

GUIDANCE FOR FORWARDING ARTICLE 138 AND ARTICLE 1150 COMPLAINTS OF WRONG

The JAGMAN establishes different forwarding procedures for the processing of Article 138 and Article 1150 complaints of wrong.

Article 138 complaints of wrong can be submitted by a Marine to request redress for an alleged wrong committed by their commanding officer. Once an Article 138 complaint of wrongs is received by the general court-martial authority (GCMA), a copy of the complaint must be forwarded to SECNAV, via the Judge Advocate General, in accordance with paragraph 0306(d) of the JAGMAN. Once the GCMA has completed the GCMA report on the complaint of wrongs, the report must be forwarded to SECNAV, via the Judge Advocate General and JAR, in accordance with paragraph 0307(k) of the JAGMAN.

Article 1150 complaints of wrong can be submitted by a Marine to request redress for an alleged wrong committed by an individual who is superior in command or rank, but not their commanding officer. When the complainant and the respondent of an Article 1150 complaint of wrongs do not have the same commanding officer, the complaint of wrongs will be processed like an Article 138 complaint of wrongs. See paragraph 0302(b)1(a) of the JAGMAN. When the complainant and the respondent of an Article 1150 complaint of wrongs share the same commanding officer, that commanding officer will take final action on the complaint of wrongs. See paragraph 0302(b)1(b). In such a situation, there is no need to forward the Article 1150 complaint of wrongs to SECNAV, the Judge Advocate General, or JAR. If a complainant is not satisfied with the action of their commanding officer in the processing of the Article 1150 complaint, their remedy is to file an Article 138 against that commanding officer.

In the event a Marine submits a complaint of wrongs combining complaints under both Article 138 and Article 1150, the complaint will be processed the same as a normal Article 138 complaint.