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CHAPTER 7

DISCIPLINE, LAW AND LEGAL MATTERS

PART A: GENERAL

7000 SCOPE

1. This chapter sets forth procedures and responsibilities for the maintenance of discipline and for the administration of laws and regulations relating thereto.

2. No attempt is made to reprint or discuss provisions of law or regulations established by higher authority. Reference to the various publications containing such matter is a necessary adjunct to the complete and proper administration of discipline in the Marine Corps.

7001 INSTRUCTION IN THE UNIFORM CODE OF MILITARY JUSTICE

1. Article 137, Uniform Code of Military Justice will be complied with by the officer in charge or the commander having custody of the service record book of each of the enlisted personnel carried on rolls. Recruit depots or stations to which enlisted persons first report will normally accomplish the initial explanation. When an individual is temporarily detached from his parent organization and the service record book is retained by the permanent duty organization, the officer in charge or commander having possession of the service record book will advise the officer exercising temporary command of the date instruction is due and shall request that he accomplish same and report compliance.

2. Instructions contained in paragraph 15104 will govern the entries to be made in the service record book.

7002 UNIT PUNISHMENT BOOK

1. A unit punishment book shall be maintained in accordance with paragraph 15086 in every organization where the commander or officer in charge has authority to administer punishments to enlisted personnel.

7003 DELIVERY TO AND BY CIVIL AUTHORITIES

1. Manual of the Judge Advocate General prescribes the procedure for delivery or refusal of delivery of Marines to civil authorities, and section 1307 thereof requires a report upon delivery and upon completion of action by civil authorities.

2. The Marine Corps does not desire delivery of Marines in the custody of civil authorities until all criminal proceedings against them including confinement, if any, are completed. Before accepting delivery of a Marine from civil authorities, the commander or officer in charge will obtain satisfactory assurance from the appropriate civil authorities, as well as the Marine, that no criminal charges are pending and will so state in the report of delivery enclosing copies of all correspondence with civil authorities.

3. No assurance shall be given civil authorities that a Marine will be tried by military court for violation of federal or state laws, or that any particular individual will be retained in or discharged from the service.

4. In the event civil authorities bring charges against a Marine after custody of him has been accepted in accordance with subparagraphs 2 and 3, above, the provisions of subparagraph 1, above, will apply.

5. Marines against whom civil charges are pending, who have surrendered to, or have been apprehended by civil authorities and have not been released from custody, will remain on the rolls of the parent organization unless their being joined on the rolls of another organization is directed by the Commandant of the Marine Corps.

6. Marine Corps activities having knowledge of a Marine being held or charged by civil authorities with a felony or any offense which may result in adverse publicity to the Marine Corps, shall inform the Commandant of the Marine Corps (Code DK), of the facts and circumstances.

7. The nearest (local) Marine Corps activity receiving information that a Marine, including absentee or deserter, whose parent organization can be reasonably assumed to be unaware of his whereabouts, against whom civil charges are pending, has surrendered to, or been apprehended by civil authorities, shall:

a. Investigate and notify the Commandant of the Marine Corps (Code DK), and the individual's organization of the date and place of arrest, charges pending, prospective date of trial and status of the Marine.

b. Maintain liaison with civil authorities to enable the following to be accomplished:

(1) Report to the Commandant of the Marine Corps (Code DK), and the Marine's parent command, any change in date of trial or its continuance; any change in the status of civil charges; any action by Grand Jury or other change in status of the Marine concerned, including movement to another geographical location; or release of Marine upon bail or his own recognizance.

c. Upon conclusion of the action by civil authorities, the following shall be accomplished:

(1) Report results to the Commandant of the Marine Corps (Code DK).

(2) Send copy of report and in the event of conviction of a felony or an offense involving moral turpitude (see subpar. 13267.2c), a certified copy of judgment to parent organization for action in accordance with paragraph 13267.

(3) Provided the Marine is confined as a result of sentencing by the civil court, a request for or waiver of privileges will be obtained from the individual (see subpar. 13266.3), together with a physical examination (see ManMed, art. 16-13), and forwarded to the Marine's parent command and the Commandant of the Marine Corps (Code DK) furnished with an information copy of the letter of transmittal.

d. Comply with the appropriate provisions of subparagraph 7051.2.

7004 AMENABILITY TO THE UNIFORM CODE OF MILITARY JUSTICE OF MEMBERS OF THE MARINE CORPS RESERVE

1. Amenability to the Code. Under the provisions of the Uniform Code of Military Justice, article 2, clause (1), members of the Marine Corps Reserve lawfully called or ordered to active duty, or active duty for training, are subject to the Code from the date when they are required by the terms of the order to obey it. Also, while performing certain types of inactive duty training, members of the Marine Corps Reserve shall be subject to the Code only if the training is authorized by written orders, voluntarily accepted by them, which orders specify that they are subject to the Code in accordance with the Uniform Code of Military Justice, article 2, clause (3).

2. Jurisdiction and Continuation. For information concerning jurisdiction having attached by commencement of action with a view to trial see the Manual for Courts-Martial, United States, 1951, subparagraph 11d.

3. Inactive Duty Training Categories. Inactive duty training as presently authorized by the Marine Corps, consists of the following types of training duty (see MARCORMAN, par. 1570):

- a. Regular Drills.
- b. Equivalent Instruction or Duty.
- c. Associate Duty.

d. Appropriate Duty.

e. Volunteer Training Unit Meeting.

4. Inactive Duty Training Categories Wherein Members of the Marine Corps Reserve Shall be Subject to the Code.

Members of the Marine Corps Reserve shall be made subject to the Uniform Code of Military Justice while performing the following types of inactive duty training:

a. Regular drills and equivalent instruction or duty. Upon enlistment or reenlistment for immediate assignment to Class II, Organized Marine Corps Reserve and upon transfer from Class III, Volunteer Marine Corps Reserve, to Class II, an assignment or transfer order shall be issued containing the elements stated in subparagraph 6, below.

b. Associate duty with a unit of a Reserve component of another Armed Force. When members are authorized to perform associate duty with units of the Armed Forces other than the Marine Corps, the policy of the Army force with which associated should govern whether they will be made subject to the Code.

c. Volunteer training unit meeting. The commander and all members of Volunteer Training Units (VTU) shall be made subject to the Code. Commanders of VTU's shall be responsible for assuring that no member attending a meeting of a unit under their command shall be given access to or custody of any classified matter during such meeting unless that member has voluntarily accepted orders subjecting him to the Code. Orders to members of VTU's subjecting them to the Code as herein provided, shall be issued by the district director concerned upon request of the commander of the unit.

5. Discretion of Order-Writing Authority. Members of the Marine Corps Reserve who are authorized to perform inactive duty training other than as stated in subparagraph 4, above, will not normally be made subject to the Code. However, in exceptional cases a

member authorized to perform appropriate duty may be made subject to the Code as prescribed herein for a particular period or series of periods in the discretion of the order-writing authority.

6. Assignment Orders. The following elements shall be made a part of the written orders assigning or transferring a member to an Organized Marine Corps Reserve Unit or otherwise authorizing or directing a member to perform inactive duty training when it is required or desired that he be made subject to the Code:

a. Each such order shall state:

"Subject to your voluntarily accepting these orders, you are (assigned to - , transferred to - , authorized to perform, etc.). These orders are null and void unless you indicate by endorsement hereon that they are voluntarily accepted by you.

"During the actual (performance of regular drills and periods of equivalent instruction or duty) (performance of periods of associate duty) (attendance at Volunteer Training Unit meetings, etc.) pursuant to this order, you are subject to the Uniform Code of Military Justice. Upon acceptance by you of these orders, you will be subject to the Code during any subsequent periods of inactive duty training performed which are the same or an interrupted continuation of the training contemplated by these orders."

b. The member concerned shall be requested to endorse on the original and one copy of his orders the following:

"(date, place) I hereby voluntarily accept these orders.

Signature

Grade, USMCR, Service Number)"

The member shall be further requested to deliver a copy bearing the above endorsement signed by him to his commander, for attachment to his qualification record or service record book. (See fig. 5-3 of chap. 5.)

7. Explanation of Certain Articles of the Uniform Code of Military Justice.

In order to ensure that members of the Marine Corps Reserve who accept orders subjecting them to the Code are cognizant of their responsibilities, duties, and rights, and the penalties to which they are subject for their failure to meet those responsibilities, articles of the Uniform Code of Military Justice listed in the Uniform Code of Military Justice, article 137, shall be explained to them as soon after acceptance of subjecting orders as possible, but not later than the sixth training period following acceptance of those orders. Paragraph 7001 requires that this explanation be given to enlisted personnel on active duty and indicates the reference which requires service record book entries to be made.

7005 ENLISTED PERSONNEL AWAITING OR UNDER- GOING TRIAL

1. When action is initiated with a view to trial because of an offense committed by an individual prior to termination of his enlistment, or extension thereof, even though the term of enlistment may have expired, he may be retained in the service for trial to be held after his period of service would otherwise have expired. However, an individual may not be retained beyond the term of his enlistment for the purpose of being a witness in a court-martial.

7006 NOTIFICATION TO PARENTS, SPOUSES, OR GUARDIANS OF ENLISTED PERSONS TO BE TRIED ON SERIOUS CHARGES OR WHO ARE TO BE DIS- CHARGED PRIOR TO THE EXPIRATION OF THEIR ENLISTMENT

1. Whenever an enlisted person is to be tried by a general or special court-martial, is to be tried by a civil court charged with a felony, or is charged with serious offenses before a foreign court and trial appears probable, it is considered desirable that the parents, spouse or guardian, as appropriate, be

advised of the circumstances. A serious offense before a foreign court is construed to include any offense for which 6 months' confinement, whether or not suspended, is normally imposed.

2. When any of the above occurs, the commander should ensure that the individual is counseled to advise his parents, spouse or guardian, as appropriate, of the circumstances, or, in the alternative, to authorize the commander to do so:

a. If the enlisted person is 21 years of age or over and refuses to do either, no further action will be taken except to have the fact of his refusal and the name of the officer receiving such refusal recorded on page 11 of the individual's service record;

b. If the enlisted person is under 21 years of age and refuses to do either, the commander will, unless some compelling reason to the contrary appears, inform the parents, spouse, or guardian, as appropriate, by letter or other means of the details considered pertinent and proper under the circumstances. In the event the commander decides not to make such notification, he will record his reasons for this decision on page 11 of the individual's service record.

3. Whenever an enlisted person under 21 years of age is to be involuntarily separated from the service prior to the expiration of his enlistment with either a punitive or any administrative type discharge, his parents, spouse, or guardian, as appropriate, shall be notified 10 days in advance of the time, date, and place of discharge. A copy of the letter of notification will be forwarded to the Commandant of the Marine Corps (Code DGH). This notification is required in order to permit parents or guardians to assume custody of their minor son or daughter upon separation.

4. Whenever an enlisted person over 21 years of age is to be involuntarily separated from the service prior to the expiration of his service with either a

punitive or administrative type discharge, he shall be counseled to advise his parents, spouse, or guardian, as appropriate, of the circumstances or, in the alternative, to authorize the commander to do so. If the individual refuses to do either, no further action will be taken other than to have the fact of his refusal and the name of the officer receiving such refusal re-

corded on page 11 of the individual's service record.

7007 CERTIFICATION OF OFFICERS UNDER ARTICLES 26 AND 27 UNIFORM CODE OF MILITARY JUSTICE

1. For instructions concerning certification of officers under the Uniform Code of Military Justice, articles 26 and 27, see paragraph 4067.

PART B: ABSENTEES AND DESERTERS

7050 PROCEDURE WHEN UNAUTHORIZED ABSENCE OCCURS

1. When an individual has been in an unauthorized absence status for a period of 24 hours, the following shall be accomplished:

a. An entry will be made in the service record and unit diary, as prescribed in paragraphs 15116 and 16084.

b. The disbursing officer will be notified of the absence by furnishing him copies of the unit diary in accordance with paragraph 16100, in order that checkage of pay action may be taken as set forth in NAVEXOS P-1000, Navy Comptroller Manual, chapter 4, volume 4.

c. All government property and personal effects shall be inventoried and stored in a secure place.

2. The inventory prescribed in subparagraph 1c, above, will be accomplished by an officer or staff noncommissioned officer, under the direction of the commander, as follows:

a. Inventory of government property (other than individual uniform clothing): An inventory of government property, less individual uniform clothing, will be prepared and signed in duplicate. The original of this inventory will be affixed in the service record book of the absentee and a copy retained in the office of the commander. The commander will promptly advise the property control officer/supply officer, in writing, via the unit property officer/responsible officer, if applicable, of any property which is missing or damaged and on charge to the individual. Property recovered from an individual in an absentee or deserter status shall be returned to the control of the unit property officer/responsible officer.

b. Inventory of individual uniform clothing: Coincident with the preparation of the foregoing inventory, an inventory will also be prepared of the articles of individual uniform clothing

left behind by the absentee. The inventory will be prepared in two parts. The first part will list only clothing which is in a serviceable condition, except for worn undergarments, headgear, and footwear. The second part will list all recovered articles which are in an unserviceable condition and will likewise include worn undergarments, headgear, and footwear. This inventory will be prepared and signed in quadruplicate. The original of the inventory shall be incorporated into the service record book of the absentee and one copy will be retained in the office of the commander. In the event that no articles of individual uniform clothing were left behind by the absentee, or the whereabouts of the member's uniform clothing is not known, a certificate to that effect shall be placed in the individual's service record book. (See subpar. 3a, below, for the disposition of the remaining copies.)

c. An inventory shall also be made of the personal effects left by the absentee. This inventory will be prepared and signed in sextuplicate. The original of the inventory shall be incorporated into the service record of the absentee and one copy retained in the office of the commander. (See subpar. 3b, below, for the disposition of the remaining copies.)

d. Money in excess of three dollars (\$3) found in the personal effects of an absentee will be delivered to the local disbursing officer in exchange for a government check to be drawn in favor of the absentee's commander. Money in amounts of three dollars (\$3), or less will be entered in the inventory of personal effects as "cash" and turned over to the unit accountable officer with the personal effects. Checks obtained from the disbursing officer in exchange for cash found in the personal effects of an absentee shall be retained by the commander for a period of 90 days. Should the absentee return to Marine Corps control prior to the expiration of 90 days from the date of absence, the exchange for cash check shall be endorsed by the commander and delivered to the individual concerned.

3. At the expiration of 90 days from the date of absence of a Marine, and provided the Marine has not returned to military control, the commander shall:

► a. Deliver the individual uniform clothing recovered from the absentee's effects, together with two copies of the inventory of such clothing, to the unit property/supply officer for disposition as provided in MCO P10120.28, Individual Clothing Regulations.

b. Deliver the personal effects of the absentee, less any exchange for cash check or checks, with four copies of the inventory of such effects, to the unit accountable officer for disposition as provided in Marine Corps Supply Manual. The commander, prior to delivery of the personal effects to the unit accountable officer, shall remove therefrom any discharge certificates, promotion warrants, medals, badges, etc., and such items will be forwarded to the Commandant of the Marine Corps (Code DGK), with a letter of transmittal listing the items recovered. A copy of the letter of transmittal will be inserted in the individual's service record book.

c. Endorse any exchange for cash check or checks, representing cash recovered from such effects, in favor of the officer in charge of the Marine Corps Personal Effects and Baggage Center, Camp Lejeune, or Camp Pendleton, as appropriate, and forward the check(s) to that officer with a letter of transmittal explaining the circumstances. One copy of the letter of transmittal shall be inserted in the absentee's service record book.

4. Coincident with turning over the personal effects to the accountable officer for disposal as provided in Marine Corps Supply Manual, the commander will contact the next of kin or legal representative of the absentee or deserter to determine whether or not the personal effects, not to include exchange for cash check or checks, will be accepted. The next of kin or legal representative shall also be advised

that further correspondence should be addressed to the unit accountable officer and the designation and address of that officer should be set forth in the letter.

5. When an individual has been in an unauthorized absence status for a period of 10 days, the commander shall notify the next of kin by letter to that effect. A copy of this letter will be forwarded to the Commandant of the Marine Corps (Code DGH) and to the Director of the Reserve and Recruitment District in which the individual was enlisted. The following is a sample letter of notification:

"My dear Mr. and Mrs. Brown:

"I regret the necessity of informing you that your son (or other relationship) (grade, name, service number and service component) has been in a status of unauthorized absence from this organization since (hour and date)/(and has been declared a deserter).

"Absence without leave (desertion) is a serious military offense. The longer the absence continues, the more serious the offense becomes.

"Should you know of his whereabouts, it is suggested that you inform me thereof, and urge him to return to this organization or to the nearest post or station of any of the Armed Forces, as it is desired that he not suffer the status of a fugitive at large or the penalties attached to desertion from the service.

Sincerely yours,

JOHN J. DOE
Major, U. S. Marine Corps
Commanding"

6. For instructions relative to stoppage of allotments, see NAVEXOS P-1000, Navy Comptroller Manual, chapter 4, volume 4.

7. When an individual is declared a deserter, a Notice of Absentee Wanted by the Armed Forces (DD Form 553), will be prepared and distributed in accordance with instructions set forth

in paragraph 15070, and addressees will be listed on reverse side of DD Form 553.

8. On declaration of desertion, a conduct mark shall be assigned on page 3 of the service record and desertion entry shall be made on page 12 in accordance with instructions set forth in paragraphs 15106 and 15116.

9. Service record books of persons declared deserters will be retained 90 days from the date of commencement of unauthorized absence. On the 91st day of absence the service record book will be transmitted to the Commandant of the Marine Corps (Code DK). In the event the organization is being disbanded or is scheduled to move before the 91st day of absence, the service record book will be forwarded to the Commandant of the Marine Corps (Code DK) with an explanation as to reason for its being forwarded prior to the 91st day of absence.

10. When an officer has been in a status of unauthorized absence for a period of 7 days, a report shall be submitted to the Commandant of the Marine Corps (Code DK). The report will include the date and hour of the commencement of the absence and any known circumstances in connection therewith.

7051 PROCEDURE WHEN ABSENTEES AND DESERTERS (MARINE CORPS PERSONNEL) ARE RETURNED TO CUSTODY OF THE MARINE CORPS

1. When an absentee or deserter surrenders, or is delivered, to the organization from which he absented himself, the following shall be accomplished by that organization:

a. Absentee:

(1) Make appropriate entries in service record book in accordance with paragraph 15116, and a unit diary

entry in accordance with paragraph 16084.

b. Deserter:

(1) Prepare and distribute a Formal Report of Deserters or Absentees (NAVMC 10044-PD), in accordance with paragraph 15071, if not previously submitted by another organization. If service records are not held, the request for same will be included in the report of return.

(2) Join the individual on rolls.

(3) Make appropriate entries in service record book in accordance with paragraph 15116, and a unit diary entry in accordance with paragraph 16077.

▶ (4) Prepare and distribute Notice of Return Absentee/Deserter (Form NAVMC 10263-PD), to addressees shown on the distribution list of Absentee Wanted by the Armed Forces (DD Form 553) with the exception of the Commandant of the Marine Corps. (See par. 15070.)

2. When an absentee or deserter surrenders, or is delivered, to an organization other than the organization from which he absented himself, the following shall be accomplished by the receiving organization:

a. Prepare and distribute a Formal Report of Deserters or Absentees (Form NAVMC 10044-PD), in accordance with instructions contained in paragraph 15071, and on the form.

b. If an absentee/deserter has been absent less than 60 days, and has not previously been issued orders and transportation with which he failed to comply, he shall be issued orders and transportation to report to the organization from which he absented himself. Where the individual is en route to a new duty station, his change of station orders should be endorsed in lieu of the issuance of a new set of orders. Authenticated copies of these orders,

endorsements, and all other documents relevant to the absence or desertion will be attached to all copies of the Formal Report of Deserters and Absentees prepared in accordance with subparagraph 2a, above.

(1) If, in the opinion of the receiving activity, the absentee or deserter will not obey absentee orders, or he states that he will not obey such orders, if issued, the Commandant of the Marine Corps (Code DK), shall be notified by message. The report will contain sufficient information concerning his probable refusal to obey orders upon which to base a decision as to his disposition. Upon submission of this report, no further action shall be taken except as set forth in subparagraph 2a, above, pending instructions from higher authority.

c. A message report will be made to the Commandant of the Marine Corps (Code DKB), in the case of an absentee or deserter:

(1) Whose absence is more than 60 days, or

(2) Who has previously been issued orders and transportation during the current period of unauthorized absence and has failed to comply with such orders, or

(3) Who, in the opinion of the activity having custody of the individual, would not comply with orders, if issued. Disposition shall be directed by the Commandant of the Marine Corps.

3. When an absentee or deserter is delivered to a Marine Corps organization for disciplinary action or other disposition in accordance with a directive issued by the Commandant of the Marine Corps, the procedures set forth in subparagraph 1, above, shall be accomplished by the receiving organization.

7052 ESCAPED PRISONERS

1. An escape by a prisoner is his deliberate absence from his place of arrest, confinement, or from his guard.

2. The following procedure shall be carried out in the cases of escaped prisoners:

a. As soon as it is known that a prisoner has escaped, the commander shall:

(1) Immediately institute search and security of the area if such action is indicated.

(2) Within one hour, declare the escapee a deserter from the time of escape. A copy of the DD Form 553 will be forwarded immediately to the Commandant of the Marine Corps (Code DK).

(3) As soon as possible, notify the commandant of the naval district, Armed Forces police activities in the area, and local and State police agencies. Give a complete description of the escapee, all significant facts regarding the time, place, and circumstances of the escape, and the names and addresses of relatives, friends, or places, under the jurisdiction of such police, to which the escapee might go.

b. In the cases of prisoners being transferred, the commander of a transferring activity shall be considered to be the prisoner's commander until the prisoner has been delivered to his destination or until otherwise notified to the contrary by higher authority. When a prisoner escapes, while en route to another activity, the guard shall immediately notify the prisoner's commander by telephone or message giving the necessary information so that the commander may proceed as prescribed in subparagraph 2, above.

c. When an escapee surrenders, is apprehended, or is delivered, the receiving activity will follow the procedure prescribed in paragraph 7051, and will notify all persons who have previously been notified of the escape.

d. In addition to the above, the following procedure shall be carried out in cases of personnel convicted by general courts-martial; convicted by a

special courts-martial if a disciplinary command has been designated for confinement or temporary custody; confined as a result of the alleged commission of an offense(s), the maximum punishment for which exceeds confinement of one year; or considered dangerous due to physical or mental condition, or nature of the offense(s) alleged: Immediately after an escapee in one of the above categories is declared a deserter, the organization from which he escaped will notify by telephone the nearest field office of the Federal Bureau of Investigation, giving all significant information regarding the escapee. Such notification shall never be made by the guard unless so instructed by his commander. Special agents of the Federal Bureau of Investigation shall be given access to all records and effects of escapee including addresses of relatives, friends, or places to which the escapee might go. Also, the Federal Bureau of Investigation field office should be given a signed copy of DD Form 553 (Absentee Wanted by the Armed Forces), as soon as possible, in addition to the distribution indicated in paragraph 15070.

7053 REMOVAL OF MARK OF DESERTION

1. Commanders or officers in charge shall remove as an erroneous entry the mark of desertion from the service record book of any individual who was declared a deserter but who subsequently has been:

- a. Awarded nonjudicial punishment for unauthorized absence only.
- b. Tried and convicted of unauthorized absence only.
- c. Tried and acquitted.
- d. Determined by an approved Board of Medical Survey to have been mentally incompetent at the time of absence.

2. All other cases regarding the removal of marks of desertion, when removal is recommended, will be referred to the Commandant of the Marine Corps (Code DK), for decision. In this con-

nection, it is to be noted that in the absence of a clear showing that a mark of desertion was erroneously entered, such entry cannot be removed. Removal of mark of desertion is not necessary prior to discharge.

3. The mark of desertion shall be removed as soon as possible after determination that the entry was erroneous, in accordance with subparagraph 1, above, or approval of the Commandant of the Marine Corps, as appropriate. The removal of the mark of desertion will be reported to the Commandant of the Marine Corps (Code DK), with copy to the disbursing officer carrying the accounts of the individual in order that he may be credited any monies due on the date of the recorded desertion entry. This report shall show the reason for removing the mark of desertion and the date the mark of desertion was actually removed from the records of the individual.

4. Instructions for removal of a mark of desertion are contained in paragraph 15116.

7054 PROCEDURE WHEN ABSENTEES AND DESERTERS OF OTHER SERVICES COME INTO CUSTODY OF THE MARINE CORPS

1. Commanders of the Marine Corps activities will take the actions indicated in this paragraph when the following categories of personnel who are members of another military department, or the U. S. Coast Guard, surrender themselves or report to a Marine Corps activity:

- a. Unauthorized absentees.
- b. Personnel on leave who are without funds and who request that they be provided with transportation.

2. When personnel in the aforementioned categories report to a Marine

Corps activity, the commander will take the following action:

a. Telephone or wire the member's commander requesting:

(1) Confirmation of the status of the individual,

(2) Disposition to be made in the member's case, and

(3) The applicable appropriation data to be shown on the transportation request and meal tickets which the member may be provided, as appropriate.

b. Upon receipt of the above requested confirmation and disposition instructions, provide transportation in kind to transfer the member to the station designated in the disposition instructions received. The Marine Corps (Bill To) address shown at the top of the transportation request and meal ticket will be crossed out and the name of the department to which such transportation is chargeable will be inserted.

c. A Pay Adjustment Authorization (DD Form 139), will then be prepared and forwarded by mail to the activity to which the member is being transferred.

PART C: INVESTIGATIONS

7100 REGULATIONS GOVERNING INVESTIGATIONS AND COURTS OF INQUIRY

1. Regulations governing investigations and courts of inquiry are contained in the Manual for Courts-Martial, United States, 1951, and the Manual of the Judge Advocate General.

7101 INVESTIGATION OF OFFENSES

1. The proper and thorough investigation of all complaints and reports alleging offenses is a major function in the proper administration of discipline.
2. Any complaint made with a view of instigating disciplinary action will be reduced to writing and signed by the complainant. Such complaints are not required to be under oath and need not be so precise in language or content as formal charges or specifications, but must set forth the complaint in such detail as will permit intelligent disposition of same.
3. A woman officer, designated by the commander shall be consulted concerning investigation of offenses suspected to have been committed by women Marines, and concerning contemplated disciplinary action for such offenses, except where a woman officer of the Armed Forces is not available. Interrogation of a woman Marine by male personnel in connection with offenses of which she is suspected shall be conducted in the presence of another woman, preferably an officer or mature noncommissioned officer, senior

to the woman being interrogated, who is qualified to counsel the suspect and advise her in disciplinary matters, unless: (a) the woman being interrogated specifically requests in writing that no other woman be present; or (b) such woman is not available in cities, and areas remote from military installations where women of the Armed Forces are not assigned, and the interrogator has determined that the nature of the suspected offense is such that delay would jeopardize the proper investigation of the offense. In this latter event, the interrogator, as soon as possible, will make a full report of the incident in writing to the woman's commander. In connection with the above mentioned request, it shall be made in the presence of a woman officer or the commander, if no woman officer is available. In connection with the selection of a woman to advise and counsel the suspect, it is desirable to designate a person acceptable to the suspect and one who has her confidence.

7102 INVESTIGATION OF MOTOR VEHICLE ACCIDENTS

1. The Marine Corps Supply Manual contains instructions relating to the investigation of motor vehicle accidents.

7103 INVESTIGATION INVOLVING WORN, LOST, DAMAGED OR STOLEN PROPERTY

1. The Marine Corps Supply Manual contains instructions relating to the investigation of worn, lost, damaged or stolen property.

PART D: OFFICERS PUNISHMENT

7150 TRIAL OF OFFICERS

1. When recommendation for trial of an officer by court-martial is made, the commander shall immediately notify the Commandant of the Marine Corps (Code DK), by airmail or message, whichever is considered appropriate, stating the name of the command to which such recommendation was made and enclosing or forwarding a copy of charges and specifications for which trial has been recommended.

2. Upon receipt of the above information, the command to which such recommendation for trial has been made will be advised whether or not current Headquarters files reveal any record of previous convictions.

3. When recommendation for trial has been approved, the convening authority shall immediately forward copies of the charges and specifications to the Commandant of the Marine Corps (Code DK), by airmail and to the Judge Advocate General of the Navy. Immediately upon completion of the trial, the convening authority shall notify the Commandant of the Marine Corps (Code DK), by airmail or message of the findings and sentence.

4. When a trial has been completed and the convening authority has reviewed and acted upon the proceedings, the usual case will then fall into one of the following categories:

a. When the officer is acquitted or when the findings and sentence have been disapproved and entirely set aside, the convening authority should:

(1) Release the officer from restraint, if any, and restore him to duty.

(2) Take steps to have appropriate field orders issued to the officer, or request the Commandant of the Marine Corps to originate orders re-assigning the officer, as appropriate.

(3) Notify the Commandant of the Marine Corps (Code DK), by airmail or message making known the findings

and sentence of the court and his action thereon.

b. When an officer is convicted, but where the sentence imposed is not one requiring the confirmation or approval of the President or the Secretary of the Navy prior to executing the sentence, the convening authority should, in addition to the above:

(1) Issue the normal order of promulgation of the court-martial, and forward a copy thereof to the Commandant of the Marine Corps (Code DK).

c. Upon conviction where the sentence imposed is one requiring the confirmation or approval of the President or the Secretary of the Navy prior to its execution, and the officer is in Alaska or Hawaii or outside the United States, the convening authority should:

(1) Take steps to have orders originated in the field, if appropriate, or request the Commandant of the Marine Corps to originate orders which will direct the officer's immediate return to a specific post or station within the continental limits of the United States, to await final action in his case. Orders of this nature should name the specific post or station rather than use the more commonly employed phrase "nearest naval district"; should be for temporary duty (not temporary additional duty); should include the words "proceed immediately"; and should clearly indicate the degree of custodial security under which the officer sentenced should travel.

(2) Advise the commander of the post or station to which the officer is ordered both intermediately and ultimately, as well as any other commands which should be cognizant, and make the Commandant of the Marine Corps (Code DK), an information addressee, as to the charges, findings, sentence, and the convening authority's action thereon; and as to any other facts deemed pertinent which will enable all commands concerned to take adequate precautions regarding proper

custodial security of the officer sentenced. Such information should be forwarded to all addressees by airmail or by message.

d. Where the sentence imposed is one requiring the confirmation or approval of the President or the Secretary of the Navy prior to its execution, and the officer is within the United States except Alaska and Hawaii, then the convening authority should advise the Commandant of the Marine Corps (Code DK), by airmail or message, as appropriate, of the findings, sentence, and his action thereon; the local command to which the officer will be physically attached; and the exact nature and extent of the custodial measures being employed.

5. When an officer has been ordered to a post or station to await final disciplinary action in the manner prescribed in subparagraph 4c, above, the commander shall notify the Commandant of the Marine Corps by speed-letter as soon as the officer joins his command, with an information copy to the originator of field orders issued to the officer. The commander should indicate to which local organization, if any other than his own, the officer is being attached and should set forth the exact nature and extent of the custodial measures contemplated while the officer awaits final action on his sentence.

6. It should be noted that it is contrary to the policy of the Navy Department to dismiss an officer at any point in Alaska or Hawaii or outside the United States, except under special circumstances and by request to the Navy Department.

7. Where recommendation is being made to the Secretary of the Navy via the Commandant of the Marine Corps to execute a previous sentence of dismissal by reason of alleged failure on the part of the officer sentenced to

comply with the conditions of his probation, the commands concerned should follow the same procedure prescribed in subparagraphs 4 and 5, above, as appropriate.

8. All reports of the character discussed in this paragraph, when made by message or letter, should refer to this paragraph and should be designated "Official Use Only" unless classification is required by reason of the contents.

7151 REPORT OF OFFICERS' PUNISHMENT

1. Nonjudicial punishment imposed upon officers shall be reported to the Commandant of the Marine Corps (Code DK), via official channels; but such report shall not be made until a reasonable time has elapsed to permit the officer punished to appeal in accordance with paragraph 134, Manual for Courts-Martial, United States, 1951. In the event an appeal is filed, the report should not be made until the appeal has been adjudicated by the officer next superior in command to the officer who imposed the punishment.

2. There will be enclosed with the report of punishment made to the Commandant of the Marine Corps copies of all correspondence incident thereto, and a narrative statement of the circumstances giving rise to the imposition of punishment if the circumstances are not fully set forth in the enclosures. A signed statement from the officer punished, setting forth any matter in his defense or in mitigation or extenuation, shall be included unless the officer concerned does not avail himself of his right to make such statement, in which case a signed statement that he does not desire to make a statement shall be included. A report of nonjudicial punishment will not be filed in officer's record unless accompanied by a statement relating thereto signed by the officer against whom the report is made.

**PART E: COMPLAINTS ALLEGING INDEBTEDNESS, FAILURE TO SUPPORT
DEPENDENTS AND PATERNITY OF ILLEGITIMATE CHILDREN**

7200 INDEBTEDNESS

1. When a complaint alleging indebtedness is received, the following action will be taken:

a. Commanders will examine the complaint to ascertain if the complainant has complied with the requirements of SECNAVINST 1740.2 or revisions thereof. If the complaint fails to meet the requirements specified therein, the commander will return the complaint to the sender with an explanation of why the complaint was not processed.

b. When a complaint is received that complies with the requirements of SECNAVINST 1740.2 or revisions thereof, the person against whom the complaint is directed will be interviewed in private. Before the interview, he shall be read and have explained to him Article 31, Uniform Code of Military Justice. He will then be afforded the opportunity to examine the complaint and will be advised that dishonorable disregard of private indebtedness is an offense under the Uniform Code of Military Justice (see Manual for Courts-Martial, United States, 1951, par. 213b).

c. If the indebtedness is acknowledged, the individual will be advised to communicate with the complainant setting forth his intentions in the matter. The commander will reply to the complainant, if the provisions of SECNAVINST 1740.2 have been complied with, and will state that the matter has been brought to the attention of the person concerned and that he has been advised to notify the complainant as to intended disposition of the matter.

d. If the debt is denied or disputed, or if the individual does not desire to make a statement after considering the provisions of the Uniform Code of Military Justice, Article 31, the commander will so advise the complainant. The reply to the complainant will include a statement to the effect that:

(1) The Marine Corps exercises no jurisdiction or control over Federal pay or savings of its personnel and cannot, therefore, adjudicate the matter.

(2) A dishonorable failure to pay a just debt is a military offense and, in such cases, disciplinary action may be taken. However, a mere negligent omission or financial inability to pay is not criminally punishable under the Uniform Code of Military Justice. Where disciplinary action is appropriate and taken, this action cannot provide for settlement of the indebtedness.

(3) Marine Corps personnel do not, by their service connection, escape the jurisdiction of the civil courts, and that any further action on the claim must be pursued through a civil court of competent jurisdiction.

e. In preparing correspondence relating to indebtedness, the use of forms similar to figures 7-1 through 7-5 is authorized and encouraged. Additionally, the use of rubber stamps and embossing equipment is encouraged.

2. When an individual declines to make a statement, or when his statement is vague, uncertain, indefinite, or the indebtedness is denied or disputed, the commander will cause an investigation to be conducted into the matter in order to determine the facts and validity of the complaint.

3. A valid complaint of indebtedness is one where a debt has been incurred:

a. By a Marine, or

b. On his behalf by his legal dependents, with or without his consent, for necessities (including but not limited to food, shelter, clothing and medical expenses) and

c. The debt is past due, or

d. There is a court order in existence ordering the Marine to pay alimony, as distinguished from support of

dependents, and payment thereon is past due.

4. In the case of officers, warrant officers, and sergeants and above, all valid letters of indebtedness with a copy of the commanding officer's reply and the signed statement of the individual concerned will be forwarded to the Commandant of the Marine Corps (Code DK). Provided it is not contrary to local command administrative procedures, these documents may be forwarded direct to the Commandant of the Marine Corps (Code DK), without letters of transmittal (only one complete set stapled securely together) by the individual's immediate commanding officer. The Commandant of the Marine Corps (Code DK) will review all correspondence received to determine whether it is to be filed in the individual's official personnel file or in the central files of Headquarters Marine Corps. In the case of enlisted personnel, the provisions of subparagraph 15115.3z apply. In the case of officers and warrant officers, the provisions of subparagraph 15157.2g apply.

5. In the case of enlisted personnel in the grade of corporal and below, indebtedness correspondence will be retained in the files of the individual's unit or organization, as appropriate. Even though this correspondence is not forwarded to the Commandant of the Marine Corps, an entry will be made on page 11 of the individual's service record, as required by subparagraph 15115.3z.

6. Prior to forwarding valid complaints to the Commandant of the Marine Corps (Code DK), the individual shall be advised thereof and of his right to submit a statement in connection therewith along with any relevant evidence. In the event he does not desire to submit a written statement, he shall so certify in writing.

7. Complaints of indebtedness not complying with SECNAVINST 1740.2, and those determined to be invalid by the commander, and other correspondence concerning financial affairs of Marines,

are not to be forwarded to the Commandant of the Marine Corps.

8. No person will, in his official capacity, furnish information regarding the personal credit rating or financial responsibility of any individual of the naval service. The mailing addresses of personnel may be furnished by the Commandant of the Marine Corps (Code DGH), if requested. A service fee of \$1.50 shall be charged for each address furnished.

9. All commanders are directed to continually indoctrinate and counsel members of their commands concerning the pitfalls of installment buying, incurring debts beyond capacity to pay and the necessity for liquidating debts in a timely manner. The counseling and indoctrination should include information regarding the need for a full disclosure of the terms of the agreement, how finance and interest rates are quoted and computed, the standards of fairness which should be observed, and the forms available for this purpose.

a. Consultation with the Legal Assistance Officer when contemplating large purchases on credit will assist personnel to avoid commitments which may be difficult or impossible to carry out. Personnel who did not seek or heed advice beforehand or otherwise encounter difficulties in paying their debts should be encouraged to consult with the Legal Assistance Officer. See the Secretary of the Navy's directive dealing with the legal assistance program.

b. Personnel are to be advised that legitimate complaints forwarded to the Commandant of the Marine Corps become a matter of record and may have adverse effect on promotions and other aspects of their careers. In addition, it must be stressed that appropriate administrative action with a view towards effecting discharge from the Marine Corps, or stringent disciplinary measures will be taken promptly in flagrant cases where there are dishonorable failures to properly liquidate incurred debts.

MARINE COMPANY
MARINE BATTALION, MARINE REGIMENT
NUMBER MARINE DIVISION
NAME OF CAMP, LOCATION

1610
28 Sep 1966

TO: MILITARY COLLECTION CORPORATION SUITES 1000-1020 CREDIT BUILDING 200 INDEBTEDNESS ROAD CHARGEATOWN, ALLSTATES	IN REFERENCE TO: MARINE, LEATHERNECK J. JR., 9876543, Sgt. 5000/0000/0000 1540001
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Gentlemen:

Receipt of your letter alleging indebtedness of the person indicated above is acknowledged. The matter has been brought to his attention and he has been advised to communicate with you setting forth his intentions in the matter.

The Marine Corps exercises no jurisdiction or control over Federal pay or savings of its personnel and cannot, therefore, adjudicate the matter.

A dishonorable failure to pay a just debt is a military offense and, in such cases, disciplinary action may be taken. However, a mere negligent omission or financial inability to pay is not criminally punishable under the Uniform Code of Military Justice. Where disciplinary action is appropriate and taken, this action cannot provide for settlement of the indebtedness.

Marine Corps personnel do not, by their service connection, escape the jurisdiction of the civil courts. Unless this matter can be resolved satisfactorily by direct correspondence with the individual, the appropriate forum for settlement is a civil court.

Sincerely yours,

J. J. Authority
J. J. AUTHORITY, MAJOR, USMC
COMMANDING OFFICER

(STANDARD FORM OF COMMANDER'S REPLY TO COMPLAINANT
ALLEGING INDEBTEDNESS OF A MEMBER OF HIS COMMAND)

► Figure 7-1

MARINE COMPANY
MARINE BATTALION, MARINE REGIMENT
NUMBER MARINE DIVISION
NAME OF CAMP, LOCATION

1610

28 Sep 1966

From: Commanding Officer
To: Commandant of the Marine Corps (Code DK)
Via: (1) CO, MARBN, MARREGT, 3dMARDIV
(2) CO, MARREGT, 3dMARDIV
(3) CG, 3dMARDIV

Subj: Report of unsatisfactory resolution of indebtedness
case of: MARINE, LEATHERNECK J. JR., 9876543, Sgt.
5000/0000/0000 1540001

Ref: (a) MARCORPERSMAN, par 7200

Encl: (1) Letter of complaint
(2) Investigation of unsatisfactory resolution of
indebtedness
(3) Individual's statement

1. Enclosures (1) through (3) are forwarded in compliance
with reference (a).

J. J. Authority
J. J. AUTHORITY

(STANDARD TRANSMITTAL OF REPORT OF UNSATISFACTORY
RESOLUTION OF INDEBTEDNESS)

► Figure 7-2

MARINE COMPANY
MARINE BATTALION, MARINE REGIMENT
NUMBER MARINE DIVISION
NAME OF CAMP, LOCATION

1610
28 Sep 1966

TO: MILITARY COLLECTION CORPORATION SUITES 1000-1020 CREDIT BUILDING 200 INDEBTEDNESS ROAD CHARGEATOWN, ALLSTATES	IN REFERENCE TO: MARINE, LEATHERNECK J. JR., 9876543, Sgt. SECOND MARINE DIVISION, FMF CAMP LEJEUNE, NORTH CAROLINA
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Gentlemen:

Receipt of your letter alleging indebtedness of the person indicated above is acknowledged.

The individual is no longer a member of this command. Please be advised records of this unit indicate that the last known address of the individual is as shown in the reference box above.

Therefore, your letter is returned herewith. Please refer all future correspondence to the person or his commanding officer at the address shown above.

Sincerely yours,

J. J. Authority

J. J. AUTHORITY, MAJOR, USMC
COMMANDING OFFICER

Encl:
(1) Your letter

(STANDARD FORM OF COMMANDER'S REPLY TO COMPLAINANT
ALLEGING INDEBTEDNESS OF A FORMER MEMBER OF HIS COMMAND)

► Figure 7-3

MARINE COMPANY
MARINE BATTALION, MARINE REGIMENT
NUMBER MARINE DIVISION
NAME OF CAMP, LOCATION

1610
28 Sep 1966

TO: MILITARY COLLECTION CORPORATION SUITES 1000-1020 CREDIT BUILDING 200 INDEBTEDNESS ROAD CHARGEATOWN, ALLSTATES	IN REFERENCE TO: MARINE, LEATHERNECK J. JR., 9876543, Sgt.
-------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------

Gentlemen:

Receipt of your letter alleging indebtedness of the person indicated above is acknowledged.

The individual is not a member of this Command; consequently, your letter is returned herewith. In addition, a search of local records does not show his location.

In this connection, if it is known that the individual is a Marine, you may request the individual's present location from the Commandant of the Marine Corps (Code DGH), Headquarters, U. S. Marine Corps, Washington, D. C. 20380. Inquiries of this nature must include the individual's full name and service number. Please be advised that there is a service fee of \$1.50 for each address supplied.

Sincerely yours,



J. J. AUTHORITY, MAJOR, USMC
COMMANDING OFFICER

Encl:

(1) Your letter

(STANDARD FORM OF COMMANDER'S REPLY TO COMPLAINANT ALLEGING INDEBTEDNESS OF A PERSON NOT A MEMBER OF HIS COMMAND NOR CAN BE LOCATED FROM LOCAL RECORDS)

Figure 7-4

MARINE COMPANY
MARINE BATTALION, MARINE REGIMENT
NUMBER MARINE DIVISION
NAME OF CAMP, LOCATION

1610
28 Sep 1966

TO: MILITARY COLLECTION CORPORATION SUITES 1000-1020 CREDIT BUILDING 200 INDEBTEDNESS ROAD CHARGEATOWN, ALLSTATES	IN REFERENCE TO: MARINE, LEATHERNECK J. JR., 9876543, Sgt. 5000/0000/0000 1540001
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Gentlemen:

Your letter alleging indebtedness of the person indicated above is returned as enclosure (1). The letter does not establish that the requirements prescribed by the Secretary of Defense in DOD Directive 1344.7 of 2 May 1966, and promulgated in the Federal Register, Volume 31, No. 96, pp 7228-7233, have been complied with.

Upon compliance with the Department of Defense Directive and return of the letter to this command, the complaint will be processed. Enclosure (2) is furnished for your use, if you so desire.*

Sincerely yours,

J. J. Authority

J. J. AUTHORITY, MAJOR, USMC
COMMANDING OFFICER

Encl:

- (1) Your letter
- (2) Standards of Fairness, Full Disclosure, and Certificate of Compliance

* Forms should not be furnished to large commercial users on a recurring basis.

(STANDARD FORM OF COMMANDER'S REPLY TO COMPLAINANT NOT COMPLYING WITH SECNAVINST 1740.2)

Figure 7-5

10. The responsibility to indoctrinate and counsel Marine Corps personnel in this matter is a basic precept of military leadership. The receipt of the too numerous complaints of indebtedness, the failure of personnel to liquidate indebtedness in a timely manner, and the failure to take prompt corrective action relative thereto are indicative of a lack of genuine interest and performance of duties on the part of responsible commanders. It is the non-delegable responsibility of command, at every echelon, to ensure that Marines are indoctrinated and counseled concerning this matter and that prompt, effective corrective action is taken to eliminate, insofar as is possible, the number of complaints of indebtedness concerning Marines.

7201 SUPPORT OF DEPENDENTS

1. All Marine Corps personnel are expected to provide continuous and adequate support for their legal dependents until legal exemption is, in fact, produced. It is expected that the conditions of valid court orders will be carried out until the responsibility for compliance therewith is terminated by a civil court of competent jurisdiction or by mutual agreement, in writing, of the persons concerned.

2. Where a valid court order is in existence, and the individual concerned is financially unable to comply therewith, he shall be advised that by non-compliance with the terms of such order he renders himself liable to further action by the civil courts. He shall be advised further to seek relief in a civil court of competent jurisdiction or by mutual agreement with the party in whose favor a court order has been rendered. Requests for leave for the purpose of settling support matters will be given favorable consideration unless the public interest would be seriously prejudiced thereby. In such cases, the complainant will be advised of the circumstances and of the information given to the individual complained against.

3. In general, the following rules will govern the interpretations of divorce or annulment decrees unless it is shown that the local applicable rule of law requires another interpretation:

a. If the decree is silent as to alimony payments to the wife, it is presumed the court intended that no such payments be made.

b. If the decree is silent as to support of minor dependent children, it is presumed the court intended such payments be made. A father is relieved of the responsibility for supporting his children only when the court by express language decrees such support is not payable.

4. The failure of personnel to provide for the support of their legal dependents may constitute an offense under the Uniform Code of Military Justice or warrant administrative action with a view toward early discharge under the applicable provisions of chapter 13. No authority exists under the Uniform Code of Military Justice, however, for military authority to enforce civil court orders. If the question of support is in dispute, the following will be used as a guide for support:

For wife only--BAQ plus 20% of basic pay

For wife and one minor child--BAQ plus 25% of basic pay

For wife and two or more minor children--BAQ plus 30% of basic pay

For one child--one-sixth of basic pay

For two minor children--one-fourth of basic pay

For three or more minor children--one-third of basic pay

In the use of the above table, in no event should the amount of support be less than:

For wife only--one-third of basic pay

For wife and one minor child--one-half of basic pay

For wife and two or more minor children--three-fifths of basic pay

a. The support requirements specified above are subject to the following:

(1) For enlisted personnel in pay grades E-4 (4 or less years service) and below, support may not fall below the amount of the minimum allotment requirement of the Dependents Assistance Act of 1950 as amended.

(2) The amount of support to a dependent for whom basic allowance for quarters is claimed in the case of an officer or an enlisted member of pay grades E-4 (over 4 years' service) and above should not be less than the applicable rate of basic allowance for quarters to which that member is entitled.

b. The above guide is not intended as a permanent solution to nonsupport or insufficient support problems. The guide will be referred to as a basic instrument for determining the amount of support to be provided for a complaining dependent. When more than one household is involved, support requirements will be determined separately for each household. For example, if a member has a present wife and child and a complaint of nonsupport or insufficient support is received in behalf of two children of a former marriage, the member should provide approximately one-fourth of his basic pay for the two children of the former marriage. If the complaint is in behalf of the present wife and child, the member should provide approximately the amount of his basic allowance for quarters plus 25 percent of his basic pay or one-half of his basic pay, whichever is the greater.

5. The Commandant of the Marine Corps will give consideration to waiving the requirements of this section as regards support of the wife upon receipt of credible evidence of infidelity or

desertion on the part of the wife. Such evidence must contain corroboration of any statements of the Marine concerned and should be forwarded to the Commandant of the Marine Corps, Code DN in the case of enlisted personnel, and Code DK in the case of officers, with appropriate comment and recommendation by the commander. Pending the issuance of waiver, support is required.

6. Upon failure of enlisted personnel to provide support, commanders will initiate action to cause the involuntary establishment of allowances provided by the Dependents Assistance Act of 1950, supra, or other legislation providing allowances in behalf of dependents. Correspondence on such matters shall be directed to the Commandant of the Marine Corps, Code DN in the case of enlisted personnel, and Code DK in the case of officers.

7. All complaints alleging failure to provide support will be promptly acknowledged and the complainant shall be advised of the action taken or contemplated in every instance except that no reference will be made to disciplinary action.

8. Every complaint received alleging nonsupport of dependents will be referred to the individual concerned and that individual shall be advised of the action to be taken thereon. All valid complaints will be transmitted to the Commandant of the Marine Corps, Code DN in the case of enlisted personnel, and Code DK in the case of officers, along with a report of the action taken thereon. Prior to forwarding such complaints, the individual shall be advised of the content of the Uniform Code of Military Justice, Article 31, and of his right to transmit any statement he may care to make relative to the complaint for inclusion in his official record. When an individual does not desire to make a statement, a certification to that effect will be forwarded.

7202 PATERNITY OF ILLEGITIMATE CHILDREN

1. Where there has been official adjudication of paternity by a judicial order or decree of paternity or support duly rendered by a United States or foreign court of competent jurisdiction directing personnel to contribute toward the support of a child or children, the personnel shall be informed of their moral and legal obligations as well as of their legal rights in these matters. They will be encouraged to render the necessary financial support. They shall be informed also that they are expected to contribute toward the support of the child or children whether or not paternity is admitted or acknowledged. If the court order or decree specifies an amount to be paid, the officer or enlisted person is obligated to pay such amount as the order or decree requires. If no amount is specified, the support should be rendered in accordance with an agreement made with the mother or legal guardian of the child or children; and in the absence of such an agreement, in accordance with subparagraph 7201.4.

2. Where there is no official adjudication of paternity or obligation for support, or the child is unborn, the officer or enlisted man shall be privately consulted, advised of the provisions of the Uniform Code of Military Justice, Article 31, and asked whether he admits paternity or a reasonable probability that he may be the father of the child in question. If the answer is in the affirmative, he shall be informed that he is expected to furnish support as set forth above. The complainant shall then be advised that the officer or enlisted man has indicated that he will furnish support currently although such action does not necessarily imply admission of paternity nor, a continuing obligation to furnish support. If an officer or enlisted man admits paternity or a reasonable probability that he is the father of an unborn child, he will be further expected to

furnish an adequate contribution toward the expenses incidental to birth.

3. In the event the Marine declines to make a statement after considering the provisions of the Uniform Code of Military Justice, Article 31, or where there has been nothing in the nature of an official adjudication and the officer or enlisted man denies paternity or denies any reasonable probability that he may be the father of the child, the complainant shall be promptly advised of that fact and that the complainant is left to such recourse as may be afforded by civil courts. Orders will not be issued to officers or enlisted personnel for the sole purpose of subjecting them to the jurisdiction of a particular court. However, requests for leave to settle a complaint relative to paternity should be favorably considered.

4. Under no circumstances will an officer or enlisted man be told or be left with the impression that either civil or naval law requires him to marry the mother of an illegitimate child.

5. In all cases, copies of adjudications or court orders and a signed statement of the man concerned shall be forwarded to the Commandant of the Marine Corps (Code DK), with the comment of the commander. Prior to forwarding such complaints, the individual shall be advised of the content of the Uniform Code of Military Justice, Article 31, and of his right to transmit any statement he may care to make relative to the complaint for inclusion in his official record. Where an individual does not desire to make a statement, a certification to that effect will be forwarded.

6. All inquiries containing allegations of paternity against personnel who are not on active duty will be forwarded to the individual concerned in such a manner as to ensure that the inquiry is delivered to the addressee only. Official channels will be used for forwarding when practicable.

7. When inquiries received contain allegations of paternity against personnel who are not on active duty and indicate a necessity to obtain information from the alleged father to protect the physical health of either the prospective mother or the unborn child, the last known address of the former Marine may be furnished to the complainant. If a certified copy of a judicial order or decree of paternity or support duly rendered by United States or foreign court of competent jurisdiction against a former Marine is received, the last known address of the former Marine will be furnished to the complainant with return of the correspondence and the court order or decree. In these cases, the complainant

will also be informed of the date of the separation of the person from the service and that the individual concerned is no longer in the service in any capacity.

a. In all other cases the correspondence will be returned to the complainant with an appropriate letter stating that the individual concerned is no longer in the service in any capacity and giving the date of final separation. In such cases the address will not be furnished and the complainant will be informed the Marine Corps assumes no responsibility for the whereabouts of individuals no longer under its jurisdiction.