

## SUMMARY OF JAGINST 5800.7D CHANGES

### CHAPTER I

1. Section 0106. Adds language extending NJP authority to Reserve Commanding Officers and Commanders on inactive duty training.
2. Section 0109a. Adds a new requirement to advise an accused facing NJP, who has obligated service from advanced education, that he may be required to reimburse the cost of advanced education assistance. This implements an ASN(M&RA) directive of 21 Sep 98 to ensure compliance with provisions of 10 U.S.C. §2005.
3. Section 0114. Changes cancelled SECNAVINST 5720.42D with DOD Directive 5400.7, which was adopted to promote uniformity among services in complying with FOIA.
4. Section 0119. Typographical changes to update new identifying number for PERS-834 and to specifically mention the Marine "LEGADMINMAN" Manual.
5. Section 0120. Updates list of GCMCA's.
6. Section 0123. Adds language on the responsibility for funding reservists recalled to active duty for courts-martial so that funding is charged to the appropriation used on the order for the period during which the event necessitating recall occurred.
7. Section 0126. Adds language incorporating the definition of national security case from section 0159, providing criteria to determine if an incident should be designated as a national security case, delineating a list of potential criminal offenses typically involved in national security cases, identifying National Security Case Disposition Authorities, and setting forth applicable referral and reporting requirements.
8. Section 0131b(4). Section 0131b(4)(d) adds language to make an IMC reasonably available if within a NLSO AOR, or permanently assigned within 100 miles of proceeding situs. Section 0131b(4)(e) is a new paragraph making USMC counsel permanently assigned to a USMC command reasonably available as IMC for noncapital cases if they are outside the judicial circuit but within 100 miles of proceeding situs. Section 0131b(4)(f) provides an exception to section 0131b(4)(b) making, at the discretion of CO, NLSO, an OIC available as an IMC under exceptional circumstances.
9. Section 0137. Section 0137c adds language indicating that a national security case is defined in section 0126. Section 0137d adds language requiring pre-PTA notification of the possible recoupment by the Government of advanced education assistance from member.
10. Section 0138. Section 0138c is a typographical change to notify commands to contact OJAG (Code 17) when requesting testimonial immunity

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in national security cases. Section 0138d directs compliance with renumbered section 0126.

11. Section 0139a. Changes "Code 11" to "Code 17".

12. Section 0143b. Adds language to clarify that an investigating officer may close an Article 32 hearing to the public under the MREs applicable at an Article 32.

13. Sections 0144a and 0144b. Change cancelled "OPNAVINST 5510.1H" to "SECNAVINST 5510.36", which is dated 17 March 1999.

14. Section 0145b. Adds a paragraph on responsibility for funding, to include sources of funding, of reservists involuntarily recalled to, or extended on, active duty in support of courts-martial.

15. Sections 0148a and 0148b. Delete references to obsolete forms and add new DD forms.

16. Section 0150. Changes cancelled "OPNAVINST 5510.1H" to "SECNAVINST 5510.36", which is dated 17 March 1999.

17. Section 0151c. Adds language to clarify that enlisted members may not sign SJAR/Legal Officer recommendation. Based on cases of *United States vs. Cunningham*, 44 M.J. 758 (N.M.Ct.Crim.App. 1996), where court found it error for enlisted person to sign SJAR, and *United States vs. Aquino*, 48 M.J. 842 (N.M.Ct.Crim.App. 1998), where court expressed concern over Assistant SJA signing SJAR unless SJA absent.

18. Section 0152. Section 0152a concerning the collection of forfeitures adjudged by a courts-martial removed as the result of the guidance contained in Article 57, UCMJ. Sections 0152b(3) and (5) replace the name "Bureau of Naval Personnel" with the name "Navy Personnel Command".

19. Section 0153b. Section 0153b(1) updates addresses and adds language to clarify review pursuant to Article 64, UCMJ when appellate review is waived. Section 0153b(2) updates the Naval Council of Personnel Board's (NCPB's) address and adds language to require delivery of a record of trial copy to NCPB when the approved sentence includes 12 months or more confinement. Article 64 discusses review, typically at command level, when appellate review at either NMCCA (Article 66) or OJAG (Article 69) is waived by the accused. See SECNAVINST 5815.3J regarding the increase from 8- to 12-months confinement for triggering mandatory NCPB clemency review.

20. Sections 0154b and 0154c. Typographical changes and address change.

21. Section 0155. Section 0155e(3) reduces the number of duplicate original promulgating orders and eliminates the requirement to provide duplicate original or certified copies of promulgating orders to CMC. Section 0155f changes are administrative, not substantive.

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22. Section 0157. Section 0157c, the reference to bread and water or diminished rations as a court-martial punishment, is removed in accordance with the 1995 MCM amendments, which deleted old RCM 1003(b)(9) "Confinement on bread and water or diminished rations", per Executive Order 12960 of 12 May 1995. Section 0157d is renumbered to section 0157c. The new section 0157c(2) increases the minimum confinement sentence requiring a copy of a record of trial to NCPB to 12 months in accordance with SECNAVINST 5815.3J, which increased the mandatory clemency review from all cases with approved sentence including 8 months confinement to all cases with approved 12 months confinement. Section 0157(e) is renumbered to section 0157(d). The new section 0157(e) adds a new paragraph to provide guidelines on imposing a court-martial sentence to hard labor without confinement.

23. Section 0158d. Typographical change from "8" to "12" months. See above.

24. Section 0159. Deletes most of paragraph 0159a. This language is now found at section 0126.

25. Sections 0161, 0163, 0164, 0165, 0166, 0167. Typographical address changes. Section 0166 change reflects SECNAVINST cancellation of OPNAVINST 5510.1H. Section 0167 updates the reference for DOD Financial Management Regulation.

26. Section 0168. Adds language clarifying that NCIS may conduct an investigation with or without command approval or request. SECNAVINST 5520.3B states command approval is not required when utilizing civilian employees of DON.

27. Section 0171. New section. Adds discussion of 10 U.S.C. § 2005 as it relates to SECNAV's authority to recoup the cost of Government-funded advanced education financial assistance not repaid by obligated active duty service when the member is voluntarily separating from the service or separating due to misconduct. See Section 0109 regarding implementing ASN(M&RA) directive of 21 Sep 98 to ensure compliance with provisions of 10 U.S.C. §2005.

28. Section 0172. Formerly section 0171. Section renumbered.

29. Appendix A-1-f. Removes language concerning "detention of 14-days pay" as a possible punishment at NJP from Accused's Acknowledgement of Appeal Rights form.

30. Appendix A-1-j. Adds new language to the Results of Trial to collect information required by Code 40 for NIBRS/DIBRS. Added to comply with SECNAVINST 5800.14 reporting requirements (Sex Offender Notification).

31. Appendix A-1-m. Adds language to the Suspect's Rights and Acknowledgement/Statement that an accused has the right to stop an

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interview at any time and request counsel. Adds cleansing warning language and brings Suspect's Rights Advisement Form up-to-date with current case law.

32. Appendix A-1-r. Adds all-purpose form for notifying service members prior to making a personal decision that may result in a requirement to reimburse the Government for advanced educational financial assistance. See sections 0109 and 0171 regarding implementing ASN(M&RA) directive of 21 Sep 98 to ensure compliance with provisions of 10 U.S.C. §2005.

### CHAPTER II

33. Section 0201. Administrative change updating Code 15 phone numbers.

34. Section 0202. Section 0202b capitalizes "Article". Section 0202b(6) adds the abbreviation "NCIS". New section 0202d is added discussing coordination with law enforcement investigations. Old section 0202d is re-lettered to be section 0202e.

35. Section 0203. Deleted in its entirety. All following sections renumbered.

36. Section 0203. Sections 0203a and 0203c are deleted in their entirety. All following subsections renumbered. New section 0203a deletes the words indicating a preliminary inquiry is "the foundation for subsequent exercise of the convening authority's (CA) discretion". Sections 0203c and 0203e replace the abbreviation "CA" with the word "commander". Section 0203d is added discussing preliminary inquiries into incidents involving potential claims or litigation. Section 0203f provides additional guidance on the commander's responsibility for appointing and conducting a preliminary inquiry, and adds a subsection (3) to direct the convening authority to report a conclusion of convening another type of investigation to the next superior officer in the chain-of-command. Section 0203g is added discussing the action to be taken by the commander who initiated the preliminary inquiry and deletes subsections (1) and (2) in their entirety. Section 0203h replaces the abbreviation "CA" with the words "to exercise a specific option under section 0204, or to reconsider a decision made under that section" and deletes the rest of the remaining language.

37. Section 0204. Section 0204a(2)(a) is deleted in its entirety and all following subsections are renumbered. Section 0204a(3) concerning LOD determinations is added. Section 0204b(3)(b) adds the words "may be" and capitalizes "Article".

38. Section 0208. Administrative changes updating references to specific sections, replacing "Code 35" to "Code 15", capitalizing "Article", and updating guidance and forwarding address for investigative reports.

39. Section 0209. Section 0209a refers the reader to Chapter 12, section 1205, for admiralty incident investigations when litigation is

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anticipated. Section 0209c replaces "0210d(2)" with "0209d(2)". Section 0209g updates references to specific sections, updates Code 15's address, and deletes the requirement to send a copy of a medical care incident to the Navy Inspector General.

40. Section 0210. Sections 0210b, 0210d, and 0210h adds guidance concerning non-voting members on a Courts of Inquiry. Section 0210j adds language to permit a higher authority to direct further review of Courts of Inquiry cases as necessary.

41. Section 0211. Administrative change replacing "0204c" with "0202d".

42. Section 0212. Administrative change replacing "0242c" with "0241c".

43. Section 0214. Section 0214b(2) adds language defining the clear and convincing standard of proof. Section 0214c(5) capitalizes "Article" and replaces "Code 35" with "Code 15". Section 0214d(2) replaces "0221" with "0220".

44. Section 0216. Sections 0216h(2) and (4) add language to clarify that neither polygraph results and/or reports, nor an individual's refusal to take a polygraph, may be included in investigative reports. Section 0216f replaces "0218" with "0217".

45. Section 0217. Administrative change capitalizing "Article".

46. Section 0219. Administrative changes updating references to specific sections.

47. Section 0220. Section 0220b adds new paragraph requiring a line of duty determination in death cases. Section 0220c is the renumbered section 0220b.

48. Section 0221a. Majority of section is deleted and language is added requiring line of duty determinations for SBP benefits.

49. Section 0222. Sections 0222a and 0222c add language requiring line of duty determinations in death cases. This section implements Section 642, National Defense Authorization Act for Fiscal Year 2002, Public Law 107-107, December 28, 2001 (NDAA 2002), which expanded benefits and coverage under the Uniformed Services Survivor Benefit Plan (SBP). Specifically, the new law modified the SBP program in two important ways. First, SBP benefits are payable to a qualified survivor when an active duty service member dies in the line of duty, regardless of whether the service member was retirement-eligible at the time of death. Second, there is an increase in the SBP annuity payable to a qualified survivor if the active duty service member dies in the line of duty. Section 0222d(2) replaces "0221" with "0220".

50. Section 0223. Section 0223a adds language referring reader to sections 0225c and 0236 for death cases. Section 0223b adds the words "or death" and replaces "0215" with "0214".

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51. Section 0225. Adds the word "suicide" to the language in the paragraph.
52. Section 0229. Refers the reader to section 0236d for LOD determinations in death cases, replaces "0221" with "0220", and deletes the parenthesis around "See Chapter 16, Manual of the Medical Department".
53. Section 0230. Adds the words "into the circumstances behind the disease or injury, (see Part F for death cases)", capitalizes "Article", and replaces "0222" with "0221".
54. Section 0232. Administrative changes updating references to specific sections.
55. Section 0233. Administrative changes replacing "Code 35" with "Code 15", updating Code 15's number, and updating references to specific sections.
56. Section 0234. Administrative changes updating references to specific sections.
57. Section 0236. Deletes old sections 0236a and 0236b and adds language concerning the SBP program. This section (like 0223a above) implements Section 642, NDAA 2002, which expanded benefits and coverage under the SBP. Specifically, the new law modified the SBP program in two important ways. First, SBP benefits are payable to a qualified survivor when an active duty service member dies in the line of duty, regardless of whether the service member was retirement-eligible at the time of death. Second, there is an increase in the SBP annuity payable to a qualified survivor if the active duty service member dies in the line of duty.
58. Section 0241. Administrative changes updating references to specific sections.
59. Section 0242. Administrative changes updating references to specific sections.
60. Section 0244. Administrative changes updating references to specific sections.
61. Section 0246. Section 0246a deletes a majority of the section and directs the reader to Chapter XII for required investigations and guidance on admiralty incidents. Section 0246b changes the introductory sentence to include reference to consultation with a JAG per section 1205a. Section 0246c is deleted and section 0246d is renumbered as section 0246c.

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62. Section 0248. Administrative changes updating references to specific sections.

63. Section 0249. Administrative changes updating references to specific sections.

64. Section 0250. Administrative changes updating references to specific sections and replaces "Code 35" with "Code 15".

65. Section 0254. Section 0254a(11) replaces "0251" with "0250". Section 0254c replaces "OPNAVINST 5510.1 series" with "SECNAVINST 5510.36, Chapter 12. Section 0254e adds a new paragraph directing the reader to separate Navy and Marine Corps references for conducting investigations of alleged discrimination or sexual harassment.

### CHAPTER III

66. Section 0304a. Section 0304(a)(3) adds language indicating the recommendation for a Navy Enlisted Classification (NEC) removal in a final act. Section 0304(a)(6)(a) deletes the reference to 10 U.S.C. section 1183. Section 0304 (a)(6)(b) deletes the word "and". Section 0304(a)(6)(c) adds language for detachment for cause proceedings. Section 0304(a)(6)(d) adds language for personnel detailing decisions where member has had opportunity for flag or general officer review.

67. Section 0305c. Adds new section 0305c(4) on reviewing complaints from joint commands.

68. Section 0306. Section 0306c adds language indicating the complaint should specify the wrongs alleged and redress requested. Section 0306d provides information regarding forwarding of the complaint. Section 0306f changes "2" to "two".

69. Section 0307. Section 0307b adds the language "the complaint fails to satisfy the requirements of subsections 0305a and b", replaces "0305a and b" with "0305a or b", and replaces "requests improper relief" with "makes no proper request for relief". Section 0307c deletes parenthetical reference to the Chief of Naval Personnel and the Commandant of the Marine Corps. Section 0307e is a header change and also adds language directing complainants to submit rebuttals through their commanding officers. Section 0307k is renumbered to be section 0307j and adds additional language requiring identification of a point of contact and enclosing the GCMA checklist. Section 0307j is re-lettered to be 0307k and has a new header and adds language indicating that the GCMA obligation to advise a complainant in writing of his action taken may be done by providing complainant a copy of the GCMA letter to the SECNAV.

70. Section 0310g. Deletes the title "Principal Deputy Assistant Secretary of the Navy" and replaces it with the title "Deputy Assistant Secretary of the Navy", consistent with ASN(M&RA) letters of 2 Aug 99.

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71. Appendix A-3-a. Adds language concerning the information needed in a Complaint of Wrongs package.
72. Appendix A-3-b. Adds language in the seventh check-block clarifying that an NEC removal is considered a final action and renumbers Section 0307j to 0307k.
73. Appendixes A-3-d and A-3-e. The appendix page numbers were switched. The new A-3-d revises the checklist in its entirety.

### CHAPTER IV

74. Section 0406. Section 0406b replaces the word "action" with "recommendation" and the words "That officer's" with "The OEGCM's". Section 0406c adds "(Code 15)" and replaces the words "paragraph 126h(2)" with "Rule for Courts-Martial 1003(b)(2)".
75. Section 0407b. Administrative change adding "Code 15".

### CHAPTER V

76. Section 0501. Administrative changes updating the references to SECNAVINST 5720.42 and DODDIR 5400.7.
77. Section 0502. Administrative changes updating reference information.
78. Section 0503. Adds language regarding release of FOIA records to the public that are likely to become the subject of subsequent FOIA requests for substantially the same records.
79. Section 0504. Administrative changes updating the references to SECNAVINST 5720.42 and DODDIR 5400.7.
80. Section 0505. Section 0505b(1) adds language requiring commands to search for requested records that are in an electronic format. Section 0505b(3) requires commands to provide the requested record in the form or format requested if the record is reasonably reproducible in that form or format. Section 0505c is an administrative change updating reference information. Section 0505d reflects the new 20-day response time for FOIA requests and provides for multi-track processing of requests.
81. Section 0506. Section 0506b(1) adds the words "(low (b)(2))". Section 0506b(2) adds the words "(high (b)(2))". Section 0506g updates the reference to 10 U.S.C. § 552(b)(7).
82. Sections 0508a and 0508b. Indicates requests for base housing addresses, names, and duty addresses should be denied.
83. Section 0510. Reflects new 20-day response time for FOIA requests.

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84. Sections 0511b(1) and 0511b(2). Require that reasonable effort be made to estimate the volume of denied records.
85. Section 0512. Administrative change updating the reference to SECNAVINST 5720.42.
86. Section 0518f. Indicates members of Congress acting on behalf of constituents are allowed access to same information the constituent would be entitled to.
87. Section 0527. Administrative change updating the reference to SECNAVINST 5720.42.
88. Section 0528. Section 0528a is an administrative change updating the reference to SECNAVINST 5720.42. Section 0528b(1) changes "Code 33" to "Code 15". Section 0528b(3) changes "Code 32" to "Code 13".
89. Appendix A-5-a. Updates contact information.

### CHAPTER VI

90. Section 0603. Adds language providing that the cognizant Fleet Commander may issue guidance authorizing local commanders to deliver members to civil authorities acting without a warrant under conditions in which state law permits warrantless arrest.
91. Sections 0606a and 0606c. Administrative changes updating contact information.
92. Section 0610. Administrative change deleting section 0610c.
93. Section 0611. Adds language requiring servicemember be advised to immediately notify his command when ordered by a court not to leave the jurisdiction and provides guidance on using no- cost TAD to keep the service member in that jurisdiction.
94. Section 0612. Administrative change updating NCIS title.
95. Section 0613. Section 0613a deletes the reference to "under Article 14, UCMJ" so that the JAG can monitor all cases in which delivery is refused. Section 0613b replaces the reference to "the Director of the Bureau of Prisons" since that Director does not coordinate transfer of prisoners to "the cognizant commanding officer of the prisoner".
96. Section 0616a. Adds language to clarify that the section is for service of civil process and such service may occur by process server or law enforcement officer from in or out-of-state. Also, includes the Trial Service Office as a point of contact instead of Naval Legal Service Office.
97. Section 0618. Administrative change updating information on the DOD Financial Management Regulation.

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98. Section 0620. Adds language providing information on the processing of depositions and subpoenas requesting testimony from Department of Defense personnel.

99. Appendix A-6-c. Adds language specifically identifying Code 14 as the "To" addressee and adds "ISIC" in the "copy to" line.

### CHAPTER VII

100. Section 0706b. Adds language indicating that members of Reserve components recalled to active duty, and their dependents are eligible for legal assistance for a period of time after their release from active duty per 10 U.S.C. § 1044(a)(4) and replaces "Soldier's and Sailor's Civil Relief Act (SSCRA)" with "Servicemembers' Civil Relief Act (SCRA)" (SSCRA is changed to SCRA in section 0708a(8) as well).

101. Section 0712. Adds information on immigration and naturalization, previously covered under the International Law section of the JAGMAN, because Code 16 took over this responsibility from Code 10. In addition, the changes reflect recent changes in the law and the Executive Order allowing for expedited filing for aliens who serve in the U.S. Armed Forces during periods of military hostilities and the expedited processing agreement signed between DOD and INS.

### CHAPTER VIII

102. Section 0802. Section 0802b adds the word "Investigations" to Code 15 title and replaces the words "established to" with the word "that". Section 0802d adds new paragraph referring the reader to Chapter XII for admiralty claims and identifying the DAJAG (Admiralty and Maritime Law) as responsible for all admiralty claims in the Navy.

103. Section 0803. Deletes all information and refers readers to Chapter II for administrative investigations.

104. Section 0804. Deleted in its entirety. All following sections renumbered.

105. Section 0808. Sections 0808a and b replaces the word "Foreign Claims Act" with the abbreviation "FCA". Section 0808c moves the location of the stated purpose of Congress language.

106. Section 0809. Section 0809c(4) replaces the date "3 June 1987" with the date "9 June 1990". Section 0809d adds the word "and" after the words "authorized agent" in the first sentence.

107. Sections 0810a and b. Replaces the word "Foreign Claims Act" with the abbreviation "FCA".

108. Section 0811c. Adds the word "or" and deletes the words "or property damage" in the first sentence.

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109. Section 0813. Section 0813a adds language clarifying the purpose of a Foreign Claims Commission. Section 0813f(1) adds language indicating that a Commission may pay or deny claims within the limits of its adjudication authority, or forward recommendations to the appropriate higher authority. Section 0813f(2) adds language indicating that a Commission may pay or deny claims in whole or in part within the following limitations. Section 0813f(3) revises reference to various Chapter 8 sections.

110. Section 0814. Section 0814b adds the words "if applicable" in the second sentence. Section 0814d(2) adds language indicating that a Commission shall pay or deny claims within the limits of its adjudication authority, or forward recommendations to the appropriate higher authority. Section 0814d(4) adds the words "its decision". Section 0814d(5) adds the words "approving the" and deletes the words "recommending approval". Section 0814d(6) adds language indicating the Commission must explain its decision to pay or deny a claim. Section 0814d(7) adds the words "This may be".

111. Section 0815g. Section 0815g(6) adds the words "award or". Section 0815g(7) adds the words "decision or". Section 0815e replaces the word "Proposed" with the word "The" and adds the words "approved or".

112. Section 0816. Section 0816a replaces the words "recommends payment or denial of" with the words "pays or denies". Section 0816b replaces "0818" with "0817".

113. Section 0817. Section 0817a is deleted in its entirety. Section 0817b is re-numbered 0817a. New section 0817a(1) replaces the word "General" with the word "Civil" and adds the word "Investigations" after the word "Claims".

114. Section 0818. Adds the word "Commission" and deletes the words "appointing authority".

115. Section 0819a(2) and (3). Replaces the word "recommendation" with the word "decision".

116. Section 0820. The changes update information on where to submit vouchers for foreign claims and identify the proper accounting data required on foreign claim vouchers. Section 0821c adds new subparagraph providing guidance on claims arising in foreign countries.

117. Appendix A-8-a. Adds language for the new sample Settlement Agreement.

## CHAPTER X

118. Section 1002. Administrative changes updating reference information.

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119. Section 1003d. Administrative change adding "CJCSI 2300.01A".
120. Section 1004c. Administrative changes updating date and information contained in DOD Dictionary of Military and Associated Terms.
121. Section 1005. Section 1005c is an administrative change replacing "to" with "of". Section 1005f updates the reference to a Marine Corps Instruction.
122. Section 1006. New language added concerning Foreign Environmental Law.
123. Section 1008. Refers readers to section 0712 of Chapter VII.
124. Section 1010. Sections 1010a, e(2), f, and i are administrative changes updating reference information. Section 1010j is a new section discussing the Military Extraterritorial Jurisdiction Act of 2000.
125. Section 1013. Adds the words "from foreign territory" and updates reference information.
126. Section 1014. Updates reference information.

### CHAPTER XI

127. Sections 1101, 1102, and 1103 are revised. The remaining sections of Chapter XI are deleted in their entirety.

### CHAPTER XII

128. Section 1201c. Adds language that DAJAG (Admiralty and Maritime Law) is the designated Admiralty Counsel of the Navy and required notifications to OJAG Admiralty and Maritime Law Division suffice for JAG notification.
129. Section 1202. Section 1202a replaces "\$1M" with "\$15M". Section 1202b updates address and phone numbers for Admiralty and Maritime Law Division. Section 1202c provides guidance on who is authorized, and to what extent, to adjudicate and settle admiralty tort claims.
130. Section 1203. Substantial changes in this section provide new language on what constitutes an admiralty incident to include defining admiralty incident, allision, personal injury and death as an admiralty incident, property damage, MWR marina services and boats, naval aircraft and weapons, and salvage and groundings.
131. Section 1204a. New language clarifies requirement for initial report of admiralty incident in addition to other reports required by Chapter XII. Updates message address.

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132. Section 1205. Subparagraphs a, b, c, d, and g are substantial revisions. Section 1205a gives guidance on the format of supplemental reports to the initial admiralty report. Section 1205b provides guidance on the Admiralty Letter Report. Section 1205c refers the reader to Chapter II if a command investigation is used and directs an advance copy be sent to JAG. Section 1205g includes clarification that only OJAG is authorized to release an ALR or Dual Purpose investigation report. Also, JAG must be consulted on release of command investigations.

133. Section 1206. Section 1206a and c add language requiring JAG notification and consultation when invited to attend a joint marine survey. Section 1206e is deleted in its entirety.

134. Section 1207a. Adds language to have original admiralty-related documents and photographs labeled as originals and forwarded to JAG for retention.

135. Section 1208a. Paragraph completely revised to reflect types of admiralty-related records that need to be preserved.

136. Section 1209. Administrative change correcting the word "hull".

137. Section 1210b. Paragraph revised to provide a definition of what types of incidents make a victim an admiralty incident victim.

138. Section 1212c. Adds language further defining "public vessels".

139. Section 1213. Section 1213b changes include administrative changes and deletes Commander Fleet Air, Caribbean as having authority to settle claims. Section 1213c adds the language "and executes a release of liability" to define when a settlement is complete.

140. Section 1216a. Provides further guidance on when admiralty claims arising in foreign countries may be adjudicated under the Foreign Claims Act.

141. Section 1217. Section 1217c changes affirmative claims settlement amount. Section 1217e updated to reflect the correct statute.

142. Section 1220. Section 1220a adds language clarifying who does not have authority to waive salvage fees or claims on behalf of the Navy. Section 1220d updates the correct statute. Section 1220f updates reference to the DOD Financial Management Regulation.

143. Section 1221b. Administrative change updating the reference to Appendix A-12-d.

144. Section 1223b. Administrative change updating the message PLAD for JAG.

145. Section 1224b. Adds language on the need to protect attorney-work product and critical self-analysis privileges. Provides guidance for

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when NTSB officials may conduct preliminary crewmember interviews or formal questioning of Government witnesses. Also requires assignment of a DON liaison officer as a POC with NTSB and assignment of a local judge advocate to assist the admiralty attorney.

146. Section 1225. New paragraph discussing Maritime Oil/Hazardous Substance Spills and concern over releasing information about the spill as it relates to an effective defense against claims and litigation.

147. Section 1226. New paragraph discussing salvage, removal, etc., of Navy shipwrecks and that any attempts to do so should be reported to JAG.

148. Appendix A-12-a. Adds a sample Admiralty Letter Report Investigation.

149. Appendix A-12-b. Adds a sample Admiralty Letter Report.

150. Appendix A-12-c. Adds a sample Dual-Purpose Litigation Report.

151. Appendix A-12-d. Adds a suggested format for pilotage and tug services contract.

### CHAPTER XIII

152. Appendix A-13-a. Updates references.

### CHAPTER XIV

153. Chapter XIV, page 14-1. Removed. The Chapter XIV functions are now handled by DFAS-CL(GA).

154. Section 1401. Adds Permanent Disability Retired List as a category for placement of members found unfit for duty due to mental incompetence. Also adds language that Chapter XIV is for informational purposes only since DFAS has full responsibility for guardian matters.

155. Section 1402a. Adds DFAS-CL(GA) address and phone number.

156. Sections 1403, 1404, 1405, 1406, 1407, and 1409. All references to JAG are now changed to DFAS-CL(GA). Clarifies that the Chapter focus is on management of the financial affairs of a member incapable of managing his or her own affairs.

157. Section 1408. Completely revised to reflect DFAS-CL(GA) role in payment of emergency funds to an incompetent member.

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158. Updates applicable sections.

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