



UNITED STATES MARINE CORPS
MARINE CORPS AIR STATION YUMA
BOX 99100
YUMA, ARIZONA 85369-9100

IN REPLY REFER TO
StaO 5800.5B
SJA
27 Mar 14

STATION ORDER 5800.5B

From: Commanding Officer
To: Distribution List

Subj: DEBARMENT PROCEDURES

Ref: (a) DoDI 5200.8
(b) MCO 5530.14A
(c) Title 50, United States Code, Chapter 23, Section 797 (Internal Security Act of 1950) (NOTAL)
(d) Title 18, United States Code, Section 1382 (NOTAL)

Encl: (1) Guidelines for Disposition of Reports of Misconduct
(2) Sample Letter of Initial Debarment for Issue to Civilians
(3) Sample Letter of Commanding Officer's Debarment
(4) Sample Letter of Debarment for Issue to Recently Discharged Personnel

1. Situation. To provide guidance to commanders and staff aboard Marine Corps Air Station (MCAS) Yuma, regarding the standards and procedures for issuing letters of debarment aboard this installation. Regulatory and statutory authority for debarment and other forms of administrative action is vested in the Commanding Officer, MCAS Yuma by the references.

2. Cancellation. StaO 5800.5A.

3. Mission

a. Reference (a) outlines the broad discretion vested in the commander of a military installation to exclude certain persons from the installation. That authority encompasses excluding civilians, including family members of service members, whose presence on the installation threatens its peace and security. Such exclusion must be reasonable and not arbitrary or discriminatory.

b. References (a) through (d) provide the Commanding Officer, MCAS with a range of actions to take with respect to civilians who violate regulations or commit criminal offenses aboard this installation. These options include, but are not limited to prosecution in United States District Court, permanent debarment from the Station, eviction from military family housing, restriction of Station privileges, restriction from certain areas and facilities, probation, and similar administrative actions.

c. Marines who are separated punitively or administratively may reasonably represent a threat to the peace or security of the demonstrated unacceptable conduct and civilians who have demonstrated undesirable conduct may pose a threat to the peace and security of the installation. When commanders or the Provost Marshal believe, respectively, that a service member or civilian poses such a threat, a report stating why an individual should be issued a debarment letter will be forwarded to the Staff Judge Advocate who may issue an initial debarment letter on behalf of the Commanding Officer, MCAS Yuma.

4. Execution

a. Commander's Intent and Concept of Operations

(1) Commander's Intent

(a) The Commanding Officer, MCAS Yuma requires all personnel aboard this installation, regardless of status, to adhere to established rules, regulations, and state and Federal law. Individuals who violate such requirements or threaten the peace and security of this installation will be dealt with expeditiously and in consonance with the violation committed.

(b) Initial requests for debarment, not including any temporary debarments issue by the Station Officer of the Day or Military Police, will be reviewed by the Staff Judge Advocate; the Staff Judge Advocate may issue an initial debarment letter on behalf of the Commanding Officer, MCAS Yuma.

(c) All requests to appeal an initial debarment will be reviewed by the Appeal Advisory Panel.

(2) Concept of Operations

(a) The military chain of command will resolve instances of misconduct committed by military personnel. While military personnel who are separated punitively or administratively (under other than honorable conditions) may have demonstrated conduct, which is of an unacceptable nature for the purpose of continued active service, such conduct in most cases does not pose a threat to the peace and security of MCAS. Therefore, although all cases of punitive or involuntary administrative discharges should be reviewed to evaluate the underlying activities, commanders should recommend debarment only in those cases involving serious criminal activity, which inherently poses a danger to peace and security. Crimes of moral turpitude or violence such as aggravated assault with a deadly weapon, armed robbery, rape, murder, and other major felonies such as incest, arson, burglary, and drug-related offenses constitute such a threat. Cases in which the above listed offenses are the basis for separation should be carefully scrutinized to determine if debarment should be ordered.

(b) Pursuant to reference (d), military family members, whether residing in Station housing or otherwise present aboard this installation, are subject to the authority of the Commanding Officer, MCAS Yuma as are contractors and casual visitors, including juveniles on the Station as guests. Civilians, including juveniles, may be issued a letter of debarment when the Commanding Officer, MCAS Yuma determines their conduct is a threat to the peace and security of the installation. Access to MCAS Yuma typically will be restricted or denied according to the following guidelines:

1. Warning letters may be issued by the Station Security Department, MCAS Yuma to civilians and dependents of military personnel for minor violations of Station regulations or state or Federal law.

2. Initial Debarment letters may be issued by the Staff Judge Advocate on behalf of the Commanding Officer, MCAS Yuma to: (a) Dependents of military personnel for serious violations of Station regulations or state or Federal law and for second or subsequent minor violations of the same, and (b) Civilians who are not dependents of military personnel and who are not DoD employees for any violation of Station regulations or state or Federal law that results in issuance of DD Form 1805,

United States District Court Violation Notice, or prosecution in Federal District Court.

3. Enclosure (1) contains guidelines outlining possible disposition of various types of misconduct. Enclosure (1) is not all-inclusive and does not impede the Commanding Officer, MCAS Yuma from taking other action or no action under the Commanding Officer's discretionary powers.

4. Only an individual committing misconduct or violating regulations will be debarred; other family members will not. However, under some circumstances misconduct may trigger dispossession of quarters. Service members occupying Station Quarters are responsible for the conduct of their family members and civilian guests when the good order and peaceful environment of the neighborhood are disrupted. Residing aboard the Station in quarters is a privilege, not a right. Moves or costs associated with violation of lease agreements related to forced dispossession may be at no cost to the Government.

5. Debarment takes effect immediately upon notification unless a later effective date is stated in the notification letter signed by the Commanding Officer, MCAS Yuma or his designated representative.

6. Those debarred from MCAS Yuma who rate appropriate medical privileges will be authorized access to medical and dental facilities, but must check in with Pass and ID prior to their appointment. Debarred individuals who retain this privilege must travel without deviation to the facilities and depart MCAS Yuma immediately upon the completion of their appointment.

(c) Reporting/Investigating Procedures

1. Instances of on-Station misconduct involving civilians shall be reported to the Provost Marshal. Reports shall be as detailed as possible to enable the Provost Marshal to determine the circumstances of the incident, the identity of the participants, the extent of damages, where relevant, and any other facts required for appropriate disposition of the case.

2. The Provost Marshal shall investigate the alleged misconduct, if appropriate, or refer the matter to the Naval Criminal Investigative Service (NCIS), if NCIS has jurisdiction over the matter. In appropriate cases, coordination may be made with local civilian law enforcement agencies.

(d) Upon completion of the investigation, in addition to any other required distribution, copies of reports shall be distributed to:

1. The Staff Judge Advocate for review and initiation of criminal prosecution, or civilian personnel action if appropriate. Initial notification of misconduct may be made by blotter entries followed by detailed reports.

2. The Station Security Department for review and initiation of administrative action, if appropriate.

b. Subordinate Element Missions

(1) Commanders of organizations aboard MCAS Yuma, including all tenant activities, will:

(a) Report instances of civilian misconduct to the Provost Marshal as stated in this order.

(b) Review every case of individuals separated from the military service under other than honorable conditions, or with a punitive discharge to determine if the separation is predicated upon conduct, which clearly evidences a threat to the peace or security of the Station. In cases where the conduct, which led to the discharge, clearly evidences such a threat, prepare a recommendation for debarment using enclosures (2) and (3) as guidance and forward the proposed letter with supporting documentation to the Staff Judge Advocate.

(c) Upon approval by the Commanding Officer, MCAS Yuma of a recommendation for debarment, deliver the debarment letter to the service member in conjunction with discharge, ensure the individual acknowledges receipt of the letter, and forward the acknowledged copy to the Station Inspector.

(d) Provide a recommendation to the Commanding Officer, MCAS Yuma whenever debarment is contemplated for the dependent of one of their members.

(2) Station Provost Marshal

(a) Investigate instances of civilian misconduct and distribute the reports of such investigations per regulations and as stated in this Order.

(b) Process personnel who have been barred from reentering the Station and who attempt to reenter the Station for prosecution before the Magistrate, as appropriate, by forwarding the processing documents to the Staff Judge Advocate and Station Security Department Director.

(c) Sit as a member of the Appeal Advisory Panel.

(3) Staff Judge Advocate

(a) Review proposed letters of debarment submitted by commanders on individuals who are being separated under other than honorable conditions or have received an adjudged punitive discharge and issue initial debarment letter on behalf of the Commanding Officer, MCAS Yuma.

(b) Review completed reports of civilian misconduct occurring aboard this installation and initiate prosecution or civilian personnel action in appropriate cases and issue an initial debarment letter on behalf of the Commanding Officer, MCAS Yuma if appropriate.

(c) If appropriate, issue a suspended debarment where the individual will be allowed to maintain privileges aboard MCAS Yuma in a "probationary" status. If the individual is involved in another misconduct incident during the period of suspension, the matter will be forwarded to the Commanding Officer, MCAS Yuma who may immediately vacate the suspended debarment or he may elect to convene the Appeal Advisory Panel to hear the case again before making his decision.

(d) Inform the Commanding Officer, MCAS Yuma and Executive Officer, MCAS Yuma prior to signing an initial debarment letter, which may result in loss of quarters or civilian federal employment on MCAS Yuma. The Appeal Advisory Panel may be convened to review the proposed debarment prior to the Director issuing the initial debarment letter.

(e) Apply the standards set out in paragraph 5.f. of this order in issuing an initial debarment letter.

(f) Sit as a member of the Appeal Advisory Panel.

(4) Station Security Department Director

(a) Review reports of investigations of civilian misconduct occurring aboard MCAS Yuma, take appropriate administrative action as provided for in enclosure (1), or forward the report along with recommended action and appropriate correspondence for signature to the Commanding Officer, MCAS Yuma or his designated representative.

(b) Ensure all individuals, upon whom administrative action is pending, receive timely notification and all administrative due process privileges as provided for in this order.

(c) Notify the sponsor's command immediately when debarment or dispossession of quarters is contemplated in cases involving dependents.

(d) Receive and process, on behalf of the Commanding Officer, MCAS Yuma, all appeals from administrative action taken against civilians or juveniles per the provisions of this order.

(e) Meet with individuals upon request to explain the debarment process.

(f) Deliver, at a conference with the juvenile and their sponsor, when practicable signed letters of administrative action against juveniles who reside in quarters aboard the Air Station.

(g) Impose any administrative action (other than civilian personnel action) due to civilian misconduct short of evicting individuals from government quarters and issuing debarment letters. This includes issuing warning letters to civilians whose misconduct does not rise to the level requiring debarment.

(h) Maintain records on administrative action taken against civilians and ensure appropriate agencies are notified of the action taken.

(i) Serve as member of the Appeal Advisory Panel.

(5) Executive Officer, MCAS Yuma. Will serve as Chairman in the Appeal Advisory Panel.

(6) Commanding Officer, MCAS Yuma

(a) Determine whether to issue a letter of debarment. There is no requirement to delay this decision pending a criminal court action since the standard of proof is different. The Commanding Officer, MCAS Yuma need

only determine that the individual is a reasonable threat to the peace and security of the Station based on a preponderance of evidence. Typically, debarment letters may be issued to:

1. Family members of military personnel, for serious violations of Station regulations or state or Federal law and for second or subsequent minor violations of the same.

2. Civilians who are not family members of military personnel and who are not DoD employees for any violation of Station regulations or state or federal law that results in issuance of a DD Form 1805 or prosecution in United States District Court.

(b) Review the issuance of initial debarment letters when appeals are submitted within 15 calendar days.

(c) Review the administrative actions taken by the Station Security Department when appealed.

(d) If appropriate, issue a suspended debarment in which case the individual will be allowed to maintain privileges aboard MCAS Yuma in a "probationary" status. If the individual is involved in another misconduct incident during the period of suspension, the Commanding Officer may immediately vacate the suspended debarment or he may elect to convene the Appeal Advisory Panel to hear the case before making his decision.

(7) Appeal Advisory Panel

(a) Will be chaired by the XO, MCAS Yuma. The Station Sergeant Major, MCAS Yuma will be involved in all cases involving enlisted personnel.

(b) Advise and recommend to the Commanding Officer, MCAS Yuma what action, if any, should be taken against an individual who asked that their initial debarment letter be considered or has asked for reconsideration of their debarment after one year on the debarment list.

(c) Consider all reasonably available evidence before making any recommendation. This includes the initial offense report along with more detailed reports such as Criminal Investigation Division reports, NCIS reports, Judge Advocate General Manual investigations, etc. Any written materials offered by the individual in a timely manner, either in extenuation or mitigation, should be considered. These include, but are not limited to, parole reports, court deposition records, employment records or school records. In the case of a dependent of a service member assigned aboard MCAS Yuma, any written matters submitted by the sponsor's command will also be considered.

(d) Permit a personal appearance by the debarred individual provided such appearance could be made in a timely fashion.

5. Administration and Logistics

a. Removal from Debarment Status

(1) The authority to bar an individual from the Station is discretionary and rests solely in the sound judgment of the installation commander. When any individual so barred from entry aboard the Station

ceases to be a threat, the debarment may be removed by the Commanding Officer, MCAS Yuma.

(2) Requests for removal from debarment status may be made in writing, after one year, to the Commanding Officer, MCAS Yuma (Attn: Staff Judge Advocate) stating the reasons why the debarment should be lifted.

b. Records

(1) All records relating to civilian and juvenile misconduct are considered sensitive and shall be maintained by the Station Security Director and Station Provost Marshal in restricted access containers separate from general correspondence files. The Station Security Director and Provost Marshal shall ensure the privacy of these files is maintained and disclosure to third parties is strictly controlled.

(2) Access to civilian and juvenile files shall be limited to those individuals who have an official need to know such information. Additionally, the individual upon whom the files relate, may, under certain circumstances, authorize the limited release of such files to third parties. The Privacy Act or Freedom of Information Act governs access to such files by the offender or third-party requester.

(3) All files relating to juveniles and not including a declaration of debarment shall be destroyed four years after the last recorded incident.

(4) The Station Security Director will maintain debarment files indefinitely.

(5) All other files shall be maintained for a period determined by the Station Security Department based upon the severity of the misconduct.

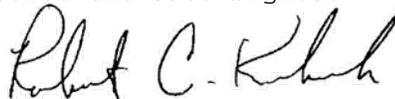
c. Appeals. Personnel against whom administrative action is taken, including debarment, may request reconsideration of the decision by the Commanding Officer, MCAS Yuma. Such appeals must be forwarded in writing to the Staff Judge Advocate within 10 calendar days of notification of the action. Personnel desiring a personal appearance to discuss their appeals shall include such request in their appeal packages.

d. The point of contact for any questions regarding this order is the Office of the Staff Judge Advocate at (928)269-3433.

6. Command and Signal

a. Command. This order is applicable to all units and tenant commands aboard MCAS Yuma.

b. Signal. This order is effective the date signed.


ROBERT C. KUCKUK

DISTRIBUTION: A