



DEPARTMENT OF THE NAVY  
CHIEF OF NAVAL AIR TRAINING  
250 LEXINGTON BLVD SUITE 102  
CORPUS CHRISTI TX 78419-5041

CNATRAINST 5800.4B  
00D/00J  
15 Jun 18

CNATRA INSTRUCTION 5800.4B

From: Chief of Naval Air Training

Subj: LEGAL SERVICES WITHIN THE NAVAL AIR TRAINING COMMAND

Ref: (a) 10 U.S.C. Chapter 47 (U.C.M.J.)  
(b) Navy Regulations (1990)

Encl: (1) Military Justice  
(2) Ethics and Standards of Conduct  
(3) Military Personnel Matters  
(4) Civilian Personnel Matters  
(5) Requests for Release of Information  
(6) Claims  
(7) Legal Assistance  
(8) Contract Administration and Business Processes  
(9) Trademark and Intellectual Property

1. Purpose. To publish guidance for the effective and efficient administration of legal affairs for Naval Air Training Command (NATRACOM) activities.

2. Cancellation. CNATRAINSTs 5800.4A, 4200.2, 5800.6, and 12720.6.

3. Scope and Applicability. Legal matters are to be conducted efficiently, without undue delay, and with necessary and appropriate coordination. This instruction provides guidance for NATRACOM activities in the discharge of legal responsibilities and to ensure compliance with requirements of higher authority. Senior leaders, administrative officers, and collateral duty legal officers are to familiarize themselves with the contents of this instruction.

4. Legal Service Responsibilities. NATRACOM's Staff Judge Advocate (SJA) and Office of General Counsel (OGC) attorneys are co-located at Chief of Naval Air Training (CNATRA) Headquarters, Corpus Christi, Texas. The SJA and OGC act in coordination to provide legal advice, representation, and preventive services that enable CNATRA and NATRACOM activities to perform assigned missions lawfully, effectively, and efficiently.

a. Shared Responsibilities. Advice and assistance may be sought from either the NATRACOM SJA or NATRACOM OGC with respect to the following legal practice areas:

(1) Ethics and Standards of Conduct.

- (2) Freedom of Information Act/Privacy Act (FOIA/PA).
- (3) Community Relations Support (e.g., public affairs events).
- (4) Defense Support of Civil Authorities (e.g., disaster or crisis response).
- (5) Environmental and Encroachment Issues.
- (6) Memoranda of Agreement/Understanding (MOAs/MOUs).

b. SJA Responsibilities. By operation of statute and regulation, the NATRACOM SJA provides advice and assistance for the following legal practice areas:

- (1) Military Justice.
- (2) Military Personnel Matters.
- (3) Operational Law.
- (4) Claims Against the Government for Personal or Property Damages.
- (5) Legal Assistance.
- (6) All investigative and litigation support associated with these practice areas.

c. OGC Responsibilities. By operation of regulation, NATRACOM OGC provides advice and assistance for the following legal practice areas:

- (1) Business and Commercial Law, to include Contracts, Acquisition, and Fiscal Authorities.
- (2) Civilian Personnel Matters.
- (3) Trademark and Intellectual Property.
- (4) Real Property.
- (5) All investigative and litigation support associated with these practice areas.

5. Policy. NATRACOM senior leaders, administrative officers, and collateral duty legal officers are to utilize the NATRACOM Legal Office in maintaining good order and discipline within their units and to ensure lawful, effective, and efficient execution of mission requirements.

a. Timely notification of, and consultation with, the NATRACOM Legal Office is required for the following:

- (1) Allegations of sexual assault, sexual harassment, or hostile work environment;
- (2) Allegations of hazing or fraternization;
- (3) Filing of UCMJ Article 138 complaints, Navy Regulations Article 1150 complaints, and/or Equal Opportunity/Equal Employment Opportunity complaints;
- (4) Arrests and/or criminal charges brought by civilian authorities;
- (5) Civil convictions;
- (6) Intent to authorize an inspection or search intended to discover evidence of a crime;
- (7) Intent to impose pre-trial restraint;
- (8) Intent to impose non-judicial punishment or referral of charges to court-martial;
- (9) Intent to order a mental health evaluation;
- (10) Intent to recommend “show cause” or receipt of a “show cause” notice from Navy Personnel Command;
- (11) Intent to impose disciplinary action upon a civilian employee;
- (12) Receipt of FOIA/PA requests for records;
- (13) Receipt of service of process from any Federal, State, or local court, or any other judicial or administrative subpoena or order;
- (14) Requests from State or local civil authorities for use of Navy personnel or resources;
- (15) Class Alpha mishaps;
- (16) Personal injury or property damages caused by a NATRACOM vehicle/aircraft or employee in the scope of his/her duties;
- (17) Claims for personal injury or property damage alleged to have been caused by a NATRACOM vehicle/aircraft or employee in the scope of his/her duties;
- (18) Death of a NATRACOM active duty member or civilian employee;

(19) Breaches of personally identifiable information (PII) and/or release of other non-public information of a sensitive nature;

(20) Requests from a non-Federal entity to use Naval Aviation trademarks, or inappropriate use of Naval Aviation images.

b. NATRACOM SJA/OGC counsel are available to advise and assist senior leadership whenever questions of a legal nature arise.

c. Legal services and support may also be available from local installation SJAs and/or other components of Region Legal Service Offices (RLSOs). RLSO personnel do not report to CNATRA; it is therefore incumbent upon NATRACOM activities to keep the NATRACOM Legal Office apprised of any significant legal issues being worked by local RLSO counsel and/or other Navy/DoD offices.

6. NATRACOM senior leaders, administrative officers, and collateral duty legal officers are not expected or required to become subject matter experts in substantive legal matters. However, it is critical that they be able to effectively issue spot and know when and where to obtain legal support. Further NATRACOM policy and guidance on common legal issues is contained in the enclosures. Detailed reference material is contained in the *USN/USMC Commander's Quick Reference Legal Handbook*, regularly updated by the Naval Justice School and published at [http://www.jag.navy.mil/njs\\_publications.htm](http://www.jag.navy.mil/njs_publications.htm).

S. B. STARKEY  
Chief of Staff

## **MILITARY JUSTICE**

Ref: (a) 10 U.S.C., Chapter 47 (U.C.M.J.)  
(b) JAGINST 5800.7(series), (JAGMAN) Chapter I  
(c) JAGINST 5800.9

Article 6 of reference (a) requires that convening authorities (CA) communicate directly with their staff judge advocate (SJA) or legal officers in matters of military justice. For NATRACOM activities, the NATRACOM SJA is directly responsible to assist and advise with respect to all administrative, non-judicial, and court-martial processes provided for in references (a) and (b).

Sexual Assaults. Upon receipt of any unrestricted report of sexual assault, NATRACOM activities are to notify the NATRACOM SJA who will assist and advise to ensure compliance with mandatory reporting requirements and follow-on processes. This is a complex and dynamic area of responsibility, and requires immediate and regular communication with the NATRACOM SJA.

Quarterly Criminal Activity, Disciplinary Infraction, and Court-Martial Reports. Reference (c) sets forth the policy to collect and maintain accurate and timely statistical information reflecting trends in criminal activity. NATRACOM commands will promptly forward a Quarterly Criminal Activity, Disciplinary Infractions, and Court-Martial Report (QCAR) to CNATRA (Code 00J) no later than 10 days following 31 March, 30 June, 30 September, and 31 December of each year. Negative reports are required.

## **ETHICS AND STANDARDS OF CONDUCT**

Ref: (a) SECDEF Memo of 4 Aug 17  
(b) DoD 5500.07-R (Joint Ethics Regulation)  
(c) VCNO Annual Ethics Guidance

In reference (a), the Secretary of Defense defined the essence of ethical conduct: “doing what is right at all times, regardless of the circumstances or whether anyone is watching.”

NATRACOM personnel are to comply with the ethics rules set forth in reference (b). These rules can be complex and dependent upon the particular facts of the issue presented. Common ethics issues include:

- Acceptance of gifts from “prohibited sources” or offered because of official position, to include offers of free attendance to events, meals, and/or offers to reimburse for official travel/transportation.
- Official travel and conference attendance.
- Use of government resources, to include military aircraft, government vehicles, communication systems, and official time.
- Relations with non-Federal entities (avoiding preferential treatment or endorsement).
- Fundraising.
- Conflicts of interest.
- Confidential Financial Disclosure Program requirements.
- Post-government employment.
- Political activities.

All personnel are to contact NATRACOM Legal Office with respect to any issue or questions regarding ethical conduct and/or the application of references (b) and (c).

## **MILITARY PERSONNEL MATTERS**

Ref: (a) MILPERSMAN 1611-010  
(b) OPNAVINST 3100.6 (series)  
(c) U.C.M.J., Article 138  
(d) Navy Regulations, Article 1150  
(e) OPNAVINST 5354.1(series)  
(f) JAGMAN Chapter II Part E

Officer Misconduct. The NATRACOM SJA is to be notified of reports of significant officer misconduct (which includes any of the below incidents that would require a report to PERS-834), and will advise and assist in making all necessary notifications and reports.

- Initial Reports. Incidents of misconduct that may attract media interest and/or result in formal disciplinary action with respect to officers assigned to NATRACOM activities are to be immediately reported to appropriate seniors in the chain of command. References (a) and (b).
- Civil Offenses. When an officer has been arrested or charged with a civil offense that would constitute an offense if charged under the UCMJ, commands must notify NAVPERSCOM (PERS-834) per references (a) and (b).
- NJP. Per reference (a), when a decision is made to impose NJP upon an officer, commands must initially inform NAVPERSCOM (PERS-834) and subsequently submit a letter report as soon as results are final (post-appeal). Reports are to be sent via CNATRA.
- Courts-Martial. Court-martial charges preferred against officers must be reported to NAVPERSCOM (PERS-834) per reference (a).

Article 138/1150/EO Complaints. Receipt of any complaint made pursuant to references (c), (d), or (e) is to be forwarded to the NATRACOM SJA for review and guidance. Do not attempt to question the complainant prior to first speaking with the NATRACOM SJA.

Line of Duty Determinations. Per reference (f), whenever a member incurs a disease or injury that may result in a permanent disability or results in the member's inability to stand duty (or absence from duty) for 24 hours, commands must determine and document whether the injury or disease was incurred in the line of duty. Contact the NATRACOM SJA regarding processes to investigate and document such determinations.

## **CIVILIAN PERSONNEL MATTERS**

Ref: (a) SECNAVINST 12752.1(series)  
(b) Civilian Human Resources Manual

NATRACOM policy is to uphold Merit System principles and ensure equality of opportunity in the employment and development of a quality workforce.

NATRACOM OGC works closely and cooperatively with Department of Navy Human Resources Office (HRO) personnel in advising and supporting NATRACOM leaders with respect to civilian personnel matters. Common issues include:

- Investigation of allegations of civilian employee misconduct.
- Imposition of disciplinary actions.
- Sexual harassment and/or hostile work environment complaints.
- Equal Employment Opportunity complaints.
- Administrative grievances.
- Whistleblower complaints.
- Alternative dispute resolution (ADR) procedures.
- Requests for reasonable accommodation.
- Office of Special Counsel or Inspector General investigations.

NATRACOM senior leaders and supervisory personnel are to notify NATRACOM OGC regarding any of the above issues; NATRACOM OGC will advise the command and liaison with the cognizant HRO. NATRACOM activities will cooperate with NATRACOM OGC, as necessary, to coordinate documents, materials, witnesses, subject matter experts, conferences, and hearings, with a view to resolving issues at the lowest level.



## **REQUESTS FOR RELEASE OF INFORMATION**

Ref: (a) SECNAVINST 5720.42(series)  
(b) SECNAVINST 5211.5(series)  
(c) SECNAVINST 5820.8(series)  
(d) JAGMAN Chapter VI

Freedom of Information Act (FOIA). The NATRACOM Legal Office is responsible for review and responding to all requests for records filed under the FOIA. NATRACOM activities are to immediately inform the NATRACOM Legal Office of the receipt of any FOIA request, and to provide timely assistance in searching for potentially responsive records. All records will be provided to the NATRACOM Legal Office for determination of what may be released and what information is exempt from release; a decision not to release responsive information may only be made by CNATRA.

Personally Identifiable Information (PII). All NATRACOM activities are responsible for protecting PII in their custody and control (including that contained in electronic files and format). All NATRACOM activities will conduct PII spot checks on the periodicity, and using the procedures, as provided by the NATRACOM Legal Office. Any breach of PII is to be immediately reported to the NATRACOM Legal Office.

Controlled Unclassified Information (CUI). Certain types of unclassified information in the custody and control of NATRACOM activities requires appropriate controls on access and distribution. CUI is a term that encompasses a wide range of information categories, to include PII, law enforcement sensitive information, proprietary commercial or financial information received on a privileged basis, information related to physical security or protected critical infrastructure, export-controlled technical information, etc. All NATRACOM activities are to be familiar with the types of CUI within their organization and ensure that such information is properly stored and protected during any official transmission. Any inadvertent public release of NATRACOM CUI will be reported to Wing and/or NATRACOM Security Managers.

Litigation Requests/Service of Process. All NATRACOM activities are to immediately report to the NATRACOM Legal Office the receipt of any issuance from a Federal, State, or local court, or any other judicial or administrative subpoena or order. NATRACOM activities will cooperate with NATRACOM Legal Office to coordinate documents, materials, witnesses, subject matter experts, conferences, and hearings, as necessary, in order to protect the interests of the Department of the Navy.

## **CLAIMS**

Ref: (a) JAGMAN Chapters II and VIII  
(b) JAGINST 5890.1(series)

Investigation. If an incident occurs that may result in a claim for or against the Navy, some form of administrative investigation (separate and apart from any Safety investigation) may be required in order to document the facts. In the event of an incident, NATRACOM activities are to immediately contact the NATRACOM SJA to discuss convening of an investigation under reference (a).

Receipt of Claim. All NATRACOM activities are to immediately report the receipt of any claim to the NATRACOM Legal Office. NATRACOM activities will cooperate with NATRACOM SJA to coordinate documents, materials, witnesses, subject matter experts, conferences, and hearings, as necessary, in order to protect the interests of the Department of the Navy.

## LEGAL ASSISTANCE

Ref: (a) JAGMAN Chapter VII

The Judge Advocate General of the Navy is responsible for providing legal assistance services to military members and their dependents regarding personal legal matters not involving military disciplinary proceedings. Common issues include:

- Pre-deployment readiness, to include powers of attorney, wills, living wills, SGLI elections.
- Protections available under the Servicemembers Civil Relief Act.
- Consumer protection.
- Indebtedness complaints.
- Paternity complaints.
- Dependent support complaints.
- Family law, including separation, divorce, child custody.
- Naturalization.
- Notary services.

Legal Assistance is available through local Region Legal Service Offices; information is available at [http://www.jag.navy.mil/legal\\_services/legal\\_services\\_locator\\_rlso.htm](http://www.jag.navy.mil/legal_services/legal_services_locator_rlso.htm).

NATRACOM activities should contact the NATRACOM SJA for additional information regarding legal assistance matters that pertain to military personnel.

## **CONTRACT ADMINISTRATION AND BUSINESS PROCESSES**

NATRACOM relies upon numerous contracts and contractors in executing its mission. NATRACOM activities are to identify and contact appropriate Government contract officials, to include designated Contracting Officer Representatives (CORs), with respect to general issues of contract administration. NATRACOM OGC is to assist and advise on legal issues related to acquisition, commercial, contract, or fiscal policies. NATRACOM OGC is responsible for notification and coordination with OGC counsel that provide legal advice to other stakeholders in the procurement and administration of contracts that support NATRACOM's mission (e.g., NAVAIR, NAWCTSD, DCMA, etc.).

NATRACOM activities should notify NATRACOM OGC of the following occurrences:

- Requests by prospective contractors seeking an audience with senior NATRACOM leadership to discuss contractor performance, on-going contractual issues, and/or future requirements;
- Gifts offered to NATRACOM military or civilian employees by current or prospective contractors;
- Discussions involving future employment with current or prospective contractors;
- Requests for release of non-public information related to contract actions or performance;
- Requests that a NATRACOM military or civilian employee sign any contract, agreement, or commitment for goods or services that on its face appears to bind the Government;
- Receipt by a NATRACOM employee of COR designation, potentially triggering Financial Disclosure reporting requirements;
- Requests that a NATRACOM military or civilian employee serve as a member of a source selection, financial, or technical evaluation board;
- Receipt of monetary claims/demands for payment, outside of normal contract processes, as related to commercial or contract actions (e.g., requests for equitable adjustment, unauthorized commitments, etc.);
- Reports of significant labor disputes that may result in a work stoppage and may negatively impact mission accomplishment and/or draw media interest.

## **TRADEMARK AND INTELLECTUAL PROPERTY**

Ref: (a) SECNAVINST 5870.7  
(b) CNAFINST 5870.7

The emblems, crests, symbols, insignia, devices, names, logos, words, and colors of Naval Aviation represent time-honored qualities and service to the Nation and are invested with goodwill deserving of protection. The name, script, paint scheme, and emblem of the Navy Flight Demonstration Squadron (Blue Angels<sup>®</sup>) are among the Navy's most famous and legally recognized trademarks. Official aviation squadron emblems are also examples of indicators that are uniquely associated with the U.S. Navy. Protection of these indicators is necessary to foster aviation community goodwill, enhance the image and reputation of Naval Aviation, and assist with recruiting and retention efforts.

CNATRA is responsible for establishing and maintaining a Naval Aviation Trademark Program (NATP) Office. NATRACOM OGC personnel administer the NATP.

NATRACOM activities are to protect and promote the positive image and reputation of the Navy by controlling the use of official Naval Aviation indicators and reporting instances of unauthorized use.

- Squadron emblems are not to be used in any manner that would reflect negatively on the Navy, or that creates a perception of endorsement of any non-Federal entity or its products, service, and events.
- Squadron emblems are not to be used in connection with political activities or for any purpose intended to promote ideological movements, socio-political change, religious beliefs, and specific interpretations of morality or legislative/statutory change.
- NATRACOM activities are to contact the NATRACOM Legal Office if intending on offering squadron-themed merchandise for sale outside of internal lifelines.
- NATRACOM activities are to contact the NATRACOM Legal Office regarding any requests from a non-Federal entity to use Naval Aviation trademarks or to report any
- suspected infringement or other inappropriate use of Naval Aviation trademarks.