

OFFICER MISCONDUCT / SUBSTANDARD PERFORMANCE PACKAGE CHECKLISTReferences

- (a) SECNAVINST 1920.D
- (b) MCO 5800.16 (LSAM) – V15
- (c) JAGINST 5800.7F (JAGMAN)
- (d) MCO P1070.12K (IRAM)
- (e) MCO 1900.16 CH2 (MARCORSEPMAN)
- (f) 10 USC § 1177

□ ALL MISCONDUCT PACKAGES

- In PDF Format with bookmarks noting all required documents.
- SNO acknowledges that adverse matters will be included in his or her OMPF. Ref (b), para. 010603(J).
- Every month SJA updates ODN and confirms whether SNO has impending mandatory separation/retirement/removal date.
- Any required acknowledgment by a respondent must come from the respondent or respondent's counsel.

□ ALL SEPARATION PACKAGES

- PTSD/TBI screen (MARADMIN 328/10; Ref. (b) para. 010302(D))
 - ◇ Required if the officer (a) has been previously diagnosed or reasonably alleges that PTSD/TBI contributed to misconduct; (b) was deployed overseas to a contingency operation or was sexually assaulted within the previous 24 months prior to initiation of separation, or (c) is being recommended for an OTH.
 - ◇ If PTSD/TBI is positive, the provider must specifically comment on the presence or absence of these conditions and, if present, the extent to which they affected the officer's judgment and may have been a contributing factor in the basis for separation.
 - ▽ PTSD screens must be performed by a clinical psychologist, psychiatrist, licensed clinical social worker, or psychiatric advanced practice registered nurse as experiencing PTSD.
 - ▽ TBI screens must be performed by a psychologist, psychiatrist, LCSW, or psychiatric advanced practice registered nurse.
 - ◇ If PTSD/TBI may have been a contributing factor, the GCMCA's report/endorsement shall explain the reasons for the recommended separation and characterization of service.
 - ◇ In cases in which the criteria set forth above are inapplicable, the GCMCA must note specifically the reasons that an evaluation is not required.
- Advanced education assistance reimbursement recommendation, if applicable. Ref (b), para. 010603(I)
 - ◇ If the officer received advance education assistance, all reports and endorsements must set forth the amount and type of assistance received, as well as a recommendation as to whether the officer should be required to reimburse the Government.
- Separation Health Physical Evaluation (Ref (b), paras. 010302(D); 010603(H))

- **SUBSTANCE ABUSE-RELATED INCIDENT (ALCOHOL AND/OR DRUGS)** (Ref. (b) para. 010301)
 - SACC screen must include:
 - ◇ Who conducted the screening (counselor, credentialed provider, etc.) and the name of the appropriate military or civilian medical agency.
 - ◇ What diagnosis/finding was made by the qualified counselor/credentialed provider, and what treatment was recommended or mandated, if any.
 - ◇ When the screening was completed.
 - ◇ When the officer completed the recommended or mandated initial treatment, or refused or failed treatment.
 - Proof of completion of any recommended or mandated initial treatment.
 - Related referral and treatment documents
 - ◇ If SNO was referred to treatment multiple times, include the relevant documents for each referral
 - Completion certificate(s) of recommended treatment
 - ◇ If multiple treatments, include completion certificates for each treatment period
 - Required even if substance-related offense is reduced to a non-substance related charge (e.g., reckless driving)

- **SUPPORTING DOCUMENTS RELATING TO MISCONDUCT**
 - PI/CI and all enclosures
 - NCIS/CID investigation and all enclosures
 - IG investigation and all enclosures
 - Police report and all enclosures
 - Article 32 investigation and all exhibits

- **REPORT OF SUBSTANDARD PERFORMANCE** (Ref. (b), § 0108)
 - Report of Substandard Performance of Duty with endorsements, enclosures, and supporting documents relating to substandard performance. (Fig. 15-13)
 - Acknowledgement of receipt of the Report of Substandard Performance and matters, if any.
 - Show cause recommendation.

- **REPORT OF MISCONDUCT** (Ref. (b), para. 010604)
 - Report of Misconduct (Ref. (b), Fig 15-9) with endorsements, enclosures, and supporting documents relating to misconduct.
 - ◇ Required in cases of substantiated officer misconduct not involving NJP, court-martial, or civilian conviction; cases involving NJP require a Report of NJP.
 - ◇ The facts and circumstances regarding the allegation of misconduct and disposition must be thoroughly explained in the Report of Misconduct.¹
 - Copies of any formal administrative counseling entries, if any (do not include NPLOCs or adverse FITREPs)
 - Acknowledgement of receipt of the Report of Misconduct and matters, if any.
 - Show cause recommendation.
 - If SNO raises legal error, it must be addressed in the command endorsements.

- **NJP IMPOSED (REPORT OF NJP)** (Ref. (b), para. 010605; Ref. (c), Ch. I, Part B)
 - Report of NJP (Ref. (b), Fig. 15-5) with endorsements and enclosures.
 - Notification of Intent to Impose NJP.
 - Acknowledgement of Rights and Acceptance of NJP.
 - Documents considered at NJP.
 - Acknowledgement of receipt of Report of NJP and matters, if any.
 - Acknowledgement of appeal rights and matters, if any.
 - Punitive Letter of Reprimand/Acknowledgment, and rebuttal matters, if any.
 - Verbatim transcript of NJP (Ref. (b), para. 010605(C))
 - If SNO raises legal error, it must be addressed in the command endorsements.

- **BOI HELD (REPORT OF THE BOI)** (Ref. (a), Encl. (11); Ref (b) § 0109)
 - BOI direction letter signed by a SCA/ASCA.
 - ◇ Notification of the BOI suffices if it is issued by ASCA.
 - Notification of the BOI.
 - Acknowledgement of receipt of the Notification of the BOI.
 - Appointing order signed by a GCMCA.
 - Respondent requests and actions thereon (delay, witnesses, etc.).
 - Recorder and Respondent Exhibits.
 - Findings worksheet with finding on each of the reasons for separation.
 - Separation recommendation
 - ◇ If separation recommended, state recommended characterization of service.
 - ◇ If retirement-eligible, state recommended retirement grade and, if authorized, characterization of service.
 - ◇ Performance or conduct identified more than five years prior to the initiation of processing cannot form the basis for separation.
 - Transcript of the BOI (Ref (a), Encl (11), para. 14(b))
 - ◇ If retained, no transcript is required.
 - ◇ If separated, a summarized transcript is required unless the ASCA directed verbatim.
 - Report of the BOI (Ref. (a), Encl. (11), para. 14; Ref. (b), para. 010904(B)) with endorsements and enclosures
 - Minority report that includes the finding(s) or recommendation(s) with which the member does not concur and the reasons for such non-concurrence.
 - Acknowledgement of receipt of the Report of the BOI and matters, if any.
 - ◇ The respondent must sign the acknowledgment directly; receipt by counsel is not sufficient. (Ref (b), para. 010904(B)(5))
 - The Report of Misconduct, NJP, or Civilian Conviction that preceded the BOI, with endorsements.
 - If SNO raises legal error, it must be addressed in the command endorsements (Ref. (b), para. 010603(K))

- **BOI WAIVER** (Ref. (a), Encl. (11), Ref (b), para. 011013)
 - Waiver IAW the references and figures.

□ **REPORT OF CIVILIAN CONVICTION.**

- Report of Civilian Conviction with endorsements and enclosures
- Documentation reflecting the civilian conviction²
- Proof of completion of the terms of the civilian conviction (e.g., fine, treatment, community service)
- Acknowledgement of receipt of the Report of Civilian Conviction and matters, if any.
- If SNO raises legal error, it must be addressed in the command endorsements.

□ **REPORT OF COURT-MARTIAL CONVICTION³**

- Report of Court-Martial Conviction with endorsements and enclosures
- Documentation reflecting the court-martial conviction
 - ◇ Result of Trial
 - ◇ Convening Authority's Action
 - ◇ Transcript
 - ◇ Pretrial Agreement, if applicable
- Proof of completion of any terms of the court-martial conviction
- Acknowledgement of receipt of the Report of Court-Martial Conviction and matters, if any.
- If SNO raises legal error, it must be addressed in the command endorsements.

□ **SEPARATION VIA NOTIFICATION PROCEDURES⁴**

- Recommendation IAW the references
- Notification IAW the references
- Acknowledgement of receipt of notification and matters, if any
- Supporting documents relating to misconduct (see above)
- Relevant Report(s) as provided above
- Performance or conduct identified more than 5 years prior to the initiation of processing does not form the basis for separation.

□ **RESIGNATION IN LIEU OF FURTHER ADMINISTRATIVE PROCESSING**

- Recommendation IAW the references
 - ◇ States resignation is for cause and is being offered in lieu of further administrative separation processing.
- Basis of misconduct is stated and SNO admits to the basis of misconduct.
- Appropriate statement corresponding to type of discharge requested.
 - ▽ Unqualified (Hon), Qualified (Gen), Good of the Service (OTH)
- Supporting documents relating to misconduct and relevant report(s) as provided above.

□ **RESIGNATION IN LIEU OF TRIAL**

- Recommendation IAW the references
- Statement that SNO was afforded right to consult with qualified counsel
 - ◇ Request signed by counsel
- SNO states he/she understands:
 - ▽ Elements of the offense(s) charged
 - ▽ That an OTH is authorized
 - ▽ Adverse nature of such characterization and possible consequences
- Acknowledgement of guilt

- Summary of the evidence
- Supporting documents relating to misconduct and relevant report(s) as provided above.

RETIREMENT IN LIEU OF FURTHER ADMINISTRATIVE PROCESSING

- Recommendation IAW the references.
 - ◇ States officer understands:
 - ▽ BOI will not be convened
 - ▽ SECNAV may retire officer in a lesser grade (as of 25 Nov 15, this includes warrant officers)
 - ◇ Officer consulted with counsel
 - ◇ Officer admits his/her performance of duty was substandard and admits committing misconduct, as appropriate
 - ◇ Request is voluntary and may be withdrawn only with the permission of SECNAV
- Supporting documents relating to misconduct and relevant report(s), as provided above

¹ Pursuant to Ref. (d), § 1000.4.c(2)(e), MMSB will not file documents related to law enforcement investigations or those created by any military or civilian law enforcement agencies. However, MMSB will insert summaries of substantiated misconduct/adverse information extracted from law enforcement investigations, e.g., Reports of Misconduct. Such material may be entered in the OMPF only after providing the Marine an opportunity to rebut.

² The findings and sentence must be thoroughly explained in the Report of Civilian Conviction. Pursuant to Ref. (d), § 1000.4.c(2)(e), MMSB will not file documents related to law enforcement investigations or those created by any military or civilian law enforcement agencies. However, MMSB may insert summaries of substantiated misconduct/adverse information extracted from law enforcement investigations. Such material may be entered in the OMPF only after providing the Marine an opportunity to rebut.

³ Required if dismissal not adjudged.

⁴ Available for probationary officers, which includes commissioned officers on the ADL with fewer than 6 years of active commissioned service; reserve commissioned officer with fewer than 6 years of commissioned service; regular warrant officers with less than 3 years; and reserve warrant officers with fewer than 6 years of service as a warrant officer.