

MARADMIN 542/02

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Date signed: 10/09/2002 MARADMIN Number: 542/02

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FM CMC WASHINGTON DC(n)

TO ML MARADMIN(n)

MARADMIN

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UNCLAS

MARADMIN 542/02

MSGID/GENADMIN/CMC WASHINGTON DC/JA//

SUBJ/MCO P5800.16A CH 2. MARINE CORPS MANUAL FOR LEGAL
/ADMINISTRATION (LEGADMINMAN)//

REF/A/DOC/CMC/YMD:MIFD/YMD:20000620//

REF/B/DOC/CMC/JA/YMD:20000725//

REF/C/MSG/CMC WASHDC MI/311550ZMAY02//

REF/D/DOC/CMC WASHDC JA/31AUG1999//

NARR/REF A IS A CMC POSITION PAPER REGARDING REVISION TO NAVMC FORM
10132 UNIT PUNISHMENT BOOK AND CHANGES TO LEGAL ADMINISTRATIVE
PROCEDURES IN SUPPORT OF NON-JUDICIAL PUNISHMENT AND COURTS-MARTIAL.
REF B IS THE SJA TO CMC COMMENT ON REF A. REF C IS MARADMIN 301/02
THAT ANNOUNCES CH 1 TO THE MARINE CORPS INDIVIDUAL RECORDS
ADMINISTRATION MANUAL (IRAM). REF D IS THE LEGADMINMAN.//
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RMARKS/1. TO DIRECT CHANGES TO CHAPTER 3 OF THE BASIC ORDER THAT
GIVES DETAILED INSTRUCTIONS IN PREPARATION OF THE UNIT PUNISHMENT
BOOK (UPB).

2. ACTION: MAKE THE FOLLOWING PEN/REPLACEMENT CHANGES AS INDICATED.

A. PARA 3006.5. "DETAILED PREPARATION INSTRUCTIONS"

A. ITEM 1. DO NOT USE CHARGE/SPECIFICATION AS IN COURTS-MARTIAL. IF
THERE ARE MULTIPLE INFRACTIONS OF AN ARTICLE OF THE UCMJ, REPEAT THE
ARTICLE AS INDICATED BELOW. ENTER THE ARTICLE(S) OF THE UCMJ VIOLATED
AND A SUMMARY OF EACH OFFENSE, TO INCLUDE DATE, TIME, AND PLACE OF THE
ALLEGED OFFENSE. EXAMPLES:

ART. 90. STRUCK CAPT SMITH WITH FISTS AT HQCO, HQBN, 3D MARDIV, AT
0930,
10 NOV 98.

ART. 90. AT CO A, 1ST BN, 7TH MAR (DEPLOYED) ON 11 MAR 98, WILLFULLY
DISOBEYED CAPT GREEN'S ORDER TO GET A HAIRCUT.

ART. 86. UA FR HQCO, HQBN, 3D MARDIV DUR THE PRD 0800, 11 NOV 98
THROUGH 2359, 15 NOV 98.

ART. 86. AT HQCO, HQBN, 3D MARDIV, FAILED TO GO AT THE TIME PRESCRIBED
TO MORNING FORMATION AT 0800 ON 11 NOV 98.

B. ITEM 2. AFTER ADVISING THE MARINE IN ACCORDANCE WITH ARTICLE 31,
UCMJ AND SECTION 0104, JAGMAN, REQUIRE THE MARINE TO INDICATE
INTENTIONS

BY STRIKING OUT INAPPLICABLE PORTIONS, UNLESS THE MARINE IS ATTACHED TO
OR EMBARKED ABOARD A NAVAL VESSEL. IN SUCH CASES, STRIKE OUT WITH A
SINGLE BLACK OR BLUE-BLACK INK LINE ALL SENTENCES AFTER THE FIRST
SENTENCE. SEE SECTION 0109, JAGMAN. THEREAFTER, REQUIRE THE MARINE TO
DATE AND SIGN THE ITEM. WHEN A MARINE REFUSES TO INDICATE AN INTENTION
AND/OR REFUSES TO SIGN, PROCESS CHARGES AS A REFUSAL TO ACCEPT NJP AND
FORWARD THE UPB TO THE OFFICER EXERCISING COURT-MARTIAL JURISDICTION

FOR DISPOSITION. NOTE IN ITEM 2, "SEE ITEM 16." NOTE IN ITEM 16,
"MARINE REFUSES TO INDICATE INTENTIONS OR TO SIGN ITEM 2.
CASE FORWARDED RECOMMENDING (SPECIAL COURT-MARTIAL),
(SUMMARY COURT-MARTIAL), ETC."

C. ITEM 3. UPON ENSURING THAT THE INDIVIDUAL HAS BEEN INFORMED OF THE
RIGHTS ENUMERATED IN ITEM 2, THE IMMEDIATE COMMANDING OFFICER WILL
DATE AND SIGN ITEM 3. THIS ACTION MUST BE ACCOMPLISHED PRIOR TO
IMPOSITION

OF NJP AND THIS ITEM MUST, THEREFORE, BE DATED ON OR BEFORE THE DATE
NJP IS IMPOSED.

D. ITEM 4. AFTER ADVISING THE ACCUSED OF THEIR OPPORTUNITY TO CONSULT
WITH COUNSEL PRIOR TO ELECTING TO ACCEPT NJP, THE VIOLATION OF THE
ARTICLE(S) OF THE UCMJ, AND WHETHER THEY ACCEPT NJP, THE ACCUSED WILL
DATE

AND SIGN ITEM 4.

E. ITEM 5. RECORD CURRENT/PREVIOUS UA'S IN EXCESS OF 24 HOURS AND
CURRENT/PREVIOUS DESERTIONS.

F. ITEM 6. ENTER PUNISHMENT IMPOSED AND DATE OF IMPOSITION. THE ENTRY
"NO PUNISHMENT" IS INVALID. UNLESS A PUNISHMENT LISTED IN ARTICLE 15,
UCMJ, IS LEVIED AT THE PROCEEDINGS, NJP HAS NOT BEEN
IMPOSED AND NO RECORD WILL BE MAINTAINED IN THE UPB BINDER. SAMPLE
FORMS

OF AUTHORIZED PUNISHMENTS FOLLOW. CERTAIN PHRASES IN THESE EXAMPLES ARE
UNDERScored MERELY TO HIGHLIGHT AREAS WHERE DEVIATION FROM THE
PRESCRIBED

WORDING, FREQUENTLY HAS RESULTED IN AMBIGUITY. OTHER GUIDANCE IS
PROVIDED

IN PARENTHESES. UPB FORM ENTRIES NEED NOT CONTAIN UNDERLINES OR
REFERENCES.

RESTR TO THE LIMITS OF HQSVCCO, 1ST BN, 3D MAR FOR 14 DAS, W/O SUSP FR
DU.

2 JUN 98. (SEE PAR. 5C(2) OF PART V, MCM, 1998.)

FORF OF \$100 PAY PER MONTH FOR 2 MONTHS. TOTAL FORF \$200. 2 JUN 98.

(ALWAYS STATE FORFEITURES IN WHOLE DOLLAR AMOUNTS.)

CORR CUST FOR 7 DAS W/SUSP FR DU. 2 JUN 98.

CORR CUST FOR 6 DAS W/O SUSP FR DU. 2 JUN 98.

RESTR TO THE LIMITS OF PLACE OF MESS, BIL, DU AND WORSHIP AND MOST DIR
ROUTE TO AND FR W/O SUSP FR DU FOR 14 DAS AND EXTRA DU FOR 14 DAS, TO
RUN CONCURRENTLY. 2 JUN 98.

TO BE RED TO LCPL, E-3, AND TO BE ORALLY REPRIMANDED. 2 JUN 98.

G. ITEM 7. ENTER THE DATE AND THE SPECIFIC TERMS OF THE SUSPENSION. IF
NO PORTIONS OF THE PUNISHMENT ARE SUSPENDED, ENTER THE WORD "NONE."

WHEN

SUSPENDING ALL OR PORTIONS OF THE PUNISHMENT, THE SPECIFIC PUNISHMENT,
THE

LENGTH OF THE SUSPENSION, AND THE TERMS FOR AUTOMATIC REMISSION WILL BE
REFLECTED. EXAMPLE:

2 JUN 98. RED TO LCPL, E-3, SUSP FOR 3 MOS, AT WHICH TIME, UNLESS
SOONER

VACATED, THE RED WILL BE REMITTED W/O FURTHER ACTION.

H. ITEM 8. ENTER NAME, GRADE, AND TITLE OF THE OFFICER WHO TOOK THE
ACTION LISTED IN ITEM 6.

I. ITEM 9. WHEN THE OFFICER IMPOSING PUNISHMENT DETERMINES THAT THE
OFFENSES ARE PROPERLY PUNISHABLE UNDER ARTICLE 15, UCMJ, THE OFFICER
SO DETERMINING WILL SIGN THIS ITEM.

J. ITEM 10. ENTER THE DATE OF NOTIFICATION TO THE MARINE. THIS WILL
NORMALLY BE THE SAME DATE AS ITEM 6 EXCEPT WHERE A FORMAL INVESTIGATION

IS USED AS A BASIS FOR THE NJP OR NOTIFICATION IS DONE BY MAIL.
K. ITEM 11. WHEN NJP HAS BEEN IMPOSED, NOTIFY THE MARINE OF THE RIGHT TO APPEAL. (SEE PARAGRAPH 7 OF PART V, MCM, 1998, AND SECTION 0110E, JAGMAN.) THE OFFICER IMPOSING NJP SHALL DATE AND SIGN THE ITEM.

THIS WILL NORMALLY BE THE SAME DATE AS ITEM 6 AND WILL, IN NO CASE, BE PRIOR TO THE DATE IN ITEM 6.

L. ITEM 12. THE MARINE UPON WHOM NJP IS IMPOSED SHALL DATE AND SIGN THIS

ITEM INDICATING AN UNDERSTANDING OF THE RIGHT TO APPEAL THE NJP IMPOSED.

WHEN A MARINE REFUSES TO INDICATE AN UNDERSTANDING OF THE RIGHT TO APPEAL

AND/OR REFUSES TO SIGN ITEM 12, NOTE IN ITEM 12, "SEE ITEM 16" AND PLACE

THE FOLLOWING ENTRY IN ITEM 16: "MARINE REFUSES TO INDICATE INTENTIONS OR SIGN ITEM 12."

M. ITEM 13. ENTER DATE OF THE APPEAL OF THE NJP. IF NOT APPEALED, ENTER THE WORDS "NOT APPEALED."

N. ITEM 14. IF AN APPEAL IS MADE, ENTER THE FINAL ACTION AND DATE THEREOF. EXAMPLES:

APPEAL DENIED - 25 JUN 98.

APPEAL GRANTED, PUNISHMENT SET ASIDE - 25 JUN 98.

RED SET ASIDE, NO FURTHER RELIEF GRANTED - 25 JUN 98.

THIS ITEM WILL BE SIGNED BY THE OFFICER ACTING ON THE APPEAL, OR IT MAY BE SIGNED "BY DIRECTION" OF THE OFFICER ACTING ON THE APPEAL.

O. ITEM 15. ENTER THE DATE THE MARINE WAS NOTIFIED OF THE DECISION ON THE APPEAL. IF THE MARINE HAS BEEN TRANSFERRED OR DISCHARGED, ENTER THE DATE OF THE ENDORSEMENT FORWARDING THE DECISION TO THE MARINE'S NEW COMMAND OR TO THE MARINE'S PERMANENT MAILING ADDRESS.

P. ITEM 16. (1) ENTRIES ARE REQUIRED IN THIS ITEM UNDER THE FOLLOWING CONDITIONS:

(A) IF THE MARINE REFUSES TO SIGN EITHER ITEM 2 OR ITEM 12, ENTER THE FOLLOWING REMARK: "MARINE REFUSES TO INDICATE INTENTIONS OR TO SIGN ITEM 2 AND/OR ITEM 12" AS APPLICABLE.

(B) WHEN THE OFFENSES ARE FORWARDED TO HIGHER AUTHORITY FOR DISPOSITION, A GENERAL OR SPECIFIC RECOMMENDATION AS TO DISPOSITION MAY BE ENTERED. EXAMPLES:

GENERAL RECOMMENDATION - "FWD TO BNCO RECOM NJP."

SPECIFIC RECOMMENDATION - "FWD TO BNCO RECOM RED."

(C) ENTER ANY SUBSEQUENT VACATION OF ANY SUSPENDED PUNISHMENT INCLUDED IN ITEM 7 AND THE DATE OF VACATION. EXAMPLES:

FORF OF \$250 PER MO FOR 1 MO IMPOSED AND SUSP ON

10 DEC 98 VACATED - 26 DEC 98.

RED TO PFC, E-2, IMPOSED ON 10 DEC 98 AND SUSP ON

15 DEC 98 VACATED - 26 DEC 98.

(D) A MARINE WHO HAS APPEALED MAY BE REQUIRED TO UNDERGO ANY PUNISHMENT IMPOSED WHILE THE APPEAL IS PENDING, EXCEPT THAT IF ACTION IS NOT TAKEN ON THE APPEAL WITHIN 5 DAYS AFTER THE APPEAL WAS SUBMITTED,

AND IF THE MARINE SO REQUESTS, ANY UNEXECUTED PUNISHMENT INVOLVING RESTRAINT OR EXTRA DUTY SHALL BE STAYED UNTIL ACTION ON THE APPEAL IS TAKEN. (SEE PARAGRAPH 7 OF PART V, MCM, 1998.) AN ENTRY REFLECTING THE STAY OF PUNISHMENT WILL BE MADE. EXAMPLE:

7 DEC 98: APPEAL SUBMITTED. PUNISHMENT OF (HERE INSERT PUNISHMENT)

STAYED.

(E) WHEN AN EXECUTED OR UNEXECUTED PUNISHMENT IS SET ASIDE. THIS ENTRY

WILL

BE PLACED ON THE OLD UPB AND THE NEW UPB. IF THE OLD UPB IS NOT HELD AT THE COMMAND, THEN ENTER ON THE NEW UPB ONLY.

EXAMPLE:

7 DEC 98: RED TO CPL, E-4, IS SET ASIDE. ALL RIGHTS, PRIVILEGES AND PROPERTY AFFECTED WILL BE RESTORED.

(2) IN ADDITION TO THE AFOREMENTIONED REQUIRED ENTRIES, THIS ITEM MAY BE USED TO RECORD OTHER APPROPRIATE REMARKS OR INFORMATION.

Q. ITEM 17. UPON COMPLETION OF THE REQUIRED ADMINISTRATIVE ACTION, THE OFFICER RESPONSIBLE FOR THE ACTION WILL INITIAL THIS ITEM. THIS ITEM MUST BE INITIALED BY THE COMMANDING OFFICER, OFFICER IN CHARGE, OR BY AN OFFICER DESIGNATED TO SIGN "BY DIRECTION" OF THE COMMANDER. ENSURE COMPLETION OF ALL SRB AND UNIT DIARY ENTRIES.

R. ITEM 18. ENTER THE COMPLETE IDENTIFICATION OF THE MARINE'S UNIT; E.G., COMPANY/BATTERY/SQUADRON/GROUP/BATTALION.

S. ITEM 19. ENTER LAST NAME, FIRST NAME, AND MIDDLE INITIAL OF THE MARINE.

T. ITEM 20. ENTER GRADE AND PAY GRADE; E.G., LCPL, E-3.

U. ITEM 21. ENTER SOCIAL SECURITY NUMBER; E.G., 123 45 6789.

ADD THE FOLLOWING PARAGRAPH:

PARA 3006.11. "DISPOSITION INSTRUCTIONS."

1. DISPOSTION IS AS FOLLOWS:

A. FILE THE ORIGINAL IN THE SRB

B. COPY TO OFFICIAL MILITARY PERSONNEL FILE (OMPF)

C. COPY TO UNIT FILES

D. COPY TO MEMBER

3. SUMMARY OF CHANGES. THIS CHANGE CLARIFIES DETAILED INSTRUCTIONS IN PREPARATION OF THE UPB.

4. FILING INSTRUCTIONS. FILE THIS CHANGE IMMEDIATELY FOLLOWING CH 1 OF THE BASIC ORDER.

5. THIS CHANGE IS APPLICABLE TO ALL MARINE CORPS ACTIVITIES.//