



DEPARTMENT OF THE NAVY

CHIEF OF NAVAL AIR TRAINING
CNATRA
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CNATRAINST 5800.4A
013
23 September 1999

CNATRA INSTRUCTION 5800.4A

From: Chief of Naval Air Training

Subj: MANUAL FOR THE ADMINISTRATION OF LEGAL MATTERS

Encl: (1) Manual for the Administration of Legal Matters

1. Purpose. To promulgate the Manual for the Administration of Legal Matters contained in enclosure (1).
2. Cancellation. CNATRAINST 5800.4
3. Scope. Enclosure (1) provides policy, guidance, and requirements regarding legal matters for naval activities within the Naval Air Training Command and naval activities located within the region for which the Chief of Naval Air Training is regional area coordinator.
4. Action. Commanding officers and officers in charge of naval activities within the scope of this instruction shall ensure compliance with enclosure (1).



T. J. ROSS
Chief of Staff

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MANUAL FOR THE

ADMINISTRATION OF

LEGAL MATTERS

CHIEF OF NAVAL AIR TRAINING

23 SEPTEMBER 1999

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REFERENCES

CNETINST 5400. 2C

MILPERSMAN

- R) 1611-010
- R) 1910-106

UCMJ, Article 64
Article 60(d)
Article 138

JAGMAN, Chapter II
Chapter III

SECNAVINST

- R) 5211. 5D
- 5720. 42F
- 5820. 8A

U. S. Navy Regulations, Article 1150

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CHAPTER I
GENERAL

100. Purpose. This manual establishes and publishes policy, guidance, and requirements regarding legal matters which have the potential of being forwarded to a general court-martial convening authority for action. The Chief of Naval Air Training (CNATRA) has general court-martial convening authority and may take action in certain legal matters occurring within the Naval Air Training Command (NATRACOM) or within the region for which CNATRA is regional area coordinator.

101. Scope. The policy, guidance, and requirements contained in this manual apply to NATRACOM activities and regional activities as both are defined herein.

102. NATRACOM Activities. For purposes of this manual, "NATRACOM activities" are naval activities within the Naval Air Training Command and Naval Hospital, Corpus Christi.

103. Regional Activities. For purposes of this manual, "regional activities" are naval activities located within the region for which CNATRA is regional area coordinator. CNETINST 5400.2C designates CNATRA as regional area coordinator for naval activities located within the states of Texas, Arizona, New Mexico, Colorado, Utah, Idaho, Montana, and Wyoming.

104. Policy. Legal matters should be conducted efficiently, without undue delay, and with coordination and liaison with affected authorities.

105. Point of Contact. The CNATRA point of contact for legal matters is the CNATRA Staff Judge Advocate (SJA) who may be reached at:

Chief of Naval Air Training (Code 013)
250 Lexington Blvd.
Corpus Christi, Texas 78419

(361) 961-3510; (DSN: 861-3510); (Fax: 4450)

(R)

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CHAPTER II
MILITARY JUSTICE MATTERS

PART A - GENERAL

200. Definition. For purposes of this manual, "military justice matters" include appeals of nonjudicial punishment, convening and reviewing of courts-martial, and requests for an other than honorable (OTH) discharge in lieu of court-martial.

201. Multi-service Commands. Notwithstanding any other provision in this chapter, military justice matters involving an accused who is a member of another armed force shall be processed in accordance with regulations of the accused's parent service and memoranda of understanding.

PART B - NATRACOM ACTIVITIES

210. Routing. Activities within the NATRACOM shall forward military justice matters to their regional area coordinator. Letters to PERS-82 concerning officer performance submitted pursuant to MILPERSMAN 1611-010 shall be forwarded via CNATRA. (R)

211. Report. Promptly forward Criminal Activity, Disciplinary Infractions and Court-Martial Report to CNATRA (Code 013) no later than 10 days following 31 March, 30 June, 30 September and 31 December of each year in accordance with reference (d). (A)

212. Liaison with CNATRA. NATRACOM activities shall inform and update CNATRA SJA on all potential or actual general courts-martial, all cases involving an officer or chief petty officer suspect or accused, and all other criminal cases or matters having potential or expected high visibility or media attention.

PART C - REGIONAL ACTIVITIES

220. Routing. Navy activities located within the geographical region for which CNATRA is the regional area coordinator (absent direction from competent superiors in their own chain of command) may forward military justice matters to CNATRA for action as a general court-martial convening authority. Letters to PERS-82 concerning officer performance submitted pursuant to MILPERSMAN 1611-010 are to be forwarded via the chain of command. (R)

221. Report. Promptly forward Criminal Activity, Disciplinary Infractions and Court-Martial Report to CNATRA (Code 013) no later than 10 days following 31 March, 30 June, 30 September and 31 December of each year in accordance with reference (d). (A)

222. Forwarding Letters. Any matter forwarded to CNATRA shall be accompanied by a forwarding letter. The letter shall include a name and telephone number of a point of contact familiar with the case. Additional matters to be included are set forth in each topical section below.

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223. Trial by General Court-Martial

a. Forwarding letters regarding recommendations that charges be tried by general court-martial (GCM) shall be signed by the commanding officer of the accused and contain the following:

(1) Original and three copies of the charge sheet.

(2) Original and two copies of Article 32 Investigation Report. (In the event of a waiver of the investigation, forward the original and two copies of the signed waiver plus three copies of sufficient evidence which enable a probable cause determination.)

(3) Service record of accused.

(4) Recommendation that charges be tried by GCM.

b. The parent command of the accused maintains the responsibility for ensuring the presence of the accused and bailiffs for each session of court. Additionally, because of the potential for confinement, the parent command of the accused shall provide brig escorts and ensure the accused meets all requirements for confinement prior to forwarding a case to CNATRA.

c. Cases in which a state interest and a military interest exist in investigating and/or prosecuting a naval member for crimes must be handled appropriately to ensure the efficient administration of justice. Early coordination with CNATRA SJA is required when subordinate commanders anticipate forwarding such cases to CNATRA for trial by GCM. In those cases, state authorities shall not be requested to relinquish jurisdiction, dismiss charges, or otherwise delay their independent pursuit of justice as a separate sovereign without prior coordination with CNATRA SJA. Any liaison with state authorities in those cases shall include the advice that CNATRA, after review of the case and assessment of military interests, may decline referring charges to a GCM.

224. Review of Summary and Non-Bad Conduct Discharge (BCD) Special Courts-Martial. Forwarding letters requesting a judge advocate review a summary court-martial or non-BCD special court-martial pursuant to Article 64, UCMJ, shall enclose the original record of trial which must include the convening authority's action and promulgating order.

225. Appeals of Nonjudicial Punishment. Forwarding endorsements on appeals of nonjudicial punishment shall be signed by the officer who imposed punishment and include the following:

a. Copy of report chit (NAVPERS 1626/7).

b. Copies of rights/advisory statements relating to nonjudicial punishment and appeals.

c. Copies of evidence, reports, or other documents relied upon by the officer imposing nonjudicial punishment that are relevant to the appeal.

d. Summary of testimony or other evidence relied upon by the officer imposing nonjudicial punishment not otherwise covered by enclosures that are relevant to the appeal.

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e. Copy of relevant service record entries (e.g., pages 7, 9, and 13; punitive letter).

f. Comment on each assertion contained in the letter of appeal which the officer imposing nonjudicial punishment considers inaccurate.

g. Recommendation as to disposition.

226. OTH in Lieu of Court-Martial for Enlisted Accused. CNATRA may approve or disapprove requests for OTH in lieu of court-martial submitted by enlisted personnel in accordance with MILPERSMAN 1910-106 except in cases involving homosexual conduct (which are forwarded to PERS-83). Forwarding endorsements of commands shall include the following:

(R)

a. Copy of charge sheet.

b. Certification that charges are accurate.

c. Copies of evidence against the accused.

(D)

d. Other information relied upon by commanding officer in making recommendation.

(R)

e. Recommendation as to disposition.

(R)

227. Other Legal Support. CNATRA SJA may provide legal support, upon request and on an "as available" basis, to commands in matters which will not be later reviewed by CNATRA. For example, CNATRA SJA may either assist commands in preparing legal officer recommendations or provide staff judge advocate recommendations for BCD special courts-martial per Article 60(d), UCMJ.

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CHAPTER III
JAGMAN INVESTIGATIONS

PART A - GENERAL

301. Definition. For purposes of this manual, "JAGMAN investigations" include command investigations and litigation reports as defined in JAGMAN Chapter II.

PART B - NATRACOM ACTIVITIES

311. Appointing Letters. An advance copy of all appointing orders for JAGMAN investigations convened by NATRACOM activities shall be provided to CNATRA SJA.

312. Procedures. All JAGMAN investigations shall be in accordance with JAGMAN Chapter II.

313. Routing of Command Investigations. Command investigations which the convening authority intends to forward shall be routed via the chain of command to CNATRA.

314. Routing of Litigation Reports. Litigation reports convened by NATRACOM activities shall be forwarded to Judge Advocate General (Code 35) via CNATRA SJA with a copy to the claims office of the local Naval Legal Service Office activity. Such reports must be protected as attorney work product. Coordination with the CNATRA SJA is required before litigation reports are convened. (R)

315. Copies of JAGMAN Investigations. JAGMAN investigations forwarded to CNATRA shall include at least the original plus one copy. Litigation reports or JAGMAN cases involving training related injuries shall include at least the original plus two copies. JAGMAN investigations involving death or aircraft mishaps shall include the original plus three copies.

PART C - REGIONAL ACTIVITIES

320. Routing. Per JAGMAN 0209 and 0210, JAGMAN investigations shall be forwarded through the chain of command of the convening authority. The claims office of the local Naval Legal Service Office activity should receive a copy of all litigation reports.

321. Legal Support. CNATRA SJA may provide legal support and advice, upon request and on an "as available" basis, to regional commands to assist those commands in fulfilling their responsibilities. (R)

322. Area Coordination. From time to time, remote commands may request the assistance of CNATRA to coordinate an investigation within its regional area of coordination. In such cases, CNATRA will direct a command within its region to convene an investigation and forward the endorsed report to CNATRA for review.

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CHAPTER IV
RELEASE OF INFORMATION MATTERS

PART A - GENERAL

400. Definition. For purposes of this manual, "release of information matters" includes requests for release under the Freedom of Information Act (FOIA) and Privacy Act (PA) and requests or demands for release of other official information for litigation purposes.

PART B - NATRACOM ACTIVITIES

410. FOIA/PA Release Authority. Commands who are custodians of records covered under FOIA or PA may release those records in accordance with SECNAVINST 5720.42F and SECNAVINST 5211.5D. (R)

411. FOIA Annual Report. Promptly forward the Freedom of Information annual report to CNATRA (013) no later than 10 October of each year. (A)

412. PA Annual Report. Promptly forward the Privacy Act annual report to CNATRA (013) no later than 31 Jan of each year (A)

413. FOIA/PA Denial Authority. CNATRA is denial authority for FOIA and PA records held by NATRACOM activities. NATRACOM activities recommending records be denied in whole or in part shall forward an unredacted copy of the entire requested record along with an explanation for the recommended denial and a redacted copy of the requested records. The requester shall be notified in writing that the matter is being forwarded to CNATRA. (R)

414. Release of other information for litigation purposes. NATRACOM activities may not take action on requests or demands for other official information for litigation purposes. All such matters shall be processed in accordance with SECNAVINST 5820.8A. NATRACOM activities receiving requests for interviews or depositions or receiving subpoenas shall immediately contact CNATRA SJA or CNATRA Counsel. NATRACOM activities shall not respond to such inquiries without prior consultation with CNATRA SJA or CNATRA Counsel. (R)

PART C - REGIONAL ACTIVITIES

420. Release of Information Matters. Per SECNAVINST 5720.42F, SECNAVINST 5211.5D, and SECNAVINST 5820.8A, regional activities forward release of information matters to superiors in their chain of command for action. (R)

421. FOIA Annual Report. Promptly forward the Freedom of Information annual report to CNATRA (013) no later than 10 October of each year. (A)

422. PA Annual Report. Promptly forward the Privacy Act annual report to CNATRA (013) no later than 31 January of each year. (A)

423. Legal Support. CNATRA SJA may provide legal support and advice, upon request and on an "as available" basis, to commands to assist those commands in fulfilling their responsibilities.

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**CHAPTER V
FORMAL GRIEVANCE MATTERS**

PART A - GENERAL

500. Definition. For purposes of this manual, "formal grievance matters" include complaints of wrongs submitted pursuant to Article 138, UCMJ, and Article 1150, U.S. Navy Regulations.

PART B - NATRACOM ACTIVITIES

510. Procedures. The processing of formal grievance matters shall be in accordance with JAGMAN Chapter III.

511. Routing. CNATRA shall consider and take action on all formal grievance matters wherein the respondent was a member of a NATRACOM activity at the time of the alleged wrong. The formal grievance shall be routed via the respondent and the chain of command to CNATRA.

512. Liaison. CNATRA SJA shall be informed and updated on all formal grievance matters to be routed to CNATRA. Initial notification shall be upon receipt of the formal grievance. Intermediate superiors shall continue updating CNATRA SJA of the status of any formal grievance matter until received by CNATRA.

PART C - REGIONAL ACTIVITIES

520. Routing. Formal grievance matters shall be forwarded through the chain of command of the respondent's command at the time of the alleged wrong.

521. Legal Support. CNATRA SJA may provide legal support and advice, upon request and on an "as available" basis, to commands in formal grievance matters to assist those commands in fulfilling their responsibilities.

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