DEPARTMENT OF THE NAVY
U.S. NAVAL SUPPORT ACTIVITY
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NAVSUPPACT NAPLES INST 5420.19A
N01J

17 MAR 2003

NAVSUPPACT NAPLES INSTRUCTION 5420.19A

From: Commanding Officer, U.S. Naval Support Activity, Naples, Italy

Subj: CHIEF PETTY OFFICER DISCIPLINARY (ADMINISTRATIVE) REVIEW BOARD (DRB)

Ref: (a) NAVSUPPACT NAPLES INST 1626.1C, Extra Military Instruction (EMI)

Encl: (1) DRB's Recommendation of Administrative Action and Executive Officer's Inquiry Results

1. Purpose. To implement procedures for the establishment and execution of a Chief Petty Officer DRB for U.S. Naval Support Activity (NAVSUPPACT), Naples, Italy.

2. Cancellation. NAVSUPPACT NAPLES INST 5420.19.

3. Background. In every command, there are enlisted personnel who violate an article or articles of the Uniform Code of Military Justice. Often times these offenses do not warrant Captain's Mast but can be handled at the chief petty officer level through verbal or written counseling, extra military instruction, or dismissal. A board of this type can perform several functions, such as:

a. Act as a deterrent to prevent future violations by a specific individual.

b. Stop an offense, if warranted, from being a matter recorded in the personnel service record of the accused.

c. Provide a formal record as background information for any future offenses by the individual.

d. Identify a weakness in the individual's chain of command if, in fact, the chain of command could have prevented or handled the offense at a lower level.

e. Refer cases, with the appropriate recommendations and background information, to higher authority for further disciplinary action.

4. Action. Chief petty officers are enlisted warriors who lead and manage the Sailor resources of the Navy they serve. As such, chief petty officers are responsible for and are held accountable for:

a. Leading Sailors and applying their skills to tasks that enable mission accomplishment for the U.S. Navy.

b. Developing enlisted and junior officer Sailors.

c. Communicating the Navy's core values, standards, and information that empower Sailors to be successful in all they attempt.

d. Loyally supporting the endeavors of the chain of command they serve and their fellow chief petty officers with whom they serve.

e. Maintaining good order and discipline and ensuring disposition of disciplinary cases is handled at the lowest level possible or, if needed, to refer to higher authority with the appropriate recommendations.

5. Responsibilities.

a. The Command Master Chief (CMDCM) or designated representative will convene the board and remain an impartial observer.

b. The Discipline Officer will ensure that the rights of the accused are upheld and the proceedings are conducted in an orderly manner.

c. The Drug and Alcohol Program Advisor (DAPA) will observe and provide data in cases where it is suspected that alcohol is involved.

d. At least four chief, senior chief, and/or master chief petty officers from different departments of NAVSUPPACT Naples will make up the board responsible for deciding the proper recommendation/disposition of the case.

6. Standard Operating Procedures.

a. Except as provided below, the Discipline Officer will submit all cases to the CMDCM. All cases will contain the service record of the accused, charges, evidence, and chain of command comments (report chit package).

b. The CMDCM will select the board members and convene the board (normally all department LCPOs).

c. At commencement of the proceedings, the enlisted chain of command and any witnesses for the accused will be called into the space.

d. The accused will be escorted by their division chief and will stand at attention, covered, in an inspection-ready uniform of the day, in front of the President of the Board (the CMDCM or designee). The division chief will instruct the accused to render a "hand salute and report". After the accused reports, the division chief will instruct the accused to "uncover".

e. The Discipline Officer and/or the President of the Board will review the charge(s) with the accused, ensure that his/her Article 31 rights were read, and ensure his/her initials and signature are contained in the report chit package. The accused will be asked if he/she understands the charge(s).

f. If the accused exercises his/her right to remain silent, no one will ask the accused questions. The President can present the existing evidence contained in the report chit package to the board.

g. If the accused consents, the board members can ask questions surrounding the circumstances of the charge(s).

h. The President of the Board will ask the chain of command for comments pertaining to the charge(s) and past performance of the accused. After chain of command comments, the President (or any of the Board members) may ask witnesses for their statements in relation to the charge(s) or the offense(s).

i. Following the questioning, the President will instruct the division chief to dismiss the accused and will ask the witnesses to step outside of the room.

j. The board will reach a consensus and formulate recommendations for action via the Executive Officer to the Commanding Officer. The Discipline Officer will complete enclosure (1) and forward to the Board President. The division chief will notify the accused of the board's recommendation.

k. Following the proceedings, the CMDCM will present enclosure (1) to the Executive Officer for Executive Officer's Inquiry and his recommendations.

l. As outlined in enclosure (1), the Board may recommend the following administrative action via the Executive Officer to the Commanding Officer:

(1) Dismissal.

(2) Dismissal with counseling by the DRB.

(3) Dismissal with EMI awarded by the DRB not to exceed the limits of reference (a). No more than 26 hours can be recommended by the DRB for the Executive Officer's approval.

(4) XOI

(5) CO's Non-Judicial Punishment (NJP) and recommended punishment.

7. Restrictions. The DRB will hear no cases investigated, or under investigation, by the Naval Criminal Investigative Service (NCIS) unless approved by the Executive Officer, Staff Judge Advocate, and CMDCM.

D. J. FREDERICK

Distribution:
NAVSUPPACT NAPLES INST 5216.4W
Lists: I; II

Date:_____

From: President, Chief Petty Officer Disciplinary Review Board
To: Commanding Officer, U.S. Naval Support Activity, Naples, Italy
Via: Executive Officer, U.S. Naval Support Activity, Naples, Italy

Subj: RECOMMENDATION FOR ADMINISTRATIVE ACTION ICO _____

1. Board members:

_____ _____ _____

_____ _____

2. Violation of the UCMJ, Article(s): _____

a. Comments of chain of command:

b. Comments of witness(es):

c. Comments of the accused:

d. Board comments:

3. Board recommendation:

___ Dismissal

___ Dismissal with counseling by the DRB

___ Dismissal with EMI awarded by the DRB not to exceed the limits of reference (a).. No more than 26 hours can be recommended by the DRB for the Executive Officer's approval.

___ XOI (Counseled by the Executive Officer)

___ CO's NJP

___ Recommended punishment

COMMAND MASTER CHIEF

Date:_____

Executive Officer Inquiry:

Comments:

_____

_____

_____

_____

_____

_____ Dismiss
_____ CO's NJP
_____ Reduction to the next inferior paygrade
_____ Forfeiture of ½ month's pay for ____ months
_____ Restriction to NAVSUPPACT Naples for _____ days.
_____ Extra Duty for _____ days.

EXECUTIVE OFFICER