupment of DON payments for postal claims from accountable individuals; provides litigation support to DOJ on affirmative claims; communicates with Navy Supply Systems Command, the Military Transportation Management

Command, DOJ, and representatives of the moving industry and other military services.

(i) LEGAL CLERK - CODE 353S.

(ii) PARALEGAL SPECIALIST/PERSONNEL CLAIMS ADJUDICATOR -
CODE 353.1.

R) (6) LEGAL ASSISTANCE DIVISION - CODE 36. Oversees and directs management of the Department of the Navy Legal Assistance Program; develops and promulgates DON legal assistance policy; responds to external (including Congressional) inquiries concerning the program; maintains liaison with other services and bar organizations; gathers data and evaluates the performance of the Navy legal assistance program; develops management plans for the program; evaluates ethics complaints regarding legal assistance attorneys or offices. Represents Navy on the Armed Forces Tax Council and DOD Tax Policy Advisory Group; advises the JAG, SECNAV, and field activities on federal and state taxation and tax policy. Supports field legal assistance offices and attorneys through research support, expert taxation advice and tax form distribution, publications (including the recurring Legal Assistance Memorandum and monographs) and evaluates and distributes standard legal assistance software; supports headquarters activities through legislative review, direct tax law support, casework, and tax form services; serves as point of contact for legal assistance-related programs, such as adoption reimbursement; assists the Naval Legal Service Command in the development of standards and quality assurance programs for legal assistance offices; supports command inspection program; supports Naval Justice School legal assistance curriculum development and review.

R) (a) DAJAG (LEGAL ASSISTANCE) AND DIVISION DIRECTOR - CODE 36. Functionally manages the DON Legal Assistance Program and the world-wide system of providers, composed of the field activity legal assistance offices, independent active duty legal assistance attorneys, and Reserve providers (units, PERSMOBTEAMS, and designated independent legal assistance attorneys); ensures the legal assistance function is effectively and efficiently performed throughout the DON; coordinates legal assistance related resource and budget decisions with other divisions; and develops, proposes for approval, and implements substantive and procedural legal assistance policy and standards.

R) (b) ASSISTANT DIVISION DIRECTOR/HEAD, TAX BRANCH - CODE 36.1 Executes division policy; responsible for office administration, including supervision and direction of attorneys and military and civilian support personnel. Provides support to headquarters and field legal assistance attorneys and clients in taxation matters. Provides advice and opinions on Federal, State, and local tax issues affecting military personnel or the Department of the Navy; provides advice and assistance to Navy organizations for the administrative or legislative resolution of income-tax problems affecting military personnel, including employment-tax issues; represents the Navy on the Armed Forces Tax Council and, in conjunction with the General Counsel, in the DOD Tax Policy Advisory Group; provides advice on State and local business income, sales, property tax issues affecting nonappropriated-fund activities; reviews regulations and instructions involving taxation issues; and supervises coordination of field tax assistance programs including overseas tax courses, VITA programs, and tax form distribution.

R) (i) LEGAL SECRETARY/OFFICE MANAGER - CODE 36S. Provides research support to division and field legal assistance attorneys. Assembles, edits, produces, and distributes the legal assistance publications. Assembles, analyzes, and interprets legal assistance workload data and prepares reports. As office manager, screens and routes incoming correspondence; maintains "tickler system" for division action items; types, proof-reads, assembles and distributes outgoing correspondence/mail and legal documents; types and proof-reads legal assistance publications; designs systems for and maintains division files and records; maintains time and attendance reports for division civilian personnel; maintains routine division supply stocks; maintains and updates research reference materials and tax forms.

R)

(c) STAFF ATTORNEY/PUBLICATIONS MANAGER - CODE 36.2. Develops, researches, writes, and edits legal assistance publications. Manages production and distribution of publications, provides research support to field legal assistance attorneys, provides research support to the division director in legal assistance policy matters.

107. ASSISTANT JUDGE ADVOCATE GENERAL (MILITARY JUSTICE) (CODE 02) AND DIVISION - CODE 20, AND OFFICER IN CHARGE, NAVY-MARINE CORPS APPELLATE REVIEW ACTIVITY (NAMARA) (CODE 04) AND DIVISIONS - CODES 40, 45, AND 46

a. The AJAG (Military Justice) (Code 02) has primary supervisory responsibility for the performance of JAG's statutory duties in all military justice and related matters as authorized in the Uniform Code of Military Justice (UCMJ) (10 U.S.C. §§ 801-940), the Manual for Courts-Martial, 1984 (MCM, 1984), and the JAG Manual; serves as a member of the JAG Ethics Committee; serves as OIC, NAMARA (Code 04); supervises the Principal Deputy AJAG (Military Justice) (Code 02A) and one OJAG division director who has specific responsibility for criminal law policy (Code 20), and coordinates with other DAJAG's when areas of responsibility overlap; coordinates administrative matters with the Chief Judge, Navy-Marine Corps Trial Judiciary (Code 05) and the Chief Judge, Navy-Marine Corps Court of Military Review (Code 07). Additionally, as OIC, NAMARA (Code 04), the AJAG (Military Justice) oversees and supervises the Assistant Officer in Charge, NAMARA (Code 04A), the Administrative Support Division (Code 40), Appellate Defense Division (Code 45), and Appellate Government Division (Code 46).

b. The Principal Deputy AJAG (Military Justice) (PDAJAG) (Military Justice) (Code 02A) assists the AJAG (Military Justice) in all matters within the AJAG's claimancy, performing all duties of the AJAG in the AJAG's absence; coordinates military justice matters among divisions having overlapping responsibility; monitors, coordinates and reviews all taskings prepared for signature or review by the AJAG; coordinates military and civilian personnel management policy within the AJAG's claimancy; and serves as primary JAG member of the Naval Clemency and Parole Board (NCPB). Additionally, as AOIC, NAMARA (Code 04A), the PDAJAG (Military Justice) assists in supervising the Administrative Support Division (Code 40), Appellate Defense Division (Code 45), and Appellate Government Division (Code 46).

(1) CRIMINAL LAW DIVISION - CODE 20. Oversees military justice policy within the Department of the Navy; drafts legal and policy advice for JAG on wide variety of military justice matters; reviews all legislative and regulatory proposals affecting military justice; represents the Navy in regular meetings of the Joint Service Committee on Military Justice (JSC), which is the principal vehicle for staffing amendments to the UCMJ and Manual for Courts-Martial, and provides Navy representative for weekly meetings of the joint-service working group supporting the JSC; staffs all amendments to Secretarial and JAG regulations implementing UCMJ; reviews all decisions of military appellate courts for systemic malfunction; staffs JAG certification of cases for review by NCMCR or USCMA; staffs requests for Secretarial designation as general and special court-martial convening authority, and for Secretarial substitution of administrative for punitive discharge; staffs requests for JAG authorization to refer charges for trial by court-martial after adjudication of similar charges by State or foreign courts; staffs FOIA requests and recommendations for exercise of AJAG's FOIA denial authority; provides JAG representative to SECNAV Clemency and Parole Board; provides informal professional ethics advice service for all Navy and Marine Corps judge advocates engaged in trial work, coordinates court orders and warrants of attachment; and publishes timely guidance to all military justice practitioners in the Department of the Navy.

(a) DAJAG (CRIMINAL LAW) AND DIVISION DIRECTOR - CODE 20. Ensures the timely, effective and efficient performance of all division functions; represents the JAG on military-justice matters; reviews and approves all letters and memoranda drafted within the Division stating opinions or recommendations of the AJAG or higher authorities on military-justice matters, and other items as requested or directed; and represents the JAG on the Joint Service Committee on Military Justice. As Special Assistant for Military Justice, NAVLEGSVCCOM, advises COMNAVLEGSVCCOM regarding policies, plans, resources and

procedures effecting the military-justice mission of NAVLEGSVCCOM; substitutes when necessary as an alternate member of the Naval Clemency and Parole Board; and conducts inspections of NLSO's and Detachments.

(b) ASSISTANT DIVISION DIRECTOR - CODE 20.1. Assists the director in all functions of the division and discharges the duties of the division director in the director's absence; reviews incoming and outgoing correspondence; drafts military and civilian personnel actions; subject to approval by the director, assigns all routine work within the Division; substitutes when necessary as an alternate member of the Naval Clemency and Parole Board; and, under the supervision of the director, coordinates with other JAG and DON officials on matters affecting military justice.

(c) POLICY, PLANS, AND RESOURCES OFFICER - CODE 201. Evaluates effectiveness and efficiency of the military-justice function in the DON; initiates and analyzes recommendations for program improvements; under the supervision of the director, interfaces with JAG and DON officials on matters directly affecting program performance; prepares briefings and drafts replies to congressional inquiries on matters within the purview of assigned duties; assists the director in the inspection of NLSO's and detachments; and advises and assists the director in matters pertaining to military-justice policy, plans and resources in the DON.

(d) ADVISORY LEGAL OFFICER - CODE 202. Drafts JAG opinions on military-justice matters; supervises the maintenance of the Division's historical files; staffs requests for convening authority designation by SECNAV; coordinates with Department of Justice for authorization to immunize civilian witnesses in connection with trials by court-martial; prepares briefings and drafts replies to congressional inquiries on matters within the purview of assigned duties; and advises and assists the director in matters pertaining to the legal opinions of the JAG regarding military justice.

(i) HISTORICAL RESEARCH OFFICER - CODE 202.1. Conducts detailed, legal research of the legislative and administrative history of existing and proposed statutes and regulations affecting military justice, utilizing the historical materials maintained in the Library of the Judge Advocate General and the administrative history of military justice maintained in Code 20; regularly assists in staffing all matters within the cognizance of Code 202; and assists as required in staffing matters within the cognizance of Code 203.

(e) LEGISLATION OFFICER - CODE 203. Coordinates amendments to the UCMJ, MCM, and Chapter I of the JAG Manual; represents the director on the Working Group, Joint Service Committee on Military Justice; serves as alternate JAG member on the Naval Clemency and Parole Board; provides staff support on military-justice matters to JAG Ethics Committee, and provides informal provisional ethics advice service for all Navy and Marine Corps judge advocates engaged in trial work; initiates, evaluates, and staffs proposals for revising Chapter I of the JAG Manual; prepares comments for the director on proposed legislation; prepares briefings and drafts replies to congressional inquiries; monitors case management; and advises and assists the director in matters pertaining to proposed legislative and regulatory changes involving military justice.

(i) CASE MANAGEMENT OFFICER - CODE 203.1. Maintains status of all ongoing, important military-justice cases; maintains liaison with OJAG and DON officials to track the status of identified cases; prepares information sheets and drafts replies to congressional inquiries on identified cases; reviews all reported and unreported decisions of the Navy-Marine Corps Court of Military Review, advising of important issues and recommending certification to the U.S. Court of Military Appeals (USCMA) where appropriate; reviews all USCMA decisions, advising of all important issues and recommending appeal to the U.S. Supreme Court where appropriate; staffs case-management matters requiring approval of DOJ, the JAG, or SECNAV, including immunity requests, warrants of attachment, requests to court-martial retirees, and requests to refer charges for trial by court-martial after adjudication of similar charges by State or foreign courts.

(f) **OFFICE SUPERVISOR - CODE 205.** Coordinates administrative support to the division; processes all incoming and outgoing taskings and correspondence; and supervises maintenance of the division library and files.

(i) **LEGAL CLERK - CODE 205.1.** Performs receptionist, typing, and filing duties; operates automated data-processing equipment; and assists with correspondence and database management.

c. **OFFICER IN CHARGE, NAVY-MARINE CORPS APPELLATE REVIEW ACTIVITY (CODE 04).** The AJAG (Military Justice) also serves as Officer in Charge, U.S. Navy-Marine Corps Appellate Review Activity (NAMARA) (Code 04), a JAG field activity, and is responsible for examination, review, monitoring, and ultimate disposition of all records of trial received for review or other disposition pursuant to statute, regulation, or appropriate appellate court rules of practice and procedure. NAMARA is comprised of an Assistant Officer-in-Charge (an additional duty of the PDAJAG (Military Justice)) and Codes 40, 45, and 46.

(1) **ADMINISTRATIVE SUPPORT DIVISION - CODE 40.** Creates and maintains a post-trial case-tracking system of those records of trial required to be forwarded to the Navy-Marine Corps Court of Military Review (NMCMR) or the Office of the Judge Advocate General (OJAG) for review in accordance with articles 66 and 69, Uniform Code of Military Justice (UCMJ); reviews for completeness all records of trial forwarded to NMCMR; promulgates decisions of the NMCMR to the appellant in accordance with Manual of the Judge Advocate General (JAGMAN); tracks cases submitted to the U.S. Court of Military Appeals (USCMA) under article 65, UCMJ and promulgates the actions taken by that court; reviews for completeness and maintain cases received in accordance with article 64, UCMJ; provides advice and recommendations to the Judge Advocate General (JAG) on those cases forwarded to OJAG in accordance with article 69(a) and (b), article 71(b) and (c), and article 73, UCMJ; staffs requests for substitution of administrative for punitive discharges and for presidential pardons; and provides administrative and logistical support services to the personnel assigned to the Navy-Marine Corps Appellate Review Activity (NAMARA) and the NMCMR. Compiles data for DON submission to DOD Criminal Activity, Disciplinary Infractions and Court-Martial Report; responds to Congressional inquiries; responds to all requests (including Freedom of Information Act requests) for records of trial; maintains OJAG central court-martial record of trial files.

(a) **ADMINISTRATIVE SUPPORT DIVISION DIRECTOR - CODE 40.** Supervises the division; assists and makes recommendations to the OIC regarding military-justice matters and the appellate-review process; manages post-trial tracking system of all cases subject to review by NMCMR; takes action on all Article 69 (a) and (b), UCMJ, cases which do not require remedial action, and advises JAG on those cases that do require remedial action; reviews and advises JAG on petitions for new trial; staffs requests for substitution of administrative for punitive discharges and for presidential pardons; promulgates all NMCMR and USCMA decisions required by Article 71, UCMJ; reviews and takes action on congressional and other inquiries regarding cases in the appellate-review process at OJAG.

(b) **ADMINISTRATIVE OFFICER - CODE 40.1.** Executes division policy and administers the division; systems manager for NAMARA's case-tracking and word-processing systems; supervises operation of data-processing equipment in NAMARA and NMCMR.

(i) **COMPUTER PROGRAM ANALYST - CODE 40.11.** Serves as programmer/analyst; responsible for projects relating to the planning, analysis, design, programming, development, implementation, system maintenance and modification, report preparation, response to end-use requirements, and training for automated data/information systems.

(ii) **ADMINISTRATIVE SUPPORT BRANCH SUPERVISOR - CODE 40.12.** Ensures all office administration is current; maintains NAMARA library; contact point between Secretariat/Headquarters Civilian Personnel Office and NAMARA; coordinates with the Consolidated Civilian

Personnel Office, OJAG, and other activities; and maintains personnel reports.

(iii) LEGAL TECHNICIAN (TYPING) - STATISTICIAN - CODE 40.12A. Collects, reviews, and processes data from activities worldwide, ensuring accuracy before augmenting the database; provides quarterly and other statistical reports to DOD and other activities; librarian; performs clerical and typing duties.

(c) HEAD, REVIEW AND SPECIAL CORRESPONDENCE BRANCH - CODE 40.2. Manages and supervises the New Trials and Examination and Special Correspondence Sections; responsible for ensuring the branch complies with UCMJ, MCM, JAGMAN, FOIA and other Navy Regulations.

(i) HEAD, NEW TRIAL AND EXAMINATIONS SECTION - CODE 40.21. Performs legal review of all cases submitted to OJAG in accordance with Articles 69 (a) and (b) and Article 73, UCMJ; prepares all correspondence and actions in those cases for signature by JAG; monitors all officer-dismissal cases during the review process, prepares all correspondence, promulgation letters, memoranda, supplemental court-martial orders, and actions for signature by SECNAV and JAG; staffs requests for substitution of administrative for punitive discharges and for presidential pardons.

(A) CLERK-TYPIST. Performs receptionist, typist, correspondence-control, and files clerk functions; performs other duties as directed.

(ii) HEAD, SPECIAL CORRESPONDENCE SECTION - CODE 40.22. Drafts replies to congressional and other inquiries concerning the military-justice system and individual court-martial cases; obtains and orders reproduction of court-martial records and obtains payment for copies thereof, while considering the implications of the FOIA; prepares Annual Report of the JAG to USCMA; drafts all mandates to implement orders of NMCMR and USCMA.

(d) HEAD, CASE MANAGEMENT BRANCH - CODE 40.3. Manages and supervises the Documents Examination and Promulgation Sections, the central- records files, and the mail room; responsible for ensuring the branch complies with the MCM, UCMJ, JAGMAN, and other Navy regulations when reviewing records of trial and promulgating decisions of NMCMR and USCMA.

(i) NONCOMMISSIONED OFFICER IN CHARGE, DOCUMENTS EXAMINATION SECTION - CODE 40.31. Supervises the section; receives incoming mail; assigns case numbers to records of trial received for review; enters data from records into automated case-tracking system; ensures section productivity maintained; prepares messages and correspondence to obtain documents missing from records.

(A) DOCUMENTS EXAMINERS. Reviews incoming records of trial (original and copies) for completeness; maintains files on records requiring documents from field prior to forwarding case to NMCMR; enters data from records into automated case-tracking system; forwards records ready for review to NMCMR, OJAG, or the promulgation section, as appropriate.

(ii) SUPERVISOR, PROMULGATION SECTION - CODE 40.32. Supervises the section; ensures section productivity maintained; responds to case-status inquiries from the field; oversees the preparation of all documents required to promulgate decisions of NMCMR and USCMA in accordance with the MCM, UCMJ, JAG Manual, and Navy regulations through receipt of the supplemental court-martial order executing the sentence; ensures appropriate data is entered in the automated case-tracking system.

(A) LEGAL CLERKS (TYPING). Obtains mailing addresses for appellants after NMCMR decides cases; promulgates NMCMR decisions and, if required, USCMA decisions; advises appellants, the officers exercising general court-martial (OEGCM) jurisdiction, and other parties of the

status of cases through the post-NMCMR process; obtains supplemental court-martial orders executing sentences; enters data into the automated case-tracking system.

(iii) **CENTRAL RECORDS CUSTODIAN - CODE 40.33.** Receives and maintains "finished" records of trial which have completed the appellate review process in OJAG; receives and processes requests for records of trial from the Naval Clemency and Parole Board, Navy Discharge Review Board, and other governmental agencies; obtains records of trial from the Central Records files, NAMARA, or the Federal Records Center, Suitland, for delivery to requesting activities; processes records of trial for transfer to the Federal Records Center when required.

(2) APPELLATE DEFENSE DIVISION - CODE 45. Provides attorney representation of Department of the Navy service members before U.S. Court of Military Appeals, Navy-Marine Corps Court of Military Review, and Naval Clemency and Parole Board; trains and supervises Reserve judge advocates to assist in appellate representation.

(a) **APPELLATE DEFENSE DIVISION DIRECTOR - CODE 45.** Administers and supervises division; directs actions of appellate counsel regarding review of courts-martial, preparation of appellate briefs, and preparation and presentation of oral argument before military appellate courts, the Supreme Court, and occasionally the Naval Clemency and Parole Board; directs advocacy training, to include providing advice to trial defense counsel and DON commands worldwide; promotes military justice litigation skills; establishes division policy.

(b) **DEPUTY DIVISION DIRECTOR - CODE 45.1.** Executes division policy; responsible for office administration, to include supervision and direction of appellate counsel and civilian employees, distribution of incoming cases, training of personnel, review of appellate briefs, preparation for oral argument, travel coordination, and other matters related to mission accomplishment; assumes director's role in director's absence.

(c) **DEPARTMENT HEAD/APPELLATE DEFENSE COUNSEL - CODES 45.2, 45.3, 45.4.** Responsible for administration and supervision of assigned department; directs actions of subordinate appellate counsel regarding review of courts-martial, preparation of appellate briefs, and preparation and presentation of oral arguments before military appellate courts, the Supreme Court, and occasionally the Naval Clemency and Parole Board; provides appellate representation to assigned clients whose cases are before military appellate courts, the Supreme Court, and occasionally the Naval Clemency and Parole Board; performs assigned collateral duties.

(d) **APPELLATE DEFENSE COUNSEL - CODES 45.5, 45.6, 45.7, 45.8, 45.9, 45.10, 45.11, 45.12, 45.13, AND 45.14.** Provides appellate representation to assigned clients whose cases are before military appellate courts, the Supreme Court, and occasionally the Naval Clemency and Parole Board; prepares response to inquiries concerning courts-martial; performs assigned collateral duties.

(i) **SUPERVISORY LEGAL TECHNICIAN (TYPING) - CODE 45.1A.** Supervisory legal technician and confidential secretary to the division director; coordinates work assignments of the legal clerical staff; oversees preparation of court documents and ensures completion and timeliness; supervises maintenance of office files and ensures timeliness of outgoing correspondence and reports; coordinates with USCMA.

(ii) **LEGAL TECHNICIAN (TYPING) - CODE 45.1B.** Prepares and assembles briefs, summary assignments, motions, and enlargements for submission to appellate courts; monitors filing deadlines; prepares records of trial, cases, pleadings, correspondence, and other documents for internal distribution; prepares required correspondence, maintains office files, serves as office supervisor in the absence of the supervisory legal technician.

(iii) **LEGAL CLERK - CODE 45.1C.** Prepares and assembles briefs, summary assignments, motions, enlargements, and NCMCMR waivers; prepares required correspondence; and maintains office files.

(iv) **LEGAL CLERK - CODE 45.1D.** Prepares and assembles briefs, summary assignments, motions, enlargements, and USCMA waivers; prepares required correspondence; and maintains office files.

(v) **LEGAL CLERK - CODE 45.1E.** Assists in the preparation and assembly of briefs, summary assignments, motions, enlargements, and NCMCMR and USCMA waivers; prepares required correspondence; receptionist for division.

(3) APPELLATE GOVERNMENT DIVISION - CODE 46. Prepares and files pleadings with Navy-Marine Corps Court of Military Review (NMCMMR) and U.S. Court of Military Appeals (USCMA); argues cases before NMCMMR and USCMA; prepares and submits pleadings with Solicitor General of the United States; prepares and files government appeals; advises trial counsel and staff judge advocates in the field.

(a) **APPELLATE GOVERNMENT DIVISION DIRECTOR - CODE 46.** Administers and supervises division; provides appellate representation before NMCMMR, USCMA, and, if requested by the Attorney General, the Supreme Court; determines whether government appeals will be filed; maintains the Trial Counsel Assistance Program (TCAP), providing legal advice to trial counsel and *DON commands worldwide*; responds to outside inquiries regarding division activities; sets division policy.

(b) **DEPUTY DIRECTOR - CODE 46.1.** Executes division policy; responsible for office administration, to include supervision and direction of appellate counsel and civilian employees, distribution of incoming cases, training of personnel, review of appellate briefs, preparation for oral argument, and travel coordination; assumes director's role in the director's absence.

(c) **TCAP COORDINATOR - CODE 46.2.** Manages the Trial Counsel Assistance Program of the Navy-Marine Corps (TCAP); monitors quality and quantity of advice provided under TCAP.

(d) **APPELLATE GOVERNMENT COUNSEL - CODES 46.3, 46.4, 46.5, 46.6, 46.7, 46.8, 46.9, 46.10, 46.11, 46.12, 46.13, AND 46.14.** Provides appellate representation to assigned clients before NMCMMR, USCMA, and the Supreme Court; prepares response to inquiries concerning courts-martial; performs assigned collateral duties.

(i) **SUPERVISORY LEGAL TECHNICIAN (TYPING) - CODE 46.1A.** Supervisory legal technician and confidential secretary to the division director; coordinates work assignments of the legal clerical staff; oversees preparation of court documents, ensuring completion and timeliness; supervises maintenance of office files and ensuring timeliness of outgoing correspondence and reports.

(ii) **LEGAL TECHNICIAN (TYPING) - CODE 46.1B.** Prepares and assembles briefs and motions for submission to appellate courts; monitors filing deadlines; prepares records of trial, cases, pleadings, correspondence, and other documents for internal distribution; maintains office files; serves as office supervisor in the absence of the supervisory legal technician.

(iii) **LEGAL TECHNICIAN - CODE 46.1C.** Prepares and assembles briefs and motions; prepares required correspondence; and maintains office files.

(iv) **LEGAL TECHNICIAN - CODE 46.1D.** Prepares and assembles briefs and motions; prepares required correspondence; and maintains office files.

108. ASSISTANT JUDGE ADVOCATE GENERAL (OPERATIONS AND MANAGEMENT) (CODE 06) AND DIVISIONS - CODES 61, 62, 63, AND 64

a. The AJAG (Operations and Management) has primary responsibility for operations and management.

b. The Principal Deputy AJAG (Code 06A) assists the AJAG (Operations and Management), and supervises the DAJAG's within the Operations and Management organization; additionally, the Principal Deputy AJAG is assigned ADDU as the Vice Commander, Naval Legal Service Command. The Principal Deputy AJAG may communicate directly with the JAG or DJAG. In the absence of the AJAG (Operations and Management) when assigned ADDU on a permanent, full-time basis outside the Office of the Judge Advocate General, the Principal Deputy AJAG (Code 06A) is the acting AJAG (Operations and Management), unless otherwise provided.

c. Four divisions are assigned to Operations and Management. Directors of each division report to the Principal Deputy AJAG for their specific area of responsibility. They will coordinate with other DAJAG's when areas of responsibility overlap. The Principal Deputy AJAG or the AJAG resolves conflicts and ambiguities as appropriate.

(1) **MILITARY PERSONNEL DIVISION - CODE 61.** Manages the JAG Corps and Legalman communities; coordinates with JAG, NAVLEGSVCCOM, BUPERS, and OPNAV on all personnel issues affecting judge advocates, LDO (LAW) personnel, and legalmen; assigns and places all judge advocates and LDO (LAW) personnel; assists in recruiting judge advocates and legalmen; writes PCS orders for all judge advocates and LDO (LAW) personnel; manages and tracks the PCS/TEM DUINS budget to support PCS and training moves for judge advocates and LDO (LAW) personnel; prepares and publishes the control-grade officer slate for the JAG Corps; develops accession, promotion, and officer-strength plans; provides recorders for officer selection boards; prepares and updates personnel briefing materials, including graphics and textual material; conducts personnel briefings; conducts detailing and officer retention trips to the field; publishes the JAG Directory.

(a) **DAJAG (MILITARY PERSONNEL) AND DIVISION DIRECTOR - CODE 61.** ADDU from BUPERS, assigned as Head, JAG Corps Assignment/Placement Branch, N4416; Assistant Deputy Commander, NAVLEGSVCCOM (Military Personnel); ADDU to OPNAV (OP130E7) as JAG Corps Officer Community Manager. Collaterally assigned as JAG Headquarters Senior Watch Officer. Responsible for all matters dealing with assignment of active-duty judge advocates and community management of judge advocates, limited duty officers (Law), and legalmen. Supervises assigned personnel; oversees development and execution of policy in the areas of recruitment, staffing, strength planning, career development, promotions, and training.

(i) **MILITARY PERSONNEL MANAGEMENT SPECIALIST - CODE 61A.** Determines current and future JAG Corps and LDO (Law) officer personnel requirements; monitors current and future increases/decreases in officer requirements at the activity level; develops JAG Corps officer strength plans, officer recruiting goals, and JAG Corps officer retention goals and promotion plans, utilizing known and historical loss data; initiates officer and enlisted billet-reprogramming requests; serves as quota control for attendees at CLE courses held at the Naval Justice School and Navy attendees at the Army JAG School; serves as JAG liaison for selection-board membership nominations to BUPERS.

(ii) **ORDER-WRITING BRANCH - MILITARY PERSONNEL STAFFING TECHNICIAN - CODE 61C.** Administers and manages Detail/Placement Branch; originates and processes all forms, documents, and administrative correspondence involved in assignment and placement of JAG Corps officers. Screens correspondence; maintains working knowledge of projects and programs within the division and BUPERS; performs follow-on action as required by correspondence; informs division director of items requiring immediate action; monitors officers' orders; maintains statistics concerning personnel matters and

prepares personnel reports.

(b) ASSISTANT DIVISION DIRECTOR/SENIOR OFFICER DETAILER (ASSIGNMENT AND PLACEMENT) - CODE 61.1. Senior-officer Assignment and Placement Officer for all JAG Corps captains, commanders, and those lieutenant commanders in-zone to be considered for promotion by the next selection board. Assistant Division Director for the Military Personnel Division; Assistant Senior Watch Officer. Conducts requirements analysis accounting for PCS and TEMDUINS money and PCS moves for all JAG Corps officers. ADDU to BUPERS as BUPERS-4416B.

(c) JAGC CORPS LCDR DETAILER (ASSIGNMENT AND PLACEMENT) - CODE 61.2. Assignment and Placement Officer for all JAG Corps lieutenant commanders and those lieutenants in-zone to be considered for promotion by the next selection board. JAG Corps Program Advisor for the Navy's Postgraduate Education Program; JAG representative -- as Primary Consultant (PC) and Designator Advisor (DA) -- to the biennial Subspecialty Requirements Board (SRB). OJAG coordinator for Continuing Legal Education/Professional Development programs. ADDU to BUPERS as BUPERS-4416C.

(d) JAG CORPS LT/LTJG AND LDO (LAW) DETAILER (ASSIGNMENT AND PLACEMENT) - CODE 61.3. Assignment and Placement Officer for JAG Corps junior officers, from the reporting date to their first permanent duty station after completion of Naval Justice School training until selection for promotion to lieutenant commander. Responsible for LDO (Law) selectees and assignments of LDOs (Law); controls LDO (Law) quotas for Naval Justice School courses; OJAG point of contact for all inquiries regarding the LDO (Law) program and the JAG Corps Targeted Augmentation Program (TAP)/Augmentation process. ADDU to BUPERS as BUPERS-4416D.

(e) HEAD, PROCUREMENT AND PLANS/ACCESSION MANAGEMENT (ASSIGNMENT AND PLACEMENT) - CODE 61.4. Assignment and Placement Officer for JAG Corps accessions. Controls JAG Corps quotas for Officer Indoctrination School and JAG Corps, Marine Corps, and Coast Guard quotas for Lawyer Course at Naval Justice School. Controls TEMAC assignments (internships) for members of the JAG Corps Student Program. Responsible for supervision of the Law Education Program, including coordination with OPNAV & the Naval Postgraduate School. Coordinates recruiting activities by JAG field activities. Controls professional screening of applicants for the JAG Corps. Coordinates HIV testing programs for personnel assigned to OJAG activities in Washington DC. ADDU to BUPERS as BUPERS-4416F; ADDU to Commander, Naval Recruiting Command.

(i) MILITARY PERSONNEL TECHNICIAN - CODE 61.4A. Assists Head, Procurement and Plans, in the execution of that officer's duties, including word processing, preparation of TEMAC and ACDUTRA orders, recruiting, and processing of JAG Corps applications.

(f) LEGALMAN COMMUNITY MANAGER - CODE 61.5. Enlisted Community Manager for legalmen; manages the accession pipeline, coordinates advancement quotas, and monitors the Independent Duty Legalman program in coordination with Type Commanders to ensure proper manning and utilization; coordinates with Manning Control Authorities and EPMAC to maintain appropriate manning; presents monthly Distributable Manning Brief to CHNAVPERS. ADDU to OPNAV as OP-132C.

R)

(g) LEADING PETTY OFFICER - CODE 61.7. Leading Petty Officer for the Military Personnel Division; supervises other assigned legalmen, and assigns their administrative duties; reviews all correspondence for correctness, maintains officer fitness-report log/tickler, drafts watch bills, maintains office supplies, maintains professional appearance of office and enlisted personnel; maintains all documents produced and received by the Military Personnel Division; responsible for correspondence routing, copying, filing, and typing, and the maintenance of manuals and directives; pay clerk for OJAG military personnel.

(h) CHECK-IN/LEAVE-CONTROL PETTY OFFICER - CODE 61.8. Check-In and Check-Out Petty Officer; maintains the "onboard count" of personnel in coordination with the Military Personnel Management Specialist. Prepares leave papers for all OJAG military personnel. Maintains division recall bill and the calendar/scheduling of division personnel. BUPERS order writer in coordination with the Military Personnel Staffing Technician.

D)

(2) RESERVE AND RETIRED PERSONNEL PROGRAMS DIVISION--CODE 62.

Recommends to the Judge Advocate General (JAG) the specific mission, objectives, plans, and policies for development of Reserve law programs and units; monitors status, progress and mobilization readiness of Reserve law units and personnel, providing advice and recommendations concerning appropriate readiness evaluation criteria, organization of law units (including number and location), and the most effective readiness training requirements; advises the JAG regarding professional training and curricula requirements, including the preparation of professional training guides, and makes recommendations concerning the scope and content of professional training to be offered Reserve judge advocates, legalmen, and other legal support personnel in schools/correspondence courses and workshops/conferences; arranges, coordinates, and participates in national and regional Reserve training conferences/workshops; assists in the oversight and most effective utilization of Reserve legal assets by ascertaining the needs of active duty commands and professional expertise of Reserve judge advocates/legalmen to recommend the most productive training/drilling assignments; provides direction and instruction to active duty/Reserve commands/units/other cognizant activities, and personnel concerning the Reserve personnel program; provides briefings, reports, research, analyses, and studies to senior authorities concerning the Naval Reserve legal community's state of readiness, mutual support training, and productivity; and prepares and conducts Reserve orientation for NLSO CO's/XO's; reviews and makes recommendations concerning Reserve judge advocate status classifications; advises and assists in article 6, UCMJ, billet assignment recommendations of Reserve judge advocates and legalmen; reviews and recommends action concerning applications for a direct commission/change of designator into the Naval Reserve Law Program; reviews and make recommendations concerning article 27(b), UCMJ, certification of Reserve judge advocates; reviews and makes recommendations concerning Navy Officer Billet Classifications (NOBC's) for Reserve judge advocates; coordinates Reserve selection board process; nominates/endorsees/screens Reserve law units and personnel for unit/personal awards; oversees the acquisition/maintenance of NAMMOS validated SELRES billets supporting the active duty JAG Corps; publishes the Naval Reserve Legal Community Newsletter; oversees publication of the Naval Reserve Active Status Judge Advocate Directory. Advises/assists JAG concerning policies, and plans for recruitment/accesion of top quality Reserve judge advocates/legalmen; provides technical and administrative support, advice, and assistance to the Senior Judge Advocate, Naval Reserve, Judge Advocate General's Corps/Special Assistant to the Judge Advocate General for Reserve Legal Services; provides advice and assistance to active duty/Reserve retired community, and oversees publication of the Retired Judge Advocate Directory; represents JAG with external professional associations, including American Bar Association, Federal Bar Association, Judge Advocates Association.

(a) DAJAG (RESERVE AND RETIRED PERSONNEL PROGRAMS) AND DIVISION DIRECTOR - CODE 62. Assigned additional duty as the Naval Reserve Law Program Technical Manager's Representative; assists the JAG in meeting his responsibilities as the Naval Reserve Law Program Technical Manager by performing the following functions: monitors closely the Naval Reserve Law Program, recommending to the JAG specific objectives, plans and policies, and initiatives for the program's maximum effectiveness and future development; recommends to the JAG appropriate policies, programs, and initiatives to ensure the highest level of mobilization readiness and mutual support training by Ready Reserve (SELRES and IRR) law units, judge advocates, legalmen, and other legal support personnel assigned to the Naval Reserve Force; monitors Chief of Naval Operations-approved quantitative and qualitative mobilization requirements and inactive duty Ready Reserve judge advocate and legalman staffing levels, training, and workload trends, in order to advise the JAG concerning the appropriate number, size, mix, and location of Ready Reserve law units and personnel, and to ensure their maximum utilization and integration into their active duty component; advises the JAG regarding professional training and curricula requirements, and makes recommendations as to the scope and content of professional training to be provided inactive duty Ready Reserve judge advocates, legalmen, and other

legal support personnel in schools, correspondence courses, workshops, and other training evolutions; serves as a permanent member on Inactive Duty Reserve Judge Advocate Screening Boards to assist in the article 6, UCMJ, billet assignment recommendations of Reserve judge advocates; evaluates and advises the JAG concerning policies and programs for the recruitment and retention of Reserve judge advocates, legalmen, and other legal support personnel; serves as the principal active duty advisor to Deputy JAG/Commander, Naval Legal Service Command in regard to utilization of Reserve legal assets, including mobilization readiness, mutual support training, peacetime employment, and unit organizational structure; advises and assists the Naval Reserve inactive duty JAG Corps flag officer in the performance of his duties as the Senior Judge Advocate, Naval Reserve, Judge Advocate General's Corps/Special Assistant to the JAG for Reserve Legal Services; serves as Editor-in-Chief of the Naval Reserve Legal Community News Letter; functions as the JAG representative to the JAG Corps Retired Community, including overseeing the publication of the Retired Judge Advocate Directory; serves as the JAG's representative to external professional associations.

R) (3) **MANAGEMENT AND PLANS DIVISION - CODE 63.** Formulates long-range planning and managerial policy direction and guidance for the Office of the Judge Advocate General (OJAG) and Naval Legal Service Command (NAVLEGSVCCOM); provides statistical analysis, research, and guidance to the Judge Advocate General and the Commander, Naval Legal Service Command; manages planning, procurement, construction, and maintenance of NAVLEGSVCCOM facilities; conducts orientation training for prospective NLSO CO's and XO's; provides managerial and resource support for NAVLEGSVCCOM activities; establishes OJAG and NAVLEGSVCCOM long-range requirements and resource allocations; procures ADP equipment and software; formulates ADP policy and planning for OJAG and NAVLEGSVCCOM; manages ADP operations; provides ADP end-user support and training, including maintenance and repair of personal computers and local area networks; develops software applications and promulgates hardware and software standards; manages computer-related communications systems; develops and implements ADP training for OJAG and NAVLEGSVCCOM and for field technical support representatives (TSR's).

(a) **DAJAG (MANAGEMENT AND PLANS) AND DIVISION DIRECTOR - CODE 63.** Deputy AJAG for Management and Plans; Deputy Assistant COMNAVLEGSVCCOM for Management and Plans. Coordinates development and establishment of current and future resource/budget requirements and priorities of NAVLEGSVCCOM and OJAG; coordinates with Code 003/64 to ensure fiscal plans (e.g., POM/budget submissions and allocations) are developed, submitted, executed, and, when necessary, adjusted to accommodate those requirements/priorities; coordinates with Code 003/64 concerning current OJAG and NAVLEGSVCCOM budget execution and fiscal requirements matters; conducts analysis and produces reports in support of the efficiency review process for headquarters UICs, NAVLEGSVCCOM, and NAVMARTRUUD; represents the JAG on the DoD Legal Technology Council and in joint service automation development efforts; provides TOL resource support and coordination for the NAVLEGSVCCOM; supervises personnel and functions of the division.

R) (b) **ASSISTANT DIVISION DIRECTOR/FACILITIES REQUIREMENTS, CURRENT OPERATIONS, AND PLANS BRANCH - Code 63.1.** The assistant division director serves as head of this branch. Determines current and future NLSC facilities requirements; coordinates planning and resource procurement actions for facilities construction, upgrade and maintenance; monitors and coordinates support for on-going facilities projects; and coordinates planning and procurement of equipment needs (other than information resource needs) of NLSC. Analyzes NLSC productivity data, workload factors, and Navy population trends; identifies and reports workload trends and any other trends affecting NLSC staffing; coordinates with Code 61 and NLSOs in development and implementation of current and future staffing plans; recommends adjustments to actual personnel staffing locations. Submits and monitors actions to establish and disestablish NLSC activities. Serves as assistant to the division director as a total quality leadership resource for NLSC. Code 63 point of contact with NLSOs for purpose of identifying and coordinating provision of current operations and management support needs. Provides data and analysis as requested to CNLSC and JAG to assist them in the execution of their supervisory duties.

A) (i) ASSISTANT BRANCH HEAD - CODE 63.11. Assists the branch head in the performance of the foregoing duties. Serves as administrative coordinator for 63.1. Coordinates schedules and publicizes information resource training for OJAG staff. Coordinates training and maintains records for training of 63.1 personnel.

A) (ii) MANAGEMENT ANALYST - CODE 63.12. Compiles and analyzes productivity and other data as directed by the branch head. Performs other management analysis functions as directed.

A) (iii) MANAGEMENT ASSISTANT - CODE 63.13. Maintains productivity database for NLSC activities. Produces reports, charts, and other data output as directed by the branch head. Produces automated staffing analysis semi-annually, or as directed. Assists management analyst as necessary.

(c) INFORMATION RESOURCES HEAD - CODE 63.2. Supervises and coordinates equipment requirements determinations, applications development, procurement, ADP standards, installation, operation, and operator training in connection with NAVLEGSVCCOM and OJAG operations and management; provides office automation technical guidance and support to the Office of the Judge Advocate General and the Naval Legal Service Command, generally, extending to the following: ensuring that the procurement, utilization, and safeguarding of hardware, software, and data complies with current instructions; staying current with the state-of-the-art technology in order to provide guidance and direction for legal automation initiatives; proposing hardware and software standards and direction to the ISEB; reviewing equipment and software procurement for compliance with standards and direction; providing and monitoring computer training -- introductory, advanced, executive, and application-specific as requested or needed; developing applications, providing documentation, and managing modifications; performing requirements analysis; and resolving technical automation problems.

(d) DEVELOPMENT AND PLANS SECTION - CODE 63.21. Responsible for establishing a development plan in support of JAG's business plan, performing requirements analysis (equipment, software), systems analysis, providing user and maintenance documentation, application programming and performing life cycle maintenance on deployed systems. This development plan provides a POA&M for the programs to be developed, the standards to be used in their development and documentation, identifies whether programs will be developed in-house or contracted out, outlines the procedures for project management, and the procedures to be followed for the submission of system change requests.

(i) PROGRAMMER ANALYST - CODE 63.21A. Primary responsibility for design, development and maintenance of locally produced applications. Supervises work of subordinate programmers as assigned.

(ii) PROGRAMMER ANALYST - CODE 63.21B. Primary responsibility for maintenance of the Judge Advocate General's Management Information System (JAGMIS). Does design and development work as assigned.

(iii) PROGRAMMER ANALYST - CODE 63.21C. Primary responsibility for ADP trouble calls. Does design and development work as assigned.

R) (e) INFORMATION CENTER DIRECTOR - CODE 63.22. Supervises and directs operation of the Information Center (IC), providing end-user support which consists of conducting and coordinating OJAG and field training, including development and implementation of training programs at NJS for officers and enlisted, and responding to hardware and software trouble calls from the field and OJAG. The IC Director also serves as the Information Systems Network Security Officer (ISNSO) for JAG and works with the Automated information Systems Security Officer (AISSO) in developing and maintaining network security for Local area Networks (LANs) as they interface with JAG Automated Information Systems. The Information Center initiates requests from Code 63 and reviews all other ADP-related procurement requests, monitors

progress, receives the goods ordered, stores them securely, and issues them with appropriate controls. The IC performs initial system installations in OJAG and performs division equipment and training assessments. The Information Center is responsible for participating in application design, testing and acceptance of programs written by the development section to ensure compliance with system design. The Information Center installs the system for the end user, provides the initial training, and provides technical application support.

(i) OPERATIONS SUPPORT HEAD - CODE 63.22A. Installs, troubleshoots, and maintains all OJAG hardware - PC's, IBM 5520, LAN administration, data backups for centrally-maintained systems.

(ii) COMPUTER ASSISTANT - CODE 63.22B. Assists 63.22A.

R)

(4) FISCAL AND ADMINISTRATIVE SUPPORT DIVISION - CODE 64. Formulates OJAG and COMNAVLEGSVCCOM budgets; executes individual operating budgets; coordinates Program Objective Memorandum preparation; performs sub-claimant responsibilities; manages Official Representation Funds. Provides civilian employee support services; provides management support services; performs staffing functions; performs classification functions; administers payroll. Performs procurement functions; administers forms management; administers reports management; administers supply distribution; coordinates telephone services; administers plant property control; administers office space management; acts as DOD liaison; provides command support; administers records and message files; coordinates printing services; maintains distribution lists; prepares and updates directories; coordinates audio/visual services; coordinates engraving services. Provides law library reference services; administers legislative histories; administers automated legal research; obtains library acquisitions; performs cataloging and processing functions; maintains library collections; performs circulation functions.

(a) DEPUTY ASSISTANT TO THE JAG (FISCAL AND ADMINISTRATIVE SUPPORT) AND DIVISION DIRECTOR - CODE 64. Deputy Assistant JAG (Fiscal and Administrative Support); Assistant Deputy Commander, NAVLEGSVCCOM (Fiscal and Administrative Support). Formulates and executes fiscal plans; prepares POM and budget submissions and documentation, and makes budget allocations in support of established fiscal and resource requirements plans and priorities; performs liaison with outside budgetary entities concerning status of POM/budget submissions; responsible for provision and efficiency of all administrative-support services to OJAG activities; oversees OJAG and NAVLEGSVCCOM administrative-support policy; responsible for OJAG and NAVLEGSVCCOM civilian personnel program policy and administration.

(i) SECRETARY - CODE - 64S.

(b) FISCAL AND RESOURCE MANAGEMENT BRANCH - CODE 64.1.

(i) NAVLEGSVCCOM BUDGET ANALYSIS AND EXECUTION - CODE 64.11. Implements NAVLEGSVCCOM program planning, programming, and budgeting; prepares NAVLEGSVCCOM POM and budget-submission documentation; monitors execution and program performance of NAVLEGSVCCOM budget and makes reprogramming recommendations; provides fiscal, accounting, and procurement support for execution of NAVLEGSVCCOM programs; maintains NAVLEGSVCCOM fiscal/accounting-information documentation and systems; provides official-travel support; administers NAVLEGSVCCOM "Prompt Payment Act" program.

(ii) OJAG BUDGET ANALYSIS AND EXECUTION - CODE 64.12. Implements OJAG and Claims, Navy Fund program planning, programming, and budgeting; prepares OJAG POM and budget-submission documentation; monitors execution and program performance of OJAG and Claims, Navy Fund budget and makes reprogramming recommendations; provides fiscal, accounting, and procurement support for execution of OJAG programs; maintains OJAG and Claims, Navy Fund fiscal/accounting-information documentation and systems; provides official travel support; administers OJAG

"Prompt Payment Act" program.

(A) CLAIMS, NAVY FUND BUDGET ANALYSIS AND EXECUTION - CODE 64.12A. Implements Claims, Navy Fund, planning, budgeting, and reporting requirement; prepares and executes Claims, Navy, budget documentation; monitors program execution and performance and makes reprogramming recommendations; provides technical advice and assistance concerning budget policy and procedures.

(B) BUDGET CLERK - CODE 64.12B. Reviews all TEMADD requests for correctness, prepares cost estimates for each request, updates the travel database, prepares TEMADD travel orders, and obtains tickets and per diem advances; receives/reviews all travel-voucher submissions for required receipts, endorsements, and accurate and complete data; receives and reviews all liquidated travel vouchers for financial accuracy; resolves all travel-liquidation problems with PSD; updates travel database and conducts monthly database review. Reviews all invoices for accuracy and completeness, and prepares all Prompt Pay Certificates for payment; updates expenditures databases; utilizes IDARMS to research the status of every Prompt Pay Certificate sent to Navy Regional Finance Center.

(iii) CIVILIAN PERSONNEL MANAGEMENT SUPPORT - CODE 64.13. Analyzes, develops, and implements civilian-personnel management policies, procedures, and office regulations in the areas of staffing, classification, employee development, employee performance, utilization, personnel relations and services, attendance, and payroll. Assists managers and supervisors in determining appropriate staffing and advises on classification of positions. Conducts audits and studies of NLSOs and Detachments; analyzes organizational structures and work processes for improved operational efficiency and economy. Performs special studies, analyzes procedures and operations, and recommends improvement actions.

(A) PERSONNEL ANALYST - CODE 64.13A. Assists in performing special projects and management analyses associated with OJAG or NAVLEGSVCCOM civilian-personnel management. Performs less-complex analyses and assists in the development and implementation of management policies and procedures. Studies position management; assists management in the structuring of position and organizations to optimize economy, productivity, and organizational effectiveness. Studies the division of work and responsibilities within the organization to find the most effective organizational structure to perform the assigned functions and to develop position descriptions. Studies guidelines pertinent to this area and performs developmental and routine phases of the work.

(B) PERSONNEL ASSISTANT - CODE 64.13B. Implements civilian-personnel policies and procedures in areas such as staffing by scheduling interviews; receiving, distributing, and filing vacancy announcements; and advising supervisors regarding alternative methods of hiring; reviews position descriptions for accuracy. Notifies employees and management of available training courses, prepares training forms, and schedules training classes. Answers routine questions regarding retirement, the Performance Appraisal Review Program, and other related matters. Collects and reviews OJAG employees' time cards and ensures timely submission to the Navy Regional Finance Center. Maintains personnel files such as timesheet data, personnel compensation and benefit data, training, life/health insurance, award, and sick leave/injury.

(iv) FINANCIAL SYSTEMS ANALYST - CODE 64.14. Performs special projects and management analyses associated with OJAG and NAVLEGSVCCOM financial management, and develops and implements financial-management policies and procedures. Studies the division of work and responsibilities within an organization to find the most effective organizational structure to perform assigned functions.

(c) ADMINISTRATIVE SUPPORT BRANCH - CODE 64.2. Conducts analysis and develops methods of processing records; oversees management of space, reports, and forms management; provides support services such as repairs to physical plant, telephones, and equipment repairs; OJAG point of contact with the Defense Telephone Service; coordinates the installation and removal of telephone lines and

equipment. Performs supply-management functions such as receiving, issuing/transferring, inventory of supplies, analysis of future supply needs, and plant-property control; provides procurement services for OJAG headquarters, local field activities, and NLSOs worldwide for bulk purchase and special made-to-purpose items, to include management of all Blanket Purchase Agreements (BPA) for items \$2,500.00 or less; forwards necessary documentation for purchase over \$2,500.00, and those not covered by a BPA, to the Naval Regional Contracting Center (NRCC); OJAG point of contact with the DOD Building Administrator.

(i) SUPPLY TECHNICIAN - CODE 64.21. Receives incoming material and supplies; maintains computer-based inventory of expendable supplies; disposes of surplus equipment and furniture; issues expendable supplies, and ensures procurement of supplies to maintain stocks.

(ii) PROCUREMENT CLERK - CODE 64.22. Researches and makes necessary purchases utilizing BPA's for items costing \$2,500.00 or less; prepares procurement documents for NRCC for items costing more than \$2,500.00; maintains BPA and NRCC files; maintains the database on all purchases.

(iii) SECRETARY - CODE 64.23.

(d) HEAD, LAW LIBRARY BRANCH - CODE 64.3. Manages the Navy JAG Law Library program; establishes personnel and resource requirements and develops and executes budgets for library operations. Manages the JAG Field Law Library program with centralized acquisitions. Ensures JAG compliance with the U.S. Government Printing Office depository program.

(i) CLERK TYPIST - CODE 64.3A. Prepares office correspondence; prepares materials for binding; shelves and files books, pocket parts, pamphlets, etc.; files depository catalog cards; receives and packs re-distribution material.

(ii) REFERENCE AND CATALOGING - CODE 64.31. Manages reference functions, including special collections and the coordination of automated legal research, for both headquarters and field; provides legislative-reference services, compiles legislative histories, and maintains legislative catalog; plans and executes all cataloging activity to make collection accessible to the users. Supervises circulation activity, including inter-library loans.

(A) SPECIAL COLLECTIONS AND CIRCULATION - CODE 64.31A. Maintains special collections of directives, manuals, NCMCMR decisions, videotapes, loose-leaf services, microfiche, JAG letters, etc. Maintains circulation records for loan material and administration of inter-library loans. Performs general reference assistance for patrons.

(iii) LIBRARY ACQUISITIONS - CODE 64.32. Plans and organizes all acquisition functions for headquarters library, divisional offices, and 300 field law libraries worldwide. Monitors acquisitions budget and verifies invoices; coordinates purchases with appropriate contracting and operating authorities; provides holdings and acquisitions information to all receiving offices and libraries.

(A) LIBRARY AIDE/TECHNICIAN - CODE 64.32A. Prepares order information and types requisitions and BPA's for headquarters library, divisional offices and 300 field law libraries; maintains acquisitions and inventory files and prepares computerized acquisitions/holdings reports for all libraries concerned.

(B) CLERK-TYPIST - CODE 64.32B. Picks up and distributes mail; maintains file of periodicals and serials; routes library materials to divisional offices; follows up on nonreceipt of library materials; processes new library materials.

(e) ADMINISTRATIVE OPERATIONS/SPECIAL PROJECTS BRANCH - CODE 64.4. Manages printing and publications management operations; supervises the receipt, distribution, and dispatching of correspondence and messages; operates internal correspondence-control systems; performs special projects.

(i) PRINTING AND PUBLICATIONS OPERATIONS - CODE 64.41. Plans and administers procurement of printing services through the Defense Printing Service (DPS) and the Government Printing Office (GPO); develops allowances of JAG-sponsored publications for afloat/ashore commands and activities; establishes and maintains automated distribution lists; procures and distributes legal publication such as slip opinions, Code of Federal Regulations volumes, and case reporters; reviews proposed instructions and notices for standardization, routing, and regulatory conformance.

(ii) MAILROOM OPERATIONS - CODE 64.42. Receives, distributes, and dispatches mail within OJAG; courier to the Pentagon, Arlington Annex, and other points as necessary; processes outgoing registered and regular mail.

(A) MAIL CLERK - CODE 64.42A.

(iii) CORRESPONDENCE CLERK - CODE 64.43. Maintains outgoing-correspondence and incoming-message files; provides general clerical assistance to branch personnel; substitutes within the branch as necessary.

R) **109. U.S. NAVY-MARINE CORPS COURT OF MILITARY REVIEW (NMCMR) (CODE 07)**

NMCMR is an appellate judicial field activity of OJAG that reviews all Navy and Marine Corps courts-martial as provided by articles 62, 66, 69, and 73, UCMJ. The Court's opinions constitute legal precedent for the Navy and Marine Corps. The Chief Judge reports directly to the Judge Advocate General. NMCMR consists of one or more panels, each of which must have not fewer than three appellate military judges. NMCMR personnel also include court commissioners, a clerk of court, Reserves, and clerical support staff.

110. NAVY-MARINE CORPS TRIAL JUDICIARY (TRJUDIC) (CODE 05)

The Navy-Marine Corps Trial Judiciary is a field activity of OJAG, responsible for supervising and supporting Navy and Marine Corps trial judges worldwide. The Chief Judge reports directly to the JAG.

111. SPECIAL ASSISTANTS

Principal and Special Assistants who are assigned to OJAG and who report directly to the JAG:

a. EXECUTIVE ASSISTANT - CODE 00A. Executive Assistant to the JAG and OJAG Public Affairs Officer.

b. FLAG AIDE - CODE 00F. Special Assistant to the JAG.

c. EXECUTIVE ASSISTANT - CODE 001A. Executive Assistant to DJAG; Assistant OJAG Public Affairs Officer and COMNAVLEGSVCCOM Public Affairs Officer; Editor of *Off The Record* (OTR).

A) d. TRAINING COORDINATOR - CODE 001T. Special Assistant to DJAG; principal advisor to DJAG on implementation of training and Total Quality Leadership within OJAG, NAVCIVLAWSUPPACT, and NAMARA.

e. INSPECTOR GENERAL - CODE 002. Deputy Assistant (Inspector General) to COMNAVLEGSVCCOM. Oversees and advises the JAG and COMNAVLEGSVCCOM concerning the

efficiency, effectiveness, readiness, and morale of OJAG and NAVLEGSVCCOM activities; conducts inspections and investigations as directed by JAG and COMNAVLEGSVCCOM; administers Management Control and Command Evaluation programs; maintains liaison with the Office of the Naval Inspector General on matters relating to OJAG and NAVLEGSVCCOM activities.

f. COMPTROLLER - CODE 003. Principal advisor to the JAG and COMNAVLEGSVCCOM on fiscal and budgetary matters. Conducts oversight including "internal review" of the execution of OJAG and NAVLEGSVCCOM fiscal/budget plans; advises and makes recommendations to the JAG and to COMNAVLEGSVCCOM concerning compliance of fiscal planning and execution with statutory and Navy directives; and deals with external organization on matters of fiscal policy and responsibility.

g. COMMAND MASTER CHIEF - CODE 004. Principal advisor to the JAG (and to COMNAVLEGSVCCOM) on the legalman community; serves as the enlisted Ombudsman within OJAG. Reports to Code 06 for administrative purposes.

D)

A)

h. SPECIAL ASSISTANT FOR TRAINING - CODE 005. Principal advisor to the JAG on all JAGC training matters.

CHAPTER TWO

GENERAL POLICIES AND PROCEDURES

201. OJAG/NAVLEGSVCCOM COORDINATION. The AJAG (Operations and Management) coordinates all taskings involving NAVLEGSVCCOM issues with the cognizant AJAG, division director and special assistant assigned the task. When the AJAG (Operations and Management) is assigned ADDU on a permanent, full-time basis outside the Office of the Judge Advocate General, the Principal Deputy AJAG (Operations and Management) is the acting AJAG (Operations and Management), unless otherwise provided. Division directors and special assistants have functional support responsibilities to NAVLEGSVCCOM activities. Division directors and special assistants may communicate directly with NAVLEGSVCCOM activities on routine matters, keeping the cognizant AJAG and the AJAG/PDAJAG (Operations and Management) informed; other-than-routine communication, or taskings which involve significant or time-sensitive issues, or taskings which include NAVLEGSVCCOM-wide involvement, require liaison through the AJAG/PDAJAG (Operations and Management).

202. DEPARTMENT OF THE NAVY SEAL

a. **Custody.** The JAG has custody of the official impression seal of the DON (SECNAVINST 5030.4 [series]). This seal is used on official documents and records executed by, or for, SECNAV.

b. **Possession and use.** The DAJAG (General Litigation)(Code 34), has responsibility for the possession and proper use of this seal. The seal will be properly stored in Code 34 spaces to prevent unauthorized use. The seal may be used by Code 34 staff pursuant to DAJAG (General Litigation) direction.

c. Certificates of Full Faith and Credit

(1) **Signature.** SECNAV has authorized the JAG, DJAG, and AJAG's to execute certificates of full faith and credit certifying signatures and authority of DON officers (32 C.F.R. § 720.32). An AJAG will sign these certificates unless the JAG or DJAG directs otherwise.

(2) **Assembly.** Documents requiring the full faith and credit certification should be assembled, ribboned, and delivered to the AJAG (General Law), for signature. The seal will be applied by Code 34. The seal's impression will be applied to the certification through any superimposed decorative seal. Code 34 will keep a log of all documents and records to which the seal is applied. The log will be stored with the seal.

203. TURNOVER FILES

a. **Responsibility.** Each AJAG, special assistant, and division director will maintain a current turnover file, containing information to assist succeeding officers in performing duties assigned to OJAG divisions and branches; sections will correspond to division functions, and will be prepared and maintained by the cognizant branch head; the DAJAG/director will maintain the complete turnover file, including those matters relating to the functions of the entire division; the cognizant branch head will keep current copies of material specifically relating to his/her branch.

b. **Contents.** The turnover file may supplement this manual and other regulations, directives, and instructions. Each section of the file will contain, as a minimum, the following:

- (1) Short statement of the functions of the branch;
- (2) General security classification of matters handled by the branch;

(3) Source of work (whether work originates within the branch, comes from the AJAG/division director, or comes from incoming correspondence);

(4) Explanation of work assignments and manner of completion;

(5) Usual disposition of action items (how items are routed for initialling and signature);

(6) Outline of branch staff and assigned functions;

(7) Description of branch files and reference materials;

(8) List of pertinent regulations;

(9) List of instructions, notices, and regulatory material for which branch is responsible;

(10) Explanation of handling of classified material within branch or division (indicating whether branch has own facilities for stowage);

(11) List of required reports of the branch, indicating source of requirement and frequency of report;

(12) Description of correspondence retained in the branch; special files of the branch, if any; and correspondence forwarded for storage; and,

(13) Problem areas and conflicts (e.g., areas requiring special coordination, liaison, or clearance of proposed actions).

c. **Review.** Each DAJAG will review material submitted by branches for incorporation into the turnover file and will include all information which will aid a successor.

204. SEAL OF THE JUDGE ADVOCATE GENERAL

R) The DAJAG (General Litigation) (Code 34) has custody of the seal of the JAG. It will be applied to documents signed by authority of the JAG requiring a seal. When the JAG signs for SECNAV, the DON seal will be applied as described in section 202.

205. AUTHENTICATION OF COPIES OF DOCUMENTS, RECORDS, OR PAPERS CONTAINED IN FILES OF THE OFFICE OF THE JAG

a. **Use of NAVJAG Form 5800/12 for authentication.** When authentication is required of copies of documents, records, or papers held in OJAG files, use form NAVJAG 5800/12.

b. **Certification by custodians.** The "custodian's" certification shall be made by the Deputy Assistant Judge Advocate General (DAJAG) charged with control of the material being copied. That DAJAG or, in his or her absence, the DAJAG (Fiscal & Administrative Support)(Code 64) shall certify the material.

c. **Authentication.** The signature of the "custodian" shall be authenticated by the JAG, the DJAG, or AJAG on behalf of SECNAV in accordance with section 202 by signing the jurat on NAVJAG form 5800/12.

206. TRAINING

R) a. **Policy.** It is the policy of the Judge Advocate General to provide necessary training for military

and civilian personnel assigned to OJAG in fulfillment of the JAG Corps Professional Development Program (PDP). Training is not to be limited to only those areas in which personnel are currently working. Rather, training should cover both legal and nonlegal topics (e.g., leadership, management, military orientation) and prepare personnel for future assignments and more demanding and responsible positions. While certain individuals are assigned duties relating to the OJAG training program, everyone is responsible for accomplishing the objectives of the OJAG PDP, as set forth in JAG/CNLSCINST 1500.3 [series], and for providing input to the training program.

b. Requirements

(1) An officer assigned to OJAG will be designated as the OJAG Training Coordinator (Code 001T). This officer will be responsible for implementing the OJAG training and orientation program and will have direct access to the Deputy Judge Advocate General, Assistant Judge Advocates General, and OJAG division directors for the purpose of discussing and resolving training issues. Coordinators for enlisted and civilian employee training will also be assigned to assist 001T.

(2) The Deputy Assistant Judge Advocate General (Military Personnel) (Code 61) will be kept apprised of the status of the OJAG training program. Officers assigned to Code 61 shall be designated to assist the training coordinator in conducting liaison with state CLE authorities and administering the OJAG training and orientation program.

(3) Each division director will be responsible for conducting a training program within his/her division, for ensuring that training objectives are being accomplished, and for presenting lectures on topics of general interest to all personnel in OJAG. The time, place, and content of general training lectures and orientation presentations are to be coordinated with the training officer. Personal Qualification Standards (PQS) will be established and records of training within the divisions shall be maintained by the division directors.

(4) A planning board for training will meet quarterly, with representation from each division.

c. The Training and Orientation Program

R) (1) The objectives of the OJAG Training Program and methods to accomplish these objectives, including record-keeping associated with PQS, are set forth in detail in JAG/CNLSCINST 1500.3 [series].

(2) An orientation program for newly arriving personnel at OJAG will be conducted at least twice a year. The program will include presentations on such topics as security, OJAG organization and missions, recreation and social activities, and opportunities for off-duty education. OJAG division directors will ensure maximum attendance by their newly arriving personnel.

R) (3) The OJAG training coordinator will collect and disseminate information to OJAG divisions and personnel regarding training opportunities. The training coordinator will arrange training presentations designed to enhance the professional development of OJAG personnel. The training coordinator will be responsible for the scheduling and execution of OJAG orientation programs.

(4) Code 61, in coordination with the Naval Justice School, shall establish contact with all mandatory CLE states and assist officers in receiving CLE credit for attendance at the training sessions. This assistance does not relieve individual officers of their personal responsibility to maintain good standing within their bar organizations.

(5) The training coordinator, in conjunction with Code 61, shall disseminate information about local professional development/CLE training programs (e.g., U.S. Department of Justice - The Legal Education Institute and Consolidated Civilian Personnel Offices) to each division and provide assistance in obtaining quotas.

In cases where requests exceed the quotas, particularly for courses at the Naval Justice School and the Judge Advocate General's School, U.S. Army, Code 61 will prioritize the requests.

R)

(6) In cases where attendance at local courses requires the expenditure of OJAG funds, division directors shall forward a brief memo to the cognizant AJAG via Code 64, specifying the particulars of the training. AJAG's shall determine whether funds will be made available.

207. PHYSICAL SECURITY

a. **Policy.** Physical security of government property and assets is the responsibility of all military and civilian personnel. OJAG personnel must exercise continuous efforts to ensure that physical property and spaces are secure from theft, loss, or breaches of security. *Property losses occur most frequently because an individual has failed to follow a regulation prescribing the safekeeping of physical property in government spaces.* Division directors must ensure that personnel are properly trained and periodically briefed in the applicable regulations for physical security.

b. **References.** Physical security within OJAG shall be implemented in accordance with SECNAVINST 5500.4 [series], OPNAVINST 5530.14 [series], and JAG/COMNAVLEGSVCCOMINST 5530.1 [series].

c. **Responsibilities.** Division directors are responsible for physical security and loss prevention within their spaces. The OJAG Security Officer is responsible for implementing a physical security and loss prevention program within OJAG overseeing compliance with the references. The OJAG Physical Security Review Committee advises and assists the JAG in the implementation of physical security and loss prevention programs. The committee will pay special attention to: security intrusion detection, security education and training which includes proper indoctrination of new personnel, and periodic briefing of all personnel on theft and loss prevention.

d. Property Passes

(1) **Property Control.** The Hoffman Complex Property Control System is the same for normal duty hours and security hours. A member of the guard force inspects all property removed from DOD leased areas and authorizes the removal of property only when accompanied by a property pass (Optional Form 7) signed by an authorizing OJAG official.

(2) **Property Passes.** DOD building managers require that all personal and government property removed from the Hoffman complex have a property pass (Optional Form 7). Property passes may be obtained from designated division officials. DAJAG's and special assistants are authorized to issue property passes for property assigned to them. This authorization may be re-delegated, in writing, to one other officer in each division, with the prior approval of the property manager (Head, Administrative Support Branch, Code 64.2). Changes in designated persons to sign property passes will be submitted to Code 64.2 for approval and subsequent forwarding to the DOD Building Manager for insertion in the guard force authorization books.

208. AUTOMATED INFORMATION SYSTEM (AIS) SECURITY

a. **Policy.** AIS's, networks, and computer resources within OJAG compile and maintain substantial amounts of data and personal information which is both sensitive and mission-essential. It is therefore incumbent upon all personnel to identify and appreciate the relative risks of destruction to software and hardware, and the potential for the unauthorized or negligent accessing, disclosure, modification, or misuse of data contained on AIS's, and to formulate procedures and policies for the protection of data processing equipment and software, and to insure that the integrity of data stored on OJAG computer resources will not be violated, either intentionally or negligently.

b. **References.** The Automated Information Systems (AIS) Security Program is further detailed in SECNAVINST 5239.2 [series], OPNAVINST 5239.1 [series], and JAGINST 5239.1 [series].

c. **Responsibilities.** Each division or office utilizing an AIS, network, or OJAG computer resource will conduct risk evaluations for the particular system and formulate appropriate and reasonable procedures to counter recognized threats to system integrity, in accordance with JAGINST 5239.1 [series]. Personnel will receive instruction on the recognition of potential risks to data processing systems and information to assist them in identifying threats to system integrity.

209. INQUIRIES FROM SENIOR OFFICIALS WITHIN THE DON

a. **Inquiries described.** OJAG military and civilian attorneys routinely receive requests for legal advice from high level sources, including: SECNAV, the Under Secretary of the Navy, and Assistant Secretaries of the Navy, the CNO or his deputies or assistants, the chiefs of bureaus or their top-level assistants, and flag officers. The JAG must be promptly advised of such requests to track the inquiry or otherwise coordinate the work.

b. **Action required.** Each OJAG officer and civilian attorney, except as described in paragraph d, will notify the JAG, without delay and regardless of the hour, of all direct requests for legal advice from high level sources; advise the JAG of the advice given, action taken, and current status, especially for requests received outside of regular working hours. If the JAG cannot be reached, notify the DJAG. If the DJAG cannot be reached, notify one of the AJAG's.

c. **Regulations concerning opinions from the OJAG.** See Chapter 3 of this manual.

d. **Legal assistance.** Judge advocates providing legal assistance to officials listed in paragraph a above will immediately notify the DJAG or an executive assistant and advise them of the official's identity and whether the advice is personal. The judge advocate providing assistance will also indicate if there may be a potential conflict of interest in disclosure of the matter to the JAG or DJAG. The JAG or DJAG will initiate further discussions if appropriate. It is not necessary to notify the JAG of legal assistance furnished to the staff judge advocates for the officials listed in paragraph a above.

210. REQUESTS FOR PERSONAL LEGAL ADVICE

a. **Attorney-client relationship.** OJAG military and civilian attorneys may be approached by persons involved in administrative or disciplinary action by the Navy, Marine Corps, or one of the military departments. To prevent OJAG personnel from disqualification during review, they will avoid establishing an attorney-client relationship except as approved by proper authority.

b. Prohibitions

(1) No person employed by or serving in OJAG will advise, counsel, or represent any individual on matters that could be referred to the JAG without first having obtained specific authority. Refer a questionable situation to the cognizant AJAG. The AJAG or higher authority may grant permission to act in specific cases when not in contravention of any other law or regulation.

(2) Except in the discharge of official duties, or as otherwise authorized by law, no person employed by or serving in OJAG will be an agent or attorney for prosecuting a claim against the United States, or receive a gratuity, share, or interest in any such claim in consideration for assistance in the prosecution, 18 U.S.C. § 205(1) (1982).

(3) Except in discharging official duties, or as otherwise authorized by law, no person employed by or serving in OJAG will be an agent or attorney for anyone before any department, agency, court, court-martial, officer, or any civil, military, or naval commission in connection with any proceeding, application, request for a ruling or other determination, contract or claim controversy, charge, accusation, arrest, or other matter where the United States is a party or has a direct or substantial interest. 18 U.S.C. § 205(2) (1982).

(4) An officer or employee may act, with or without compensation, as an agent or attorney for parents, spouse, child, person, or estate when serving as guardian, executor, administrator, trustee, or other personal fiduciary except where participating personally and substantially as a government employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, or subject of official responsibility, provided that SECNAV or his designee approves.

(5) Except with the prior specific approval of the JAG or DJAG, no person serving in or employed by the OJAG will make available to individuals for personal use, opinions of the JAG or other official correspondence unless the JAG's opinion or other correspondence has been made available for public examination pursuant to law and regulation. See SECNAVINST 5720.42[series], and section 401 of this manual describing material available for public examination in the OJAG Library.

211. LEGAL ASSISTANCE REFERRALS

R) a. Requests for legal assistance from eligible personnel should be referred to the nearest NLSO, detachment, or other legal assistance office. The JAG Organizational guide lists geographic locations and commercial and DSN numbers. Local legal assistance offices are listed below. Members of the Legal Assistance Division, Code 36, may, in the discretion of the division director, provide legal assistance.

(1) Naval Legal Service Office, Washington Navy Yard, Building 200, Washington, DC 20374-2003, telephone (202) 433-4332.

(2) Pentagon Legal Assistance Office (Room 4B454), Washington, DC 20350, telephone (703) 695-1332.

(3) Headquarters, U.S. Marine Corps (JAL), Arlington Annex, Room 1107, Washington, DC 20380-0001, telephone (703) 614-1266/3880.

(4) Naval Security Station, 3801 Nebraska Avenue, NW, Washington, DC 20390, telephone (202) 282-2620.

(5) Naval Legal Assistance Office, Bethesda Branch, P.O. Box 467, Bethesda, Maryland 20889-5000, telephone (301) 295-6052.

(6) Office of Legal Counsel, U.S. Naval Academy, Annapolis, Maryland 21402, telephone (301) 267-2268 (for Midshipmen only).

(7) Department of Leadership and Law, U.S. Naval Academy, Annapolis, Maryland 21402, telephone (301) 267-2166 (for officers, retired officers, and their dependents).

(8) Naval Station, 58 Bennion Road, Annapolis, Maryland 21402-5054, telephone (301) 267-2587 (for enlisted members, retired enlisted members, and their dependents).

(9) Naval Air Station, Patuxent River, Maryland 20670, telephone (301) 863-1045.

b. If DON providers are unavailable or inconvenient to the requester, legal assistance may be available from non-DON offices. A list of these offices is retained in Code 36; call (703) 325-7928 for additional information.

212. OFF THE RECORD

a. **Contents.** "Off the Record" (OTR) contains current practical legal information in support of the mission of the Judge Advocate General's Corps and is furnished quarterly to judge advocates for official use only. The OTR includes copies or excerpts from JAG opinions; decisions of military and other appellate courts; changes in administrative rules, procedures, or practices; significant legislative items; legal assistance matters; and suggestions for handling specific problems in the field.

b. **Requirements.** OTR is published on a quarterly basis in January, April, July and October. Division directors should be alert to matters which should be published in the OTR. All OJAG personnel may contribute, especially when they have worked through a problem whose solution might prove helpful to other judge advocates.

c. **Editing.** Submit materials to Code 001A for editing, formatting and publication. Specific submission dates are set quarterly, allowing sufficient time for the editorial staff to prepare the material for publication and distribution.

R) 213. MEDIA INTERVIEWS AND INQUIRIES

a. **Official Information.** Except as provided in subparagraphs b and c below, OJAG personnel are not authorized to release official information to the media without first obtaining clearance from the Public Affairs Officer (Code 00A). OJAG personnel shall refer all requests for interviews or inquiries concerning such information to the Public Affairs Officer for action. Official information includes, but is not limited to, information concerning the mission and functions of OJAG and the Department of the Navy (DON) or the official duties of DON personnel.

b. **FOIA and Privacy Act Requests.** Requests for official documents under the Freedom of Information or Privacy Acts shall be processed in accordance with SECNAVINST 5720.42 [series], and SECNAVINST 5211.5 [series], respectively, and with chapter V of the JAG Manual. Questions concerning casualties and disasters shall be processed under paragraph 215 of this Manual.

c. **Information Pertaining to Individual Representation.** Judge advocates assigned by competent authority to represent a client other than the Government shall comply with the applicable provisions of JAGINST 5803.1A (Rules of Professional Responsibility for Attorneys Practicing Under the Supervision of the Judge Advocate General) when making any statements concerning the subject matter of that representation. See Rules 1.6 (Confidentiality of Information), 3.6 (Extra-Tribunal Statements), and 4.1 (Truthfulness in Statements to Others). OJAG personnel who receive a request from the media for an interview or information that falls under this subparagraph should, as a matter of professional courtesy, inform the Public Affairs Officer of the request before responding.

d. **Post-Interview Notice.** OJAG personnel who participate in media interviews or answer inquiries from the media shall promptly report to the Public Affairs Officer the following information:

- (1) the date of interview or inquiry;
- (2) name of interviewer;
- (3) name of interviewer's employer;

- (4) name of member or employee interviewed;
- (5) subject of interview or inquiry;
- (6) date of publication or expected publication;
- (7) brief summary of interview;
- (8) problems encountered or anticipated; and
- (9) whether the interview was recorded.

214. HOUSING

a. Policy. It is the policy of DON to provide personalized housing referral service to assist all military personnel, regardless of pay grade, years of service, or marital status, in locating suitable nondiscriminatory civilian housing within the United States. See OPNAVINST 11101.20 [series] "Housing Referral Service."

b. Requirements

(1) The lease or rental of off-base housing facilities in the United States where sanctions have been imposed for discrimination practices is not authorized.

(2) All military personnel must contact an appropriate Housing Referral Office before negotiating a lease for rental of an apartment or trailer court in the United States. Housing Referral Offices in this area include:

- (a) Pentagon - north end main concourse; telephone (703) 697-4115
- (b) ARLEX room 1010; telephone (703) 696-3549
- (c) Naval Station Building 150 (Anacostia); telephone (202) 433-2028

215. QUESTIONS CONCERNING CASUALTIES AND DISASTERS

Questions concerning ongoing JAGMAN investigations or reports of completed JAGMAN investigations into casualties and disasters should be referred to the DAJAG (Investigations) (Code 33) or answered only in consultation with Code 33. The DAJAG (Investigations) is the functional custodian and release authority for all JAGMAN investigative reports convened within DON and in that role is a major functional advisor and coordinator within the Washington area headquarters' communities. Questions requiring an immediate answer concerning a casualty or disaster, as distinct from questions about the "Navy findings" on a particular incident, may be answerable by the Casualty Branch, Naval Military Personnel Command (NMPC-642) during working hours, or by the NMPC Duty Officer during non-working hours, or by the Office of the Chief of Information. Answers provided by these offices are ordinarily developed in conjunction with Code 33 and other interested activities.

216. FEDERAL REGISTER AND CODE OF FEDERAL REGULATIONS MATTERS

a. Background. SECNAV appointed JAG, in SECNAVINST 5211.5 [series], to assist the Office of the Federal Register in executing its responsibilities to the Department of the Navy and the public. JAG, or the appointed designee, acts as liaison officer in all matters relating to submission of documents to the Office of the

Federal Register, as certifying officer to authenticate the documents submitted for publication, and authorizing officer to provide the Office of the Federal Register with current distribution lists of Department of the Navy activities authorized to receive the Federal Register for official use.

b. **Appointment of Alternates.** JAG will inform the Office of the Federal Register in writing of changes in alternate Federal Register liaison officers, certifying officers, and authorizing officers. Generally, JAG designates DAJAG (Code 13) and Head, Legislation/Regulations Branch (Code 133) as these officers.

c. **Federal Register Distribution.** JAG (Code 64) is the point of contact for procuring copies of the Federal Register and the Code of Federal Regulations for official use. JAG (Code 133) is authorized to require justification of requests for distribution of any editions or titles of the Federal Register.

R) d. **Publication in the Federal Register.** Law and regulations require publication in the Federal Register. See 5 U.S.C. § 552, 1 C.F.R. § 5.1, and SECNAVINST 5720.42E. Items to be published in the Federal Register shall be submitted to the alternate Federal Register liaison officer (Code 133 and 133.1), in the proper format, for review, authentication, and forwarding for publication to the Office of the Federal Register. Responsible officers should refer to the Federal Register Document Drafting Handbook for format guidance.

e. **Point of contact.** Military or civilian members of OJAG may not contact the Office of the Federal Register without JAG's express consent. Contact will be through the alternate Federal Register liaison officers (Codes 133 or 133.1).

217. ANNUAL WORK STATUS REPORT

a. **Objective.** The work-measurement program establishes the relationship between the volume of work performed and manpower. The system provides information to support budgetary requests, evaluation of operating effectiveness, determination of staffing requirements, and assistance in management planning and workload assignments. DON managers require workload information to measure performance, realign fiscal and personnel resources to programs as the workload increases or decreases, and as justification for the Congressional budget submission. Accurate workload data ensures a justifiable budget submission.

b. **Reports required.** An annual report of workload measurement from each of the organizational units listed in paragraph c. is due to the DAJAG (Fiscal and Administrative Support), Code 64, by 30 April each year. The report should be formatted as follows:

Workload data by Fiscal Year (FY = current Fiscal Year)

Performance

Criteria	FY-1	FY	FY+1	FY+2	FY+3
(e.g., claim)	XXXXX	XXX	XXX	XXX	XXX
	(actual)	XXX	(estimate)	(estimate)	(estimate)
		(1st half actual)			
		(2nd half estimate)			

Since all of OJAG's legal work cannot be measured quantitatively, respondents should supplement their reports with qualitative statements of operations.

c. Listing of Organizational Unit, Performance Criteria and Workload Indicator

Division	Performance Criteria	Workload Indicator
Code 10	Review treaty/advice	Various

Code 13	Project Advice	Correspondence page Inquiry answered
Code 20	Advice Case	Meeting completed Action item recorded
Code 31	Claim Case Advice	Claim closed Correspondence page Transaction
Code 32	Advice Case	Correspondence page Retirement processed
Code 33	Court of inquiry/ investigation report Inquiry Investigation returned	Case processed Response Case processed
Code 34	Case in litigation Case in anticipatory litigation FOIA/Privacy Act appeal JAGMAN Ch XIII advice Witness request DoD Inst. 5405.2 Requests Document certification Support documents Oral advice/decisions Meetings/court appearances	Case completed Case completed Appeal completed Decision completed Request completed Info provided; request completed Certificate completed Page of correspondence Transaction completed Number of meetings Number of meetings
Code 35	Tort claim Toxic tort claim Personnel claim Affirmative claim Claim project Claim support	Open claim Closed claim Open claim Closed claim Claim processed Open claim collections processed Number of projects Page of correspondence
Code 61	Personnel transaction	Page of correspondence
Code 62	Action item	Action item
Code 63	Action item	Action item
Code 64	Personnel transaction Employee development Fiscal support Administrative support	SF-52 processed DD 1556 processed Page of correspondence Page of correspondence

Code 64	Procurement support	NAVCOMPT 2276 processed
NMCMR	Case decided	Case decided
Code 45	Defense case	Case completed
Code 46	Government case	Case completed
Judiciary	Court-martial	Court-martial completed
USSSO	Labor suit	Open case
ROME	Claim	Open case
	Translations	Page of correspondence
	Foreign criminal	Open case
	Jurisdiction	
	Legal advice	Number inquiries

d. **Assistance.** Contact Code 64 for assistance or to change performance criteria or workload indicators.

218. PROFESSIONAL PERFORMANCE OF DUTY AND MILITARY APPEARANCE

Headquarters personnel represent both the legal and military professions and must set the best possible examples for ethical, moral, and responsible conduct on and off duty. They should project an exemplary military image in their daily demeanor, appearance, and observance of naval customs and traditions. All Navy headquarters personnel will wear name tags, in the manner prescribed by uniform regulations.

219. CHAIN OF COMMAND

The two-way chain of command is the preferred channel for official communication. Occasionally, it may be necessary to deviate from the normal chain, but the subordinate or senior who bypasses an intermediate should apprise that person as soon as practicable.

220. OUTSIDE EMPLOYMENT

SECNAVINST 5370.2 [series] (Subj: Standards of Conduct and Government Ethics), JAGINST 5370.1 [series] (Subj: Outside Part-time Law Practice of Naval Service Attorneys), and MILPERSMAN 3420500 regulate outside employment. Headquarters personnel shall avoid outside employment which can be reasonably perceived to conflict with official duties. Division directors are responsible for ensuring compliance with these directives.

221. SPONSORS AND MENTORS FOR NEWLY ASSIGNED PERSONNEL

a. An effective sponsor program will be maintained to facilitate the relocation of military members and their families in connection with permanent-change-of-station (PCS) orders to the following JAG activities in the Washington, DC, area: The Office of the Judge Advocate General (OJAG); Staff, Commander, Naval Legal Service Command; the Navy-Marine Corps Court of Military Review; the Navy-Marine Corps Trial Judiciary; the Navy-Marine Corps Appellate Review Activity, and NAVCIVLAWSUPPACT.

b. The goals of the sponsor program are to make the move, arrival, and transition of the member and his or her family as easy and stress-free as possible; to make the member and his or her family feel welcomed at the new command; and to provide information to assist the individual to become a fully-functioning member of the command as soon as possible after reporting. Sponsor duties will be given priority.

c. Specific responsibilities

(1) Director, Military Personnel Division, OJAG. When PCS orders have been issued to a service member for duty aboard one of the JAG activities in the Washington, DC, area, the Director, Military Personnel Division, OJAG, will take the following action:

(a) Inform the cognizant OJAG division director or head of the activity to which the member has been ordered that such orders have been issued;

(b) Verify that the Navy Family Service Center, Washington, has sent a "Welcome Aboard" package to the member and his or her family; and,

(c) Send a JAG "Welcome Aboard" packet and cover letter to the member.

(2) The cognizant division director or head of the activity to which the member has been ordered will:

(a) Appoint a sponsor;

(b) Advise the member in writing of his or her sponsor's name, mailing address, telephone numbers, and other appropriate information; and

(c) Ensure the newly reporting service member is assigned a mentor and that there is an active and viable mentoring program in the work center.

(3) Sponsors will:

(a) Familiarize themselves with OPNAVINST 1740.3 [series], and read MILPERSMAN 1810580 in its entirety;

(b) Promptly call the newly assigned member, and follow up with a letter;

(c) Provide maximum assistance to the member and his or her family; and

(d) Inform superiors of any special assistance needed by the member that the sponsor is not able to provide.

(4) Points for sponsors to cover include:

(a) Introduce yourself and provide specific information on how the member may contact you (address, telephone numbers, etc.):

(b) Ask the member to tell you what information he/she would like to have (e.g., housing, school, transportation, etc.);

(c) Ask whether the member's dependents, if any an if accompanying the member, have special needs;

(d) Volunteer to help with temporary or permanent housing needs, make reservations, assist with personal property arrangements, etc.;

(e) Volunteer to provide transportation and a tour of the area upon the member's arrival;

(f) Be available to assist the member and his/her family during the first few days after

arrival;

(g) Escort the member through the check-in process; and,

(h) Inform the member regarding office procedures, hours, watchstanding, uniform requirements, PT and recreational facilities, etc.

d. Other specific implementing actions are left to the initiative and ingenuity of the sponsor. Maximum assistance by the sponsor does much to relieve the anxiety and uncertainty of reporting to a new area. *Perform your duties as you would like to have them performed on your behalf.*

222. COLLATERAL DUTIES

Collateral duties will be assigned periodically by AJAG's. A list of collateral duties is maintained in Code 63. Occasionally, individuals will be assigned to positions in one or more divisions. The individual, in consultation with the department heads concerned, will arrange priorities in a manner that will enable execution of the duties of each position.

223. AWARDS

a. Appropriate recognition for significantly noteworthy performance is essential to motivating individuals, and has an important effect on the retention of outstanding people in naval or civilian service. Depending on the quality of an individual's performance, the degree of effort involved, and the importance of the results of the performance, appropriate recognition might go beyond verbal praise and comment in the performance evaluations, appraisal, or fitness report, and might include, for example: a letter of appreciation or commendation; a recommendation for a personal decoration; nomination for such distinctions as sailor of the month or year; legalman of the year, Navy League civic awards, etc. Information on the availability and appropriateness of awards or other special recognition can be obtained from the Command Master Chief in the case of an enlisted member, Code 64 in the case of a civilian employee, or Code 61 in the case of an officer. Additionally, supervisors will familiarize themselves with the Federal Incentive Awards Program -- *A Handbook and Guide*, and comply with the policies and procedures contained therein. Code 003 is responsible for providing funding data for the payment of beneficial suggestions and other awards relating to military or civilian personnel.

b. An awards board will be appointed, to meet on call for purposes of recommending personnel to the JAG or CNLSC for personal decorations.

224. EQUAL OPPORTUNITY

Per SECNAVINST 5354.1 [series], it is Navy Department policy to ensure every person in or employed by the Navy is treated equally without regard to race, creed, color, age, sex, or national origin. This headquarters will faithfully adhere to and actively promote this policy, both in its internal administration and in its guidance to other commands. Differences in the treatment of individuals based on due recognition of rank or grade, seniority, official position, authority, or superior abilities or performance are not inconsistent with this policy.

225. SAFETY

It is headquarters policy to provide safe and healthful working conditions for all personnel.

a. It is incumbent upon all personnel to be familiar with applicable operating manuals which pertain to equipment prior to use of the equipment and to avoid deviations or "short cuts." Employees are responsible for warning fellow personnel observed engaged in unsafe activities or practices. Failure to cease unsafe activities

will be reported to the cognizant division director.

b. Personnel will not be permitted to work when physically unfit. Personnel apparently under the influence of intoxicants or narcotics or who exhibit other indications of incapacity for work will be referred to a medical officer for examination.

c. All spaces will be kept clean and free of unnecessary equipment, materials, and personnel not involved in work being performed. Oily rags and other combustibles will be kept in approved containers. Flammable compounds are not permitted. Space heaters are authorized only when permitted by building regulations.

226. SMOKING POLICY

In compliance with the provisions of SECNAVINST 5100.13 [series], smoking of tobacco products will be permitted only in designated areas. Smoking will not be permitted in areas shared by non-smokers. Personnel who desire to smoke tobacco products in private office spaces while consulting with visitors will defer to the visitors wishes in this regard.

227. FRATERNIZATION

Personal relationships between service members of different rank and grade that are unduly familiar and that do not respect differences in rank are inappropriate and violate long-standing traditions of the naval service. It is impossible to set forth every act that may be prejudicial to good order and discipline or is service discrediting because the surrounding circumstances often have more to do with making the act criminal than the act itself. For further guidance see U.S. Navy Regulations, 1990, article 1165, and OPNAVINST 5370.2 [series]. Division directors shall ensure that all members of their division are aware of the DON's policy on fraternization, and eliminate offending conduct, if it occurs, by taking appropriate administrative and/or disciplinary action.

228. ALCOHOLIC BEVERAGES

Alcoholic beverages will not be possessed or consumed in OJAG spaces without the prior approval of the cognizant AJAG. Under no circumstances will personnel under the age of 21 be permitted to consume alcoholic beverages while in Headquarters spaces.

229. STANDARDS OF CONDUCT AND GOVERNMENT ETHICS

a. Introduction. SECNAVINST 5370.2 [series] provides detailed Standards of Conduct guidance for all Department of the Navy (DON) personnel, military and civilian. The following is a summary of some of the most important aspects of the DON Standards of Conduct program. For more detailed guidance, individuals should refer to SECNAVINST 5370.2 [series] or contact the Standards of Conduct Branch, Administrative Law Division (Code 132).

- (1) Applicability. SECNAVINST 5370.2 [series] applies to all DON personnel, including:
 - (a) Active duty military;
 - (b) Reservists on active duty for training or when performing Federal duties;
 - (c) All civilian employees of the DON;
 - (d) Special government employees;

- (e) NAFI employees;
- (f) Naval Academy midshipmen; and
- (g) Retired and former DON personnel (in some instances).

(2) **General Policies.** In order to maintain the public's trust in the integrity of the Navy as an institution and its personnel as individuals, all DON personnel must:

- (a) Guard against both actual and apparent conflicts or other improprieties;
- (b) Be aware of the limits of their authority and not exceed them;
- (c) Know that certain practices that may be widely accepted in the business world are not acceptable in conducting business for the Government; and
- (d) Obtain the advice of counsel when in doubt.

b. **Conflicts of Interest.** DON personnel will not engage in personal, business, or professional activities, nor maintain direct or indirect financial interests, that conflict with their official duties and responsibilities. For the purpose of this rule, direct or indirect financial interests include those of:

- (1) One's spouse, minor child, member of immediate household, or general partner;
- (2) An organization in which one serves as an officer, director, trustee, partner, or employee;

and

(3) Any person or entity with which one is negotiating or has an arrangement concerning prospective employment.

R) c. **Commercial Dealings Between Naval Personnel.** Solicitation of or solicited sales to DOD personnel who are junior in pay grade or position, or to their families, are prohibited. Exceptions are made for the one-time sale of a personal residence or other personal property not held for commercial profit, or sales taking place in commercial establishments by personnel engaged in outside employment.

d. **Gratuities and Gifts.** DON personnel and their families will not solicit or accept gratuities from a defense contractor or prohibited source. Gratuities are defined as anything of value, including food, lodging, transportation, services, entertainment, offers of employment or any type of financial or business advantage. Exceptions to this prohibition include:

- (1) Continued participation in a former employer's welfare or benefit plan;
- (2) Unsolicited promotional items valued at less than \$10.00;
- (3) Awards or prizes won in an individual capacity not related to one's official duties;
- (4) Benefits available to the general public;
- (5) Customary exchanges of gifts between relatives or friends;
- (6) Discounts available to all naval personnel; and

(7) On an infrequent basis, coffee, doughnuts or similar refreshments of nominal value, offered as a normal courtesy incidental to conducting business.

e. Fundraising. Fundraising for/by charitable organizations that takes place at the workplace is prohibited, except for the Combined Federal Campaign (CFC), Navy Relief and other limited, specifically approved efforts that do not conflict with the CFC or Navy Relief.

f. Gifts to Superiors. DON personnel will not solicit from a subordinate or give any contribution or gift to a superior or the superior's immediate family, nor accept any gift or contribution from a subordinate or the subordinate's immediate family unless the gift is voluntary, of reasonable value (\$300), and obtained with nominal (\$10) donations to mark significant personal occasions, not including promotions.

g. Use of Government Assets. DON personnel will not use or allow the use of government assets for other than official purposes. Limited exceptions exist for community relations purposes.

h. Bedrock Standards of Conduct. DON personnel must at all times avoid any action, of whatever kind, whether or not specifically prohibited by SECNAVINST 5370.2 [series], that might result or reasonably be expected to create any appearance of:

- (1) Using public office for any type of private gain;
- (2) Giving preferential treatment to any person or entity;
- (3) Impeding or interfering with government efficiency or economy;
- (4) Losing complete independence or impartiality;
- (5) Making government decisions outside official channels; and
- (6) Affecting adversely the public's confidence in the integrity of the Government or the Navy.

A) 230. SEXUAL HARASSMENT

a. Policy. Sexual harassment is wrong and will not be condoned or tolerated. It is also unprofessional, and adversely affects morale, discipline, productivity and, ultimately, the mission of the command. Violation of the prohibition on sexual harassment will result in appropriate administrative or disciplinary action. Supervisors and managers must take affirmative measures to prevent and eliminate sexual harassment.

b. Definition

(1) Sexual harassment consists of sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when --

(a) submission to such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career; or

(b) submission to, or rejection of, such conduct by a person is used as a basis for career or employment decisions affecting that, or any other, person; or

(c) such conduct is unwelcome, and interferes with a person's performance or creates an intimidating, hostile, or offensive environment.

(2) Military or civilian personnel, regardless of rank, grade, or position, who make deliberate or repeated verbal comments, gestures, or physical contact of a sexual nature, after being notified that such conduct is unwelcome, engage in sexual harassment.

(3) Personnel in supervisory or command positions who use or condone implicit or explicit sexual behavior to control, influence, or affect the career, pay, or job of any person also engage in sexual harassment.

c. Responsibilities

(1) The Training Coordinator (Code 001T), in coordination with DAJAG (Fiscal & Administrative Support), shall ensure that all supervisors and managers receive training on preventing sexual harassment.

(2) Supervisors and managers will adhere strictly to, and enforce, DON policy on preventing and eliminating sexual harassment.

d. Procedures

(1) Personnel who experience sexual harassment should --

(a) tell the offender that such behavior is unwelcome, offensive, and against DON policy; and

(b) report the matter to the supervisor with cognizance over the offender.

(2) Although informing an offender that his or her behavior is inappropriate is a recommended course of action, doing so is not required. A report or complaint may be made without so informing the offender.

(3) Personnel who experience sexual harassment may also file a complaint of discrimination or an administrative grievance, request the Special Assistant to JAG (Inspector General) to review the matter, or use other formal remedies available to them.

(4) Supervisors or managers receiving reports or complaints of sexual harassment shall take immediate and appropriate action to investigate the matter and if the complaint is substantiated, take appropriate administrative or disciplinary action.

CHAPTER THREE
CORRESPONDENCE

301. DEFINITIONS

The following definitions apply:

a. **Action.** Official performance or adjudication for which the power to execute is vested by statute, regulation or delegation of authority by SECNAV to the JAG.

b. **Opinion.** Formal written legal advice on any matter under the official cognizance of the JAG for which action is not required.

c. **Directive.** Written communication or issuance which:

(1) Prescribes or establishes policy, organization, methods or procedures;

(2) Requires action; or

(3) Contains information essential to effective administration or operation of activities concerned.

d. **Correspondence.** Includes letters, messages, memoranda, and other types of written communications.

e. **Non-correspondence mail.** DOD, Army, Air Force, and DON directives, manuals, publications, informational material, etc.

f. **Routine correspondence.** Division level routine correspondence without specific guidance from the JAG/DJAG: i.e. investigations, claims, and correspondence not requiring a reply.

g. **Non-routine correspondence.** Correspondence the JAG should be informed of, congressional mail, requests for JAG opinions, letters from bureau and office chiefs, letters from SECNAV and DOD.

h. **Controlled Action Items.** Actions assigned by higher authority, whether verbal or written, including non-routine correspondence listed in subsection g above and action items assigned by the JAG or DJAG. Does not include day-to-day items normally received and acted upon independently by the divisions.

i. **Secretariat and Headquarters Information Processing System (SHIPS).** Computer-based system which accounts for action items described in paragraph h and which ensures timely completion and accountability.

302. RESPONSIBILITY FOR ACTION

Divisions will promptly attend to incoming letters requiring action or reply. If there may be a delay, acknowledge as soon as possible including an approximate reply date. A communication bearing a suspense (or due) date needs an interim reply as soon as it is determined that the suspense date cannot be met. If not under a suspense date but the communication requires an answer within a specific time, make an interim reply if the time limit cannot be met, or within 10 working days, whichever is sooner.

303. ROUTING AND CONTROL PROCEDURES

The Administrative Operations Branch of Code 64 receives incoming correspondence addressed to OJAG or NAVLEGSVCCOM. Mail containing First Class, Registered, Certified, Priority, Express, or Postmaster Return to Sender markings, and mail not addressed to a specific division regardless of markings, will be opened and handled as follows:

a. Code 64 will place all unclassified incoming correspondence into the appropriate division's guard mail box. Classified correspondence will be delivered to the Special Programs Division.

b. **Controlled Action Items.** Divisions will ensure all items requiring control are entered into the computer tracking system and updated as appropriate. If a division receives correspondence qualifying as a controlled action item in error, the item will be routed to the cognizant division after it has been entered into the computer tracking system.

c. **Requests under the Freedom of Information Act.** Divisions must handle correspondence requesting release of OJAG records in its immediate custody in accordance with SECNAVINST 5720.42 [series] and JAGINST 5720.3 [series].

304. PREPARATION OF CORRESPONDENCE

a. **Requirements.** Correspondence must conform with SECNAVINST 5216.5 [series] (Department of the Navy Correspondence Manual) and NTP-3. For correspondence prepared for signature of the Secretary or Under Secretary of the Navy, additional guidance may be found in the SECNAV Writing Guide. Additional useful references include the U.S. Government Printing Office Style Manual and the Catalog of Naval Shore Activities containing the Standard Navy Distribution List. Two copies of non-routine outgoing correspondence should be prepared and sent to Code 64 for the command files. The division/office level maintains routine files.

R)

b. **Serialization.** All outgoing correspondence addressed from JAG or COMNAVLEGSVCCOM will be serialized by the office preparing the document. Serial numbers will run sequentially beginning on the first day of the calendar year and will include designation of the originating code. An example of proper serialization is "63/0021", representing the twenty-first JAG or NAVLEGSVCCOM document serialized by Code 63 in the calendar year.

c. Signature requirements

(1) Stamp the appropriate functional title below the signature on documents and correspondence signed by the JAG, Acting JAG, DJAG, and AJAG's.

(2) Documents and correspondence signed by division directors or their designees for the JAG will be signed "By direction." Correspondence signed "By direction" will not carry the JAG's name above the signature of the person signing by direction. In business form correspondence, the signer's title is sufficient. This manual authorizes "By direction" signature authority for the DJAG, all AJAG's and all DAJAG's and special assistants or their designees to sign documents within the authority of their office "by direction" of the JAG and the CNLSC. Signing "for" is an unauthorized procedure.

d. **Originator's Name.** Type the name of the person originating the correspondence (include code number if not appearing in the upper right hand corner), telephone extension, and date typed in the lower left hand corner of retained copies of correspondence prepared for the signature of SECNAV, JAG, DJAG, and AJAG's and on all memoranda and correspondence prepared for the signature of any person other than the originator (see SECNAVINST 5216.5 [series]). When correspondence has been rewritten by other than the originator, include the names of both the originator and the person rewriting the correspondence on all file

copies.

A) e. "For Official Use Only" Marking of OJAG Unclassified Documents

A) (1) Many unclassified OJAG documents can be protected from unwarranted disclosure under FOIA through use of FOIA exemption 5 (predecisional deliberations, attorney work product, attorney-client privilege) and exemption 6 (clearly unwarranted invasion of personal privacy) if release would jeopardize a Government interest. The exemption 5 privilege, however, can be waived if the document is released outside the group of Government personnel who have an official need to see the document in question.

A) (2) To prevent such waiver, "FOUO" marking shall be placed on all documents produced within OJAG that should be protected from FOIA disclosure in accordance with the specific guidance provided in JAGINST 5720.1, "For Official Use Only" Marking of OJAG unclassified documents. Additionally, a brief statement of the basis for the FOUO designation should be added to the OJAG file copy of the FOUO document, unless the basis is clear from the document's face. Deputy Assistant Judge Advocate General (Administrative Law) can provide additional guidance.

R) f. Copies. Divisions will maintain file copies of all outgoing correspondence. Additionally, one copy of all outgoing unclassified serialized correspondence will be forwarded to Code 64.4 for the reading and serial files.

305. DISPOSITION OF CORRESPONDENCE

a. All envelopes will be delivered to the Correspondence Distribution Section of the Administrative Operations Branch (Code 64.4) for proper mailing. If the enclosures are bulky and need wrapping by Code 64.4, the following procedures apply:

- (1) Type an appropriate label.
- (2) Fasten the label to the enclosure.
- (3) Place a rubber band around the package.

The originating office has responsibility to ensure that mail is forwarded to Code 64.4.

b. All certified and registered mail will be hand-delivered to Code 64.4 personnel to ensure proper logging procedures are followed. On receipt of certified or registered mail, Code 64.4 personnel will place the appropriate Certified/Registered number on the mail, log on PS Form 3877 (for Registered, Insured, C.O.D., Certified, and Express Mail) and forward to the Naval Eads Street Postal Facility for metering and forwarding to the U.S. Postal Service.

A) c. Indexing Navy Department Final Opinions and Statements of Policy or Interpretation Rendered by the Judge Advocate General

A) (1) FOIA requires JAG to make available for public inspection and copying DON final opinions and statements of policy or interpretation in decisional documents created by JAG in the adjudication of cases, and to maintain and make available to the public current indexes providing identifying information about such documents.

A) (2) The following documents must, therefore, be indexed in accordance with JAGINST 5720.2 [series], Indexing Navy Department Final Opinions and Statements of Policy or Interpretation Rendered by the Judge Advocate General:

(a) Decisions on remission or suspension of courts-martial sentences and petitions for relief under Articles 69 and 73, UCMJ;

(b) Decisions on decertification of military judges and judge advocates;

(c) Formal written advice on Government ethics and standards of conduct, post-Government service employment restrictions, and related matters;

(d) Final determinations for SECNAV about entitlement of Reservists to pay and allowances, and medical care at Government expense as the result of disability; and

(e) Determinations of whether a disability for which a former Navy or Marine Corps member has been retired is war-related.

A) (3) For more information, consult JAGINST 5720.2 [series].

306. HOW TO WRITE OPINIONS

Opinions may be an informal memorandum, a letter or a letter accompanied by a memorandum of law.

a. Informal memorandum. Use an informal memorandum internally or for authorized informal communications outside OJAG. The writer decides the form best suited for desired purpose. It should be succinct.

b. Letter opinion. Use a letter opinion where the information and advice is brief and easily cast in letter form. It should not exceed two pages. The formal headings listed below for a memorandum of law should not be used, but present the material in the same order.

c. Memorandum of law

(1) A memorandum of law is a formal presentation of a legal opinion. Use when there is extensive material with substantial legal background and detailed citations of authority.

(2) Center the heading as follows at the top of the first page:

MEMORANDUM OF LAW
ON
(SHORT DESCRIPTION OF SUBJECT TREATED)

Organize the body of the opinion in the following major sections:

- I. Question or questions presented.
- II. Facts of the case.
- III. Law involved.
- IV. Discussion.
- V. Conclusions.

Use sub-headings within major divisions for clarity or to enhance presentation of the opinion. More than one paragraph may be used in each division. Number paragraphs consecutively throughout the memorandum. Use JAGINST 5850.2 [series] ("Uniform Method of Citation") to cite authorities.

(3) The military or civilian attorney preparing the memorandum of law signs it, adding grade and branch of service (below an officer's signature) and, if desired, official designation, e.g., "Head, Finance Branch". Opposite and two lines below signature, type "APPROVED" for signature by the JAG or approving authority.

(4) If needed, an approved memorandum of law may be forwarded as an enclosure to the person or activity seeking advice. The cover letter should contain a brief presentation of the question and the answer reached in the "Conclusions" section of the memorandum of law. If the memorandum of law is not approved, it should be filed as directed by the division director.

(5) When a memorandum of law is approved, the originator should furnish copies for filing in both the division files and the OJAG Law Library. Additionally, the originator should prepare a digest of the approved opinion and forward to Head OJAG Law Library for review and approval.

307. CENTRAL CORRESPONDENCE FILES

The Head, Administrative Operations Branch of Code 64 has cognizance over official correspondence files of OJAG and COMNAVLEGSVCCOM.

308. CONGRESSIONAL CORRESPONDENCE

a. *Requirements.* Replies to members of Congress must be prompt, accurate, and in the appropriate form. SECNAVINST 5216.5 [series] (Department of the Navy Correspondence Manual) sets forth requirements and procedures for acknowledgement and reply and contains guidance for the preparation of congressional correspondence. The following paragraphs contain additional requirements.

b. *Constituent's letter as an enclosure.* Frequently members of Congress forward a constituent's letter as an enclosure. OJAG's reply should avoid reference to the constituent's letter. The Senator or Representative may then forward the reply directly to the constituent without indication that the constituent's letter was referred to the Navy for a reply. The letter to the member of Congress should say that the referral letter or covering memorandum raised issues asserted in the constituent's letter. When the constituent is not the serviceman involved, do not mention the constituent's name or address unless specifically requested by the member of Congress.

c. *Memorandum referrals.* Congressional referrals usually request return of the constituent's letter. Do not list the constituent's letter as an enclosure on the original or courtesy copy of the reply; list on the other copies of this type of correspondence. The body of the reply should not mention the return of the constituent's letter.

d. *Similar questions from members of the Congress.* Each Senator or member of Congress should receive a separate reply to the inquiry. Do not enclose a copy of a letter to another member on the same subject.

e. *Addressing Senators and Representatives.* Address a member of the House of Representatives as "The Honorable (full name)", with a salutation of "Dear Mr. (surname):". Address a member of the Senate as "The Honorable (full name)", with a salutation of "Dear Senator (surname):". See Appendix B of SECNAVINST 5216.5 [series] for civilian models of address.

f. *Correct spelling of names.* The "Alphabetical List" section of the current Congressional Directory, and the U.S. Government Organizational Manual lists the correct spelling of the names of members of Congress. The OJAG Library has copies.

309. SECRETARIAL CORRESPONDENCE

Prepare correspondence as required by SECNAV Writing Guide.

310. RESPONSIBILITY FOR SIGNING DOCUMENTS, CORRESPONDENCE

a. **Signature by JAG or DJAG.** The JAG will sign all actions, opinions, directives, congressional correspondence, and correspondence prepared on behalf of SECNAV and other prominent civilians or correspondence which requires the exercise of discretion. DJAG may also sign such documents. DAJAG's, special assistants, or the cognizant AJAG may sign interim replies or acknowledgements as appropriate.

R)

b. **Routine matters.** AJAG's and special assistants have control over the drafting and disposition of documents under their cognizance. AJAG's and special assistants will inform the JAG and DJAG on non-routine matters. Subject to paragraph a, AJAG's may delegate to their DAJAG's and their designees authority to sign and dispose of routine or perfunctory documents and correspondence. However, the personal prominence or rank of the addressee or magnitude or overall effect of the subject matter may require disposition at a higher level. AJAG's and special assistants may not delegate signature authority for questions involving policy.

311. RECEIPT AND DISTRIBUTION OF UNCLASSIFIED MESSAGES

a. DAJAG (Code 64) is responsible for expeditious routing of unclassified message traffic. The Army Communications Center (Hoffman Building I) serves as guard for OJAG and COMNAVLEGSVCCOM messages. Code 64 personnel will pick up the messages prior to 0815 each working morning and once in the afternoon each working day. (Flash messages will be picked up, as necessary, upon notification by the Army Communications Center.) Copies will be placed on the Command message boards and routed to the cognizant divisions. The command message board will be routed to Pentagon offices using the regularly scheduled courier runs. Code 64 will maintain a file of all unclassified message traffic for a three month period. After three months, the messages will be destroyed.

b. The OJAG Duty Officer will check the mail room for any outgoing messages and deliver them to the Army Communications Center during duty message runs. When OJAG offices are secured, the Duty Officer will pick up messages. If immediate action is required, the Duty Officer will notify the cognizant division or action officer, by telephone, or higher authority (JAG, DJAG, or AJAG) if directed by the cognizant division or action officer.

312. RECEIPT AND DISTRIBUTION OF CLASSIFIED MESSAGES

a. **During working hours.** The DAJAG, Special Programs (Code 11) has responsibility for expeditious routing and control of classified message traffic. Messages other than TOP SECRET will be picked up at the Army Communications Center by Code 64 each morning and, normally, otherwise during working hours upon notification of arrival. Such messages will be delivered to Code 11 whose personnel will place one copy on the "message board" and, if "action" to JAG or otherwise of obvious timely interest, will bring messages to the attention of the JAG, DJAG, and/or cognizant AJAG, as appropriate. Classified Material Control Center (Code 11) files all SECRET and CONFIDENTIAL message traffic. TOP SECRET message traffic may be picked up and delivered only by couriers whose designations are recorded in Code 11 records and the various watch officer notebooks. Chapter Nine of this Manual addresses handling of classified materials.

b. **Non-working hours.** Watch officers will determine whether traffic is "action" or "info" to JAG and, if possible, they will determine the subject matter of the message(s); and will contact Code 11 personnel if any are present in the Hoffman Building, in which case Code 11 will arrange pick-up as appropriate. Otherwise, the watch officer will contact the junior-most officer possible among those authorized to pick up classified traffic, and will convey the same information to such officer to enable determination whether to proceed to

Hoffman for pick-up and processing. Copies of authorization letters are maintained in the watch officer notebooks.

313. PREPARATION OF OUTGOING MESSAGES

Prepare OJAG messages following the instructions in Hoffman Building Telecommunications Message Preparation Guide. Pentagon offices will release messages through the Hoffman Building Telecommunications Center.

314. MESSAGE CONTROL PROCEDURES

- R) a. Date-time-groups for all outgoing message traffic will be assigned by the code originating the message.
- R) b. Route all released unclassified outgoing messages via Administrative Operations Branch, Code 64.4. An original and one copy of all unclassified outgoing messages will be forwarded to Code 64.4. When time or circumstances do not permit the messages to be given to Code 64.4, ensure that one copy of each outgoing message is forwarded to Code 64.4.

315. AUTHORITY TO RELEASE MESSAGES

- a. The JAG, DJAG, AJAG's, special assistants, and DAJAG's may release messages requiring the approval of the JAG or DJAG. Only the JAG or DJAG may release messages to activities affected by minimize.
- b. JAG Duty Officers may release OJAG messages to forces afloat and shore activities, including those overseas, during their watch.
- c. The JAG Administrative Officer may release messages related to maintaining Address Indicator Groups.

A) 316. "FOR OFFICIAL USE ONLY" MARKING OF DOCUMENTS

Certain unclassified documents containing information possibly exempt from disclosure under exemptions b(2) through b(9) of the Freedom of Information Act (FOIA) must be marked "FOR OFFICIAL USE ONLY" to alert their holders that the documents may contain information exempt from release. Many documents produced in OJAG are exempt from mandatory disclosure under FOIA, such as, for example, documents prepared in anticipation of litigation, and must be marked accordingly. Specific guidance is found in JAGINST 5720.1 [series] ("For Official Use Only" Marking of OJAG Unclassified Documents).

A) 317. INDEXING NAVY DEPARTMENT FINAL OPINIONS AND JAG STATEMENTS

The Freedom of Information Act (FOIA) requires JAG to make available for public inspection and copying Navy Department final opinions and statements of policy or interpretation in decisional documents created by JAG in the adjudication of cases. FOIA also requires JAG to maintain and to make available to the public current indexes providing identifying information about such documents. The documents to which these requirements pertain are identified in JAGINST 5720.2 [series] (Indexing Navy Department Final Opinions and Statements of Policy or Interpretation Rendered by the Judge Advocate General). The instruction also prescribes procedures to comply with these requirements. Affected divisions must adhere to these procedures.

CHAPTER FOUR
ADMINISTRATIVE SERVICES

401. LIBRARY SERVICES

a. **General Information.** The OJAG library is located in Room 9S47. The OJAG Library contains approximately 50,000 volumes on state, federal, and international law with particular emphasis on areas of law under the cognizance of the JAG.

b. **Hours.** The library is open during working hours for use by OJAG personnel and others properly admitted to the Hoffman II building. After hours, access is limited to personnel at OJAG or COMNAVLEGSVCCOM and to others with permission. Submit requests for use after normal working hours by other than OJAG or COMNAVLEGSVCCOM personnel to the Head, Law Library Branch. The OJAG Duty Officer may approve requests in an emergency.

c. **Keys and After Hours.** Keys to the JAG Library are furnished to the division directors who may arrange for use of the key by members of their divisions after hours.

d. **Legislative Reference.** OJAG Library maintains congressional materials including current bills, legislative histories for most Acts affecting DON, selected Senate and House Reports (from 1941), the Congressional Record (from 1873), and many selected documents and hearings.

e. **Executive Orders.** The OJAG Library maintains selected executive orders related to DON prior to 1940 as well as all executive orders published in the Federal Register and the Code of Federal Regulations (CFR) since 1936. Information on whether an executive order has been amended, canceled, or superseded can be obtained from the CFR or by telephoning the Presidential Documents Branch in the Office of the Federal Register (OFR), telephone (202) 523-5230.

f. **JAG Opinions.** The OJAG Library maintains selected opinions of the JAG (unclassified). These selected opinions may be located with an index-digest available in the OJAG Library. The divisions select and digest the opinions. They are given to the Head, Law Library Branch on 3 x 5 cards in triplicate form, with a copy of the full opinion to be stored. These opinions are "For Official Use Only" and may be loaned only with permission of the originating division.

g. **Directives.** All JAG or COMNAVLEGSVCCOM-held directives and the Consolidated Subject Index (NAVPUBNOTE 5251) listing effective notices and instructions are maintained in the OJAG Library. The Head, Law Library Branch ensures all directives are current. An obsolete directive is removed from the active directives books and bound in canceled directive books. Contact the Directives Clerk to order directives listed in the Consolidated Subject Index from the Navy Publications and Forms Center (NPFC), Philadelphia, PA 19120. The OJAG Library maintains a limited number of JAG and COMNAVLEGSVCCOM instructions and notices and a limited supply of JAG-originated directives.

h. **Check-out Procedures.** To check-out material from the OJAG Library:

(1) **Books.** Complete the check-out card located in the back of each volume to obtain books and leave with the front desk clerk. Check-out time is three weeks.

(2) **Directives.** Fill in a charge-out sheet available in the Directives alcove. The Head, Law Library Section must approve a check-out of a directive for more than ten working days.

i. **Return Procedures.** Return books to the book deposit rack near the library door and directives to

their binders, removing the charge-out sheet on return of the directive.

j. Automated Legal Research (ALR). The West Publishing Company's automated legal research service, WESTLAW, is available in the OJAG Library. Divisions may also access WESTLAW, or LEXIS if authorized, on IBM Personal Computers located in their offices. Head, Law Library Branch will designate an individual to act as ALR Coordinator, to assist ALR users, ensure ALR is used efficiently, monitor usage, and schedule training. ALR users will comply with guidance (e.g., standardized log-on procedures) established by the ALR Coordinator.

402. FIELD LAW LIBRARIES

Field law libraries are kept current via the centralized acquisitions program in the Headquarters Library. JAGINST 5070.1 [series], on the Field Law Library Program, details procedures of existing field law libraries and establishment of new libraries.

403. DIRECTIVE PREPARATION

a. Authority. Originators will prepare, coordinate, issue, and maintain all JAG and COMNAVLEGSVCCOM instructions and notices, OJAG-originated SECNAV instructions and notices, and all directives in OJAG and COMNAVLEGSVCCOM per SECNAVINST 5215.1 [series]. The OJAG Library has a master copy of all directives.

b. Types of Directives. The Navy Directives System authorizes two types of directives: instructions and notices. Instructions are directives of a continuing nature and are therefore effective until superseded specifically. Notices are directives of a temporary nature, otherwise having the same force and effect as an instruction. Accordingly, it must contain provisions for its own cancellation.

c. Preparing Directives. The originator of a directive will:

(1) Decide the type of directive (instruction or notice);

R) (2) Assign an appropriate classification number with the aid of Administrative Operations Branch (Code 64.4);

(3) Prepare a double-spaced rough draft of the proposed directive and submit it to the Directives Control Point (DCP) prior to final typing and signature;

(4) Prepare the final directive with the required number of copies (twelve copies for SECNAVINST and seven for a JAGINST); and

(5) Obtain the appropriate signature and return the signed original to DCP for reproduction and distribution.

d. Responsibilities of the DCP. The DCP is responsible for performing the functions in paragraph 3c of SECNAVINST 5215.1 [series]. The DCP also shall:

(1) Review each directive prior to final issuance for compliance with SECNAVINST 5215.1 [series];

(2) Coordinate review of directives through the Administrative Law Division.

(3) Route "All Ships and Stations" directives to Headquarters, Marine Corps for proper Marine

Corps distribution;

(4) Forward OJAG-originated SECNAV directives through the SECNAV DCP for signature;

(5) Maintain a file of current and canceled directives when the JAG is on a distribution list;

(6) Maintain case files of effective and superseded JAG and NAVLEGSVCCOM-originated SECNAV instructions;

R) e. **Reproduction and Distribution.** The Administrative Operations Branch (Code 64.4) will print, stock, and distribute all directives.

f. **Stocking.** JAG and NAVLEGSVCCOM instructions distributed externally are stocked at the Naval Publications and Forms Center (NPFC), 5801 Tabor Avenue, Philadelphia, PA 19120. Code 64.4 will stock JAG and NAVLEGSVCCOM notices and OJAG-originated directives. Internally circulated directives will be stocked in limited quantities by Code 64.4. OJAG will not stock extra copies of other than JAG or NAVLEGSVCCOM originated directives. The OJAG Library maintains master copies of most Navy directives.

g. **Cancellation of JAG and COMNAVLEGSVCCOM Instructions.** Obsolete instructions may be canceled as follows:

(1) If the instruction is solely internal, the originator will give the instruction number and reason for its cancellation to DCP for appropriate action;

(2) If the instruction involves other activities, give the instruction number and reason for its cancellation to the DCP in writing. The DCP will ensure that cancellation appears on the next consolidated cancellation notice issued periodically by SECNAV, JAG, or COMNAVLEGSVCCOM as appropriate; or

(3) If cancellation is time sensitive, the originator shall give the DCP the instruction number and so advise the DCP of the urgency in writing. The DCP shall issue a notice canceling the instruction, complying with paragraph 3d(4) of SECNAVINST 5215.1 [series]. The DCP shall distribute the notice to the same addressees as the original instruction.

404. FORMS MANAGEMENT

a. **General.** A form is any document, including letters, post cards, and memoranda, printed or otherwise reproduced with space for filling in information, descriptive material, or addresses, or any format designed to structure the arrangement of such information. These may include, but are not limited to: standardized forms, test forms, and Optical Character Recognition forms. Forms management is the development, adaptation, revision, simplification, standardization, and elimination of unnecessary forms used by OJAG or COMNAVLEGSVCCOM.

b. **Authority and Responsibility.** OPNAVINST 5213.1 [series] established the forms management program. DAJAG (Fiscal and Administrative Support) is responsible for the management program within OJAG and COMNAVLEGSVCCOM.

c. **Procedures.** An OJAG or COMNAVLEGSVCCOM originated or sponsored form (i.e., DOD, SECNAV, etc.) must be justified using OPNAV Form 5213/19, Request for New or Revised Form (available from Code 64.2). Forms issued without an identifying prefix or number are not authorized. The form must be submitted to Code 64.2 for review and assignment of appropriate form number before any correspondence requiring the form is signed. Code 64.2 assists in form design and completion of the OPNAV Form 5213/19.

R) **d. Annual Review.** Required outgoing and incoming reports will be reviewed by Reports Control Symbol JAG 5213-2 on an ad hoc basis to ensure maintenance of the program's objectives. Divisions responsible for a form will coordinate this review with Code 64.2.

405. REPORTS MANAGEMENT

a. General. A report is an organized set of interrelated resources, processes, and procedures (manual or automated) designed to provide information to support operations or decision-making. Reports may include internal reports, one-time reports and recurring reports required by other activities. SECNAVINST 5214.2 [series] established the reports control program and OPNAVINST 5414.7 [series] contains management practices. The functions of reports management are:

- (1) Review reports for conformance with reporting standards;
- (2) Approve reports by assigning reports control symbols or citing exemption authority;
- (3) Ensure review of individual reports annually;
- (4) Eliminate duplicate reporting requirements;
- (5) Maintain management data on reports required by OJAG and COMNAVLEGSVC- COM (i.e., Reports Control Symbol, title of report, purpose, cost, respondents, etc.).

b. Responsibilities

(1) DAJAG (Fiscal and Administrative Support), Code 64, is responsible for the Reports Control Program within OJAG and COMNAVLEGSVCCOM. Code 64.2 will maintain a tickler file on all recurring reports from field activities and periodically publish a listing of recurring reports to all subordinate activities.

(2) Division directors will monitor all reports submitted or required by their divisions. Divisions will compile and prepare reports under their cognizance and obtain Code 64.2 assistance and approval when establishing a new report.

c. Procedures. All OJAG or COMNAVLEGSVCCOM-originated reports must be justified by the division requesting the report, and approved by Code 64.2 before implementation. Code 64.2 ensures the information required is not being collected elsewhere.

R) **d. Annual Review.** Outgoing and incoming required reports will be reviewed by Reports Control Symbol JAG 5213-1 on an ad hoc basis to ensure the objectives of this program are maintained. Each division responsible for a report in any form will coordinate this review with Code 64.2.

406. RECORDS MANAGEMENT

a. General. Records management is a continuing management improvement effort to provide effective controls over the creation of files and the organization, maintenance, use, and disposition of records. Records management will promote improved management techniques, create administrative efficiency, and save equipment, space, and manpower resources.

b. Responsibility. The DAJAG (Fiscal and Administrative Support) is responsible for records management and periodic review of record-keeping practices to determine effectiveness of current procedures. Each division is responsible for maintaining its own records. Code 64.2 will coordinate accession of records to

the National Records Center, Suitland, MD. Disposal of records is in accordance with SECNAVINST 5212.5 [series].

407. SUPPLIES

R) a. **Consumable Supplies.** Obtain consumable supplies (stationery, pens, pencils, etc.) from the self-service supply area of Code 64.2, in Room 8S33, Hoffman II building during normal working hours. Special items not carried on the shelf may be obtained during the hours of 0800-0900 and 1330-1430. All consumable supplies will be signed for using NAVJAG Supplies Received/Requested From (NAVJAG 4400/1). Divisions will establish safeguards and controls to ensure supplies are used only for official purposes.

b. **Miscellaneous Supplies.** Divisions may request supplies not stocked in the self-service supply area by submitting a Request for Supplies/Services Form (NAVJAG 4270/2) to Code 64.2. The division director or his designee in writing must sign this request since the document is used to expend government funds. Code 64.2 will notify the requesting division and take appropriate action if requested supplies are out-of-stock or unavailable. Only the cognizant AJAG can disapprove a division's request for supplies/materials provided funds are available and the request is in compliance with Federal Acquisition Regulations. FPMR 101-25.107 provides guidelines for proper use of consumable or low-cost-items.

408. EQUIPMENT

a. **General.** Divisions may request equipment or furniture by submitting a Request for Supplies/Services Form (NAVJAG 4270/2) to Code 64.2 for action. The division director or his designee in writing must sign this request since the document is used to expend government funds. If requested equipment or furniture is unavailable, Code 64.2 will notify the requesting division and take appropriate action. Only the cognizant AJAG can disapprove a division's request for equipment or furniture provided funds are available and the request is in compliance with Federal Acquisition Regulations.

b. **Office Automation Equipment.** Prepare requests for office automation equipment per SECNAVINST 5231.1 [series]. Abbreviated System Decision Papers are required for each request. The DAJAG (Management and Plans) (Code 63), reviews all office automation requests. The DAJAG (Fiscal and Administrative Support) can approve requests up to \$10,000. The Principal DAJAG (Operations and Management) can approve requests up to \$100,000.

409. CONFERENCE ROOMS

a. **OJAG Conference Room.** The OJAG conference facility located in Room 8S11 is reserved through the Administrative Support Branch, Code 64.2, where a log book is maintained to control its use. The DAJAG (Fiscal and Administrative Support) resolves scheduling conflicts. No eating, drinking, or smoking is permitted.

b. **DOD Conference Rooms.** Contact Code 64.2 to reserve DOD conference rooms. Code 64.2 will notify the requesting division if available.

410. TELEPHONES

a. **Policy.** The use of DOD telephones is limited by SECNAVINST 5370.2 [series] to the conduct of official business. The General Services Administration has amended 41 CFR Part 201-38 to authorize federal agencies to permit federal employees, conducting official business, to make reasonable personal use of government telephone systems for emergency calls or calls the agency determines are necessary in the interest of the Government. ALNAV 158/89 November 1989 implements 41 CFR Part 201-38 and Deputy Secretary of Defense letter of 21 June 1989 provides for the policy revision to be incorporated into the next change to

b. Requests for Service. Divisions will submit requests for installing, moving, or disconnecting telephone instruments to Code 64.2. Only telephone company employees can disconnect telephone equipment. Divisions should notify Code 64.2 for repair of malfunctioning equipment, giving nature of trouble, telephone number, station number (if listed on instrument), room number, division, and point of contact. Telephone instruments and special station equipment will be installed only when necessary and removed when those requirements cease. Additional telephone lines will be installed only when necessary to meet requirements for additional volume and ready communication. Standard basic equipment will be used, except in unusual circumstances where special or auxiliary equipment is justified. The DAJAG (Fiscal and Administrative Support) will make periodic detailed telephone and equipment usage surveys.

c. Authorized Use of Telephones. DOD Telephone systems are intended for official purposes only except as provided for in paragraphs c(7), c(8), and c(9) below. Further, personnel will guard against possible unauthorized use of telephones by visitors. All commercial long distance calls will be logged in utilizing long distance calls form (NAVJAG 2304/1).

(1) Long Distance Calls should be kept to a minimum in both number and duration.

(2) The use of DOD telephone credit cards will be restricted to agency heads, their deputies, and their designated representatives.

(3) DOD Credit Cards will be used only when credit card holders are away from their permanent duty station and are required to make official telephone calls.

(4) Unauthorized use of government telephones or DOD telephone credit cards will render the user liable for repayment of funds caused to be expended by the Government and may warrant disciplinary action.

(5) DOD credit card holders will use their credit card for official long distance calls in preference to making collect calls.

(6) Improper use of DOD telephones includes, but is not limited to:

(a) Making of unauthorized/unofficial long distance calls.

(b) The use of DSN for other than official business.

(c) The use of (Dial 9) local service, to include directory Assistance for personal business. Note that the Government is billed for each local call.

(d) The excessive use of (Dial 9) local service directory assistance for official business. The Government is also billed for each local call made to the information operator.

(7) Personal calls (such as calls to speak to spouse/minor children or to arrange for emergency repairs to residence or automobile) that must be made during working hours over the commercial local/long distance network may properly be authorized by supervisors as being in the interest of the Government if the calls are consistent with the following criteria:

(a) They do not adversely affect the performance of official duties by the employee or the organization.

- (b) They are of reasonable duration and frequency.
- (c) They could not reasonably have been made at other times.
- (d) If long distance, at no cost to the Government.

(8) In the case of toll/long distance personal calls, they must be consistent with one of the following criteria:

- (a) They must be charged to the employee's home telephone number or other non-government number (i.e., a third number call).
- (b) They must be made to a toll-free 800 prefix number.
- (c) They must be charged to the called party if a non-government number (i.e., a collect call).
- (d) They must be charged to a personal telephone credit card.

(9) Examples of use of government telephone systems, provided no charge to the Government, that may be authorized are:

- (a) Calls to notify family, doctor, etc., when an employee is injured on the job.
- (b) An employee traveling on government business is delayed due to official business or transportation delay, and calls to notify family of a schedule change.
- (c) An employee traveling for more than one night on government business in the U.S. makes a brief call to employee's residence.
- (d) An employee required to work overtime without advance notice and calls within the local commuting area (the area from which the employee regularly commutes) to advise their family of the change in schedule or to make alternate transportation or child care arrangements.
- (e) An employee makes a brief daily call to locations within the local commuting area to speak to spouse or minor children (or those responsible for them, e.g., school day-care center) to see how they are.
- (f) An employee makes brief calls to locations within the local commuting area to arrange for emergency repairs to his or her residence or automobile.

d. Long Distance Calls. Make long distance calls, wherever possible over DSN instead of commercial lines. But, if commercial telephone service must be used, record the call within the division. Use NAVJAG form 2304/1, Long Distance Calls, obtained from Code 64.2. Division directors must verify and certify all commercial long distance calls made by their division personnel. Further, the duration of the call will be limited to the absolute minimum.

e. Verification/Certification. Each division director will periodically receive from Code 64 the portion of the official Defense Telephone Service (DTS) telephone listings charged to their respective division telephone numbers. Within seven working days of receipt of the listing, each division director will certify to Code 64 that all phone calls made from their division telephone were authorized or explain by proper annotation on the DTS listing why specific telephone charges cannot be certified as authorized. The individual responsible

for unauthorized calls should reimburse the DON for their cost. Payments should be made payable to "Department of the Navy" and forwarded to Code 64.

f. Telephone Courtesy. Since the telephone is the most frequently used medium for transacting official business, the importance of telephone courtesy cannot be overemphasized.

(1) Incoming calls should normally be answered in substantially the following manner: "Good (morning) (afternoon), Division, Petty Officer/Mr./Mrs., may I help you?" The identity of the caller should be ascertained before transferring the call to the person requested. In some instances it may also be appropriate to inquire discreetly as to the subject of the call to ensure that it is transferred to the person who is best able to assist.

(2) To ensure calls are received, personnel who expect to be away from their desk for any length of time shall notify the receptionist of their location and the anticipated length of such absence. Personnel leaving the building should indicate on a sign-out post a location or telephone number where they may be reached.

(3) Personnel will decline to accept charges for collect long-distance telephone calls, unless the call is clearly official and necessary, in which event it will be documented immediately thereafter in accordance with procedures in section 410.

g. Telephone Listings. The DAJAG (Fiscal and Administrative Support) is responsible for maintaining accurate information in the DOD Telephone Directory.

h. Forms. Long Distance Calls Form (NAVJAG 2304/1) is available from Code 64.2.

411. COPY MACHINES

a. Availability. OJAG employees and other persons authorized by JAG Code 64.2 may use copy machines.

b. Use of Copiers. Use copiers only for official purposes; copying of unofficial personal correspondence is prohibited. Chapter Nine of this Manual addresses reproduction of classified material. Per NAVPUBINST 5600.44 [series], use a copier to make a small number of copies (generally, not more than 50 copies per job) unless special circumstances require otherwise. Code 64.2 will review reproduction requirements in excess of 50 copies to determine the least expensive method of reproduction, consistent with time requirements.

A) c. Problems. Report operating difficulties or suspected unauthorized use to Code 64.2. Divisions that are utilizing cost-per-copy copiers will report directly to the vendor holding the copier contract any repair problems. If an issue arises between a division and the vendor, notify Code 64.2 so that appropriate steps may be taken to resolve the conflict.

412. CONSOLIDATED MAIL, MESSENGER SERVICE, AND COURIER RUNS

a. Mail and messenger service is available for daily delivery from mail room to mail room for Navy addresses only and not intra-service. All mail should be marked with the appropriate building number (Pentagon is building number 1, Arlington Annex (Navy) is building number 2, Arlington Annex (USMC) is building number 3, etc.). Consolidated mail and messenger services for Pentagon offices are delivered through the regularly scheduled OJAG courier runs.

b. The Administrative Operations Branch of Code 64 will make a morning and afternoon courier run.

The morning run will leave the Hoffman II building at 0930, delivering and picking up materials at the Pentagon (Room 5D834) and Arlington Annex (Order Writing Branch). The afternoon run will leave the Hoffman II building at 1330, delivering and picking up materials at the Pentagon (Room 5D834) only.

c. Any changes to the courier run schedule must be approved by Code 00A.

413. PLANT PROPERTY ACCOUNTABILITY, USE, AND CONTROL

a. **General.** The purpose of plant property accountability is to improve management controls over the receipt, custody, and disposition of property and satisfy the requirements of the NAVCOMPT Manual (Vol. 3, Chap. 6); SECNAVINST 5237.1 [series]; SECNAVINST 5500.1 [series].

b. **Responsibilities.** DAJAG's and special assistants are property custodians who are accountable for property under their custody. The Head, Administrative Support Branch (Code 64.2), is the property manager for the Hoffman Complex and the Director, Administrative Support Division (Code 40), is the property manager for building 111. Only the property managers will maintain a record of receipt, custody, and disposition of this property.

c. Procedures

(1) A separate DOD Property Record (DD Form 1342) will be prepared for each item of property received if the cost is \$5,000 or more. All property will be marked with an identification or registration/serial number, and strict control of such numbers will be maintained by the property managers. Property transferred or removed from a property custodian's immediate responsibility (whether relocated to another division, sent out for repair, or otherwise disposed of) shall be reported to the property manager within 10 days, using either a Requisition and Invoice/Shipping Document (DD Form 1149) or memo, identifying the item, the identification or registration/serial number and the date of action.

(2) Property custodians must notify their appropriate property manager prior to disposing of property and will retain custody of property until arrangements can be made for disposal.

(3) The cognizant property manager will conduct a survey in the case of missing, lost, stolen, or recovered government property and submit a Missing, Lost, Stolen, or Recovered Property Report as required by SECNAVINST 5500.4 [series].

d. **Delegation.** DAJAG's and special assistants are hereby authorized to issue property passes for property assigned to them. This authorization may be redelegated in writing, to one other officer in each division, with the prior approval of the property manager. All personnel authorized to sign property passes in the Hoffman Complex must have a signature card (DD 577) on file with the DOD Building Manager and the Hoffman Guard Force. Four signature cards are required and completed cards will be forwarded to the property manager (64.2) for endorsement and forwarding to DOD. If an authorized signee leaves, or no longer needs signature authority, the property manager (Code 64.2) will be notified, by memo, so that the authorization can be canceled.

e. **Reports.** Semiannually, in January and July, property managers will prepare a report listing property held by each property custodian. Property custodians will use the report to inventory property in their custody. An annotated copy of the report, with an explanation of any discrepancies, will be submitted by property custodians to appropriate property managers within 20 working days after receipt.

f. **Forms.** Signature cards (DD 577), Property Pass forms (OF-7) and (DD 1149) may be obtained from Code 64.2.

414. REPAIRS AND MAINTENANCE REQUIREMENTS

a. **Repairs.** Code 64.2 has responsibility for repairs to equipment, furniture, physical plant, etc.

(1) **Equipment.** A request for Supplies/Services (other than GSA) NAVJAG 4270/2 Form will be prepared and forwarded to Code 64.2 for any equipment needing repair. The following information should be included on the NAVJAG 4270/2: *Person requesting service, type of equipment, serial number of item, room number where item located, telephone number, point of contact (if different than person requesting service, and nature of breakdown).* Completed forms will be forwarded to the Procurement Section (Code 64.22) for processing.

(2) **Furniture.** Furniture will be repaired or replaced as soon as practical. Inform Code 64.2 in those instances where furniture needs to be repaired or replaced.

(3) **Physical Plant.** Place requests for plant repairs through Code 64.2 with the following information: *person reporting problem, type of problem, room number, telephone number, and point of contact.*

b. **Excess Furniture.** Report excess furniture to Code 64.2 to make arrangements for its removal. Excess furniture will remain within the division spaces until arrangements can be made for removal. Placing excess furniture in hallways, stairwells, and other open spaces is unauthorized.

415. TRAVEL

All OJAG, NAVCIVLAWSUPPACT, NAMARA, and COMNAVLEGSVCCOM travelers will obtain trip approval from the cognizant AJAG. Travelers will make their own transportation reservations. Code 64 will prepare all TEMADD travel orders and obtain tickets for transportation and per diem travel advance checks. When available, government quarters will be utilized. TEMADD travel orders will be liquidated through Code 64 within five days of completion of TEMADD.

416. DOD AGENCY CONTACT

DOD has management responsibilities for the Hoffman Complex and all requests for building services are forwarded to DOD for action. The Head, Administrative Support Branch, Code 64.2, acts as liaison between OJAG and the DOD Building Administrator. Notify Code 64.2 regarding any matters that should be brought to the attention of DOD concerning general building administration, The Hoffman Company, or such items as parking lots and physical security.

CHAPTER FIVE

MILITARY PERSONNEL

501. REPORTING AND DETACHMENT PROCEDURES

a. Military personnel ordered to OJAG, COMNAVLEGSVCCOM, and NAVCIVLAWSUPPACT for duty will check-in following the procedures established by PERSUPPDET Crystal City. Military personnel ordered to NAMARA-JAG, NAVMARTRIJUDACT, Washington, D.C., and LANTJUDCIR, Washington, D.C. (including those serving in OJAG) will comply with check-in procedures established by PERSUPPDET Anacostia. All military personnel will check in with the Military Personnel Division (Code 61).

b. On detachment from OJAG, COMNAVLEGSVCCOM and NAVCIVLAWSUPPACT, military personnel will follow check-out procedures established by PERSUPPDET Crystal City. Military personnel detaching from NAMARA, NAVMARTRIJUDACT, Washington, D.C., and LANTJUDCIR, Washington, D.C. (including those serving in OJAG) will comply with check-out procedures established by PERSUPPDET Anacostia. All military personnel will check out with the Military Personnel Division (Code 61).

502. LEAVE AND LIBERTY

a. **Leave.** Navy policy encourages all personnel to take accrued leave (MILPERSMAN 3020075, MARCORPERSMAN, Chapter 9, Part A). AJAG's and division directors have responsibility to make equitable arrangements to afford their personnel opportunity to take accrued leave and to caution that failure to take leave may result in a loss of earned leave at a later date.

b. **Granting of leave.** Authority to grant leave:

- (1) For AJAG's and special assistants -- the JAG or DJAG;
- (2) For DAJAG's and officers in the grade of O-6, the cognizant AJAG;
- (3) For all other military personnel -- DAJAG or division director signing "By direction."

c. **Leave request.** Submit leave requests on NAVCOMPT Form 3065 or NAVMAC 3 as appropriate, via the chain of command to the office authorized to approve the request.

d. **Leave control number.** The Military Personnel Division (Code 61) assigns leave control numbers for approved leave about ten days prior to commencement of leave.

e. **Leave certification.** Upon return from leave, the service member certifies the original and returns the leave request to the Military Personnel Division (Code 61) no later than 0900 the first working day following leave. The service member is automatically charged for the period that appears in blocks 14 and 15 if there is an excessive delay in receipt of the original leave authorization.

f. **Cancellation of leave.** To cancel leave after assigning a leave control number, return the original leave paper to the Military Personnel Division (Code 61) prior to the approved commencement date.

g. **Emergency leave.** During working hours, submit requests for emergency leave as outlined above. After working hours the OJAG Duty Officer may grant emergency leave.

h. **Leave overseas.** Personnel desiring to submit requests for leave overseas must comply with MILPERSMAN 3020420 and BUPERSINST 1050.11 or MARCORPS ORDER P1050.3F; as appropriate.

i. **Leave verification.** Obtain information pertaining to earned leave, leave taken, and leave balance from PERSUPPDET Crystal City or PERSUPPDET Anacostia, as appropriate.

j. **Liberty.** The AJAG's regulate liberty during normal working hours and may delegate this authority to DAJAG's and division directors. MILPERSMAN 3030100 sets limitations on granting liberty.

503. SICK LEAVE

Division directors, DAJAG's, or AJAG's may excuse military personnel suffering from minor illnesses for up to 48 hours. If unable to return to duty within 48 hours, service members must report to a military dispensary or hospital for treatment.

504. PHYSICAL READINESS

a. The AJAG (Military Justice) coordinates, under OPNAVINST 6110.1C, the physical readiness of all officers and enlisted personnel assigned to OJAG, COMNAVLEGSVCCOM, NAVCIVLAWSUPPACT, NMCMR and NAMARA.

(1) Division directors and the Chief Judge, NMCMR, are responsible for the physical readiness and testing of all assigned active duty naval personnel.

(2) Division directors and the Chief Judge will file annual reports of physical readiness testing with the AJAG (Military Justice) or a designated officer no later than 19 August, unless a waiver to file a later report is obtained from the AJAG (Military Justice). Reports will be in format specified and retained by the AJAG (Military Justice).

(3) Positive comments concerning an individual's physical readiness in official performance evaluations and fitness reports are encouraged. Do not include negative comments unless an individual has been counseled and given an opportunity to demonstrate physical readiness. Retesting is authorized.

505. UNIFORMS

Uniforms for naval personnel are prescribed by Naval District Washington. Wear the uniform of the day when performing TEMADD unless directed otherwise by competent authority.

506. FITNESS REPORTS

a. Pursuant to section 1-4.a.(1) of NAVMILPERSCOMINST 1611.1A the authority of the Judge Advocate General to submit fitness reports is delegated to the AJAGs for those DAJAGs, division directors and other military personnel under their direct supervision. The JAG's fitness report writing authority is delegated to the following DAJAGs (division directors) for all military personnel under their supervision: Code 20, Code 61, Code 62, Code 63 and Code 64.

b. Pursuant to section 1-4.a.(4) of NAVMILPERSCOMINST 1611.1A, the Commanding Officer, NAVCIVLAWSUPPACT has delegated to his respective division directors the authority to submit fitness reports on all military personnel under their supervision. The OIC NAMARA has, likewise, delegated his authority to the division directors of the Administrative Support Division (Code 40), the Appellate Defense Division (Code 45) and the Appellate Government Division (Code 46) for all military personnel under their supervision.

507. EQUAL OPPORTUNITY AND SEXUAL HARASSMENT

Every person in or employed by the Department of the Navy must be treated equally without regard to race, creed, color, age, sex, or national origin. Equality of opportunity is guaranteed for all regardless of race, creed, color, age, sex, or national origin. Unlawful discrimination resulting in the denial of equal opportunity to individuals will not be tolerated. Sexual harassment constitutes a form of arbitrary discrimination, in violation of U.S. Navy Regulations, 1990, article 1166. Sexual harassment will not be condoned or tolerated in the Department of the Navy. Any person who unlawfully discriminates against other personnel is subject to disciplinary action, as well as adverse administrative action. See SECNAVINST 5300.26 [series]; OPNAVINST 5300.9 [series]; OPNAVINST 5354.1 [series].

CHAPTER SIX

MILITARY DUTY AND WATCH STANDING

601. OJAG DUTY OFFICER

The OJAG duty officer is JAG's direct representative. The duty officer may expect, and will receive, full cooperation and support from all officers in OJAG, and should not hesitate to consult immediately with other officers as appropriate. The duty officer maintains liaison with the Navy Department Duty Captain or his assistant (CNO flag plot, room 4D624, Pentagon; telephone 695-0231), and will also maintain liaison with the Military Justice Division duty officer at Building 111, Washington Navy Yard, and with the International Law Division duty officer.

602. SENIOR WATCH OFFICER

a. **Designation.** The DAJAG (Military Personnel) is designated as Senior Watch Officer.

b. **Duties.** The Senior Watch Officer:

(1) Prepares and promulgates instructions for the watch routine and provides guidance and control of watch standers;

(2) Prepares and maintains four information briefcases for use by duty officers. Items will not be added or removed from these briefcases without the concurrence of the Senior Watch Officer. These briefcases contain:

(a) JAG Organization Directory;

(b) Directory of Judge Advocates and Legalmen;

(c) Copies of pertinent plans and publications for emergencies;

(d) Copy of the JAG SORM and other effective instructions, notices, and memoranda of interest to the JAG duty officer;

(e) Current watch lists;

(f) Telephone pagers;

(3) Prepares, publishes, and distributes the watch lists monthly;

(4) Provides indoctrination for newly assigned watch standers;

(5) Ensures all watch standers understand their responsibilities;

(6) Provides for maintenance of a JAG Log.

603. ASSISTANT SENIOR WATCH OFFICER

a. **Designation.** The ADAJAG (Military Personnel) is designated as Assistant Senior Watch Officer.

b. **Duties.** The Assistant Senior Watch Officer performs such duties as assigned by the Senior Watch Officer.

604. DUTY OFFICER

a. **Designation.** All officers in the grade O-4 and below attached to OJAG, NAVLEGSVCCOM, NAVCIVLAWSUPPACT, and NAMARA who are assigned to Hoffman II or the Administrative Law Division in the Pentagon comprise the duty roster unless exempted by the Senior Watch Officer.

b. Weekday Watch Procedures - Daily Routine

0700 - For Mondays through Fridays, the off-going duty officer -- that is, the Sunday duty officer on Monday, the Monday duty officer on Tuesday, etc., including those assigned to the Administrative Law Division -- will open the office of the Deputy Judge Advocate General, Hoffman II, Room 9N27, and will remain stationed in the office until relieved in person by the on-coming duty officer. **EXCEPTION:** The off-going duty officer who has the Friday watch will not be required to open the front office on Saturday morning; he or she will be relieved by telephone on Saturday morning by the Saturday duty officer.

0745 - The on-coming duty officer will relieve the off-going duty officer in person, in Room 9N27, and will remain in the front office until released by the Executive Assistant (EA).

- Administrative Law Division personnel assigned weekday duty may relieve the off-going duty officer by telephone, in which case the off-going duty officer will remain in the front office until released by the EA.

- When the watch is relieved in person, the duty weekday briefcase will be passed from one duty officer to the next, but must be returned to Room 8S23 every Friday morning for updating. If relieved by phone, the off-going duty officer must return the weekday briefcase to Room 8S23 so that it can be picked up by the on-coming duty officer later in the day. A separate Friday briefcase must be picked up in room 8S23 by the Friday duty officer.

1715 - The duty officer will check with the EA, the Deputy JAG's secretary, the AJAG's secretaries, and the duty legalman for outgoing unclassified messages, and will check the mailroom for outgoing messages.

- Take outgoing unclassified messages to the Communications Center, Room 204, Hoffman I, telephone 325-0382; ensure the Communications Center has the duty officer's correct home phone number and knows where to reach the duty officer until 1800.

- Pick up incoming unclassified messages and bring to Room 9N27.

1730 - Return to Room 9N27; review unclassified messages and inform the EA of any that might require immediate action or are of immediate interest. For any matters involving urgent action or of urgent interest, contact the appropriate division director, the EA, the Deputy JAG, or the JAG, in that order.

- Unless otherwise required, the duty petty officer will be secured and the duty officer will maintain the phone watch.

1800 - Unless the duty officer's continued presence is required by the Deputy JAG or the EA, the phone watch in the front office may be secured.

- Notify OPNAV Command Center at 695-0231 that the "JAG watch is set." Ensure that the OPNAV Duty Office has the duty officer's correct home phone and pager numbers.

- Turn off copy machine located at 9N12, but do not lock the doors to the space containing

the copy machine.

- Return incoming unclassified messages to the incoming-message slot in the mail room.
- Continue watch at quarters. The duty officer may leave quarters to run errands etc., but must ensure that he or she can be reached by pager.

c. Saturday, Sunday, and Holiday Watch Procedures

0745 - Report to Hoffman II and check for outgoing messages in the outgoing-message slot in the mail room; drop off any outgoing messages and pick up incoming unclassified messages at Communications Center.

0800 - Assume the watch in Room 9N27; relieve off-going duty officer by telephone.

- Screen all unclassified messages and take necessary action. Notify division director, the EA, the Deputy JAG, or the JAG, in that order, of matters requiring urgent action or of urgent interest.

- Notify OPNAV Command Center at 695-0231 that the duty officer has assumed the JAG watch; verify home phone and pager numbers.

- Return all messages to the incoming-message slot in the mail room.

- Continue watch at quarters. The duty officer may leave quarters to run errands etc., but must ensure that he or she can be reached by pager.

- **NOTE:** Sunday duty officers, including Administrative Law Division personnel, are responsible for opening Room 9N27 on Monday morning at 0700 unless the Monday falls on a holiday. Holiday duty officers, including Administrative Law Division officers, are responsible for opening Room 9N27 on the following workday at 0700. All weekend and holiday duty officers must return their duty briefcases to room 9N27 on the first workday following their watch.

605. DUTY PETTY OFFICER

a. **Designation.** Enlisted personnel below the rate of chief petty officers who are attached to OJAG, COMNAVLEGSVCCOM, NAVCIVLAWSUPACT, NAVMARTRIJUDIC, or NAMARA, and assigned to Hoffman Building II, comprise the JAG duty petty officer watchbill.

b. Duties

- The duty petty officer provides necessary administrative and clerical support to the DJAG, the EA, and the duty officer on workdays.

c. Watch Routine

1625 - Report to Room 9N27 and receive instructions from the EA.

- Man the phone watch and perform other duties as directed.

1730 - Secure from the watch unless presence is further required.

606. UNAVAILABILITY FOR DUTY AND EXCHANGE OF DUTIES

a. **Use of supernumeraries.** Watch standers unexpectedly unavailable for duty on the assigned date because of illness, or other good and sufficient cause, will notify the Senior Watch Officer or Assistant Senior Watch Officer as early as possible. The officer or enlisted member heading the appropriate supernumerary list will stand the watch.

b. **Leave.** No person on the duty list will be granted leave for a leave period which includes a duty day without first having arranged for a relief. The leave request must include the name of the relief and initials of the Senior Watch Officer.

c. **Approvals required for exchange of duty.** Exchange of duty may be approved by the Senior Watch Officer or Assistant Senior Watch Officer. Exchange of duty should be requested in writing by the first day of the month. If exchange is requested fewer than five working days in advance of duty, approval requires individual justification and will be approved on a case-by-case basis. Failure to provide timely notice may result in disapproval.

607. MESSAGES

a. **Unclassified Messages.** Duty officers are required on their respective duty days to pick up unclassified message traffic addressed to the Judge Advocate General of the Navy (NAVY JAG ALEXANDRIA VA), Commander, Naval Legal Service Command (COMNAVLEGSVCCOM ALEXANDRIA VA), and Naval Civil Law Support Activity (NAVCIVLAWSUPPACT ALEXANDRIA VA). When the duty officer picks up unclassified messages, he or she must review them, stamp each message with the stamp provided, and indicate what, if any, action was taken.

b. **Classified Messages.** The duty officer is not authorized to pick up or release classified messages. Classified message traffic will be handled in accordance with the following procedures:

(1) **During the normal work day** - Classified message traffic will be handled by Fiscal and Administrative Support Division personnel.

(2) **After normal working hours** - The message center will call the duty officer after normal working hours to notify him or her that a classified message is awaiting pick-up. The duty officer must determine the classification, precedence, and whether NAVY JAG, COMNAVLEGSVCCOM, or NAVCIVLAWSUPPACT is an "action" or "info" addressee. Action messages of any precedence must be referred to one of the officers listed on the Classified Message Access List located in the duty briefcase, starting with the most junior officer on the list. The first available officer contacted will pick up the message consistent with its precedence. If no "action" messages are involved, the duty officer should inform the message center that the message will be picked up by OJAG's next regular classified pick-up. Only certain officers on the access list are authorized to pick up SPECAT, SPECAT/CODEWORD, and "For Focal Point Officer Only" messages. Any such messages should be referred to one of the officers specifically designated on the access list.

608. THE JAG LOG

The duty officer will maintain a log to record all occurrences, including the reporting and detachment of officers, unusual or significant incidents, and personnel casualties. The log will not be removed from OJAG, Room 9N27. The duty officer will enter in the log at the beginning of the next work day those reports received after departure from the Hoffman Building.

609. UNIFORM FOR WATCH STANDERS

OJAG watch standers will stand watches in the uniform of the day.

610. SECURITY

Prior to departure, the duty officer will check the baskets and tops of desks in the offices of the Deputy JAG and AJAG's for classified material and check all safes and file cabinets in these offices to ensure they are locked. If classified material is found, the duty officer will stow it in an approved safe until the next working day. If the duty officer does not possess the necessary clearance to possess the adrift classified material, he/she must immediately contact an officer in the Special Programs Division and remain with the material until properly relieved.

611. CHANGE OF ADDRESS AND/OR TELEPHONE NUMBERS

Watch standers will notify the Senior Watch Officer or Assistant Senior Watch Officer of changes in their residence addresses and telephone numbers.

CHAPTER SEVEN

CIVILIAN PERSONNEL MANAGEMENT AND ADMINISTRATION

701. GENERAL INFORMATION

a. **Purpose.** The following sections cover fundamental areas of civilian personnel management and administration. Topics not covered should be referred to the DAJAG (Fiscal and Administrative Support), Code 64.

b. **Assistance.** Contact DAJAG (Fiscal and Administrative Support), Code 64 for assistance.

702. OBJECTIVES AND RESPONSIBILITIES

a. **Objectives.** The OJAG civilian personnel program recruits, staffs, trains, motivates, disciplines, and rewards a technically oriented legal support staff to further the goals of the JAG and COMNAVLEGSVCCOM.

b. **Responsibilities.** SECNAV or a designee establishes DON civilian personnel policies and programs. The DAJAG (Fiscal and Administrative Support) manages the civilian personnel program within OJAG and COMNAVLEGSVCCOM. The chain of command implements those policies and programs. Managers and supervisors, at all levels manage assigned civilian personnel with technical guidance and assistance from personnel specialists.

703. NAVAL EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION PROGRAM

a. **Policy.** All persons have equal opportunity in all civilian employment matters within the DON.

b. **Responsibilities**

(1) The JAG is the EEO Officer for OJAG.

(2) The DAJAG (Fiscal and Administrative Support) is the Deputy EEO Officer for OJAG.

c. **Employment of Handicapped Individuals and Disabled Veterans.** The DON is committed to assuring that all individuals, regardless of age, race, color, sex, religion, national origin or handicap, have equal opportunity for employment, rising to their full potential.

d. **Counseling.** Employees or applicants for employment may contact an EEO counselor if they believe they have been discriminated against. Contact the DAJAG (Fiscal and Administrative Support) for a list of available counselors.

704. DISCRIMINATION COMPLAINT PROCEDURES

a. **Policy.** All persons must be given equal opportunity in civilian employment matters within DON.

(1) A discrimination complaint may be based on race, color, age, national origin, sex, religion, physical handicap, mental handicap, or reprisal for a prior EEO complaint.

(2) An employee (complainant) making a discrimination complaint has the rights to a representative of own choice, confidentiality, reasonable amount of official time to process charge/complaint, explanation of formal complaint process, and assistance in preparing a formal complaint; also, freedom from

restraint, interference, coercion, discrimination or reprisal during the complaint process.

b. Procedures. An employee considering a discrimination complaint should contact directly the Equal Employment Manager, EEO Branch, Secretariat/Headquarters Civilian Personnel Office (S/HCPO).

D) **705. RESERVED**

706. EMPLOYEE RESPONSIBILITIES, BENEFITS, SERVICES AND INFORMATION

a. Policy. Civilian employees should know their entitlements and benefits, standards of conduct, code of ethics for government service, available civilian personnel services, and work-related obligations.

R) **b. Assistance.** Each employee entering on duty should review and keep a copy of the Civilian Employees' Handbook. Employees may also talk with a personnel staffing specialist, employee relations specialist, or employee development specialist at the Secretariat/Headquarters Civilian Personnel Office (S/HCPO).

707. SUPERVISORY RESPONSIBILITIES AND INFORMATION

a. Policy. Supervisors will:

- (1) Be familiar with DON civilian personnel policies;
- (2) Administer DON Performance Appraisal Review System (PARS) or Performance Management Recognition System (PMRS), as applicable;
- (3) Obtain two hours of EEO training every fiscal year and know local EEO and AA Program policies and objectives;
- (4) Develop on-the-job and formal training plans for subordinate staff;
- (5) Increase employee productivity and creativity, and promote teamwork;
- (6) Maintain on-the-job safety and reduce workplace injuries and illnesses;
- (7) Discipline and ensure good conduct;
- (8) Discharge responsibilities under the Part-time Career Employment Program;
- (9) Obtain assistance in managing or supervising subordinate staff.

708. EMPLOYEE DEVELOPMENT AND TRAINING PROGRAM

a. Policy. Managers and supervisors must evaluate employee performance, review current and anticipated missions, determine where training can be used to enhance employee performance to meet mission demands, and assure training is achieved and evaluated.

b. Responsibilities

- (1) Managers and supervisors ensure that subordinate staff receive training for:
 - (a) Improving employee performance;

- (b) Developing employee skills to meet current and future manpower skills needs;
- (c) Providing opportunities for development of high potential employees;
- (d) Providing employees with necessary competency to meet changes in organizational policy, mission, technology, structure or equipment;
- (e) Maintaining "state-of-the-art" specialized proficiencies, and
- (f) Assisting with the planned upward mobility of lower-level employees.

c. Mandatory training. Managers and supervisors must complete mandatory training:

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- (1) New Employee Orientation (new employee);
- (2) Annual security briefing (any employee holding a security clearance);
- (3) Supervisory training per S/HCPPOINT 12-11.1 series;
- (4) DON Program (PARS) Orientation;
- (5) EEO Training (new EEO officials). See section 707a(3), concerning annual supervisor

training.

d. Training resources. Fund allocation follows a priority system:

(1) Priority One (Essential): Training required by law, regulation, or higher authority during current fiscal year necessary for mission accomplishment; and, training to ensure performance objectives or to correct serious performance deficiencies.

(2) Priority Two (Needed): Training which if omitted may impact adversely on complete and qualitative mission accomplishment during the next two to three fiscal years (e.g., training to provide for the systematic replacement of skilled employees.)

(3) Priority Three (Useful): Training might be helpful in enhancing the overall performance levels of competent employees.

e. Procedures for requesting, approving, and evaluating training

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(1) Request. Supervisor of the trainee should request training by a brief memo to Code 64 via the cognizant AJAG specifying the particulars of a training event (e.g., priority, cost, vendor, address, dates, course title, catalogue/course number, location of training site, etc.) as soon as the need arises.

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(2) Approval. When the training is approved, Code 64 prepares a Form DD-1556, Request, Authorization, Agreement, Certification of Training, and Reimbursement for signature/date by supervisor, cognizant DAJAG and AJAG and the Head, S/HCPPO Employee Development Branch (Arlington Annex).

(3) Evaluation. Trainee and supervisor complete Copy 9 of the DD-1556 on completion of training and forward to Code 64 via the cognizant division director.

709. UPWARD MOBILITY PROGRAM

a. **Policy.** DON agencies through the Upward Mobility Program (UMP) provide the maximum opportunity for lower-grade employees, especially women and minorities, to advance to their highest potential.

(1) OJAG policy requires all civilian personnel, especially legal clerks and legal technicians, be provided on-the-job technical and formal training to qualify for professional positions through competitive merit promotion procedures.

b. Responsibilities

(1) The DAJAG (Fiscal and Administrative Support), Code 64, as the Upward Mobility Program Coordinator (UMPC) provides UMP support.

(2) Supervisors and managers will:

(a) Provide maximum utilization of skills and on-the-job technical and formal training;

(b) Identify training for professional positions;

(c) Work with employees and employee development specialists to develop subordinate staff;

(d) Provide job-related counseling;

(e) Periodically examine organization structures and positions to redesign UMP; and

(f) Achieve UMP policy goals.

(3) Employees should be knowledgeable of the UMP program and opportunities and keep their official personnel file up-to-date with information on self-development and learning activities.

c. **Procedure.** Supervisors and employees should coordinate with the UMPC, Code 64.

710. PERFORMANCE APPRAISAL REVIEW SYSTEM (PARS)

R) a. **Policy.** The PARS system executes basic management responsibilities and achieves specific organizational objectives. The appraisal system requires establishment of at least one, preferably three to five, critical position performance elements and performance standards for "exceeds fully successful," "fully successful," and "minimally successful" levels. Appraise each employee continually through the fiscal year. On or about 30 May, assign a final summary appraisal and rating. Supervisors use the results of the performance appraisal as a basis for personnel decisions, training requirements, promotions, demotions, reassignments, and removals.

b. Responsibilities

(1) The DAJAG (Fiscal and Administrative Support) maintains an administrative control system and provides PARS assistance.

(2) Supervisors will cover GS-schedule subordinate staff under a current PARS appraisal, evaluating performance on a continuous basis, documenting performance, and assigning ratings in a timely manner.

(3) Each PARS employee should know performance elements and standards.

(4) Office managers develop and maintain adequate PARS records including office elements and standards, employee PARS appraisals, and related memoranda and guidelines.

A) c. Procedures. The PARS appraisal period is 1 June through 31 May. The S/HCPO PARS Instruction 12430.1 states the PARS policy and procedures; it may be obtained from Code 64 or reproduced locally.

711. PERFORMANCE MANAGEMENT AND RECOGNITION SYSTEM (PMRS)

a. Policy. The PMRS executes basic management responsibilities and achieves broad organizational objectives. PMRS covers all GM-schedule personnel.

b. Responsibilities

(1) The DAJAG (Fiscal and Administrative Support) maintains an administrative control system and provides PMRS assistance.

(2) Each PMRS supervisor must plan and evaluate organizational goals; identify individual employee accountability for organizational goals; and compensate based on performance. The PMRS supervisor covers GM-schedule subordinate staff under a current PMRS appraisal, appraises performance continually, documents performance, and assigns ratings in a timely manner.

(3) Each PMRS employee should know the performance elements, objectives, and standards.

c. Procedures. The PMRS appraisal period is 1 July through 30 June.

(1) The supervisor and employee set standards, elements, and objectives by 10 July.

(2) Second level supervisor approves standards and elements by 20 July.

(3) Performance Appraisal Review Officer (PARO) and the Performance Review Board make final review and approval by 30 July.

(4) The first level supervisor gives the final performance plan to the employee as soon as possible after final approval.

(5) Supervisor conducts mid-year review by 31 January.

(6) PMRS employee prepares yearly accomplishment report (if required) by 1 July.

(7) First and second level supervisors deliver proposed summary rating to PARO by 22 July.

(8) PARO approves summary rating by 15 August.

(9) First level supervisor discusses final summary rating with employee by 10 September.

(10) PARO forwards original final rating form to S/HCPO by 15 September.

712. MERIT STAFFING PROGRAM

a. Policy. Management determines the method and sources to fill vacant or newly established positions, including promotion, reassignment, transfer, reinstatement, handicapped or Veterans' Readjustment Appointments, and original appointment from an OPM certificate of eligibles. Supervisors and managers should determine the approach to best meet mission objectives, permit new ideas, and encourage affirmative action and attainment of EEO objectives. In filling vacancies, decisions on qualification, evaluation and selection should be made without regard to race, color, religion, sex, national origin, age, lawful political affiliation, marital status, non-disqualifying physical or mental handicap, and membership in a labor organization. All actions under the Merit Staffing Program will be based solely on job-related criteria, and not favoritism, personal relationships, nepotism, or patronage.

b. Responsibilities

(1) The DAJAG (Fiscal and Administrative Support) maintains Merit Staffing Program guidelines and provides written and oral guidance to employees, supervisors, and managers.

(2) Supervisors and managers will anticipate and plan staffing needs with Code 64, consider vacant positions under part-time employment program, and consider targeted groups (handicapped individuals, disabled veterans, minorities, and women) for vacancies. Selecting officials may have to justify non-selection of qualified, targeted applicants.

(3) The DAJAG (Fiscal and Administrative Support) ensures funding of merit personnel/staffing requirements.

(4) The DAJAG (Fiscal and Administrative Support), as the OJAG Deputy EEO, ensures that merit staffing decisions meet organizational objectives and EEO/affirmative action goals.

c. Procedures. Merit staffing options vary with particular requirements. In general, follow these steps:

(1) New position is established or vacancy occurs;

(2) Selecting official contacts Code 64;

(3) Consideration of options, noncompetitive candidates, EEO and affirmative action, part-time career employment program, and other organizational initiatives;

(4) Code 64 initiates SF-52 (Request for Personnel Action);

(5) Code 64 tracks SF-52 through staffing process;

(6) Code 64 reviews SF-52 for funding approval;

(7) Code 64 reviews SF-52 for organization and EEO/affirmative action;

(8) SF-52 submitted to S/HCPO for action;

(9) Code 64 evaluates S/HCPO merit selection and special placement applicants (if applicable); S/HCPO forwards Merit Selection Certificate(s) to selecting official;

(10) Selecting official interviews applicants and/or evaluates applications; forwards completed certificate to S/HCPO for review and approval; and

(11) S/HCPO makes official offer of employment to selectee and determines enter-on-board date.

713. INCENTIVE AWARDS

a. Policy. The Incentive Awards Program improves government operations and services by motivating employees to increase productivity and creativity. It rewards those whose job performance and adopted ideas benefit the Government.

b. Responsibilities

(1) The DAJAG (Fiscal and Administrative Support) maintains incentive award program guidelines and provides written and oral guidance to supervisors and managers.

(2) Supervisors and managers will familiarize themselves with the provisions of S/HCPOINST 12451.1 [series], support the awards program, reward job performance, honor deserving employees, and encourage submission of beneficial suggestions.

(3) The DAJAG, Fiscal and Administrative Support will program adequate funds for the incentive awards program.

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c. Procedure. The more common incentive awards are Performance Awards, Special Act or Service, On-the-Spot, and Beneficial Suggestion. Contact Code 64 for information on award requirements and forms of awards.

714. PART-TIME CAREER EMPLOYMENT PROGRAM

a. Policy. It is DON policy to expand the number and scope of permanent part-time positions including professional, technical, trades, craft and clerical services; and provide part-time career employment opportunities to interested and eligible applicants and employees in positions GS-1 through GS-15 and equivalent levels. Job-sharing occurs when two employees hold a single full-time position and share attendance to cover the 40-hour work week.

b. Objectives. The Part-time Career Employment Program:

(1) Increases employment opportunities for minorities, women, students needing part-time employment to finance their education, parents with family responsibilities requiring a part-time schedule, and handicapped or others who need or want a part-time schedule.

(2) Increases motivation and productivity by giving current employees part-time opportunities.

c. Responsibilities

(1) The DAJAG (Fiscal and Administrative Support) maintains the Part-time Career Employment Program and provides related assistance.

(2) Supervisors will become familiar with the provisions and requirements of the Part-time Career Employment Program and seek assistance from Code 64 in implementation.

(3) Employees should be aware of the program and seek information from supervisors or Code 64 if interested.

d. Procedures

(1) Cognizant supervisors review vacant positions at the GS-15 level and below to determine if appropriate for part-time career designation under the following questions:

(a) How does the mission and function of office or activity impact on possible designation of position as part-time?

(b) Is there current employee part-time employment interest in the vacant position?

(c) Do workload fluctuations merit consideration for part-time employment?

(d) Could part-time employment stabilize a position with a high turnover ratio?

(2) The supervisor of the vacant position should address questions (a) through (d) above in a memorandum to Code 64.

e. Other considerations. If a position presently occupied could benefit by part-time employment, supervisors should gauge employee interest and contact Code 64 for further assistance. A full-time employee cannot be required to accept a part-time position as a condition of continued employment.

715. DISCIPLINARY AND ADVERSE ACTION PROCEDURES

a. Policy. Supervisors are to keep employees fully informed of expected standards of performance and conduct, including consequences of sub-par performance and conduct. Management uses disciplinary action to correct deficiencies in employee behavior and attitude interfering with efficient operations; to maintain high standards of government service and public confidence in DON; and to maintain discipline and morale among employees.

b. Responsibilities

(1) The DAJAG (Fiscal and Administrative Support) maintains local disciplinary and adverse action guidelines, provides written and oral guidance to supervisors and managers, and maintains liaison with the Employee Relations Branch of S/HCPO.

(2) Supervisors and managers maintain good order and seek assistance from Code 64 when performance or conduct problems arise.

c. Procedures. Supervisors should document by memorandum, and contact Code 64 for guidance when conduct and performance problems occur.

716. LEAVE ADMINISTRATION

a. Policy. Civilian employees earn and accrue annual and sick leave according to law. If an employee has accrued leave it does not mean leave is approved. Approving leave is at the supervisor's discretion.

b. Responsibilities

(1) The DAJAG (Fiscal and Administrative Support) maintains leave administration guidelines, provides written and oral guidance to supervisors and managers, and maintains liaison with the Employee Relations Branch of S/HCPO.

(2) Supervisors and managers administer leave under local guidelines and seek assistance from Code 64 when leave questions arise.

c. Procedures

(1) Supervisors should become familiar with S/HCPOINST 12630.1 and have a copy available. Supervisors must review and approve time and attendance (timecard) reports for subordinate staff and ensure proper documentation of all leave taken.

(2) Supervisors should contact Code 64 regarding questions on leave administration.

d. Special leave situations

(1) Compensatory time. Compensatory time is earned for urgent fleet readiness, emergencies, safeguarding life and property, and individual instances where savings can be clearly demonstrated.

(a) The organizational level above the level ordering use of compensatory time can approve it. Compensatory time is requested and approved by the use of Overtime Request and Authorization Form (NAVEXOS-4377) and recorded on the time and attendance reports.

(2) Use or lose annual leave. The maximum permissible annual leave carry-over is 240 hours. Forfeited leave can be restored under certain unusual conditions and if annual leave was scheduled in advance. Supervisors and employees should schedule "use or lose" annual leave in advance to avoid potential conflicts and ensure there is sufficient staff to perform normal functions.

(3) Leave for Parents Adopting Children. Managers and supervisors are encouraged to approve requests for annual leave and leave without pay from parents who are adopting children.

(4) Voting leave. As a general rule, where the polls are not open at least three hours before or after an employee's regular hours of work, an amount of excused leave (no charge to annual leave) may be granted which will permit the employee to report to work three hours after the polls open or leave work three hours before the polls close, whichever requires the lesser amount of time off. The following schedule is a guide for use in allowing administrative leave for voting:

Work Schedule	Poll hours	Can vote at	Leave policy
0900-1730	0600-1900	0600	no leave
0830-1700	0600-1900	0600	1/2 hr administra.
0830-1800	0600-1900	0600	1/2 hr administra.
0800-1630	0600-1900	1600	1/2 hr administra.
0800-1730	0600-1900	0600	1 hr administra.
0730-1600	0600-1900	1600	no leave
0730-1700	0600-1900	1600	1 hr administra.
0700-1530	0600-1900	1530	no leave
0700-1630	0600-1900	1600	1/2 hr administra.
0630-1500	0600-1900	1500	no leave
0630-1600	0600-1900	1600	no leave

0600-1430	0600-1900	1430	no leave
0600-1530	0600-1900	1530	no leave
0900-1730	0700-2000	1700	1/2 hr administra.
0830-1700	0700-2000	1700	no leave
0830-1800	0700-2000	1700	1 hr administra.
0800-1630	0700-2000	1630	no leave
0800-1730	0700-2000	1700	1/2 hr administra.
0730-1600	0700-2000	1600	no leave
0730-1700	0700-2000	1700	no leave
0700-1530	0700-2000	1530	no leave
0700-1630	0700-2000	1630	no leave
0630-1500	0700-2000	1500	no leave
0630-1600	0700-2000	1600	no leave
0600-1430	0700-2000	1430	no leave
0600-1530	0700-2000	1530	no leave

717. OVERTIME ADMINISTRATION

a. Policy. DON is concerned with overtime costs and the lack of compensatory time use in lieu of irregular overtime. Overtime is limited to that which is of necessity, such as urgent fleet readiness; emergencies; safeguarding life and property; and instances where savings can be clearly demonstrated.

b. Responsibilities

(1) The DAJAG (Fiscal and Administrative Support) maintains overtime administration guidelines and provides written and oral guidance to supervisors and managers.

(2) Supervisors and managers administer overtime under local guidelines and obtain assistance from Code 64 for overtime questions.

c. Procedures

(1) Overtime and compensatory time is approved at least one organizational level above the level ordering it and further approved by DAJAG (Fiscal and Administrative Support).

(2) Overtime and compensatory time is requested and approved using Overtime Request and Authorization Form (NAVEXOS-4377) and, if approved, recorded on the time and attendance (timecard) reports.

718. HAZARDOUS WEATHER POLICY IN THE WASHINGTON METROPOLITAN AREA

a. Policy. All employees should presume, unless otherwise notified, that their office or activity is open regular workdays despite weather or emergency conditions, such as heavy snow, flooding, power failure, hurricane, or other natural disasters. The Executive Assistant Director, Office of Personnel Management (OPM), determines leave policy for all federal employees (except U.S. Postal Service) working in the Washington Metropolitan Area.

b. Hazardous conditions leave policies

(1) Federal Offices Open. Normal operations in effect. Employees report to work on time. Short periods of tardiness may be excused.

(2) **Delayed Arrival and Liberal Leave.** Supervisors may grant reasonable amounts of excused absence to those reporting late due to commuting delays. Employees, except those in critical positions, may take a reasonable amount of annual leave or leave without pay without advanced approval of their supervisors.

(3) **Early Dismissal.** Agencies may dismiss employees in advance of normal quitting time. Staggered early dismissals are announced only in most extreme circumstances. (DON is in early dismissal group II).

(4) **Closure.** Employees in critical positions will be expected to report to work. All others are excused.

c. Responsibilities

(1) During working hours, the DAJAG (Fiscal and Administrative Support) contacts the Assistant for Administration to the Under SECNAV for hazardous conditions leave decisions and advises all levels of command.

(2) During non-working hours, employees should monitor local radio and television news announcements for the official OPM leave policy.

d. Action

(1) Employees should be prepared for difficult driving conditions and minor disruptions of public transportation facilities.

(2) Release of DON employees because of interruption to normal operations is confined to emergency situations.

(3) Once a leave policy decision has been made, weather and other conditions are monitored continually and adjustments made as necessary by OPM. This information will be announced by the media and/or relayed by the DAJAG (Fiscal and Administrative Support) as appropriate. Local managers or supervisors may not deviate from OPM leave policy and decisions.

719. CIVILIAN ATTORNEYS UNDER JAG COGNIZANCE

a. **Policy.** The General Counsel is the Qualifying Authority to evaluate qualifications of persons recommended for appointment, transfer, reassignment, or promotion as civilian attorneys within the DON and to approve or disapprove such actions. The authority may be delegated subject to conditions as the General Counsel sets. By memorandum of 5 July 1978, the General Counsel delegated to the JAG, without power of re-delegation, authority to evaluate the qualifications of persons recommended for appointment, transfer, reassignment or promotion as civilian attorneys within OJAG and to approve or disapprove such actions. Any personnel action effecting the involuntary separation or reduction in grade of a civilian attorney requires prior approval of the General Counsel. The JAG is the Qualifying Authority for civilian attorneys, except Senior Executive Service level attorneys within OJAG.

b. **Responsibilities.** The DAJAG (Fiscal and Administrative Support) maintains program information on civilian attorney positions under the JAG's cognizance and provides administrative support.

c. Procedures

(1) The selecting official reviews available applications and selects the best qualified applicant. Military experience is evaluated and credited under the Federal Personnel Manual, Chapter 302-3. When more

than one applicant meets minimum requirements for appointment, select the applicant best qualified academically by relevant level experience and achievement, and other factors affecting ability to perform in the position. The selecting official must obtain:

- (a) Standard Form 171, Personal Qualifications Statement;
- (b) Official law school transcript and statement of class standing, if obtainable. This is waived if the applicant has been a bar member for five years or more and presents other satisfactory evidence of qualification;
- (c) Official certificate showing applicant is member of the Bar (unless applying for initial appointment prior to admission to the Bar);
- (d) Position description;
- (e) Report of the findings of the oral interview, including a bar member's professional evaluation or appraisal of the selectee measured against the position description;
- (f) Other pertinent comments; and
- (g) If a promotion, transfer, or reassignment, the professional supervisor's written evaluation of the quality of the attorney's work and opinion of the attorney's ability to perform the duties of the new position.

(2) The selecting official or local servicing civilian personnel office forwards selectee's application and documentation to Code 64 for screening and forwarding to the JAG.

(3) The JAG approves or disapproves proposed actions.

720. WITHHOLDING OF WITHIN-GRADE INCREASES

a. Policy. The DON PARS requires a relationship between performance appraisals and other personnel actions. An acceptable level of competence (ALOC) determination must be made to grant or withhold a within-grade increase (WGI) of GS-schedule employees. To grant a WGI the employee's most recent performance rating must be satisfactory or above. If not, a written statement must contain the reasons for granting the increase.

b. Responsibilities

(1) Supervisors having authority to approve or withhold WGI will:

- (a) Establish and communicate to employees the performance requirements for an ALOC;
- (b) Assist employees when performance falls below an ALOC;
- (c) Ensure that a GS-schedule employee does not receive WGI until the step-increase waiting period is completed, an ALOC determination is made, and the employee's most recent performance rating is satisfactory or above, or a written justification is prepared indicating that the performance rating does not reflect performance through the waiting period;

(d) Ensure WGI's are not granted automatically and the employee's work reflects an ALOC with each WGI;

(e) Contact Code 64 when a negative ALOC determination is made.

(2) Second-level supervisors, as reconsideration officials, will:

(a) Review reconsideration requests by employees given negative ALOC determination;

(b) Contact Code 64 when a reconsideration request is received.

(3) The DAJAG (Fiscal and Administrative Support) maintains S/HCPINST 12431.1 [series] and provides administrative support.

c. Procedures. For a negative ALOC determination:

(1) Notify employee of marginal or unsatisfactory performance per PARS procedures and negative ALOC determination;

(2) Issue employee notification within 30 days of completion of step-increase waiting period;

(3) Give employee the reasons for negative ALOC determination, the areas where the employee must improve performance to receive WGI, and inform of right to request reconsideration;

(4) Employee must request reconsideration within 15 days of receipt of negative determination and give reasons for request;

(5) If reconsideration official sustains negative ALOC decision, employee may appeal to Merit Systems Protection Board; and

(6) If reconsideration official reverses a negative ALOC decision, WGI is effective on original due date.

721. EMPLOYEE ASSISTANCE/COUNSELING (PENTAGON EMPLOYEE REFERRAL SERVICE)

a. Policy. The Pentagon Employee Referral Service (PERS) provides a counseling/referral service for employees with behavioral, emotional, stress, marriage, family, alcohol and drug-related problems adversely affecting job performance.

(1) DOD recognizes alcoholism, drug abuse, and other emotional or behavioral problems as treatable health problems. Use of PERS has no adverse affect on job security.

(2) Grant sick and annual leave to employees for treatment, as with health problems.

b. Responsibilities

(1) The DAJAG (Fiscal and Administrative Support) provides administrative support.

(2) Supervisors and managers will identify and document deteriorating or poor performance or conduct when it occurs and notify Code 64.

c. Procedures

(1) When a performance or conduct problem arises, supervisors and managers should notify Code 64, advise employee that a problem affecting job performance or conduct exists, tell employee that counseling is available if desired, and give employee leave to respond to counseling/referral.

(2) If "problem" employee refuses PERS or performance/conduct fails to improve, then take disciplinary or adverse action.

(3) For self-referred employees, contact the Civilian Employee Assistance Program (CEAP) Administrator, Employee Relations Branch, Arlington Navy Annex.

722. COMPETENCY FOR DUTY

Supervisors and managers should recognize health problems that cause performance deficiencies and identify and document deteriorating or poor performance or conduct when it occurs. The DAJAG (Fiscal and Administrative Support) (Code 64) provides administrative guidance and support. A supervisor should contact Code 64 immediately if an employee exhibits strong odor of alcohol, slurred speech, staggering gait, general incoherence, and/or sleeping on the job. In appropriate cases, Code 64 will contact the Employee Relations Branch, CEAP Administrator, Arlington Navy Annex, at (703) 614-3647 and provide further guidance. If there is a high probability of risk and the situation requires removing the employee from the worksite immediately, the supervisor may place the employee in a paid, non-duty status (administrative leave or excused absence), pending Code 64 determinations in the case, which might be detail, alternative assignment, or medical treatment.

723. POSITION CLASSIFICATION AND REVIEW

a. Policy. Integrate position classification with other personnel and management functions, especially billet control and position management. Specific tasks include: manage to payroll, maintain accurate position descriptions, achieve management objectives, fulfill program's legal and regulatory responsibilities, and conduct position and organizational reviews and make necessary changes.

b. Responsibilities

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(1) The AJAG (Civil Law), AJAG (Military Justice), AJAG (General Law), Principal DAJAG (Operations & Management), Chief Judge of the NCMCR, and DAJAG (Fiscal and Administrative Support) are position management authorities. The DAJAG (Fiscal and Administrative Support) provides classification support for these position management authorities.

(2) The DAJAG (Fiscal and Administrative Support) manages the position management and classification program and provides administrative support. Code 64 will:

(a) Arrange duties and responsibilities of positions, achieving most effective and economical utilization of personnel; assist classification authorities in the classification process; and advise supervisors and employees on the principles and requirements of DON position classification.

(b) Assure authorization of ceiling (billets) and necessary funds before classification authorities approve requests for new or updated classification; control high-grade positions per office position management procedures; and assist classification authorities to manage the payroll.

(3) Managers and supervisors will:

(a) Ensure current and accurate position descriptions cover all positions.

(b) Ascertain that there are no overlaps in responsibility or conflict with duties of other military or civilian positions prior to requesting classification action.

(c) Identify and explain changes as necessary in position descriptions.

(d) Group duties into positions so the work is accomplished efficiently and economically.

(e) Know and support the classification program. Keep employees and higher management levels informed on changes in positions and actions affecting positions and employees, grade controlling features of positions under them, and proper lines of promotion, responsibility and authority within the organization.

c. Procedures

(1) New or amended position description. The supervisor, with approval from second-level supervisor and appropriate division-level manager prepares a concise rough draft stating:

(a) Duties;

(b) Knowledge and/or skills required;

(c) Supervisory controls;

(d) Guidelines;

(e) Complexity;

(f) Scope and effect of employee's work;

(g) Personal contacts;

(h) Purpose of contacts;

(i) Physical demands; and

(j) Work environment.

R) (2) The supervisor prepares for Code 64's preliminary position management audit and, if necessary, a desk audit by S/HCPO or Code 64. The audit(s) cover how the work is done, examine samples of work, and discuss important features of the work with the persons who perform or supervise. Code 64 analyzes the positions within the organization, manpower requirements, economy and efficiency, and makes recommendations to the cognizant classification authority.

(3) Biennial Position Review. During review, instructions are given to certify the accuracy and completeness of positions.

(4) Classification Appeals. Employees may appeal their position classification at any time. An appeal results in: continuation of position at current grade; evaluation to a higher grade, or reduction to a lower grade. Employees should contact Code 64 for assistance.

724. ADMINISTRATIVE GRIEVANCE PROCEDURE

a. **Policy.** DON's goal is to treat employees fairly and resolve employee dissatisfaction promptly and equitably. An employee's request for personal relief from management's discretion, or dissatisfaction, unless specifically excluded by regulation, is a grievance. Supervisors should view an employee's grievance objectively and promptly.

b. Responsibilities

(1) The DAJAG (Fiscal and Administrative Support) provides administrative support.

R) (2) The AJAGs and DAJAG (Fiscal and Administrative Support) and designated subordinate officials have authority to act as Deciding Official over the grievance and make a final decision within time limits. The Deciding Official must be at a higher organizational level than any employee involved in any phase of the grievance.

(3) The employee making a grievance, or grievant, will present an oral (informal) grievance to the supervisor within ten calendar days of the incident giving rise to the grievance or the date the employee became aware of the incident. If the supervisor cannot resolve the grievance, then grievant files a formal, written grievance within 20 calendar days of the incident or the date the employee first became aware of the incident; provides a clear statement of the issues; and specifies personal relief sought.

(4) Supervisors and managers promptly act on an employee's grievance and consult Code 64.

c. **Procedures.** The Administrative Grievance Procedure will be followed.

725. TIME AND ATTENDANCE REPORTING

a. **Policy.** The junior-most supervisory level maintains and certifies timecards.

b. Responsibilities

(1) The DAJAG (Fiscal and Administrative Support) maintains time and attendance records, submits timecards to the Navy Regional Finance Center, Civilian Payroll Department, trains timekeepers and certifying officials and provides administrative support.

(2) Managers, as certifying officials, ensure that timecards accurately reflect attendance for duty and/or absence, and that all overtime, compensatory time and/or absences are substantiated.

(3) Timekeepers (personnel assigned to maintain timecards) record daily time and attendance on employees' timecards in their timekeeping unit, ensure the timecard of the certifying official is certified by another employee, ensure there are no missing timecards, and submit timecards to Code 64 within deadlines.

(4) Employees indicate their concurrence of recorded absence (except absence without leave (AWOL) or suspension) by initialling the timecard or provide their supervisor with a completed Application for Leave, SF-71, if not present to initial the timecard.

c. Procedures for Timekeeper

(1) Tour of Duty. Record employee's normal work-hours;

(2) REG column. Record regular hours or hours each day that employee is to be paid in the

"REG" column. Exclude overtime, approved leave without pay, AWOL, suspension, and non-pay status.

(3) OT column. Record whole and tenths of hours of overtime.

(4) LEAVE column. Record used leave and compensatory time earned and taken in the "LEAVE" column. Record leave by citing the appropriate LEAVE code, a slash, and whole and tenths of hours. Record hours the employee worked in the IN and OUT blocks. Leave taken and entered on the timecard must be accompanied by an SF-71.

(a) Timecard LEAVE codes:

CODE	DESCRIPTION
68	Traumatic Injury
71	Annual Leave
72	Sick Leave
73	Advance Annual Leave
74	Advance Sick Leave
75	Compensatory Time Earned
76	Compensatory Time Taken
77	Military Leave
78	Court Leave; Administrative Leave
79	Approved Leave Without Pay (LWOP)
80	Absence Without Leave (AWOL)
81	Nonpay Status
82	Suspension
83	Furlough

(5) WK1 REG and WK2 REG blocks. Record total regular hours worked during the first and second weeks of the pay period, respectively.

(6) REGULAR HOURS block. Record number of regular hours worked during pay period.

(7) CERTIFICATION block. Obtain signature of the division director or the DAJAG (Fiscal and Administrative Support).

(8) Holiday leave. Enter regular hours worked in the REG column block and write "HEX" (holiday excused) across the IN and OUT column corresponding to the specific weekday holiday.

(9) Compensatory and Overtime. Record actual hours worked in the second set of IN and OUT blocks (e.g., 1630-1830).

(10) Resigned, transferred, or separated employees. Timekeepers must submit all pre-printed timecards for former employees until no longer received.

(11) Supplemental timecards. Complete when overtime/compensatory time was not previously reported or for correcting leave. Contact Code 64 for assistance.

CHAPTER EIGHT

MILITARY JUSTICE MATTERS

801. COURT-MARTIAL RECORDS OF TRIAL (ROT)

The ROT includes all papers contained within its protective covers when the ROT is received in OJAG.

802. ACTION ON RECEIPT OF RECORDS OF TRIAL

a. **Receipt of Records of Trial.** NAMARA Case Management Branch, Documents Examination Section (Code 40.31), receives all ROT's requiring review by NMCMR under Article 66, UCMJ, or examination by JAG under Article 69(a), UCMJ; all ROT's by general court-martial; all ROT's of officers; and all ROT's that include waivers or withdrawal of appellate review.

b. **Examination of Records of Trial.** The Documents Examination Section (Code 40.31) stamps the date of receipt on the front cover of the ROT (DD Form 490), and examines each ROT to ensure that the original and all required documents are present. The ROT is then assigned an NMCMR number and data from the case is entered into the NAMARA Case Tracking System (NCTS). The NCTS generates a Documents Examination check sheet, which is then used by the documents examiners to verify that all required documents are attached to the record or to note deficiencies. If all required documents are not attached, notify the convening or other appropriate authority.

c. **Assignment of NMCMR Numbers.** NMCMR numbers are assigned in numerical sequence based on the calendar year. The NMCMR number consists of the last two digits of the year and the next four digit number in the sequence (e.g., 890001).

d. **Routing Check Sheets.** After noting that all required documents and copies of the ROT are present, the Documents Examination Section enters appropriate data into NCTS. NCTS generates a "Routing Check Sheet" which is affixed to the top of the record.

(1) The NCTS generates the white routing check sheets (NAVJAG 5810/27). These check sheets are used for Article 66, UCMJ, general courts-martial involving enlisted personnel, and BCD special courts-martial involving enlisted personnel.

(2) Blue sheets are used for all courts-martial involving officers and warrant officers.

(3) Pink sheets are used for Article 69(a), UCMJ, general courts-martial involving enlisted personnel and for acquittal general courts-martial involving enlisted personnel. The blue and pink sheets are prepared manually.

e. **Article 66, UCMJ, general court-martial and BCD special court-martial records.** The original record and two copies are delivered to the Docketing Clerk, NMCMR, who assigns the case to a panel, prepares the ROT for delivery to the NMCMR panel, and provides a copy to the Appellate Government and Defense Divisions.

f. **Article 69(a), UCMJ, general court-martial records.** The ROT is delivered to Code 40.32, who transmits the record directly to Code 40.2, Examinations and New Trials Branch, NAMARA. When examination is complete, the ROT is returned to Code 40.32 for data entry into the NCTS and finish filing.

g. General court-martial acquittal records and special courts-martial involving officer accused. After assigning an NCMCMR number, Code 40.31 transmits the ROT to Code 40.2 for inspection. After review, Code 40.2 forwards the ROT to Code 40.32 for finish filing.

h. Non-BCD special court-martial records/summary court-martial records received for review under Article 69(b), UCMJ. Transmit non-BCD special court-martial records and summary court-martial records received for review under Article 69(b), UCMJ, to Code 40.2 for assignment of a sequential case number and review.

i. Non-BCD special court-martial records and summary court-martial records received in error. For all records of non-BCD special courts-martial and summary courts-martial which were forwarded in error to OJAG or other DON offices, forward to Code 40.31 for return to the originating command.

j. Records containing waivers of appellate review under Article 61, UCMJ. Code 40.31 affixes an appropriate Routing Check Sheet to each ROT requiring review under Article 66, 69(a), UCMJ, and containing waiver of appellate review under Article 61, UCMJ. Code 40.31 assigns an NCMCMR number and sends the ROT to Head, Review and Special Correspondence Branch, Code 40.2, for review. After review, ROT is sent to 40.32 for finish filing.

k. Court-martial records involving officers and warrant officers

(1) Article 66, UCMJ, cases. After NCMCMR's decision, all ROT's involving officers and warrant officers are transmitted to Code 40.2 for promulgation and other appropriate action.

(2) Article 69(a), UCMJ, cases. Cases involving officers and warrant officers received for examination under Article 69(a), UCMJ, are forwarded to Code 40.2. When examination is complete, the ROT is returned to Code 40.32 for finish filing.

(3) All other cases. Other cases involving an officer or warrant officer shall be forwarded to Code 40.2 for information. Code 40.2 will return the record to Code 40.32 for finish filing.

l. Article 62, UCMJ, appeals by the United States. If an Article 62 appeal is filed with NCMCMR, Director, Appellate Government Division (Code 46), transmits the appeal to the Clerk, NCMCMR (Code 07.1). Code 40.31 assigns an NCMCMR miscellaneous docket number to the case and enters appropriate information into the database. The record is assigned to a panel of NCMCMR as if it were reviewed under Article 66, UCMJ, except that an Article 62 appeal is given priority over other proceedings before the Court. See section 808 for action required after decision by NCMCMR.

803. PROCESSING PROCEDURES FOR ARTICLE 66, UCMJ, GENERAL COURTS-MARTIAL AND BCD SPECIAL COURTS-MARTIAL

a. Log and transmittal procedures. Clerk, NCMCMR (Code 07.1) maintains a Court-Martial Records Log on NCTS containing information on assignment of each case. After assignment to a NCMCMR panel, Code 07.1 delivers the original ROT to the panel and a copy to Appellate Defense and Appellate Government Divisions. After the panel or NCMCMR *en banc* decision, the ROT and decision are sent to Code 40.32 who signs the receipt form (NAVJAG 5800/3) and returns it to NCMCMR.

b. Assignment of cases. The senior judge of each NCMCMR panel is responsible for the panel's processing of cases and ensures equitable distribution of the workload to individual panel judges, including the senior judge, both for initial review and preparation of a rough draft of a suggested decision to be issued by the panel, and for secondary review by other judges of the panel.

804. NOTIFICATION TO THE JUDGE ADVOCATE GENERAL OF COMPANION CASES REVIEWED UNDER ARTICLE 66, UCMJ, AND UNDER ARTICLE 69(A), UCMJ

When a general court-martial ROT involves co-accused and one or more of the co-accused's cases are subject to review by NMCMR under Article 66, UCMJ, and the other under Article 69(a), UCMJ, the Court or Code 40 should notify JAG (Code 20) of companion cases before continuing appellate review. The JAG may wish to refer the Article 69(a) cases to NMCMR.

805. CONTROL OF RECORDS

All court-martial records being reviewed by NMCMR are under the immediate control of the Clerk, NMCMR (Code 07.1). Code 07.1 shall prepare, issue, and authenticate all orders of the Court; issue and authenticate all opinions of the Court; keep all records of the Court; and perform such other administrative functions as may be required by the Court. After decision by the Court, Code 07.1 shall transmit the record of trial, together with copies of the decision, to Code 40.32, who shall sign a receipt (NAVJAG 5800/3) for the record. Thereafter, the records shall remain under the overall supervision of Code 40.3, and under the immediate control of Code 40.32 until finish-filed. Code 40.33 shall retain immediate control of the records until they are delivered to the National Records Center, Suitland, when authorized by Code 40. Codes 40.32 and 40.33 shall make the records available for use within OJAG. Requests for such records from outside OJAG shall be referred to Code 40 for action.

806. CLASSIFIED RECORDS

The JAG's policy is to declassify ROTs undergoing review whenever possible. Declassification is normally accomplished by removing exhibits or other papers from the ROT as directed by AJAG (Military Justice). Code 40.3 removes the exhibits or papers and does the declassification with the Classified Material Control Officer assigned by the AOIC (Code 04A). Removed exhibits or papers are handled and filed under section 905 of this Manual. Notation is entered in the ROT indicating where classified exhibits or papers are filed.

807. INSERTION AND REMOVAL OF PAPERS OR OTHER MATTER FROM RECORDS

a. *General rule.* Do not remove papers or exhibits from ROT without the express permission of the AOIC, NAMARA, except as required for copying or examination.

b. *Exhibits.* Code 40.3 may remove physical evidence exhibits (i.e., clothing, weapons, or other objects) from the ROT and store same until AOIC, NAMARA, authorizes disposal. Removed evidence must be fully identified to the case to which it belongs. Identify items removed and place of stowage in the original and all copies of ROT.

c. *Other authorized insertions and removals.* Clerk, NMCMR (Code 07.1), the Director, Administrative Support Division (Code 40), and the Special Correspondence Branch (Code 40.5), may remove papers from ROTs to compile statistical reports and promulgate appellate proceedings. Papers may be added only in accordance with the following (enter papers in inverse chronological order, below the protective cover (DD Form 490):

By Whom Inserted

Papers

NMCMR

Notices of appearance, briefs, motions, and other papers filed with NMCMR by appellate counsel; interlocutory orders; decisions of NMCMR

Code 07.1

Orders of Clerk, NMCMR

Code 40.2, Code 40.3,
Code 40.22, or Code 20

Pleadings and papers filed with Code 40.22, or Code 20 USCMA or U.S. Supreme Court by appellate counsel; orders and opinions of USCMA or U.S. Supreme Court; action taken in compliance with the U.S. Supreme Court, USCMA or NMCMR remand; SECNAV action under Article 71; Presidential action under Article 71; supplemental court-martial orders; JAG or SECNAV clemency action under Article 74.

If a document or paper associated with a case is not listed above and the inserting authority doubts whether it should be made a part of the record, refer the matter to the Chief Judge, NMCMR, or to Code 40. All other papers (including extra copies of decisions) may be prefixed to the record above the protective cover. Codes 40.3 or 40.2 will file other papers for safekeeping when a record is sent to the U.S. Supreme court, USCMA or NMCMR.

808. PROMULGATION OF NMCMR DECISIONS

a. Receipt of records. Upon receipt of ROT's the receipt form (NAVJAG 5800/3) is prepared in duplicate by Code 07.1. Code 40.32 signs the original copy of the receipt form and returns it to the Clerk, NMCMR (Code 07.1). Code 40.32 retains the copy of the receipt form.

b. Article 66, UCMJ cases involving enlisted personnel where findings or sentence have been affirmed. Code 40.32 promulgates decisions of NMCMR, as authorized by the JAG in cases involving enlisted personnel when all or part of findings or sentence have been affirmed, and further court proceedings are not required.

c. Article 66, UCMJ cases where further action required by the field or NMCMR. When the JAG elects not to certify an issue to USCMA or not to petition the U.S. Supreme Court for a writ of certiorari, Code 40 promptly issues instructions to the appropriate authority for compliance in cases when further action is ordered or authorized. When NMCMR or USCMA rules that the sentence should be set aside and the accused remains in confinement pursuant to the sentence, Code 07.1 advises Code 40 of the court's decision. Code 40 issues instructions for compliance as soon as a decision not to certify or not to petition for a writ of certiorari has been made. Code 40 will promptly notify, by telephone or message, both the convening authority and the officer exercising general court-martial jurisdiction over the accused of the court's decision and the instructions for compliance.

d. Cases involving officers. Code 40.2 promulgates all decisions, orders, and actions involving officer personnel.

e. Article 62, UCMJ cases on appeal by the United States

(1) Code 07.1. Immediately upon NMCMR's decision, Code 07.1 advises Code 40 of the court's decision and forwards the ROT and copies of the decision to Code 40.

(2) If the appeal is granted:

(a) Code 46 notifies trial counsel.

(b) Code 40 forwards copy of the court's decision to:

(i) Code 20;

- (ii) Military judge;
- (iii) Cognizant NLSO or Marine Corps equivalent;
- (iv) Convening authority; and,
- (v) Cognizant staff judge advocate.

(c) Promulgate the decision to the military judge or the convening authority, as appropriate.

(d) ROT will remain in Code 40 until time for defense filing petition for grant of review with USCMA expires.

(3) If the appeal is denied and JAG elects not to certify an issue to USCMA, Code 40 transmits the ROT to the trial counsel or to the military judge, as appropriate.

(4) Petitions for grant of review by USCMA.

(a) Upon notification that a petition for grant of review is filed, Code 40 will take appropriate action to provide the original ROT to USCMA and copies to Appellate Government and Defense Divisions.

(b) Action following USCMA action:

(i) Code 40 informs trial counsel and cognizant staff judge advocate concerning the USCMA action;

(ii) Upon return of the appeal record, Code 40 promulgates the USCMA action.

(5) If the U.S. Supreme Court takes action, other than denial of a writ of certiorari, Code 40 will take action under R.C.M. 1205(b).

809. STATISTICAL AND WORKLOAD REPORTS

Code 40 will maintain, compile, and furnish court-martial statistics. Code 40 will submit a monthly NMCMR workload report to Code 02.

810. CORRESPONDENCE AND CONGRESSIONAL INQUIRIES ON RECORDS DURING PROCESSING.

The Clerk of the Court, NMCMR, initiates and sends out correspondence to process court-martial cases assigned to NMCMR for action. The Special Correspondence Branch, NAMARA (Code 40.22), prepares replies to all congressional and other inquiries on court-martial cases. Codes 07.1 and 40.3, as requested by Code 40.22, will follow cases to advise Code 40.22 when received, and when the court has acted. While under review by the U.S. Supreme Court, USCMA, or NMCMR, Appellate Government, upon request and if feasible, will make available its copy of the ROT for temporary use by Code 40.22.

811. CONTROL AND PROCESSING RESPONSIBILITIES FOR CASES BEFORE THE COURT OF MILITARY APPEALS AND THE U.S. SUPREME COURT

The Director, Administrative Support Division, NAMARA, JAG (Code 40), has responsibility for the operation

of the Petitions for Grants of Review control system. Head, Case Management Branch (Code 40.3), has administrative responsibility for the processing of petitions.

a. Promulgation Section, NAMARA (Code 40.32). When Code 40.32 receives the USCMA notice of the docketing of a petition for grant of review, the petition clerk:

- (1) Acknowledges the notice of docketing;
- (2) Prepares the ROT by removing duplicate documents;
- (3) Forwards the ROT to USCMA by transmittal document with defense and government pleadings, when applicable;
- (4) Maintains control copies of the pleadings separately and attaches to the ROT when returned by USCMA. Forwards file copy of the pleadings to the NMCMR commissioner.

b. Appellate Government and Appellate Defense Counsel. Appellate defense and appellate government counsel are held responsible to complete perfected petitions and to reply on or before due dates or to seek necessary time extensions. Appellate counsel ensure that a copy of each motion or pleading submitted by counsel or accused to USCMA or the U.S. Supreme Court, and a copy of each order or decision by the Court, is provided to Code 40.32. Both appellate divisions ensure that pleadings transmitted to USCMA are entered into the NCTS system.

c. Courier service. Code 40.1 provides courier service to USCMA and the U.S. Supreme Court and obtains appropriate receipts.

812. TRANSMITTAL OF RECORDS-PETITIONS TO USCMA

When USCMA notifies Code 40.32 that a Petition for Grant of Review has been received with respect to a specific record, regardless of whether the record is in use, Code 40.32 procures the ROT immediately. If other offices need the ROT while appellate counsel prepares a petition or brief, a request for the record may be made to Code 40.32 for temporary use not to exceed 24 hours. A receipt is required for the released record. The borrowing officer has the responsibility to return the record promptly to Code 40.32.

CHAPTER NINE

CLASSIFIED INFORMATION AND PERSONNEL SECURITY PROGRAM

901. PURPOSE

An effective security program requires the constant attention and self-inspection of all personnel. Use this chapter in conjunction with OPNAVINST 5510.1 [series] and OPNAVINST 5510.60 [series]. In case of conflict with JAG instructions on security-related subjects, the OPNAV instructions shall be authoritative.

902. BACKGROUND

OPNAVINST 5510.1 [series] establishes regulations and guidance for DON on classifying and safeguarding classified information and personnel security. OPNAVINST 5510.60 [series] contains implementing information and security regulations for offices under the cognizance of the CNO. A 22 July 1986 Memorandum of Agreement between SECNAV and CNO requires DON Staff Offices, including OJAG, to comply with implementing security program regulations issued by CNO.

903. PROGRAM MANAGEMENT

The security organization within OJAG is:

a. **Security Manager.** The Head, OPNAV Security Branch (OP-09B31) is the Security Manager for all DON Staff Offices, including OJAG.

b. **Security Coordinator.** The Director, Special Programs Division (Code 11) is Security Coordinator.

(1) The Security Coordinator serves as advisor to the JAG on the Information and Personnel Security Program and ensures the program's currency and continuity with applicable executive orders, statutes, and regulations.

(2) The Security Coordinator reports to, or otherwise coordinates with, the Security Manager on all information and personnel security matters.

(3) The Security Coordinator ensures that OJAG elements comply with Chapter 2 OPNAVINST 5510.1 [series] and implementing provisions of OPNAVINST 5510.60 [series] pertaining to the effective management of an information and personnel security program.

(4) The Security Coordinator conducts an annual review of the OJAG Information and Personnel Security Program's effectiveness and reports to the JAG as required.

A) (5) The Security Coordinator revises the OJAG Information and Personnel Security Program as required. In that regard, the Security Coordinator will advise and assist in implementing and interpreting all applicable guidance and policy.

(6) Code 11 officer personnel may assist the Security Coordinator. The Code 11 legal technician is the clerical assistant to the Security Coordinator.

c. **Top Secret Control Officers.** The Director, Special Programs Division (Code 11) is Top Secret Control Officer, OJAG. An officer designated by the DAJAG (International Law) (Code 10) is the Top Secret Control Officer, OJAG (Pentagon). The Top Secret Control Officers perform duties as outlined in Chapter 2 of

OPNAVINST 5510.1 [series] and distribute and control:

- R)
 - (1) All NATO, SEATO, and CENTO material (Code 10 – Pentagon only).
 - (2) Material transferred by the Defense Courier Service.
 - (3) Other sensitive material handled through Top Secret channels.

d. Assistant Top Secret Control Officers. Special Programs Division (Code 11) officer personnel are Assistant Top Secret Control Officers, OJAG; and one attorney assigned to the International Law Division will be designated by the DAJAG (International Law) (Code 10) as Assistant Top Secret Control Officer, OJAG (Pentagon). The Director, NAMARA Administrative Support Division (Code 40) designates two individuals as Assistant Top Secret Control Officers, OJAG (NAMARA). The Assistant Top Secret Control Officers perform the duties outlined in Chapter 2 of OPNAVINST 5510.1 [series]. The Assistant Top Secret Control Officer (Pentagon) assists the JAG when the Top Secret Control Officer (Pentagon) is unavailable. The Executive Assistant to the JAG (Code 00A) is an Assistant Top Secret Control Officer (Pentagon), responsible to the Top Secret Control Officer (Pentagon) for materials in the custody of the JAG.

e. Classified Material Control Center. The Special Programs Division is the Classified Material Control Center. Special Programs Division officer personnel are Classified Material Control Officers for OJAG. The Classified Material Control Officers, OJAG, are responsible for the receipt, dissemination, and central storage of all classified material entering OJAG, except as provided elsewhere in this regulation or by separate instruction. SCI (sensitive compartmented information) and other special access program (SAP) information requiring like protection will not be stored in the Classified Material Control Center, but will be maintained (under subcustody or otherwise) at the CNO/SSO SCIF (sensitive compartmented information facility) in the Pentagon.

- A) **f. Classified Material Control Officers.** Each division director will appoint in writing a Classified Material Control Officer (CMCO) for the division. Each division CMCO is responsible for the receipt, dissemination, and storage of all classified material within the division. Division CMCO's will coordinate with the Security Coordinator for matters of information and personnel security within the division. The division CMCO will maintain a turnover file of pertinent materials. The Security Coordinator will be kept currently apprised in writing of CMCO designations.

g. ADP Security Officer. The Head, OPNAV Physical Security Planning and ADP Security Section (OP-09B31E) controls and establishes all security areas and formulations in the area of ADP security. The DAJAG (Management & Plans) (Code 63) designates an officer in the division as ADP Security Officer, OJAG, who coordinates with OP-09B31E and is responsible to the Security Coordinator for the protection of classified information being processed in an automated system.

- R) **h. Message and document pickup.** Only cleared persons designated in writing to the appropriate communications center by the JAG or the Security Coordinator (if separately delegated that authority) may pick up classified message traffic and documents. Such designations must be certified by Code 11. Watchstanders may not pick up classified message traffic.

904. ORIGINATION, RECEIPT, TRANSMISSION, AND HANDLING OF CLASSIFIED MATERIAL

- A) **a. General considerations**

- (1) Store classified information only in approved containers.
- (2) When in use, classified documents must be kept under constant surveillance.

(3) Attach brightly colored and marked classified material cover sheets (Standard Forms 703, 704, and 705 for TOP SECRET, SECRET, and CONFIDENTIAL material, respectively) to all classified file folders, and to any classified documents.

(4) Classified materials should be properly stamped and marked immediately upon their creation. When in doubt, a tentative classification marking should be affixed and the word "tentative" written conspicuously next to the classification stamp. Final determination of proper classification and remarking or deletion of the word "tentative" should be accomplished within 30 days. Diskettes and printer or typewriter ribbons on which classified materials have been produced must likewise be marked with the highest classification of the materials so produced.

(5) Do not leave office spaces unguarded, even momentarily, when any classified material is not secured.

R) b. **Accountability for TOP SECRET.** Material will be centrally recorded and otherwise managed "from cradle to grave" by the Security Coordinator/Top Secret Control Officer. Records for materials classified SECRET and below may be non-centrally maintained as prescribed below.

R) c. **Origination.** Materials originated by OJAG shall be properly classified and marked in accordance with chapter 9, OPNAVINST 5510.1 [series], and other guiding directives. Use of the downgrading direction "OADR" (originating agency's determination required) should be kept to a minimum.

(1) Care will be taken to identify correctly and thoroughly the original classification authority for such materials. In the case of "multiple sources," a separate record of those multiple sources will be made and retained with the file copies of the document. If classification is derivative of another document so marked, then "multiple sources as provided by [the identification of the source document]" will be marked. If a classification guide is the source of classification markings, then it should be identified on the "Classified by" line.

(2) Similarly, the proper declassification or downgrading date should be entered. For documents originated by JAG, care should be taken to enter a specific date of downgrading or declassification if possible. The downgrading direction "OADR" (originating agency's determination required) should not be abused.

(3) Proper portion or paragraph markings of classification should be made. When this is not possible, the document should be marked "Classified [classification] in its entirety - [State the reason, e.g., because of aggregation]."

R) (4) Classified materials may be created only on word processors (including PC's and peripheral equipments) or typewriters designated and approved by the Security Coordinator for that purpose. Classified materials SHALL NOT BE saved to PC hard discs. If such materials are so saved, even if inadvertently, the ADP Security Officer and the Security Coordinator shall be notified immediately in order that they can take appropriate action. (Note: Deleting or erasing a document does not necessarily prevent its later recovery, and, therefore, does not provide adequate security for the information concerned.) Further, when typing classified documents on PC's, any automatic back-up function MUST BE DISABLED while working on such documents. Classified diskettes will be marked and controlled as provided in subparagraph 905e below.

R) d. **Hand-carrying classified materials.** Extreme caution will be exercised to guard against inadvertent disclosure when carrying classified materials within OJAG facilities. A classified cover sheet or enclosing folder or envelope will be used, at a minimum, for carrying such material within a building. Classified materials may be carried outside OJAG facilities only by persons so authorized, who possess a courier card issued by OPNAV Security or HQMC Security, as appropriate. (The Security Coordinator processes OJAG

applications for courier authorizations.) Such materials must be addressed and double-wrapped in accordance with chapter 15 of OPNAVINST 5510.1 [series]. Transportation directly to and from offices within the Pentagon is, for these purposes, transportation within OJAG facilities. Transportation among OJAG offices at the Pentagon, Hoffman Building, and Washington Navy Yard is "outside OJAG facilities," and is, therefore, transmission requiring a courier card. Courier cards for cleared personnel may be issued by Codes 00A, 10, 11, and 40.

(1) Code 64 couriers who make daily runs between the Pentagon and the Hoffman Building shall be properly cleared and shall obtain courier cards from the Security Coordinator. The executive assistants to the JAG and DJAG and personnel of the Special Programs Division shall normally be designated as couriers.

R) (2) Couriers shall use black pouches or other containers specially issued for these purposes. Care will be taken at offices where material is held for courier pick-up to ensure that classified and unclassified materials are not intermingled and that the courier will be informed that classified materials are to be carried. At those offices, procedures shall be established to ensure that the receiving office (and thus the courier) is informed if classified materials are included. Offices principally affected are the immediate office of the JAG and International Law Division offices in the Pentagon at rooms 5D834 and 2D343, respectively.

(3) Classified materials shall not be placed in the Hoffman mail room drop slots, nor shall classified materials be placed in in-boxes as a means of delivery to the addressee. They must be delivered personally to the addressee, or to a cleared individual who will ensure delivery to the addressee.

R) (4) Travel status. The Security Coordinator shall be consulted early in advance of official out-of-area travel for which classified materials need to be hand-carried in order that proper authorization and other arrangements can be made.

e. Use of U.S. Mails

(1) Procedures governing the use of U.S. mail for the transmission of classified materials are detailed in Chapter 15 of OPNAVINST 5510.1 [series] and shall be strictly observed. Special rules apply for mailing of classified materials, including CONFIDENTIAL materials, OUTCONUS. Divisions should also be aware of the special mailing/addressal requirements for mailing to MAAG's and other similar groups and missions overseas, as provided in the SNDL, part 2.

R) (2) Mail Room Procedures. All first class, priority, certified, registered, and express mail received in the Hoffman mail room, saving only that mail which is clearly of a personal and unofficial nature, will be opened by mail room personnel and inspected for classified contents. If such classified contents are found, the mailed material will be delivered directly to the Special Programs Division (or other office as may be separately designated) for proper logging and further delivery to the addressee. Divisions outside the Hoffman building must ensure that similar precautions are in place.

(3) Any instances of deviation from these procedures will be reported to the Security Coordinator and affected division director for appropriate corrective action. The Security Coordinator shall forward security discrepancy notices to originators who fail properly to mark, address, or seal classified mailings.

f. Logging and accountability. Top Secret Control Officers and Assistant Top Secret Control Officers are responsible for proper handling and security of TOP SECRET materials in accordance with OPNAVINST 5510.1 [series]. SECRET materials shall be accounted for under the following procedures.

(1) The Security Coordinator will maintain a log of all SECRET material received at OJAG by the U.S. Mail system, by OJAG couriers (to the Hoffman Building only), or by inter-command couriers. Upon further delivery, the addressee division will sign the Security Coordinator's log and/or execute a receipt. All

Divisions will maintain a similar log of their SECRET holdings, either received or originated. In the case of originated materials or materials received inter-office or intra-Pentagon, the Security Coordinator need not be notified as long as later transfer or destruction of such materials will be recorded by the holding division. Records of transfer can be either log entries or receipt documents. These records will be maintained by the division for at least two years (logs for two years from the date of last entry).

(2) Materials transferred out of OJAG will be recorded by log or receipt. Divisions will maintain separate receipt files. Divisions mailing SECRET materials will maintain tickler files to ensure later receipt of executed receipt documents. OPNAV Form 5511/10 shall be used for this purpose.

(3) Working papers. Working papers are documents and material accumulated or created while preparing finished material, i.e., rough drafts. They need not be logged or their destruction recorded as long as destruction occurs reliably within 30 days of their creation. They must therefore be dated when created. They will be marked, stamped, and protected in accordance with the classification assigned. Destruction, even if not recorded, should be witnessed by two persons. Copies of classified materials are not "working papers" unless they are created for the purpose of making redacted versions of classified originals, redactions (whether by mark-over, correction tape, or cut-out) are made immediately, and the redacted portions or the marked/taped over copies are immediately destroyed. "Immediately" means, at most, on the same day. Documents containing TOP SECRET information shall not be considered "working papers".

- A) (4) Newly-created documents, duplicate originals, and reproduced copies must be similarly logged and accounted for.

905. STORAGE OF CLASSIFIED MATERIAL

a. Responsibility. Division directors will ensure that all classified material is properly stored at the close of business each day. Standard Form 701, Activity Security Checklist, will be annotated at the end of the day for each space in which classified material is maintained or regularly handled, and Standard Form 702, Security Container Check Sheet, will be maintained conspicuously on or outside each safe and will be annotated whenever safes are opened or closed, and, at the end of day, when checked. Special care will be taken to ensure that classified ribbons and diskettes are removed from machines and likewise secured.

- R) b. Central Storage. When a division has insufficient security container space, classified material not immediately required by division personnel may be stored in the Classified Material Control Center (Room 8S33). (Note, however, that all classified holdings must always be limited to only those necessary for mission accomplishment.) A custody document is required when the division CMCO personnel remove material classified SECRET or above from the Classified Material Control Center. Division CMCO personnel are responsible for the security of the material until returned to the Classified Material Control Center. Code 11 personnel sign the custody document when the classified material is returned to the Classified Material Control Center. Each division holding classified materials must have in division spaces at least one properly certified safe to store frequently used classified material and classified material used beyond normal working hours or on weekends. Due to the volume of classified material, Codes 10, 31, 33, and 34 will store classified material in safes located in their respective spaces. Only Codes 10, 11, and 40 may store TOP SECRET or special category information.

c. Storage of Classified Material at NAMARA. Classified material held by NAMARA and NMCMR will be kept to the minimum necessary for the expeditious and judicious processing of court-martial appeals and writs.

(1) The Assistant Top Secret Control Officer, OJAG (NAMARA) is responsible for receipt, storage, dissemination, transmission, and destruction of all TOP SECRET material at NAMARA and NMCMR.

(2) The Assistant Top Secret Control Officer, OJAG (NAMARA) is also the CMCO and is responsible to the Security Coordinator for the safekeeping of all classified material at NAMARA and NMCMR. The CMCO will coordinate transportation of classified material to the Classified Material Control Center as such transportation may be required. Classified material generated by or filed with NMCMR will not be destroyed without the Chief Judge's approval (Code 07). In all cases, SECRET or TOP SECRET classified material will not be destroyed without the prior approval of the Assistant Top Secret Control Officer (NAMARA) who shall ensure proper accountability and record-keeping.

R) (3) The CMCO will ensure that the ROTs for classified trials have been given appropriate formal classification review, and, if not, will coordinate with Code 11 to obtain such reviews. Classified portions of ROTs will be removed from ROTs and held by the CMCO. The CMCO verifies with the Security Coordinator that individuals desiring access to material possess appropriate security clearances and need-to-know. Classified material will not be removed from CMCO custody outside of normal working hours without the Security Coordinator's approval, or if unavailable, the Code 40 Division Director. The CMCO, in consultation with the Security Coordinator, will maintain records of responsible custodians and places of storage for SCI portions of classified ROTs.

R) d. **Safe Combinations.** Only those persons whose official duties require access to the safe and are cleared to the highest level of classified material in the safe should know the combination. Combinations shall be changed when receiving containers or locks, any time a person knowing the combinations leaves, when a combination may have been compromised (e.g., when the security container has been unlocked and unattended), and at least every 12 months. The same combination shall not be used for more than one container. After each change, record combinations on Standard Form 700 (Security Container Information), place in the accompanying envelope, and deliver by secure means to the Top Secret Control Officer or Assistant Top Secret Control Officer with security cognizance over the division. Affix copy 1 of the SF 700 (portion not containing combination) to the inside of the locking drawer of the container. Do not otherwise record combinations, although a local listing, appropriately classified, may be made when there are a large number of containers in an office. Listings can be made only when required and approved by the Security Coordinator and will be stored in a container qualified for the highest category of classified information protected by any combination recorded. Do not store valuables in containers used for storage of classified material.

D) e. **Classified Diskettes.** Classified diskettes shall be accounted for in a separate log and shall be stored in a single centralized location in each division using such diskettes. (TOP SECRET diskettes shall be handled and accounted for under procedures specific to TOP SECRET materials.) Diskettes will be serialized or sequentially numbered and recorded in the division log. The log should be constructed in a fashion to permit recording each instance that diskettes are removed from storage, identification of the person having custody, ordinal use since last inventory of the disk's contents, and date of return of diskette to central storage and initials of individual making that return.

906. SECURITY INSPECTIONS

a. **Daily Inspections.** Division directors shall ensure a security inspection is done just prior to securing their spaces. Internal Activity Security Check Lists (Standard Form 701) will be used for this purpose and conspicuously posted in each division near the exit, and kept for a minimum of two months after the last entry, at which time they will be forwarded to Code 11. Additionally, individual Safe and Cabinet Security Records (Standard Form 702) will be posted on all safes and kept for two months after last entry. A division double-check procedure shall be employed whenever possible. Securing duties must be clearly assigned and understood. Persons working late must secure their work area before leaving.

b. **Procedures.** When securing:

(1) Store classified material (including diskettes and typewriter and printer ribbons) in

appropriate security containers.

(2) Drawers of security containers shall be properly closed and locked. Rotate dials on combination locks at least four times.

(3) Burn bags shall be secured and properly stowed.

(4) A security check list for each working space will be signed by the person securing the space.

c. Annual Inspection. The Security Coordinator shall conduct an annual security inspection of OJAG to assess compliance.

907. DESTRUCTION OF CLASSIFIED MATERIAL

Division directors will ensure that classified material awaiting destruction is destroyed at least weekly, and that the director or a delegatee has approved destruction of the materials concerned. Proper destruction reports must be executed and copies promptly forwarded to Code 11. Original reports will be retained for two years.

a. Paper Products. Generally, classified paper will be destroyed by cleared personnel in a cross-cut shredder located in the Special Programs Office. Division personnel will remove non-paper articles from classified paper to be shredded. The shredder can be used only when Code 11 personnel are present. (The Special Programs Office also has a strip shredder that is not authorized for classified destruction, and should not be confused with the cross-cut machine.) Personnel will ensure the shredder and its surrounding area are neat and clean after use. When the residue bag is full, the person using the shredder shall empty it.

b. Non-Paper Products. Consult Code 11 for guidance on destruction of other classified material, including diskettes or typewriter or printer ribbons.

c. Burn Bags. Burn bags may be used under procedures established separately by the Security Coordinator.

908. REPRODUCTION OF CLASSIFIED MATERIAL

R) Reproduce classified material sparingly, only when necessary, and only in coordination with CMCO's. Strictly observe prohibitions against reproduction of TOP SECRET or ORCON (originator controlled) material. Reproduced materials will be stamped/marked and classified cover sheets attached as otherwise required in this regulation. See also Security Coordinator memorandum of 7 May 1990 regarding this subject.

a. Reproduction of TOP SECRET Material. TOP SECRET material may be reproduced only with the Top Secret Control Officer's approval. The Top Secret Control Officer must secure permission of the originator and enter the reproductions into the TOP SECRET accountability system.

b. Reproduction of SECRET and CONFIDENTIAL Material. The Top Secret Control Officer, or, in the absence of the Top Secret Control Officer, an AJAG, Division Director, or Assistant Top Secret Control Officer, must approve the reproduction of SECRET and CONFIDENTIAL material.

c. Security Markings. Reproductions of classified material must have clearly legible security markings as on the original material. Office-type copiers do not always clearly reproduce colors of ink or marginal images. If the reproduction process does not authentically reproduce the security markings on the copy, stamp the markings on all copies in the same positions and size required for the original. Code 11 has classification and downgrading stamps for marking reproductions.

- R) **d. Reproduction Equipment.** Reproduce classified material only on the photocopier in Room 8S33 vault, the Code 10 copier, or other copiers as may be authorized personally by the Top Secret Control Officer, or, in that officer's absence, an AJAG.

909. SECURITY EDUCATION

An effective security education program is essential to good security practices.

a. Indoctrination Briefing. All personnel reporting to or newly hired by OJAG will sign a written Security Indoctrination Briefing from the OPNAV Security Branch on the day of reporting and, within one week, receive a security indoctrination briefing from the Security Coordinator (Code 11) or his or her designee at Special Programs Division offices in Room 8S33 at the Hoffman Building. If security access is required, Standard Form 312 or other appropriate Nondisclosure Agreement (NDA) will be executed at the time of this briefing. The executed NDA will be forwarded to the Department of the Navy Central Adjudication Facility (DON CAF), via OPNAV Security or HQMC Security, under currently established procedures.

- A) **b. Orientation Briefing.** Briefings are scheduled and conducted by OPNAV Security upon check-in of new personnel.

c. Annual Refresher. The Security Coordinator will provide or otherwise arrange an annual security refresher briefing for all OJAG personnel with security clearances. Attendance by personnel shall be mandatory.

d. Counterespionage Briefings. Personnel with at least a SECRET clearance must receive a Naval Investigative Service (NIS) counterespionage briefing once every two years. When possible, the Security Coordinator will arrange for briefings to be given at OJAG. Otherwise, regularly conducted Pentagon briefings will be announced by the Security Coordinator for attendance by OJAG personnel.

e. Division Responsibility. Division directors shall instruct their personnel on the proper handling of classified information.

f. Foreign Travel Briefings. AJAG's and DAJAG's must inform the Security Coordinator when personnel are planning to travel through Communist-controlled countries or attend meetings where representatives of Communist-controlled countries may be present. The Security Coordinator ensures such personnel receive a defensive briefing as required by Chapter 3 of OPNAVINST 5510.1 [series], typically from an NIS agent. All personal foreign travel will be reported in advance to the Security Coordinator by the individual traveller.

g. Debriefing. Code 64, in consultation with the cognizant Division Director and the Security Coordinator, shall ensure that all cleared OJAG civilian personnel being discharged or separated are debriefed, read a debriefing statement, and execute a Security Termination Statement (OPNAV Form 5511/14). For military personnel, division directors, in consultation with the Security Coordinator and Code 61, will ensure the same debriefing and signing.

910. SECURITY CLASSIFICATION, DOWNGRADING, DECLASSIFICATION AND MARKINGS

Chapters 6 through 9 of OPNAVINST 5510.1 [series] and chapters 4 and 5 of OPNAVINST 5510.60 [series] provide detailed guidance for classification, downgrading, declassifying and marking material, including limitations on classifying information and improper reasons for classifying. Refer questions on classification or downgrading of a document to Code 11.

911. PERSONNEL SECURITY CLEARANCE AND ACCESS

R) No personnel, military or civilian, reporting aboard OJAG will have access to classified information without Security Coordinator approval. The Security Coordinator requests OPNAV Security Branch, and, in the case of Marines, HQMC Security Branch to grant personnel security clearances and notifies the cognizant Division Director or Classified Material Control Officer upon the granting of such clearances. If a clearance is granted for TOP SECRET, the Assistant Top Secret Control Officers concerned will also be notified. Clearance is granted to that level of access required by the billet.

a. **Number of Clearances.** The number of persons assigned duties involving access to classified material will be kept to a minimum. The Security Coordinator periodically reviews the allocation of clearances and makes recommendations to OP-09N, via the Security Manager, for warranted changes.

b. **Eligibility for Access.** No person will have access to classified information solely because of office or position. Access is granted only when official duties require knowledge or possession. Division Directors will follow strictly the "need to know" principle within their divisions.

c. **Newly Reporting Personnel.** Division Directors will determine upon the arrival of newly reporting personnel if such personnel will fill a security clearance-designated billet or otherwise require a security clearance in the performance of their duties. If so, the division director will contact Code 11 by memo or other convenient means and nominate the newly arrived individual for clearance, identifying the clearance billet to be occupied, either by number or by identity of the person relieved in such billet. Further, the division director, in coordination with Code 61, will ensure that the person reports to the Special Programs Division office with service record book during check-in processing for indoctrination briefings in accordance with section 909a above, and for initiation of requests for investigation and/or clearance as appropriate.

d. **Investigative Requirements for Clearance.** Chapter 21 of OPNAVINST 5510.1 [series] specifies minimum investigative requirements for granting a security clearance. The requesting OJAG division prepares required forms and forwards them to the Security Coordinator for review and submission to the appropriate investigative agency. The DON CAF adjudicates investigations and grants or denies security clearances for all personnel.

R) e. **Issuance of Security Clearance.** Requests for security access are made by the Security Coordinator through OPNAV Security Branch or HQMC Security. All personnel clearances are adjudicated and granted by the DON CAF. The Security Coordinator may grant up to a two-week temporary access to qualified personnel in exigent circumstances. The Certificate of Personnel Security Investigation, Clearance and Access (OPNAV Form 5520/20) is a permanent part of a military member's service record. Code 11 maintains copies of the certificates for military personnel. For civilian personnel, a similar record is filed in the Security Coordinator's active clearance file and maintained in the Security Manager's database.

R) f. **Continuous Evaluation of Eligibility.** Each division director will initiate and maintain a program for continuous evaluation of the eligibility of division or office personnel for access to classified information. When information suggests an individual's possible unsuitability for continued access (for example, security violations, suspicion of criminal conduct, or other matters related to clearance adjudicative factors), the division director immediately should suspend the individual's access and notify the Security Coordinator. The Security Coordinator will make an assessment of the circumstances, and, if appropriate, report to OPNAV Security Branch or HQMC Security for evaluation or further investigation.

R) g. **Clearance of Personnel Not Regularly Assigned.** The director to whose division TDY personnel are to be temporarily assigned must communicate security clearance requirements to Code 61 or 62 as appropriate. Codes 61 and 62 will assist the Security Coordinator to ensure that temporarily assigned military

personnel have any necessary security clearances.

- R) (1) TAD Personnel. Military personnel reporting to OJAG for temporary additional duty and temporary duty normally should be cleared by their commanding officers prior to reporting.
- R) (2) Naval Reservists. Naval reservists reporting for temporary duty for training normally are cleared by the active-duty commander (typically, a REDCOM) responsible for their records. That command will report their clearance status to the Security Coordinator, in writing. The receiving division should arrange such reports.

h. Access to Classified Information by Visitors. The following requirements apply to visitor access. Questions regarding circumstances not covered herein shall be addressed to the Security Coordinator.

(1) Clearance of the Visitor. The OJAG division being visited shall ensure the visitor is cleared for the classified material to be discussed. Normally, visitors' clearances are confirmed by a visit request (OPNAV Form 5521/27) or message originated by the visitor's commanding officer or security manager. Other than for those executive branch visitors with whom regular working relationships have been established (and for whom clearances are known confidently), OJAG personnel should have visitors submit requests directly to the Security Coordinator, with a copy to the OJAG division to be visited. The Security Coordinator, in consultation with the Division Director concerned, will verify the visitor's need-to-know.

(2) Identification. OJAG personnel intending to divulge classified information must make a positive identification of the visitor. Check identification card or driver's license containing the visitor's recognizable photograph, name, and social security number.

912. PUBLIC MEDIA

Do not disclose classified information in any publication or presentation open to the general public. Coordinate proposed public releases of unclassified information with the Security Coordinator and the OJAG Public Affairs Officer, Code 00A. Classification guidance may be sought from Code 11. SECNAVINST 5720.44 [series] (PAO Regs) and SECNAVINST 5000.24 [series] establish requirements and procedures for the prepublication review of certain professional and personal writings. In large part, they will affect persons who would write on matters regarding which they have had classified access or which in any event have classified aspects. They must be consulted before any public release, including the submission of such writings to prospective publishers for any purpose, however limited.

913. TELEPHONE CONVERSATIONS

Do not discuss classified material over non-secure telephones because of possible telephone taps and because many DOD telephone calls are relayed by easily intercepted microwave transmissions. Do not use deceptive practices such as private code words and "talking around" classified information. Use of OJAG telephones is consent to communications security monitoring. STU-III secure voice telephones are available in the Special Programs Office and other offices in OJAG. They should be used liberally, and especially in any case of doubt regarding classification or sensitivity of matters to be discussed.

914. SECURITY VIOLATIONS

Chapter 4 of OPNAVINST 5510.1 [series] and chapter 13 of OPNAVINST 5510.60 [series] provide detailed policy and guidance for the preliminary inquiry into and investigation of security violations and the compromise of classified information. **Promptly** inform the Security Coordinator of any suspected security violations. Chapters 4 and 5 of OPNAVINST 5510.1 [series] outline what matters should be referred to the NIS. OJAG is served by the NIS Resident Agency, Washington, D.C. 20388, telephone (202) 433-3858 or, after hours, (202)

- R) a. **Preliminary Inquiries.** Normally, the concerned division conducts preliminary inquiries into security violations; alternatively, the Security Coordinator may appoint a preliminary inquiry officer to prepare a preliminary inquiry report. Coincidentally, the Security Coordinator will report to the local NISRA all cases of loss or possible compromise. If the Security Coordinator concludes, based on the preliminary inquiry report, that a compromise or possible compromise occurred, an endorsement to the report for appropriate signature will be prepared and forwarded to the OPNAV Security Branch and/or OP-09N2, as circumstances dictate. Preliminary inquiries are less-than-formal, and, if necessary, less-than-thorough, "quick looks" that should be completed and reported within 72 hours. Further investigation can follow such a report. Code 11 will provide advice, assistance, and forms.
- R) b. **JAG Manual Investigations.** The Security Coordinator, after reviewing the preliminary inquiry report, will advise the JAG whether a JAGMAN investigation is required. The Security Coordinator will review and forward security violation JAGMAN investigations received from subordinate commands within the Naval Legal Service Command.
- R) c. **Disciplinary Action.** The breach of a security regulation may be sufficient justification for disciplinary action. When investigation clearly fixes responsibility for a compromise or a security violation, the presentation of a Letter of Advice and Instruction to the responsible military or civilian individual is the minimum corrective action. Disciplinary action may include, for military personnel, nonjudicial punishment or trial by court-martial. In the case of civilian employees, process under the standard schedule of disciplinary offenses and penalties for civilian employees included in chapter 751 of the Federal Personnel Manual, including removal for failure to meet the requirements of one's "sensitive" position due to denial of security clearance, suspension or removal under 5 U.S.C. § 7532, or prosecution under Title 18, United States Code, as amended, or other federal statutes, is appropriate. The violation may be reflected in officer fitness reports, enlisted evaluations, or civilian performance ratings.