

**VOLUME 11**

**“ADMINISTRATIVE SEPARATIONS AND INVESTIGATIONS”**

**SUMMARY OF VOLUME 11 CHANGES**

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## REFERENCES

- (a) SECNAVINST 5430.7R CH-1
- (b) SECNAVINST 5430.27D
- (c) SECNAVINST 5430.25E
- (d) 10 U.S.C. §§ 806, 1044, 1044e, 1059, 1072, 1565b, 1588, and 5046
- (e) MCO 5430.2
- (f) JAGINST 5803.1E
- (g) Manual for Courts-Martial, (2016 ed.)
- (h) U.S. Navy Regulations, (1990)
- (i) MCO 5800.14
- (j) MCO 1001.62B
- (k) MCO 1200.18
- (l) JAGINST 5803.2B
- (m) SECNAVINST 1920.6C
- (n) Uniform Code of Military Justice, (2016)
- (o) MCO 1610.7A
- (p) MCO 1300.8
- (q) MCO 1000.6
- (r) JAGINST 5800.7F
- (s) SECNAVINST 5211.5E
- (t) 5 U.S.C. §§ 101, 552a, and 3111
- (u) JAGINST 5801.2
- (v) 37 U.S.C. §§ 601-604
- (w) 38 U.S.C. §§ 4301-4334
- (x) DoD Instruction 1205.12
- (y) 31 U.S.C. § 1342
- (z) DoD Instruction 1100.21
- (aa) 8 U.S.C. § 1400
- (bb) Executive Order 13269, (July 3, 2002)
- (cc) DoD Directive 2311.01E
- (dd) MCO 3300.4A
- (ee) DoD Directive 2310.01E
- (ff) DoD Directive 5146.13
- (gg) Executive Order 12333, (December 4, 1981)
- (hh) DoD Directive 5240.01
- (ii) DoD 5240.1-R
- (jj) DoD Instruction 3025.21
- (kk) DoD Instruction 5525.03
- (ll) SECNAVINST 5710.25B
- (mm) 1 U.S.C. § 112b
- (nn) 22 CFR Part 181
- (oo) DoD Directive 5530.3
- (pp) DoD 5500.07-R
- (qq) 18 U.S.C. § 202
- (rr) 5 C.F.R. § 2634

**“REFERENCES”**

As changes are made within this MCO Volume, the References list will also update.  
Annotation of each update/change/addition to the References list is required.

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**VOLUME 11**

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**SUMMARY OF SUBSTANTIVE CHANGES**

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CHAPTER VERSION	PAGE PARAGRAPH	SUMMARY OF SUBSTANTIVE CHANGES	DATE OF CHANGE

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ADMINISTRATIVE SEPARATIONS AND INVESTIGATIONS

## 0101 PURPOSE

This Volume provides a general overview of the matters that fall within the administrative law functional area and specific information regarding administrative law services within the Marine Corps.

## 0102 GENERAL

Administrative law includes military personnel law, government information practices, administrative investigations, involuntary administrative separations, and any area of law not specifically addressed within the military justice, legal assistance, international and operational law. This Volume specifically details functions related to enlisted involuntary administrative separations, administrative investigations, and claims.

## 0103 ADMINISTRATIVE LAW SECTION

The Administrative Law Section of the Legal Services Support Team (LSST) is supervised by the Administrative Law Officer (ALO) and is responsible for providing legal services support in enlisted involuntary administrative separations processed within the specified Legal Services Support Area (LSSA), pursuant to Administrative Board Procedures under DoD Instruction 1332.14, the current edition of MCO 1900.16, and the MILPERSMAN (for U.S. Navy personnel assigned to Marine Corps commands). In coordination with the local OSJAs, the Administrative Law Section may also provide the respective Marine Corps Installations and Marine Expeditionary Force convening authorities and reviewing authorities with technical assistance on administrative investigations appointed pursuant to JAGINST 5800.7F or Rule for Courts-Martial 303, MCM.

## 0104 ENLISTED INVOLUNTARY ADMINISTRATIVE SEPARATIONS

For complete guidelines for processing Marine Corps enlisted involuntary separations see MCO 1900.16. For complete guidelines for processing U.S. Navy personnel assigned to Marine Corps commands, see the MILPERSMAN.

010401. Non-boards

A. Enlisted involuntary administrative separations processed pursuant to notification procedures under DoD Instruction 1332.14 and either MCO 1900.16 or the MILPERSMAN (for U.S. Navy personnel assigned to Marine Corps commands) shall be initiated at the appropriate unit level and processed directly through the chain of command to the separation authority via the cognizant Staff Judge Advocate, using standard naval correspondence or a Marine Corps-approved standardized electronic processing system.

B. The Administrative Law Section may provide technical advice or assistance through the cognizant Staff Judge Advocate, to commanders within the respective Marine Corps Installation and Marine Expeditionary Force on enlisted involuntary administrative separations processed pursuant to notification procedures, but is not ordinarily involved in or responsible for routing or records retention.

010402. Boards

A. Enlisted involuntary administrative separations processed pursuant to board procedures under DoD Instruction 1332.14 and MCO 1900.16 or the MILPERSMAN (for U.S. Navy personnel assigned to Marine Corps commands) shall be initiated at the appropriate unit level and processed, with the technical assistance of the Administrative Law Section to the separation authority via the cognizant Staff Judge Advocate, using standard naval correspondence or a Marine Corps-approved standardized electronic processing system.

B. The Administrative Law Section will: (1) review all enlisted involuntary administrative separation board packages processed within the LSSA pursuant to board procedures for technical compliance with the applicable references; (2) serve a copy of an involuntary administrative separation board package upon the defense section within five working days of receipt of a package; (3) provide, upon request from the convening authority and subject to availability, a commissioned, warrant, or staff noncommissioned officer to perform the duties of a non-voting government recorder, in accordance with paragraphs 6315.3 of MCO 1900.16 and 1910-502 of the MILPERSMAN (for U.S. Navy cases); (4) coordinate with the Officer-in-Charge (OIC), LSST to ensure availability of a judge advocate to serve as a legal advisor for the board; (5) coordinate with the non-voting Government recorder, president of the board, and counsel for the respondent, the time, date, and location for the conduct of the board; (6) ensure that the administrative board is convened within 30 working days of receipt of an administrative separation board package; and (7) prepare a record of proceedings of the board for signature, as required by the references.

C. The Administrative Law Section may: (1) prepare proposed endorsements for the convening authority, endorsing commanders, and separation authority if processed via standard naval correspondence; (2) prepare proposed correspondence for the cognizant Staff Judge Advocate if processed via standard naval correspondence; (3) distribute and forward completed enlisted involuntary administrative separation board packages; (4) forward those enlisted involuntary administrative separation board packages that require additional action beyond the local separation authority; and/or (5) maintain working copies of all board reports (including summary of proceedings and exhibits) and audio (CD) for the respective Marine Corps Installation and Marine Expeditionary Force commands until processing is complete.

D. Provide other administrative or clerical actions directed or authorized by the OIC, LSSS, or OIC, LSST, to ensure timely and efficient processing consistent with established processing time goals contained in paragraphs 6102 of MCO 1900.16 and 1910-010 of the MILPERSMAN (for U.S. Navy cases).

## 0105 ADMINISTRATIVE INVESTIGATIONS

010501. The command Staff Judge Advocate is responsible for providing advice on and the overall management and tracking of administrative investigations convened by cognizant commanders.

010502. Technical assistance to commands regarding administrative investigations is a service of the Administrative Law Section, LSST. Upon request by the command SJA and approval by the LSSS/T OIC, the Administrative Law Section may:

A. Provide pre-investigation technical investigative assistance to appointed investigating officers.

B. Provide technical review of completed investigations endorsed and forwarded by the convening authority.