



# MARINE CORPS LEAGUE OF PENNSYLVANIA, INC.

14 March 2021

To: Chief Operating Officer, Marine Corps League  
 From: PDC James Powell, Department of Pennsylvania  
 Subject: Proposed Administrative Procedure Change

In accordance with **Section 10020. Amendments** of the **National Administrative Procedures** I am submitting the following change.

## CURRENT:

### Suspension Protocol

**1. Temporary Suspension.** Under **NAP SECTION 9090** the Department Judge Advocate may order a Temporary Suspension, but is not required to do so, after a disciplinary charge is formally filed by Certified Mail, Return Receipt Requested with the Department Judge Advocate. The Temporary Suspension:

- a. Is effective on the date of service\* on the Respondent;
- b. Includes NAP Section 9095 (b) restrictions; and
- c. Ends on the date of the Findings of the Hearing Board (Findings).

If the respondent holds an office, the office is considered vacant and a temporary officer is appointed to fill the vacancy until the temporary suspension ends. If the Respondent is found (1) not guilty or (2) guilty but not suspended or expelled, the Respondent is restored to his/her office.

Note – No member cannot be suspended unless Disciplinary Charges have been properly filed in accordance with Chapter. Then, only the Jurisdictional Judge Advocate can suspend a MCL member. \*For effective service, see Paragraph 3.d below

## PROPOSED:

### Suspension Protocol

**1. Temporary Suspension.** Under **NAP SECTION 9090** the **Jurisdictional** Judge Advocate may order a Temporary Suspension, but is not required to do so, after a disciplinary charge is formally filed by Certified Mail, Return Receipt Requested with the **Jurisdictional** Judge Advocate. The Temporary Suspension:

- a. Is effective on the date of service\* on the Respondent; and
- b. Includes NAP Section 9095 (b) restrictions; and
- c. Ends on the date of the Findings of the Hearing Board (Findings).

If the respondent holds an office, the office is considered vacant, and a temporary officer is appointed to fill the vacancy until the temporary suspension ends. If the Respondent is found (1) not guilty or (2) guilty but not suspended or expelled, the Respondent is restored to his/her office.

Note – A member cannot be suspended unless Disciplinary Charges have been properly filed in accordance with Chapter Nine. Then, only the Jurisdictional Judge Advocate can suspend a MCL member. **Section 9105 provides an exception to this rule.**

\*For effective service, see Paragraph 3.d below.

**RATIONAL:**

The highlighted sections on the first and second line of the Note make grammatical fixes. The third line adds an exception to the Suspension Protocol in accordance with section 9105.



Respectfully submitted,  
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