



UNITED STATES MARINE CORPS

MARINE CORPS AIR STATION YUMA

BOX 99100

YUMA AZ 85369-9100

StaO 5800.5C

SJA

3 May 2021

STATION ORDER 5800.5C

From: Commanding Officer

To: Distribution List

Subj: DEBARMENT PROCEDURES

Ref: (a) DoDI 5200.8
(b) MCO 5530.14A
(c) 50 U.S.C. § 797
(d) 18 U.S.C. § 1382

Encl: (1) Guidelines for Disposition of Reports of Misconduct
(2) Sample Letter of Initial Debarment for Issue to Civilians
(3) Sample Letter of Debarment for Issue to Recently-Discharged Personnel

1. Situation

a. Commanders aboard Marine Corps Air Station (MCAS) Yuma should be familiar with the standards and procedures for issuing letters of debarment. The references vest the regulatory and statutory authority for debarment with the Commanding Officer (CO) of MCAS Yuma.

b. Reference (a) outlines the broad discretion vested in the commander of a military installation to exclude certain persons from the installation. The installation commander may exclude civilians whose presence on the installation threatens its peace and security. Such exclusion must be reasonable and not arbitrary or discriminatory.

c. References (a) through (d) provide the MCAS Yuma CO with a range of actions to take in response to civilians who violate regulations aboard the 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.

d. Service Members who are separated punitively or administratively may reasonably represent a threat to the peace or security of the installation. Similarly, 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 that a Service Member or civilian poses such a threat, they should forward a report stating why an individual should be issued a debarment letter to the Staff Judge Advocate (SJA). The SJA may issue an initial debarment letter on behalf of the MCAS Yuma CO.

2. Cancellation. StaO 5800.5B.

3. Mission. To provide guidance to commanders and staff aboard MCAS Yuma regarding the standards and procedures for issuing letters of debarment aboard this installation.

DISTRIBUTION STATEMENT A: Approved for public release; distribution is unlimited

4. Execution

a. Commander's Intent and Concept of Operations

(1) Commander's Intent

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

(b) The SJA reviews initial requests for debarment, not including any temporary debarments issued by the Station Command Duty Officer of the Day or Military Police.

(c) The Appeal Advisory Panel reviews all requests to appeal an initial debarment.

(2) Concept of Operations

(a) The military chain of command resolves instances of misconduct committed by military personnel. While some military personnel who are separated punitively or administratively may have demonstrated conduct that is unacceptable for the purpose of continued active service, such conduct in most cases does not pose a threat to the peace and security of MCAS Yuma. Therefore, although all cases should be reviewed to evaluate the underlying activities, commanders should recommend debarment only in those cases involving serious criminal activity that 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, 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 are subject to the authority of the MCAS Yuma CO while aboard the station. Contractors and casual visitors, including juveniles on the station as guests, are likewise subject to the authority of the MCAS Yuma CO. If the CO determines that a civilian's conduct is a threat to the peace and security of the installation, he may issue them a letter of debarment even if that civilian is a juvenile.

(c) The following is a non-exhaustive list of guidelines that govern restriction or denial of access to the air station:

1. The SJA may issue initial Debarment letters, on behalf of the MCAS Yuma CO, 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.

2. Enclosure (1) contains guidelines outlining possible disposition of various types of misconduct. Enclosure (1) is not all-

inclusive and does not impede the MCAS Yuma CO from taking other action under the CO's discretionary powers.

3. Only an individual committing misconduct or violating regulations may face debarment; other family members do 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. The Government shall not be responsible for any personal expenses or costs associated with forced dispossession.

4. Debarment takes effect immediately upon notification unless a later-effective date is stated in the notification letter signed by the MCAS Yuma CO.

5. Those debarred from MCAS Yuma who rate appropriate medical privileges are authorized access to medical and dental facilities, but must check in with the Pass and Registration Office 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.

(d) Reporting/Investigating Procedures

1. Instances of on-station misconduct involving civilians shall be reported to the Provost Marshal. Reports should 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, 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). In appropriate cases, coordination may be made with local civilian law enforcement agencies.

3. Upon completion of the investigation, in addition to any other required distribution, copies of reports shall be distributed to the SJA for review and initiation of criminal prosecution or civilian personnel action. Initial notification of misconduct may be made by blotter entries followed by detailed reports.

b. Subordinate Element Missions

(1) Station Provost Marshal will:

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

(b) Process personnel who have been barred from reentering the station who attempt to reenter the station for prosecution before a magistrate. The Provost Marshal is responsible for forwarding the processing documents to the SJA.

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

(2) SJA will:

(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. If warranted, the SJA is responsible for issuing an initial debarment letter on behalf of the MCAS Yuma CO.

(b) Review completed reports of civilian misconduct occurring aboard this installation and initiates prosecution or civilian personnel action in appropriate cases. If warranted, the SJA is responsible for issuing an initial debarment letter on behalf of the MCAS Yuma CO.

(c) Issue a suspended debarment allowing the individual to maintain privileges aboard MCAS Yuma in a "probationary" status. If the individual is involved in other misconduct during the period of suspension, the MCAS Yuma CO may immediately vacate the suspended debarment or elect to convene the Appeal Advisory Panel to hear the case again before making his decision.

(d) Inform the MCAS Yuma CO and Executive Officer of MCAS Yuma prior to signing an initial debarment letter that 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 issuing of the initial debarment letter.

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

(3) CO MCAS Yuma will:

(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 MCAS Yuma CO 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 appropriated-fund and nonappropriated-fund government 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) If appropriate, issue a suspended debarment in cases where the individual will be allowed to maintain privileges aboard MCAS Yuma in a "probationary" status. If the individual is involved in another incident during the period of suspension, the CO may immediately vacate the suspended debarment or convene the Appeal Advisory Panel to hear the case before making their decision.

(4) Appeal Advisory Panel

(a) Executive Officer, MCAS Yuma is the Chair of the Appeal Advisory Panel. The Station Sergeant Major will be involved in all cases involving enlisted personnel.

(b) The Appeal Advisory Panel advises and recommends to the MCAS Yuma CO what action, if any, should be taken against an individual who asked that their initial debarment letter be considered, or asked for reconsideration of their debarment after one year on the debarment list.

(c) Considers all reasonably available evidence before making any recommendation. This includes the initial offense report along with more detailed reports from investigatory agencies. Any written materials offered by the individual in a timely manner 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 to MCAS Yuma, any written matters submitted by the sponsor's command will also be considered.

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

c. Feasibility of Support. Commanders of organizations aboard MCAS Yuma, including all tenant commands, should:

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

(2) 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 involves conduct that could pose a threat to the peace or security of the station. In cases where the conduct that led to the discharge clearly evidences such a threat, the Commander prepares a recommendation for debarment using enclosures (2) and (3) as guidance. Next, the Commander forwards these forms with supporting documentation to the SJA.

(3) Upon approval by the MCAS Yuma CO for a recommendation for debarment, deliver the debarment letter to the Service Member in conjunction with discharge. Ensure that the individual acknowledges receipt of the letter, and forward the acknowledged copy to the Station Inspector.

(4) Provide a recommendation to the MCAS Yuma CO whenever debarment is contemplated for the dependent of one of their members.

5. Administration and Logistics

a. Removal from Debarment Status

(1) The MCAS Yuma CO alone has the authority to bar an individual from the station. When any debarred individual ceases to be a threat, the MCAS Yuma CO may revoke the debarment order.

(2) Individuals may request the MCAS Yuma CO remove the debarment order after one year. Requests may be made, in writing, to: CO, MCAS Yuma (Attn: SJA) stating the reasons why the debarment should be lifted.

b. Records

(1) All records relating to civilian and juvenile misconduct are considered sensitive. The Station Provost Marshal shall maintain these

records in restricted access containers separate from general correspondence files. The Station Provost Marshal shall ensure that the privacy of these files is maintained and that 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. However, the civilian or juvenile may 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 SJA shall maintain debarment files indefinitely.

c. Appeals. Personnel against whom administrative action is taken, including debarment, may request reconsideration of the decision by the MCAS Yuma CO. Such appeals must be forwarded, in writing, to the SJA 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.

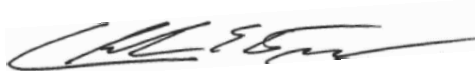
d. The point of contact for any questions regarding this Order is the Office of the Staff Judge Advocate at (928)269-3484.

e. Directives issued by this Command are published and distributed electronically via the MCAS Yuma web page at:
<https://eis.usmc.mil/sites/mcas/Station%20Orders/Forms/allitems.aspx>.

6. Command and Signal

a. Command. This Order is applicable to all units aboard MCAS Yuma.

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



C. E. DUDIK

GUIDELINES FOR DISPOSITION OF REPORTS OF MISCONDUCT

These guidelines list potential actions and the conduct which normally triggers sanctions at each level. It is an informal guide. More or less severe action may be taken based upon the circumstances of the individual case and more than one action may result from a single offense.

1. Conduct which normally results in an oral admonition: particularly minor offenses, especially when juveniles are involved.
2. Conduct which normally results in a Warning Letter: commission of minor offenses, as defined in this Order; unresolved neighborhood disputes; minor domestic disputes; failure to exercise control or supervision over minor children; minor affrays; violation of housing regulations; violation of motor vehicle traffic regulations when action in addition to that of the Traffic Court Officer or action taken in United States District Court is appropriate; minor violation of Base hunting regulations.
3. Conduct which normally results in suspension of privileges or restriction to specified areas and/or a period of probation: shoplifting or theft from any activity/location aboard MCAS Yuma (regardless of value of property taken); abuse of privileges; sponsorship of an individual not otherwise entitled to use facilities where such individual violates regulations or commits criminal misconduct aboard this MCAS Yuma; repeat of minor offenses where warning letter has previously been issued without results.
4. Conduct which normally results in debarment causing dispossession of privatized housing: repeated violation of housing or other regulations; a pattern of an inability to live peaceably with neighbors; waste or mismanagement of government provided utilities; willful destruction of property including assigned government quarters; child or spouse abuse/neglect; commission of a felony or any offense involving drug activity or weapons in or involving government quarters. Personnel who lose eligibility to live in privatized housing when their family member(s) have been debarred may be dispossessed.
5. Conduct which normally results in debarment: commission of any offense involving a weapon or drug related activity; commission of a felony; repeated minor violations of Base regulations where the individual has been previously warned or lesser administrative action taken without results; serious domestic disturbances; serious spouse or child abuse/neglect; aggravated assault; theft; burglary; any offense or misconduct which threatens the peace and security of this installation.
6. Referral to Federal authorities: any violation of Federal or state law, especially serious offenses of trespassing after previous debarment, will be referred to the Special Assistant, United States Attorney for action.

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3 May 21

SAMPLE LETTER OF DEBARMENT FOR ISSUE TO CIVILIANS

UNITED STATES MARINE CORPS

MARINE CORPS AIR STATION YUMA
BOX 99100
YUMA AZ 85369-9100

5800
SJA
(Date)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John A. Civilian
1234 Bethel Church Drive
Yuma, Arizona 85365

Dear Mr. Civilian:

Effective immediately, you are prohibited from entering Marine Corps Air Station Yuma, Arizona, and may not enter the installation for any reason. This order has been issued after a careful review of the circumstances giving rise to this action, namely (set forth the date and reasons why the action is being taken with specific reference to the act or acts that have caused a determination that the persona non grata letter is required).

You are given notice that any reentry or attempt to reenter Marine Corps Air Station Yuma without the written permission of the Commanding Officer of that installation will constitute a violation of Section 1382 of Title 18, United States Code, which provides:

"Whoever, within the jurisdiction of the United States, goes upon any military, naval or Coast Guard reservation, post, fort, arsenal, yard, station, or installation, for any purpose prohibited by law or lawful regulation; or

Whoever reenters or is found within any such reservation, post, fort, arsenal, yard, station, or installation, after having been removed therefrom or ordered not to reenter by any officer or person in command or charge thereof --

Shall be fined not more than \$500.00 or imprisoned not more than six months, or both."

You may be prosecuted by the United States Government in U.S. District Court if you violate this order.

This debarment from the Commanding Officer, Marine Corps Air Station Yuma, Arizona, shall be indefinite, unless revoked in writing. Should you desire to appeal this action, you must submit a written appeal addressed to: Commanding Officer, Marine Corps Air Station Yuma, Arizona, at the above-captioned address. You may submit any appeal after one year of this order's

Enclosure (2)

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establishment. During the pendency of the appeal, the debarment shall remain in effect and you will not be allowed aboard this installation.

Sincerely,

I. M. JUDGE
U.S. Marine Corps
Staff Judge Advocate

Copy to:
SJA/SAUSA
PMO
CMD Inspector
MAD
CID

Enclosure (2)

SAMPLE LETTER OF DEBARMENT FOR ISSUE TO RECENTLY DISCHARGED PERSONNEL

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

5800
CO
(Date)

From: Commander, Marine Corps Air Station, Yuma
To:

Subj: DEBARMENT

1. You are being punitively/administratively separated under other than honorable conditions due to (set forth the reasons why the action is being taken with specific reference to the act or acts that have caused a determination that the persona non grata letter is required), and having thereby demonstrated conduct of a nature such that your future presence aboard this installation would threaten the peace and security of the installation, you are hereby notified that, effective upon your separation from the United States Marine Corps, you are ordered not to reenter, or be found within the limits of, the Marine Corps Air Station, Yuma, Arizona, except as authorized by MCO 5800.5C.

2. The following information has been extracted from Title 18, United States Code, Section 1382 (1948). It is being provided so that you might be aware of the seriousness of the consequences should you violate the restriction levied upon your further entry to this installation:

"Whoever, within the jurisdiction of the United States, goes upon any military, naval, or Coast Guard reservation, post, fort, arsenal, yard, station or installation, for any purpose prohibited by law or lawful regulation; or

"Whoever reenters or is found within any such reservation, post, fort, arsenal, yard, station or installation after having been removed therefrom or ordered not to reenter by any officer or person in command or charge thereof;

"Shall be fined not more than \$500 or imprisoned not more than six months, or both."

3. Should any compelling reason exist which you believe would be sufficient to justify a modification or termination of this order, you may submit such a request to the Commanding Officer MCAS, via CIG, after one year for consideration.

4. You are further informed that should you reenter or be found within the limits Marine Corps Base, Quantico, Virginia, in violation of this order, you will be subject to detention by the military for prompt delivery to appropriate civil authorities, and promptly prosecuted.

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5. You may appeal this order of debarment in writing within 10 days of your receipt of this notice. While I am considering your appeal, this order of debarment shall be effective and enforced.

I. M. COMMANDER

Copy to:
SJA/SAUSA
PMO
CMD Inspector
MAD
CID

RECEIPT ENDORSEMENT

I hereby acknowledge receipt of this letter.

Signature of Addressee

Date: _____ Time: _____

Witness

Witness

Enclosure (3)