



MARINE CORPS LEAGUE

Office of the National Judge Advocate

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To: Chief Operating Officer, Marine Corps League

Subject: Proposed National Administrative Procedure Change

In accordance with the National Administrative Procedures, Chapter Ten, Section 10020, the following is submitted for consideration by the body assembled at the 2025 National Convention.

IRT: Administrative Procedures Chapter Nine and Chapter Nine Attachments.

Chapter Nine Update Rationale

There were several reasons for this update:

- 1. Some Sections had information missing from others that seemed unfair to the Petitioner/Respondent. For example:**
 - Section 9040 – I included a “Conflict of Interest” clause.
 - Section 9045 did not include how the Petitioner could appeal their case if there was a dismissal of the charges.
 - Section 9085 – I included the opportunity for the Petitioner/Respondent to be able to obtain a copy of the recording from their Hearing Board for their appeal.

- 2. The creation of standardized documents that will help improve the filing and understanding of what the Petitioner/Respondent are requesting/submitting.**
 - Grievance form
 - Disciplinary charge form
 - Appeal form

3. The option to use any courier that delivers mail, with a tracking number and/or use email.

Cons:

- The USPS is unreliable to get mail delivered in a timely manner.
- Green cards that the USPS are expected to have signed and returned have been left on the mail, delayed or lost and never received as proof needed per the current NAP. This is a waste of money and also can delay or even dismiss paperwork from the Petitioner/Respondent.
 - Green cards would no longer be needed as certified mail is all that is needed for proof of delivery.

Pros:

- If you choose to use a mail service, there are other options than the U.S. Postal Service (IE – DHL, FedEx, UPS).
- Using email is instant. No more waiting for days.
 - There should be a decisive means of applying a digital signature to indicate that the email and its contents has not been tampered with in any part of the grievance/disciplinary and any subsequent appeal process.
- Emails can be sent with a request for delivery and read receipts which are the same as sending certified mail/return receipt.
- No more spending money on paper copies when everything can be emailed via PDF.
- Many times in the past, postal mail was sent to MCLHQ and then forwarded on to the NJA because the NJA does not have a home mailing address published on the National roster. MCLHQ is **not** a part of the process of Chapter Nine. As a courtesy they have forwarded on mail to the NJA. Using email will remove MCLHQ as a “middle man” so that MCLHQ can dedicate this non-value added time back into their days to be more efficient in their day to day activities.

4. The use of virtual (online) meetings.

- This will save money on travel (IE, plane tickets, car mileage, etc) as well as personal time.
- They can be easily recorded.
- The cost of a [for example] Zoom account is less than one member’s plane ticket to fly to a Hearing Board.

These improvements will save time, money and reduce frustration with the overall process. I believe this proposal is a step in the right direction and should be approved. Thank you for your time and consideration.

Respectfully submitted,

*Bruce R. Rakfeldt,
National Judge Advocate
Marine Corps League*

To reduce the length of this proposal, the CURRENT and **PROPOSED** versions are combined where **BLACK** is the original text and **the RED is the added/edited changes.**

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CHAPTER NINE Grievance and Discipline

SECTION 9000 - DEFINITIONS

The goal of this chapter shall be to ensure that matters are expeditiously, fairly, and justly heard.

a. **Petitioner**. The petitioner is the member, detachment, or department filing a grievance or disciplinary charge. The petitioner shall be in good standing (See NAP, Chapter Seven, Section 7030). If the petitioner is a detachment or department, each member of the board of trustees shall sign the disciplinary charge and state his office.

b. **Respondent**. The respondent is the member, detachment, or department against whom either a grievance or disciplinary action has been filed.

Grievance. A grievance is an injustice, a lack of fairness which gives grounds for complaint because it is harmful or, unjust or believed to be wrong. Use the latest version of the Grievance Form, located in the Member Library, to prepare the grievance.

c.

(1) The written grievance shall specify:

- (a) what is alleged to have occurred,
- (b) when it was alleged to have occurred,
- (c) where it was alleged to have occurred,
- (d) the names of the parties and witnesses, and
- (e) such other supporting information as may be necessary to adequately inform the respondent, so a defense may be prepared.
- (f) A grievance does not subject the member, detachment, or department to punishment. The goal of the grievance is to resolve the injustice.
- (g) Prior to the written grievance being filed with the jurisdictional JA, the grievance must be considered by the detachment to attempt to mediate the problem. (Rev 2021)
 1. Where mediation has been attempted at the detachment level, a summary of the actions taken shall be provided to the jurisdictional JA by the detachment commandant. This is merely relevant information to preclude the start again at ground zero. (Rev 2024)
 2. Examples might include: the detachment JA initiated an informal fact gathering investigation; obtained an outside, impartial

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disinterested regular member in good standing from another detachment acceptable to both the petitioner and respondent to serve as mediator; the mediator met with witnesses; had face-to-face meeting with both parties. The summary should exclude personal comment without any perceived assumptions, which could be interpreted as pre-judging an outcome. That will be determined when and if the Hearing Board is convened and held to formally resolve the grievance. (Rev 2024)

- (h) When a grievance is filed with the jurisdictional JA (see Section 9000, §e., below) by the aggrieved member, in accordance with Section 9015 of this chapter, the role of the detachment is then terminated, and the grievance moves forward in accordance with those procedures.
- d. **Disciplinary Charges.** A disciplinary charge is a formal accusation that a member, detachment, or department has violated the Bylaws or Administrative Procedures of the MCL and disciplinary punishment is sought. The charges shall reference the subsection of Section 9040 or Section of the NBL violated. **Use the latest version of the Disciplinary Charge Form, located in the Member Library, to prepare the disciplinary charge(s).**
- (1) A disciplinary charge shall specify:
- (a) what is alleged to have occurred,
 - (b) when it was alleged to have occurred,
 - (c) where it was alleged to have occurred,
 - (d) the names of the parties and witnesses, and
 - (e) such other supporting information as may be necessary to adequately inform the respondent, so a defense may be prepared.
- (2) Detachments do not have any disciplinary jurisdiction upon any member.
- e. **File.** A grievance or disciplinary charge is filed by submitting the original of the document with the jurisdictional JA by ~~certified mail~~ **mail with a tracking number** ~~return receipt requested~~ **or email, supported by digital signature*, with a request delivery/read receipt.** A grievance or disciplinary charge is filed, and the Chapter Nine procedures triggered thereby become effective the ~~date~~ **day after** it is received by the jurisdictional JA.
- * “Mail with a tracking number” refers to any delivery service that provides proof of mailing and delivery.
- * Digital signature – Refers to a script style font that you have on your computer or device that resembles a written signature when you type it.
- f. **75-Day Clock.** The time period from the **day after the** date the grievance or disciplinary charge is ~~filed~~ **received** to the date the jurisdictional JA publishes the written decision of

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the Hearing Board. Various sections of Chapter Nine have time milestones that must be met during the 75-day period.

- g. **Appointing Authority**. The department commandant of the department where the grievance or disciplinary charge has been filed or the National Commandant in the case of national charges.
- h. **Jurisdictional Judge Advocate**. The department JA or the National JA, depending on which level has jurisdiction. In the event of disqualification of the department JA or the National JA, the member appointed to replace him.
- i. **Counsel**. A member of the MCL selected by the petitioner or the respondent to represent him in prehearing, hearing, and post-hearing procedure under Chapter Nine. The member selected must be:
 - (1) in good standing and
 - (2) a member of the MCL for at least a year.
- j. **Party**. Party means the petitioner or respondent.
- k. **Member**. Member means a member of the MCL.
- l. **Gender**. As used herein the use of a masculine pronoun shall include both the male and female gender as specifically applicable to the party involved.

Section 9005. Rules of Evidence

- a. **Rules of Evidence**. The rules of evidence prevailing in courts of law and/or equity shall not be controlling in actions under this chapter.
- b. **Admissibility and Credibility**. All questions of admissibility of evidence and the credibility of witnesses and evidence shall be determined by the Hearing Board. The board's ruling shall not be overturned on appeal unless the ruling is clearly in error.
- c. **Oath**. All testimony will be given under oath. The oath will be: "I do solemnly affirm to tell the truth, the whole truth, and nothing but the truth."
- d. **Burden of Proof**. The petitioner has the burden of proving his allegations. Any countercharges made by the respondent must be proved by the respondent.
- e. **Standard of Proof**. The petitioner must prove the allegations by a preponderance (51%) of the evidence.
- f. **Admissibility**. To be admissible, evidence must be relevant and trustworthy.
 - (1) **Relevant**: evidence having any tendency to make the existence of any fact that is of consequence to the determination of the disciplinary charge or grievance more probable or less probable than it would be without the evidence;

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- (2) **Trustworthy:** there is no compelling reason not to believe the information from the witness or in the exhibit.
- g. **Objections.** Either party or a board member may object to the admission of an exhibit or facts testified to by a witness based on the standard in Section 9005, §f., above.
- (1) The party will state the basis for the objection and facts to support the objection.
- (2) The chairman of the Hearing Board shall rule on the objection as:
- (a) “overruled”; or
- (b) “sustained,” in which case the evidence may not be considered by the Hearing Board in deliberations.

Section 9010. Rules of Prehearing Procedure. The rules of procedure prevailing in courts of law and/or equity shall not be controlling in actions under this chapter. All questions as to the regularity of the proceedings shall be determined by the Hearing Board. The Hearing Board’s ruling shall not be overturned on appeal unless the ruling is clearly in error. The goal of this chapter shall be to ensure that matters are expeditiously, fairly, and justly heard.

Section 9015. Filing, Service of Copies, Correspondence

- a. **Filing by Petitioner and Respondent.** Petitioner and respondent shall submit all documents required to be filed by this chapter by ~~certified mail~~ mail with a tracking number ~~return receipt requested~~ or email, supported by digital signature, with a request delivery/read receipt.
- b. **Correspondence and Service of Copies by Petitioner and Respondent.** Copies and correspondence from and to the petitioner and respondent required by this chapter shall be served by ~~certified mail~~ mail with a tracking number ~~return receipt requested~~ or email, supported by digital signature, with a request delivery/read receipt.
- c. **Notices and Correspondence Between Hearing Board & NJA.** Notices and correspondence between the Hearing Board and the National JA, or the National JA and National Office and/or BOT only requires ~~regular mail~~ email.

~~**Electronic Communications.** The use of electronic communications such as email and fax notices:~~

- ~~1.—are not sufficient for filing, copy, or notice purposes except as permitted below for the National BOT, and~~
- ~~2.—do not meet deadlines as set forth in this chapter.~~
- d. **Vote by National Board of Trustees not in active Session.** On any vote under this chapter by the National BOT while not in active session, notice by e-mail directed to the NED/COO shall be deemed sufficient.
- e. **Filing Grievance or Disciplinary Charge.** The petitioner shall file the grievance or Disciplinary Charge in writing with the jurisdictional JA by ~~certified mail~~ mail with a

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tracking number ~~return receipt requested~~ or email, supported by digital signature, with a request delivery/read receipt. The day after receipt by the jurisdictional JA is Day One on the 75-day clock.

- (1) The petitioner shall serve copies of the disciplinary charge or grievance upon the respondent, the department commandant, the National Commandant, and the National JA by ~~certified mail~~ mail with a tracking number ~~return receipt requested~~ or email, supported by digital signature, with a request delivery/read receipt.
 - (2) A failure to accept or a refusal to accept ~~certified mail~~ mail with a tracking number ~~or sign for the receipt of such mail after due notice from the U.S. Postal Service~~ or email with a request delivery/read receipt, supported by a digital signature, shall be deemed to be good service.
 - (3) When the disciplinary charge is filed, the Chapter Nine procedures triggered thereby become effective when it is received by the jurisdictional JA.
- f. **Respondent's Reply to Grievance or Disciplinary Charge**. The respondent shall have ten (10) days to respond to the jurisdictional JA in writing ~~by mail with a tracking number or email with a request delivery/read receipt, supported by digital signature~~ concerning his defense to the alleged grievance or disciplinary charge but need not respond if he so chooses.
- g. **75-Day Clock**. The jurisdictional JA is responsible for ensuring that the time limits of the 75-day clock in the various sections of Chapter Nine are met as closely as possible.
- h. **Computing Time Limits in Sections**
- (1) The day after the date of receipt of a document is counted as day one (1).
 - (2) The postmark on ~~USPS~~ mail ~~with a tracking number or sent date on the email, supported by a digital signature~~, is considered the date of filing for purposes of computing whether a document has been filed within the time limits stated in the applicable section.
 - a. On ~~Certified~~ mail ~~with a tracking number~~ the postmark ~~on the certified receipt~~ is the date of filing.
 - ~~b. On first class mail the postmark on the envelope is considered the date of filing.~~
 - ~~c. In the absence of a postmark or an illegible postmark the postmark is presumed to be the date of the document. The presumption may be rebutted.~~
 - (3) The day after the date of receipt of ~~certified mail~~ mail with a tracking number ~~return receipt requested as shown on the green card~~ or refusal to accept ~~certified mail~~ mail with a tracking number ~~return receipt requested~~ email, supported by a digital

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signature, with a request delivery/read receipt is day one of the period to respond to the enclosed document.

~~First class mail is presumed to be received four (4) days after the date of postmark and the fifth day is Day One of the time period in effect.~~

- (4) Proof of timely filing or service is on the proponent. ~~A certified mail receipt issued and postmarked by the U.S. Post Office-Mail with a tracking number or an email, supported by a digital signature, with a request delivery/read receipt at the time of mailing emailing~~ constitutes proof of date of filing or service.

Section 9020. Prehearing Duties

- a. **Counsel**. If a party will be represented by counsel, that party shall notify the jurisdictional JA of the name of the counsel within five (5) days after counsel accepts the party's request.
- b. **Petitioner's Witnesses**. The petitioner is responsible to invite witnesses to testify on his behalf. The petitioner may submit notarized statements from any witness that cannot appear at the hearing in person.
- c. **Respondent's Witnesses**. The respondent is responsible to invite witnesses to testify on his behalf. The respondent may submit notarized statements from any witness who cannot appear at the hearing in person.
- d. **Notice of Hearing**. The jurisdictional JA shall notify the parties of the date and location/~~time~~ of the hearing not less than twenty days prior to the convening date of the Board.
 - (1) A request for a change of hearing date or location/~~time~~ shall be filed in writing with the jurisdictional JA, who shall immediately forward the request to the chairman of the Hearing Board. The chairman shall respond in writing to the request using his best judgment. Copies of the request and the chairman's ruling shall be attached to the record as a Board exhibit.
 - (2) With the notice the jurisdictional JA shall enclose copies of Section 9000, Section 9005, Section 9010, Section 9025 or Section 9040, Section 9065, and Section 9080.
 - (3) If the respondent is absent from the hearing the jurisdictional JA shall make the ~~return receipt (green card) certified mail receipt mail with tracking number or email, supported by a digital signature, with a request delivery/read receipt~~ a Board exhibit to document notice.
- e. **Notice of Composition of Hearing Board**. The jurisdictional JA shall notify the petitioner and respondent of the names of the members appointed to the Hearing Board no less than twenty (20) days prior to the convening date of the Board.
- f. **Challenges to Members of the Hearing Board**

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- (1) Both the petitioner and respondent shall have ten (10) days from the date of receipt of the notice to challenge in writing **by mail with tracking number or email, supported by a digital signature, with a request delivery/read receipt**, any appointed member. A challenge shall be filed with the jurisdictional JA. Absent a timely challenge, the Hearing Board shall be deemed to be fair and impartial.
 - (2) Petitioner and respondent shall each have one peremptory challenge. All other challenges must be for good cause.
 - (3) The jurisdictional JA is not subject to challenge except for good cause. If the challenge to the jurisdictional JA is sustained, the appointing authority will appoint a replacement, preferably a past National JA or Past National or department Commandant.
 - (4) After conferring with the jurisdictional JA, the appointing authority shall determine if the challenge(s) is sustained.
 - (5) The appointing authority ~~will~~ **shall** appoint replacements for all sustained challenges and the jurisdictional JA will notify the petitioner and the respondent of such replacements. Replacements are subject to challenge for good cause. The challenge shall be made within ten (10) days of receipt of the notification.
 - (6) When challenges are made to the composition of the Hearing Board, it may cause the process to be lengthier than would fit into the normal timing of the sample chronology suggested in Attachment 3. In such case, the appointing authority will have the authority to adjust the timeline accordingly and will ensure that all parties are notified on a timely basis.
 - (7) Appointed Hearing Board members who may have a conflict of interest through friendship, marriage, family relationship or prejudice shall recuse themselves from sitting on the Hearing Board.
- g. **Parties Lists of Exhibits and Witnesses to Jurisdictional Judge Advocate.** Not less than fifteen (15) days before the hearing, the petitioner and the respondent shall **send by mail with a tracking number or email, supported by a digital signature, with a request delivery/read receipt** to the jurisdictional JA a complete list of witnesses and copies of:
- (1) Notarized statements from any witness who cannot appear at the hearing in person;
 - (2) All exhibits to be offered into evidence.
 - (3) Any witness not listed, or exhibit offered but not previously provided may be heard or admitted at the discretion of the Hearing Board under such terms and conditions as it shall require.
- h. **Jurisdictional Judge Advocate Lists to Petitioner and Respondent.** The jurisdictional JA ~~will~~ **shall send by mail with a tracking number or email, supported by a digital signature, with a request delivery/read receipt** to the petitioner and respondent:

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- (1) A list of witnesses to be called by the Board.
- (2) Copies of all exhibits with exhibit numbers to be introduced by the Board.
- (3) A list of all witnesses to be called by the parties; and
- (4) Copies of all exhibits with exhibit numbers or letters provided by the petitioner and the respondent not less than five (5) days prior to the convening of the Hearing Board.

i. Motion of Failure to Follow Procedure

- (1) A complaint of failure to comply with the prehearing procedure required in Chapter Nine shall be made in writing with supporting exhibits attached and filed with the jurisdictional JA not later than five days prior to the date of the hearing.
- (2) The motion shall state:
 - (a) the procedure allegedly not followed and pertinent section,
 - (b) the facts supporting the allegation of failure, and
 - (c) the remedy asked.
- (3) The proponent shall serve the other party a copy at the time of filing.
- (4) Allegations of failure of jurisdictional Judge Advocate to comply with Section 9020, §h., above may be presented in writing at the hearing.
- (5) The motion shall be argued at the hearing prior to evidence being taken and ruled on by the chairman.
- (6) A complaint of failure to follow procedure not raised at the hearing is deemed waived.

Section 9025. Grievances

- a. **Written Grievance.** If a member, detachment, or department has a grievance against another member, detachment, or department, the following procedure ~~will~~ shall be followed:
 - (1) Prior to the grievance being filed with the jurisdictional JA, the grievance must be considered by the detachment to mediate the problem. When a grievance is filed with the jurisdictional JA by the aggrieved member, the role of the detachment is then terminated, and the grievance moves forward in accordance with Section 9025.
 - (2) The petitioner shall ~~file~~ prepare the grievance ~~in writing~~ using the Grievance Form by mail with a tracking number or email, supported by a digital signature, with a request delivery/read receipt, with the jurisdictional JA clearly stating the basis for

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the grievance. The grievance shall specify what is alleged to have occurred, when it was alleged to have occurred, where it was alleged to have occurred, the names of the parties and witnesses, and such other supporting information as may be necessary to adequately inform the respondent, so a defense may be prepared.

- (3) The petitioner shall serve a copy of the grievance upon the respondent, the department commandant and the National JA by ~~certified mail~~ mail with a tracking number ~~return receipt requested~~ or email, supported by digital signature, with a request delivery/read receipt.
- (4) A failure to accept or a refusal to accept ~~certified mail~~ mail with a tracking number ~~or sign for the receipt of such mail after due notice from the USPO~~ email, supported by a digital signature, with a request delivery/read receipt shall be deemed to be good service.
- (5) The respondent shall have ten (10) days to file a written response with the jurisdictional JA by ~~certified mail~~ mail with a tracking number ~~return receipt requested~~ or email, supported by digital signature, with a request delivery/read receipt stating his defense to the alleged grievance but need not respond if he so chooses.

b. Jurisdictional Judge Advocate Action

- (1) Upon receiving the grievance, the department JA shall have twenty days in which he shall review the grievance and response (if any) and act as mediator in the dispute.
- (2) If the department JA is successful in resolving the grievance, he shall in writing, ~~or by email~~, report the settlement to the department commandant and serve a copy of the report on the parties and the National JA.
- (3) If the grievance is not settled, the department JA may conduct an informal investigation to determine the merit of the grievance.
- (4) If the department JA determines that the grievance does not have merit, he may dismiss the grievance. The petitioner may appeal the dismissal to the National JA as provided in Section 9080.

- c. **Appointment of Hearing Board.** Upon receiving the report from the jurisdictional JA that the grievance is not resolved, the department commandant shall then appoint a Hearing Board composed of himself as chairman, the jurisdictional JA, and a minimum of two other members. No member of the petitioner's detachment or the respondent's detachment may be appointed to a Hearing Board, including the jurisdictional JA and department commandant. Appointed Hearing Board members who may have a conflict of interest through friendship, marriage, family relationship or prejudice shall recuse themselves from sitting on the Hearing Board. Any challenge to the composition of the Board shall be made in accordance with Section 9020, §f., of this chapter.

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- d. **Convening the Hearing Board.** The Hearing Board shall convene ~~a hearing at a time and/or place of its convenience~~ within forty (40) days of the appointing order.
- e. **Notice of Hearing**
- (1) The jurisdictional JA shall notify the parties of the date, **time** and **location** of the hearing not less than twenty days prior to the convening date of the Board.
 - (2) The jurisdictional JA shall enclose copies of Section 9000, Section 9005, Section 9010, Section 9020, Section 9025 or Section 9040, Section 9065, and Section 9080 with the notice, which shall state (1) the right to counsel and (2) the requirement to submit a list of witnesses and copies of exhibits.
- f. **Change of Location and/or Date.** A request for a change of the hearing **location or** date shall be made in accordance with Section 9020, §d..
- g. **Notice of Composition of Hearing Board.** The jurisdictional JA shall notify the petitioner and respondent of the names of the members appointed to the Hearing Board not less than twenty (20) days prior to the convening date of the Board. The notice is normally sent with the notice of hearing.
- h. **Challenges to Members of the Hearing Board.** A challenge to a member of the Hearing Board shall be made in accordance with Section 9020, §f., of this chapter.
- i. **The Hearing.** The hearing shall be conducted in accordance with Section 9070 -HEARING PROCEDURE of this chapter.
- j. **Written Summary of the Hearing.** The jurisdictional JA shall write a summary of the hearing as required in Section 9075 of this chapter.
- (1) If the grievance is proved, the Hearing Board shall state in its decision the corrective action necessary to eliminate the grounds for the grievance.
 - (2) If the grievance is not proved, the written decision shall so state, and the matter shall stand dismissed.
 - (3) The Jurisdictional JA shall serve the written summary within fifteen (15) days of the hearing on the petitioner and respondent with copies to the National Commandant, the National JA, the department JA, and the department commandant.
- k. **Failure to Take Corrective Action.** The failure of a respondent to take the corrective action directed by the Hearing Board to resolve the grievance which has been proven may be grounds for disciplinary charges filed by the petitioner or any member not on the Hearing Board.
- l. **Appeal to National Judge Advocate.** Either the petitioner or the respondent may appeal the decision of the Hearing Board to the National JA **using the Appeal Form located in the Member Library**. See Section 9080 of this chapter for procedure.

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- m. **Appeal to National Board of Trustees.** Either the petitioner or respondent may appeal the National JA's ruling to the National BOT **using the Appeal Form located in the Member Library**. See Section 9085 of this chapter for procedure.
- n. **Hearing Board Member Expenses.** The legitimate travel and lodging expenses of the Hearing Board shall be a charge against the department, which shall be reimbursable to the members upon submission of a voucher to the paymaster of the department.

Section 9030. Department, Division, or National Grievance

- a. If a department, a division, a department officer, a division officer, or a national officer is the petitioner or the respondent, all matters shall be handled directly by the National JA; he and the National Commandant will proceed in accordance with the procedure outlined in paragraphs 9025.
- b. Either the petitioner or the respondent may appeal the Hearing Board's decision to the National BOT in writing **using the Appeal Form located in the Member Library** via the National Commandant.
 - (1) Such appeal must be filed within thirty (30) days of the decision of the Hearing Board stating as clearly as possible the basis for such appeal.
 - (2) The National JA will distribute copies of all pertinent material to the members of the BOT.
 - (3) The BOT shall render their opinion in writing to National Office within fifteen (15) days; whereupon the National JA will inform the petitioner of the decision of the majority of the National BOT, either sustaining or denying such appeal with a copy to the NED/COO.
 - (4) The decision of the National BOT shall be final.

Section 9035. National Convention Grievance

- a. If a grievance arises during a National Convention, it shall be immediately presented in writing **using the Grievance Form, located in the Member Library**, to the National JA. The National JA shall attempt to mediate the grievance. If mediation is unsuccessful:
 - (1) The National JA shall petition the National Commandant to immediately convene a Hearing Board of at least three (3) members of the National BOT or such other members as the National Commandant shall designate. The National Commandant may serve as the chairman of that Hearing Board or shall appoint a chairman to serve in his stead.
 - (2) The Hearing Board may call witnesses. It shall hear appropriate testimony either orally or by affidavit as set forth in this chapter. A Hearing Board may also conduct its own independent investigation.

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- (3) The Hearing Board's decision, which must be affirmed by a majority of the board, shall be served in writing upon the petitioner and respondent immediately.
 - (4) If the grievance is substantiated and proved, the Hearing Board shall state in its decision the corrective action necessary to eliminate the grievance.
 - (5) The petitioner may appeal the Hearing Board's decision directly to the Convention and has the burden of proving such grievance to the Convention.
 - (6) A majority vote of the Convention, with the affected member and/or delegation(s) abstaining, will prevail.
- b. If the grievance concerns the seating or voting of a delegate or delegation, the Convention shall stand in recess until the matter is resolved.
 - c. Any grievance applicable to seating at a National Convention shall be filed in writing with the National JA, prior to commencement of the Convention; whereupon he shall proceed in accordance with Section 9035.

Section 9040. Discipline of a Member, Detachment, Department Officers and Board of Trustees

- a. **Violation of the National Bylaws or the National Administrative Procedures.** Whenever a member, detachment, detachment officer, department officer other than the commandant, or a member of the board of trustees of a detachment or department violates the NBL or the NAP of the MCL; a petitioner may file a disciplinary charge(s) **using the Disciplinary Charge Form, located in the Member Library**, against said member, detachment, detachment officer, department officer, or a member of the board of trustees of a detachment or department.
- b. **Conflict of Interest** If there are similar charges placed by the same Petitioner against the Department Commandant, those charges shall automatically be handled by the National Judge Advocate per Section 9045.
- c. **No Detachment Jurisdiction.** Detachments DO NOT have disciplinary jurisdiction over any member.
- d. **Filing Disciplinary Charge(s)**
 - (1) A Petitioner shall file a written disciplinary charge(s) **using the Disciplinary Charge Form, located in the Member Library**, setting forth in detail the basis for the disciplinary charges (See Section 9000, §d.) with the department JA by ~~certified-mail~~ **mail with a tracking number** ~~return receipt requested~~ **or email, supported by digital signature, with a request delivery/read receipt.**
 - (2) When a disciplinary charge is filed, the Chapter Nine procedures triggered thereby become effective when it is received by the department JA.

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- e. **Response to Disciplinary Charge.** The respondent shall have 10 days to file with the department JA his written response to the disciplinary charge. He shall serve a copy of the defense on the petitioner. The respondent need not respond if he so chooses.

- f. **Department Judge Advocate Action**
 - (1) Upon receiving disciplinary charge, the department JA shall have twenty calendar days in which he:
 - (a) May conduct an informal investigation to determine the merit of the disciplinary charge; and
 - (b) Should explore the possibility of a negotiated settlement.
 - (2) If the Department JA determines that the disciplinary charge does not have merit, he may dismiss the charge. The petitioner may appeal the dismissal to the National JA as provided in Section 9080.
 - (3) If a settlement is negotiated, the department JA shall in writing report the settlement to the department commandant with a copy to the parties and the NJA.
 - (4) If there is merit and no settlement has been negotiated, the department JA shall in writing so inform the department commandant.

- g. **Appointment of Hearing Board.** Upon receiving the department JA's report that the disciplinary charge has merit, and a settlement has not been reached, the department commandant shall immediately appoint a Hearing Board.
 - (1) The Hearing Board shall be composed of the department commandant as chairman, the department JA and a minimum of two other members. No member of the petitioner's detachment or the respondent's detachment may be appointed to a Hearing Board, including the department commandant and department JA. Hearing Board members who may have a conflict of interest through friendship, marriage, family relationship or prejudice shall recuse themselves.
 - (2) A challenge to the composition of the Board shall be made in accordance with Section 9020, §f., of this chapter.

- h. **Convening of Hearing Board.** The Hearing Board shall convene at a time and/or place of its convenience within forty days from its appointment.
 - (1) The Department JA shall notify the parties of the date and location/**time** of the hearing not less than twenty days prior to the convening date of the Board.
 - (2) The department JA shall enclose copies of 9000, Section 9005, Section 9010, Section 9020, Section 9025 or Section 9040, Section 9065, and Section 9080 with the notice, which shall state (1) the right to counsel and (2) the requirement to submit a list of witnesses and copies of exhibits.

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- (3) A request for a change of hearing date or location/**time** shall be filed in writing with the department JA within ten days of the receipt of the notice(s). The department JA shall immediately forward the request to the chairman of the Hearing Board, who shall respond in writing to the request using his best judgment.
- i. **Conducting the Hearing.** The hearing shall be conducted in accordance with Section 9070 of this chapter.
- j. **Findings of the Hearing Board.** The findings of the Hearing Board shall be a section of the written summary of the hearing. See Section 9075.
- (1) The department JA shall write the findings of the Hearing Board within 15 days of the hearing.
 - (2) The Board shall make a finding of “guilty” or “not guilty” on each charge and specification.
 - (3) A finding of “guilty” requires a vote for “guilty” by a majority of the Board members.
 - (4) The findings shall also state the punishment awarded by the Board.
 - (5) If any disciplinary charge is not proved, the findings shall state “not guilty”; and
 - (6) A copy of the written summary of the hearing shall be served on the petitioner, the respondent, the department commandant, the department JA, the National JA, and NED/COO (less exhibits).
- k. **Appeal to National Judge Advocate.** An appeal of the Hearing Board’s decision may be made to the NJA by either the respondent or petitioner **using the Appeal Form, located in the Member Library**, See Section 9080 of this chapter.
- l. **Appeal to National Board of Trustees.** Either the petitioner or respondent may file an appeal of the NJA’s ruling to the National BOT **using the Appeal Form, located in the Member Library**. See Section 9085 of this chapter.
- m. **Expenses.** The legitimate travel and lodging expenses of the members of the Hearing Board shall be a charge against the department, which shall reimburse the members upon submission of a voucher to the paymaster of the department.

Section 9045. Department Commandant or Department

- a. In the event the respondent is a department commandant or department, the following procedure shall be followed:
- (1) Disciplinary charges shall be submitted in writing, **using the Disciplinary Charge Form, located in the Member Library**, to the National JA and to the respondent, with a copy to the National Commandant.
 - (2) Proof of service upon the respondent shall be provided to the National JA by the petitioner by either service in hand by the Department SAA, **or by certified return-**

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~~receipt~~ mail with a tracking number ~~return receipt requested~~ or email, supported by a digital signature, with a request delivery/read receipt as set forth herein.

- b. The National JA may, at his discretion, conduct a preliminary investigation to:
- (1) determine the merit of the charge.
 - (2) explore the possibility of a negotiated settlement.
- c. If the National JA determines that the disciplinary charge does not have merit, he may dismiss the charge. The petitioner may appeal this dismissal to the National BOT as provided in NAP Section 9085.
- d. If the charge appears to be valid, and if it appears to the National JA that a negotiated settlement is not likely, or upon his own initiative, the National JA shall proceed to:
- (1) Petition the National Commandant, who shall appoint a Hearing Board of not less than three (3) nor more than five (5) members, including the National JA. The National Commandant may, at his discretion, appoint current or former members of the BOT.
 - (2) The Hearing Board shall convene a hearing **at the date, time and place** in the state in which the disciplinary charges arose, **or may conduct a virtual meeting, at a date, time and place of at its convenience**. Any challenge to the composition of the Hearing Board or to the notices given concerning such hearing must be made at least ten days prior to the start of the hearing or shall be deemed to have been waived.
 - (3) The Hearing Board may call witnesses but is under no obligation to do so. The petitioner has the burden of proving any and all disciplinary charges against the respondent to the satisfaction of the Hearing Board.
 - (4) The Hearing Board shall hear appropriate testimony either orally or by affidavit as set forth in this chapter. A hearing board may also conduct its own independent investigation.
- e. The decision of the Hearing Board shall be made in writing and must be affirmed by a majority of the Hearing Board.
- (1) If any disciplinary charge is substantiated and proved, the Hearing Board shall so state in its decision its finding relating to the evidence and shall also state the punishment awarded by the Haring Board.
 - (2) If any disciplinary charge is not substantiated or proved, the written decision shall so state.
 - (3) The written decision shall be forwarded within fifteen (15) days to the National Commandant with a copy to the National JA. The National JA will affect proper

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service upon the petitioner and the respondent, with copies to all of the participating parties and the NED/COO.

- f. The respondent or petitioner may appeal the decision of the hearing board in writing within thirty (30) days to the National BOT via the National Commandant setting forth as clearly as possible the basis for such appeal.
 - (1) The NED/COO will distribute copies of all pertinent material to the members of the BOT.
 - (2) The BOT shall render their opinion in writing to National Office within fifteen (15) days; whereupon the National Executive Director/COO will inform the Petitioner and the Respondent of the decision of the majority of the National Board of Trustees, either sustaining or denying such appeal.
 - (3) Any member of the BOT who shall have served on the subject Hearing Board shall abstain from voting on the appeal.
- g. The respondent or petitioner may appeal the decision of the National BOT in writing, **using the Appeal Form located in the Member Library, and** setting forth as clearly as possible the basis for such appeal directly to National Convention via the NED/COO. Any appeal to the convention must be made within thirty (30) days of the receipt of the decision of the National BOT and not less than thirty (30) days prior to the commencement of the National Convention.
- h. The legitimate travel and lodging expenses of the Hearing Board shall be charged against National Office and shall be reimbursable upon submission of a voucher to the NED/COO.

Section 9050. National Officers and Board of Trustees

- a. If the respondent is a national officer or member of the National BOT, other than the National Commandant or National JA, the charges shall **be filled out using the Disciplinary Charge Form and** filed with the National JA, who will thereupon cause service of same either in hand by the National SAA, **or by certified mail with a tracking number ~~return receipt~~ requested or email, supported by a digital signature, with a request delivery/read receipt** as provided herein upon the respondent, with copies to the National BOT.
- b. The National Judge Advocate may conduct a preliminary investigation to determine:
 - (1) The merit of the charge.
 - (2) The possibility of a negotiated settlement.
- c. If the charge appears to be valid and has merit, and if it appears to the National JA that a negotiated settlement is not likely, or upon his own initiative, the National JA shall proceed to:
 - (1) Petition the National Commandant, who shall appoint a Hearing Board of not less than three (3) or more than five (5) members, including the National JA. The

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National Commandant may, with discretion, appoint current or former members of the BOT. If the charge is not found to merit further proceedings, such charge shall be dismissed, and the petitioner shall be so notified by the National JA.

- (2) The Hearing Board is empowered to convene a hearing at a **location**/time and place of its convenience. Any challenge to the composition of the Hearing Board or to the notices given concerning such hearing must be made at least ten days prior to the start of the hearing or shall be deemed to have been waived.
 - (3) The Hearing Board may call witnesses but is under no obligation to do so. The petitioner has the burden of proving any and all disciplinary charges against the respondent to the satisfaction of the Hearing Board.
 - (4) The Hearing Board shall hear appropriate testimony either orally or by affidavit as set forth in this chapter. A hearing board may also conduct its own independent investigation.
- d. The decision of the Hearing Board shall be made in writing and must be affirmed by a majority of the Hearing Board.
- (1) If any disciplinary charge is substantiated and proved, the Hearing Board shall so state in its decision its findings relative to the evidence and shall also state the punishment awarded by the Hearing Board.
 - (2) If any disciplinary charge is not substantiated or proved, the written decision shall so state.
 - (3) The written decision shall be forwarded within fifteen (15) days to the National Commandant with a copy to the National JA. The National JA will affect proper service upon the petitioner and the respondent, with copies to all of the participating parties.
- e. The respondent or petitioner may appeal in writing **using the Appeal Form, located in the Member Library**, within thirty (30) days to the National BOT via the National Commandant setting forth as clearly as possible the basis for such appeal.
- (1) The NED/COO ~~will~~ **shall** distribute copies of all pertinent material to the members of the BOT.
 - (2) Each member of the BOT shall render their opinion in writing to National Office within fifteen (15) days; whereupon the NED/COO ~~will~~ **shall** inform the petitioner and the respondent of the decision of the majority of the National BOT, either sustaining or denying such appeal.
 - (3) Any member of the BOT who shall have served on the subject Hearing Board shall abstain from voting on the appeal.
- f. The respondent or petitioner may appeal the decision of the National BOT in writing **using the Appeal Form, located in the Member Library**, setting forth as clearly as possible the

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basis for such appeal directly to National Convention via the NED/COO. Any appeal to the Convention must be made within thirty (30) days of the receipt of the decision of the National BOT and not less than thirty (30) days prior to the commencement of the National Convention.

- g. The legitimate travel and lodging expenses of the Hearing Board shall be charged against National Office and shall be reimbursable upon submission of a voucher to the NED/COO.

Section 9055. National Commandant

- a. In the event the National Commandant shall be the respondent, the following procedure shall be followed:
 - (1) The National Senior Vice Commandant and the National JA shall determine if the charge is serious enough to merit further proceedings.
 - (2) If it is not found to merit further proceedings such charge shall be dismissed, and the petitioner shall be so notified by the National JA.
- b. If found to have merit, the disciplinary charges **as contained in the Disciplinary Charges Form** shall be deemed filed with the National JA, who will thereupon cause service of same upon respondent, with copies to the National BOT.
- c. The National Senior Vice Commandant shall immediately convene the entire National BOT (excluding the National Commandant) to serve as a Hearing Board. A quorum shall consist of at least eight (8) Board members.
- d. If the Hearing Board finds it is in the best interest of the MCL, it may, by a two-thirds (2/3) vote, temporarily suspend the National Commandant from the duties of his office.
- e. The Senior Vice Commandant shall serve as chairman of the Hearing Board. The Board shall conduct a hearing at the National Office at its own convenience, call witnesses, hear testimony, and it may conduct its own independent investigation.
- f. The Hearing Board's decision, which must be affirmed by a two-thirds (2/3) vote, shall be served upon the National Commandant within fifteen (15) days of date of decision.
- g. The National Commandant may appeal within thirty (30) days to the Senior Vice Commandant, **via through** the NED/COO, who shall appoint an appeals board (Board of Appeals) which **shall should** be comprised of a minimum of five (5) Past National Commandants, none of which shall be current members of the National BOT. The Board of Appeals shall concern itself only with the appeal and a majority vote by the Board of Appeals is required for a decision.
- h. The National Commandant may further appeal the decision of the Board of Appeals directly to the National Convention in writing **using the Appeal Form, located in the Member Library**, via the National Executive Director/COO.

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- (1) Any appeal to the convention must be made within thirty (30) days of the receipt of the decision of the Board of Appeals and not less than thirty (30) days prior to the commencement of the National Convention.
- i. The legitimate travel and lodging expenses of the Hearing Board or Board of Appeals shall be charged against National Office and shall be reimbursable upon submission of a voucher to the NED/COO.

Section 9060. National Judge Advocate

- a. In the event the National JA shall be the Respondent, the charges shall be ~~filed~~ **filled out using the Disciplinary Charge Form and filed** with the National Commandant, who shall affect service upon the respondent and all participating parties.
- b. The Junior Past National Commandant and National Senior Vice Commandant shall determine if the charge is serious enough to merit further proceedings. If it is not found to merit further proceedings such charge shall be dismissed, and the Petitioner shall be so notified by the Junior Past National Commandant.
- c. If any charge is found to have merit:
 - (1) The National Senior Vice Commandant as chairman shall immediately convene a Hearing Board, comprised of himself and four (4) other members of the National BOT.
 - (2) The Hearing Board is empowered to convene a hearing at a time and/or place of its convenience. Any challenge to the composition of the Hearing Board or to the notices given concerning such hearing must be made prior to the start of the hearing or shall be deemed to have been waived.
 - (3) The Hearing Board may call witnesses but is under no obligation to do so. The petitioner has the burden of proving any and all disciplinary charges against the respondent to the satisfaction of the Hearing Board.
 - (4) The Hearing Board shall hear appropriate testimony either orally or by affidavit as set forth in this chapter. A hearing board may also conduct its own independent investigation.
- d. If the Hearing Board finds it is in the best interest of the MCL, by a ~~two-thirds (2/3)~~ **majority** vote, it may temporarily suspend the National JA from the duties of his office.
- e. The decision of the Hearing Board shall be made in writing and must be affirmed by a majority of the Hearing Board.
 - (1) If any disciplinary charge is substantiated and proved, the Hearing Board shall so state in its decision its findings relating to the evidence and shall also state the punishment awarded by the Hearing Board.

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- (2) If any disciplinary charge is not substantiated or proved, the written decision shall so state.
 - (3) The written decision shall be forwarded within fifteen (15) days to the National Commandant who will affect proper service upon the petitioner and the respondent, with copies to all of the participating parties.
- f. The respondent or petitioner may appeal in writing **using the Appeal Form, located in the Member Library**, within thirty (30) days to the National Commandant setting forth as clearly as possible the basis for such appeal.
- (1) Upon appeal, the National Commandant shall appoint an appeal board which shall be comprised of a minimum of five (5) department judge advocates, none of which shall be a current member of the National Board of Trustees.
 - (2) This Appeal Board shall concern itself only with the appeal and a majority vote by the Board is required for a decision.
- g. The National Judge Advocate may further appeal the decision of the Board of Appeals directly to the National Convention in writing **using the Appeal Form, located in the Member Library**, via the NED/COO. Any appeal to the convention must be made within thirty (30) days of the receipt of the decision of the Board of Appeals and not less than thirty (30) days prior to the commencement of the National Convention.
- h. The legitimate travel and lodging expenses of the Hearing Board shall be charged against National Office and shall be reimbursable upon submission of a voucher to the NED/COO.

Section 9065. Duties and Rights at the Hearing Procedure

a. Duties and Rights of Petitioner-

- (1) The petitioner has the burden of proving the grievance or disciplinary charge by a preponderance (51%) of the evidence. Failure to meet the burden is grounds for dismissing the grievance or disciplinary charge.
- (2) The petitioner is responsible for inviting witnesses to testify on his behalf.
- (3) The petitioner is responsible to present admissible evidence relevant to the grievance or disciplinary charge.
- (4) The petitioner shall file a complete list of witnesses, notarized statements from any witness that cannot appear at the hearing in person, and copies of all exhibits to be offered into evidence with the jurisdictional JA fifteen (15) days prior to the convening of the Hearing Board. Any witness not listed, or exhibits offered but not previously provided, may be heard or admitted at the discretion of the Hearing Board under such terms and conditions as it shall require.

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- (5) The Petitioner may have a member of the Marine Corps League act as his counsel but the council must have been a member of the Marine Corps League for at least a year.
- (6) The Petitioner or his counsel has the right to examine and cross examine witnesses.

b. Duties and Rights of Respondent

- (1) A respondent has the right to file a written response with the department JA to a grievance or disciplinary charge filed against him but need not do so at his choice.
- (2) The respondent is responsible for inviting witnesses to testify on his behalf and to present admissible evidence in his defense relevant to the grievance or disciplinary charge against him.
- (3) The respondent's failure to appear or provide evidence shall not prevent the Hearing Board from making appropriate findings.
- (4) The respondent shall file a complete list of his witnesses, notarized statements from any witness that cannot appear at the hearing, and copies of all exhibits to be offered into evidence with the jurisdictional JA fifteen (15) days prior to the convening of the Hearing Board. Any witness not listed, or exhibits offered, but not previously provided may be heard or admitted at the discretion of the Hearing Board under such terms and conditions as it shall require.
- (5) The Respondent may have a member of the Marine Corps League act as his council, but the council must have been a member of the Marine Corps League for at least a year.
- (6) The Respondent or his counsel has the right to examine and cross examine witnesses.

c. Duties of the Recorder: Official Recording of the Proceedings

- (1) The chairman of the Hearing Board will appoint a recorder, preferably from the local area, to record the proceedings by ~~audio-tape-or~~ digital recording. The recorder shall:
 - (a) Be the sole operator of the recording device.
 - (b) Maintain a log of ~~audio-tape-or~~ digital recording activities. (See Attachment 9-1).
 - (c) At the close of the hearing, turn over all ~~audio-tapes-or~~ digital recordings to the jurisdictional JA, who will sign the log as custodian. The recording shall be filed with the written summary of the hearing. See Section 9075.
 - (d) A duplicate of the log will be sent with all requests for copies of ~~audio-tapes-or~~ digital recordings; and

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- (e) Not participate in the Hearing Board's deliberations.
- (2) There will be no ~~audio-tape or~~ digital recording of the proceedings other than the official recording taken by the recorder.
- (3) The Board will make available to the parties upon written request filed with the jurisdictional JA a copy of the recording of the hearing. The request shall be made in writing within ten (10) days of receipt of the copy of the summary of the hearing.
~~The cost of reproduction of the audio tapes or digital recordings will be paid by the party requesting the copy.~~
- (4) If the Petitioner or Respondent requests a copy of the recording of the hearing, the thirty (30) day appeal period in Section 9080, §a., shall commence upon receipt of the copy of the recording.
- d. **Duties of Sergeant at Arms (SAA).** The chairman of the Hearing Board will appoint a SAA preferably from the local area ~~if a physical Hearing Board is to take place~~. The duties of the SAA are to preserve order and to perform other duties as required by the chairman of the Hearing Board.
- e. **Duties of Hearing Board**
 - (1) Hearing shall be held in executive session.
 - (2) The Hearing Board shall conduct the hearing following Section 9070 below.
 - (3) The Hearing Board may but is not obligated to invite witnesses and obtain exhibits other than those designated by the petitioner and the respondent.

Section 9070. Conducting the Hearing++

NOTE. ++ If conducting a virtual Hearing Board, refer to AP –Chapter Nine-Attachment 2VHB.

- a. **Preliminary Events.** The chairman calls the hearing to order and:
 - (1) Announces that the hearing will be held in executive session.
 - (2) Directs the SAA to:
 - (a) Secure the hearing room: only the members, parties, counsel, and recorder may be present and
 - (b) Lead the pledge of allegiance.
 - (3) States who is present and the billet of each person.
 - (4) Directs the jurisdictional JA to enter the exhibits in the record.
- b. **Exhibits**

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(1) Prior to the hearing the jurisdictional JA marks exhibits as follows:

(a) Board exhibits. At a minimum the following exhibits are marked as board exhibits:

B-1 Appointing and Convening Order.

B-2 Grievance or Disciplinary Charge*; and

B-3 If Respondent is absent, a copy of the Notice of Hearing sent to the respondent with a copy of ~~certified receipt with postmark the mail with tracking number and the return receipt (green card) attached~~ or the email, supported by a digital signature, with a request delivery/read receipt a Board exhibit to document notice.

NOTE. *If the charge(s) or grievance filed does not number or letter the clearly different actions alleged, the jurisdictional JA shall make such designations on the charges filed or on a separate page submitted as a Board Exhibit for purposes of taking evidence and making findings.

(b) Petitioner's exhibits. The petitioner's exhibits are marked: P-1, P-2, etc.

(c) Respondent's exhibits. The respondent's exhibits are marked: A, B, C, etc.

NOTE. The exhibits shall be marked before copies are mailed or emailed to the parties.

(2) On the record the jurisdictional JA announces the list of exhibits.

(3) On the record the jurisdictional JA asks in turn if petitioner or respondent has an objection to any exhibit. See Section 9005, §f., for basis for objection.

(4) The chairman of the Board shall rule on each objection that the exhibit is:

(a) admitted.

(b) not admitted; or

(c) admitted subject to conditions.

(5) On the record the jurisdictional JA announces which exhibits have been admitted in evidence

c. Motions on Failure to Follow Prehearing Procedure. (See Section 9010)

(1) The proponent shall offer his written motion of failure to comply with the prehearing procedure required in Chapter Nine, which has been filed with the jurisdictional JA not later than five days prior to the date of the hearing. The chairman may allow a written or oral motion submitted at the hearing if the proponent has good cause for not filing timely.

(2) The jurisdictional JA shall mark a copy of the motion as the party's exhibit next in order.

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- (3) The proponent of the motion shall argue his case and present relevant exhibits.
- (4) The jurisdictional Judge Advocate shall respond to the proponent's case.
- (5) The chairman shall rule on the motion: granted or denied.
- (6) A complaint of failure to follow procedure not raised at the hearing is deemed waived.

d. Witnesses Sworn

- (1) **Oath.** All testimony will be given under the oath: "I do solemnly affirm to tell the truth, the whole truth nothing but the truth."
- (2) The jurisdictional JA shall administer the oath to the witnesses:
 - (a) as a group prior to opening statements; or
 - (b) individually as called.

e. Opening Statements. Each party may give an opening statement. The petitioner is first and the respondent is second.

f. Petitioner's Case. The Petitioner calls his witnesses. Any witness called but not listed or exhibit offered but not previously provided may be heard or admitted at the discretion of the Hearing Board under such terms and conditions as it shall require. The sequence of questioning of each witness is:

- (1) **Direct Examination.** Either petitioner or his counsel, but not both, shall examine a witness by question and answer. At the Board's discretion a witness may read a statement into evidence.
- (2) **Cross-Examination.** Either respondent or his counsel, but not both, may cross-examine the witnesses on topics covered during the direct examination. The Board may permit questions into additional topics.
- (3) **Redirect.** Either petitioner or his counsel, but not both, may ask questions on topics covered in cross examination.
- (4) **Recross.** Either respondent or his counsel, but not both, may ask questions on topics covered in redirect.
- (5) **Board Questions.** Board members may ask questions
 - (a) at any time during direct, cross, re-direct or re-cross and
 - (b) after the parties have no further questions.

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- g. **Respondent's Case.** Respondent is not required to present a defense. The case the respondent does present follows the same format outlined for Petitioner in Section 9070 above.
- h. **Rebuttal.** Petitioner may present evidence in rebuttal to evidence presented by respondent.
- i. **Surrebuttal.** Respondent may present evidence in surrebuttal to evidence presented by petitioner in rebuttal.
- j. **Board Evidence.** The Board may invite additional witnesses to testify and introduce additional exhibits. The chairman shall designate a member of the Board to conduct the direct examination of the Board witness. Each party or his counsel may cross examine the witness.
- k. **Additional Session.** If the hearing cannot be concluded on the scheduled day, the hearing may be continued to another day.
- l. **Closing Arguments.** Each party may give a closing argument. Because the petitioner has burden of proof he has the last word. The Petitioner closes first, and the Respondent is second. The Petitioner may offer rebuttal.
- m. **Adjourn the Hearing.** Before declaring the hearing adjourned the chairman states that:

NOTE. It is advisable to keep the parties and witnesses present until deliberations have been completed in case questions arise during deliberations.

(1) the findings will be made within 15 days.

(2) the findings will be in writing; and

(3) copies will be mailed **or emailed, supported by a digital signature**, to:

- (a) the parties,
- (b) the National JA,
- (c) the National Commandant,
- (d) the National Adjutant, and
- (e) the MODD if applicable.

- n. **Deliberations on Findings.** The Board shall close (go off the record with only Board members present) to deliberate on findings.

(1) Charges and Specifications

- (a) A finding shall be made on each charge and specification.

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NOTE. If the charge(s) or grievance filed does not number or letter the clearly different actions alleged to be violations, the jurisdictional JA shall make such designations on the charges or grievance on a separate page submitted as a Board Exhibit for purposes of taking evidence and making findings.

- (b) Findings of guilty shall be made by a majority vote.
 - (c) Less than a majority vote for “guilty” is a finding of “Not Guilty.”
- (2) Punishment in the Case of a Finding of Guilty in a Disciplinary Hearing (See Section 9095-Punishment).
- (a) A finding for punishment shall be by a majority vote.
 - (b) The Board may make a finding of “No punishment.”
 - (c) A member at any level may be punished by:
 - 1. Written reprimand.
 - 2. Suspension for a specified period of time; or
 - 3. Expulsion from the MCL.
 - (d) A detachment or department:
 - 1. May receive a reprimand.
 - 2. Charter may be suspended; or
 - 3. Charter may be revoked.
 - (e) A punishment more than a reprimand and less than suspension that is reasonable, e.g., letter of apology, restitution, is authorized by this section.
- (3) Corrective Action in the Case of a Finding of Guilty in a Grievance Hearing.
- (a) Any corrective action necessary to eliminate the grounds for the grievance shall be directed by a majority vote.
 - (b) The Board may find “no corrective action is necessary.”

Section 9075. RESULTS OF THE HEARING

- a. **Written Summary of the Hearing.** Within 15 days of the hearing, the jurisdictional JA shall write a summary of the hearing to include: (See Attachment 4, Sample of a Written Summary.)

- (1) Date and times convened and adjourned of each session.

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- (2) The names and billets of those present.
- (3) A list of the exhibits of the Board, petitioner, and respondent with each exhibit attached to the original summary of the hearing.
- (4) A summary of each witness's testimony.

- (5) The findings of the Hearing Board:
 - (a) each charge and Specification: guilty or not guilty and
 - (b) any punishment in a disciplinary hearing; or
 - (c) any corrective action directed in a grievance hearing; and
- (6) Appeal rights of the parties.
- (7) The summary shall be signed by all members of the Board.

b. Original and Service of Copies of the Written Summary of the Hearing

- (1) The original of the written summary of the hearing and the official recording of the hearing shall be retained in the department files or National Offices files for at least five years with the jurisdictional JA as custodian.
- (2) Upon obtaining all members' signatures, the jurisdictional JA shall serve a copy of the written summary of the hearing on the parties, the department commandant, the National JA, and the National Adjutant (less exhibits).

c. Duties of National Judge Advocate and National Adjutant

- (1) If no appeal is filed and the punishment is suspension or expulsion from the MCL, the National JA shall request in writing by ~~first class U.S.~~ mail with a tracking number that the NED/COO strike or suspend respondent from the roles.
- (2) The NED/COO shall strike or suspend the respondent from the roles and inform the National JA of the action taken by ~~first class U.S.~~ mail with a tracking number ~~and~~ or email.
- (3) The National JA shall serve a copy of the notice that the respondent's name has been stricken or suspended from the roles on:
 - (a) the parties by ~~certified mail~~ mail with a tracking number ~~return receipt requested~~ or email, supported by a digital signature, with a request delivery/read receipt; and

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- (b) the National Commandant; the Division National Vice Commandant, the department commandant, the department JA, and if appropriate a National Officer in the MODD by ~~U.S.-mail~~ or by email.

Section 9080. Appeals to the National Judge Advocate

- a. **Appeal to National Judge Advocate.** Either the respondent or petitioner or the counsel of either may file a written appeal of the Hearing Board's decision to the National JA. The appeal shall clearly state the basis for the appeal **utilizing the Appeal Form located in the Member Library.**
- b. **Filing the Appeal**
- (1) The appeal shall be filed with the National JA by ~~certified-mail mail with a tracking number return receipt requested~~ or email, supported by digital signature, with a request delivery/read receipt within thirty (30) days after receipt of the Hearing Board decision. ~~A certified-mail receipt postmarked~~ **Mail with a tracking number or an email, supported by a digital signature, with a request delivery/read receipt** within such period constitutes proof of filing of the appeal. Any appeal not filed timely shall be deemed waived absent a showing of good cause, which shall be decided by the National JA.
- (a) If the appeal is not timely the National Judge Advocate shall notify the appealing party in writing stating the reasons for the decision with a copy to the National Commandant.
- (b) If the appealing party (a) contests the National Judge Advocate's decision that the appeal is untimely or (b) asserts good cause, he shall file a written request with the National Commandant to reinstate his appeal and serve a copy on the National Judge Advocate.
- (c) If the National Commandant grants the request, the National Commandant shall direct the National JA to decide the appeal on the merits.
- (2) A complete copy of the appeal shall be served on the other party (respondent or petitioner) and to the jurisdictional JA concurrent with the filing of the appeal to the National JA. All copies shall be served by ~~certified-mail mail with a tracking number return receipt requested~~ or email, supported by digital signature, with a request delivery/read receipt.
- (3) If the petitioner or respondent requests a copy of the recording of the hearing, as provided in Section 9065, §c., (3), the thirty (30) day appeal period in Section 9080 shall commence upon receipt of the copy of the recording.
- c. **National Judge Advocate Ruling**
- (1) The National Judge Advocate shall rule on the appeal in writing within thirty (30) days of receipt of the appeal either granting or denying the appeal.

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- (2) The National Judge Advocate shall serve copies of his ruling on:
 - (a) the parties by ~~certified-mail mail with a tracking number-return-receipt-requested~~ or email, supported by digital signature, with a request delivery/read receipt, and
 - (b) the National Commandant, the Division National Vice Commandant, the department commandant, and the department JA by email.
- (3) The National JA may make his decision from the official recording and the written summary of the hearing, or he may permit the petitioner or respondent or the counsel of either to make an oral or written argument concerning the appeal after written notice to the other party. No oral or written argument to or contact with the National JA should be made concerning the appeal absent his specific request for the same.
- (4) If the record of the hearing is insufficient or there exist material irregularities in procedure, the National JA may refer the matter back to the Hearing Board to supplement the record or correct such material irregularity.
- (5) Questions of admissibility of evidence, the regularity of the proceedings, and the credibility of witnesses and evidence determined by the Hearing Board shall not be overturned on appeal unless the Hearing Board is clearly in error.

Section 9085. Appeals to the National Board of Trustees

- a. **Appeal to National Board of Trustees.** Either the petitioner or respondent or the counsel of either may appeal the National Judge Advocate's ruling to the National BOT. The appeal shall be in writing and state the basis for the appeal **utilizing the Appeal Form, located in the Member Library.**
- b. **Filing the Appeal.** The appeal shall be filed with the National JA, copy to the National Commandant and to the other party, by ~~certified-mail mail with a tracking number-return-receipt-requested~~ or email, supported by digital signature, with a request delivery/read receipt within thirty (30) days after receipt of the National Judge Advocate's ruling. ~~A-certified-mail-receipt-postmarked~~ Mail with a tracking number or an email, supported by a digital signature, with a request delivery/read receipt within such period constitutes proof of filing the appeal.
 - (1) Any appeal not filed timely shall be deemed waived absent a showing of good cause.
 - (2) The National JA shall determine if an appeal is timely.
 - (a) If the appeal is timely, the National JA shall inform the National Commandant in writing.

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- (b) If the appeal is not timely the National Judge Advocate notifies the appealing party in writing stating the reasons for the decision with a copy to the National Commandant.
- (3) If the appealing party:
 - (a) contests the National JA's decision that the appeal is untimely, or
 - (b) asserts good cause, he shall file a written request with the National Commandant to reinstate his appeal and place it on the agenda of the National BOT.
 - (c) The party shall serve a copy of the appeal to the National JA.
- (4) If the petitioner or respondent requests a copy of the recording of the hearing, as provided in Section 9065, §c., (3), the thirty (30) day appeal period in Section 9085 shall commence upon receipt of the copy of the recording.
- c. **Agenda of National Board of Trustees.** If the appeal is timely or good cause is shown, the National Commandant shall:
 - (1) place the appeal on the agenda of the National Board of Trustees for review at the next scheduled meeting of the Board and
 - (2) notify the National Judge Advocate that the appeal is on the Board's agenda for a certain date.
- d. **Preparing the Appeal for the Board.** The National JA shall:
 - (1) Inform the appellant by written notice that:
 - (a) the appeal will be on the National Board of Trustees agenda on a certain date.
 - (b) he has until the date certain to submit seventeen copies of his appeal to the National JA for distribution to the National BOT members.
 - (2) Draft a brief for the Board:
 - (a) stating the charges and specifications and findings and pertinent evidence,
 - (b) commenting on each basis for the appeal, and
 - (c) attaching a copy of his ruling denying the appeal to the National JA.
 - (3) Prepare the appeal for distribution to board members.
- e. The National JA shall not sit as a member of the National BOT to hear the appeal. The National Commandant shall appoint an acting National JA while the appeal is before the National BOT.

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- f. **Basis for the Board Ruling.** The Board may:
- (1) Make its decision based on the official recording and the written summary of the hearing.
 - (2) Permit the petitioner and/or the respondent or the counsel of either to appear and argue the matter before the National BOT after written notice to the other party.
 - (3) Permit the National JA to present his brief orally to the Board.
 - (4) Take further evidence including evidence in mitigation or aggravation under such rules and conditions as it may adopt.
- g. **The Board Ruling.** The National BOT may sustain or reject the ruling of the National JA. If the National BOT fails to sustain the ruling of the National JA, it shall issue its own decision in writing. The acting National JA shall draft the ruling of the Board. The NED/COO shall serve a copy of the Board ruling on the petitioner, respondent, department JA, department commandant, the Division National Vice Commandant, **the National Commandant** and the National JA.
- h. **No Further Appeal.** The decision of the Board of Trustees is final and there is no further right of appeal.

Section 9090. Suspension of Pending Hearing. In all disciplinary proceedings brought under Sections 9040, 9045, and 9050 herein, the designated jurisdictional JA shall possess the discretionary authority to temporarily suspend the respondent from membership, office or function pending final resolution of the disciplinary charge. The National JA and NED/COO shall be notified in writing of such suspension.

Section 9095. Punishment

- a. Following conformance with the procedures outlined in this Chapter if the respondent is adjudged guilty of committing any act which would tend to bring the MCL into public disrepute, and/or conduct unbecoming a member of the MCL, or if he has violated any of the applicable provisions of the national, department or detachment bylaws or administrative procedures, or any offense set forth in Section 9105 hereof, the respondent shall be subject to the following:
- (1) A member, or officer at any level, may be punished by written reprimand, suspension for a specified period of time, or be expelled from the MCL. (See Section 9080 & 9085)
 - (2) A detachment or department may receive a reprimand; its charter may be temporarily suspended; or its charter may be permanently revoked.
 - (3) The NED/COO shall be notified of all actions taken pursuant to this section.
- b. When the respondent has been adjudged guilty, and punished by suspension or expulsion, the respondent is stricken from the roles of the MCL for the specified period of time

2025 NATIONAL ADMINISTRATIVE PROCEDURES

specified by the adjudication. During that time, the respondent is not permitted to attend or participate in any functions of the MCL, subsidiary, and subordinate organizations or to represent that he is a member of the MCL. If the respondent is found in violation of a suspension, the respondent is subject to further charges and possible expulsion from the MCL.

- c. The administrative procedures for Suspension and Reinstatement are delineated in Attachment Six (6). The administrative procedures for Expulsion are delineated in Attachment Seven (7). The administrative procedures for Resignation In lieu of Hearing are delineated in Attachment Eight (8).

Section 9100. Criminal Acts. Should any member of the League, or any subsidiary organization, subordinate group, or members thereof, violate any of the criminal laws of the United States, or a state having jurisdiction thereof, the complaint should be made directly to the proper federal, state, or local authority, and not to the League, although such conduct may also be the basis for a disciplinary charge under this chapter.

Section 9105. Offences. The following offenses are recognized:

- a. Violation of oath of membership.
- b. Violation of oath of office.
- c. Conduct unbecoming a member of the Marine Corps League.
- d. Any action detrimental to the League.
- e. Conviction of any crime which constitutes a felony in a county, city, state, or federal court in the United States of America. A charge filed alleging a violation of any of the above offenses shall be processed in accordance with the procedures in Chapter Nine.

Section 9110. Charges Stemming from a Previously Heard Matter. In the event a charge stems from a previously heard grievance or disciplinary charge, the failure to take corrective action to resolve a grievance, the failure to comply with a temporary suspension or the punishment issued during a previously heard matter, the jurisdictional body shall be deemed to be the body who last heard the proceedings and/or whose findings were the basis of such finding, suspension, or punishment.

- a. A charge filed under this section shall be submitted in writing to the National Commandant and the National JA.
 - (1) If the charge stems from a previously heard matter, the National JA will determine and immediately notify the commandant of the jurisdictional body to re-convene a hearing at a time and place of its convenience at, or near, the place of the previous hearing. It may hear testimony and may conduct its own independent investigation and shall make such additional findings and render such additional punishment, if any, that it finds necessary to enforce the prior decision.

2025 NATIONAL ADMINISTRATIVE PROCEDURES

- (2) If the charge stems from a violation of a temporary suspension, the National JA will determine and immediately notify the jurisdictional commandant who may, prior to convening a hearing, conduct his own independent investigation, document his findings, and make such findings known to the Hearing Board. If a violation is found, the Hearing Board shall render such additional punishment as may be deemed necessary to enforce the prior punishment.
- (3) The Hearing Board's decision, which must be agreed to by a majority of the Hearing Board, shall be forwarded to petitioner and the respondent and the National JA within fifteen (15) days. The National JA will thereupon affect proper service of the Hearing Board's decision to the National BOT and the NED/COO.
- (4) The Hearing Board's decision may be appealed in accordance with the appropriate section of the Administrative Procedures governing the original charge.

Section 9115. Administrative Expulsion of a Member

- a. In the case wherein a member is convicted of a crime which constitutes a felony in a county, city, state or federal court in the United States of America, the detachment or department in which the member is in good standing, may file appropriate charges in accordance with the guidelines set forth in Chapter Nine. However, the member may be given the opportunity to resign from the MCL with prejudice, in lieu of filing of charges under Chapter Nine.
- b. In the event the convicted felon member does not wish to resign, and the detachment or department does not desire to retain the convicted felon as a member, the detachment or department may obtain the applicable court documents wherein the member was convicted of the felony and submit the certified court documents to the department JA with a request to approve the administrative expulsion from the rolls of the MCL with prejudice.
- c. If the department JA approves the administrative expulsion request, the member will be notified by ~~certified mail~~ **mail with a tracking number and/or email, supported by a digital signature, with a request delivery/read receipt, with email** copies being provided to the National Office and to the detachment. The Member may appeal the decision of the department JA in accordance with Section 9085 within 30 days.

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2025 Administrative Procedures - Chapter Nine - Attachment 1

**Marine Corps League
National/Department Hearing Board
Digital Recording Log of Activities**

Date: _____

Recorder: _____
(Print name)

_____ **V** _____
Petitioner Respondent

Signature of Recorder: _____

Date: _____

Printed name of Media Custodian: _____

Date: _____

Signature of Media Custodian: _____

Date: _____

Printed names of Hearing Board Members with signed initials

1) _____

4) _____

2) _____

5) _____

3) _____

Start Time	Stop Time	Reason

Page _____ of _____

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2025 Administrative Procedures - Chapter Nine - Attachment 2

SAMPLE RITUAL FOR CONDUCTING A HEARING BOARD IN ACCORDANCE WITH CHAPTER NINE (9) MCL ADMINISTRATIVE PROCEDURES

Any hearing under Chapter Nine of these Administrative Procedures should be conducted in an orderly and efficient manner enabling the parties to be heard and evidence presented, and to enable the Hearing Board to make a fair and just decision.

HAVE THE RECORDER START THE DIGITAL RECORDING

(Have the recorder monitor the digital recording. ~~When the tape needs to be changed~~ If the recording needs to be stopped for any reason, he will inform the Chairman who will then stop the proceedings and direct stopping the recording. The Recorder will ~~changing the tape, and restarting the recording~~ make the necessary changes and resume the recording. The Chairman then directs the continuation of the proceedings. NO DISCUSSION WILL OCCUR WITH THE RECORDING STOPPED.) **

CHAIRMAN: “Sgt at Arms secure the hearing room.”

SGT AT ARMS: “Aye, aye sir: The hearing room is secure.”

CHAIRMAN: “Sgt at Arms, lead us in the Pledge of Allegiance.”

SGT AT ARMS: “Aye, aye, sir. - Hand salute! - I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation under God, indivisible with liberty and justice for all. Ready – Two!”

CHAIRMAN: We are now in executive session. This Hearing Board is convened in accordance with and under the authority of Chapter Nine (9) of the National Marine Corps League Administrative Procedures to hear the charges brought by:

_____ v. _____
(PETITIONER) (RESPONDENT)

Today is _____ (Day) and the date is _____ and the time is _____.

“Everyone will remain quiet and respectful during the conduct of this hearing. You will not speak unless the Chairman has given you the floor or the person who has the floor asks you a question. There will be only one person speaking at a time. No one will speak out of turn and if you violate this rule, the Sgt at Arms will escort you from the hearing room. If you are escorted from the room, you will not return. There will be no additional warning given. Members of the Hearing Board may interrupt and ask questions of any person or witness at any time.

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The members of the Hearing Board are as follows:

Chairman Name: _____ Position: _____ Unit: _____

JA Name: _____ Position: _____ Unit: _____

Member Name: _____ Position: _____ Unit: _____

Member Name: _____ Position: _____ Unit: _____

Member Name: _____ Position: _____ Unit: _____

Other non-voting members of the Hearing Board are –

Sgt at Arm’s Name: _____.

Recorder’s Name: _____.

The charges before this Hearing Board are as follows: - (READ CHARGES)

“The Judge Advocate will now list and identify for the record all exhibits entered into evidence currently accepted by the Board:”

JUDGE ADVOCATE: *(LIST AND IDENTIFY EXHIBITS BY NAME AND NUMBER)*

CHAIRMAN: “Are there any challenges or objections to the marked exhibits and affidavits? If none, so state.”

CHAIRMAN: “Are there any additional exhibits to be presented to the Board?” (Determine whether they will be accepted. If accepted, have the Judge Advocate mark and identify them.)

CHAIRMAN: “The Judge Advocate will now swear in all witnesses. Everyone who will present evidence to the Board please rise and raise your right hand.”

JUDGE ADVOCATE: “Repeat after me: ‘I do solemnly swear or affirm to tell the truth, the whole truth, and nothing but the truth’.”

CHAIRMAN: “Be seated.”

CHAIRMAN: “The petitioner may present an opening statement.” (If desired by the Board)

PETITIONER: *Presents opening statement.*

CHAIRMAN: “The respondent may present an opening statement.” (If desired by the Board)

2025 Administrative Procedures - Chapter Nine - Attachment 2

RESPONDENT: *Presents opening statement.*

CHAIRMAN: “The petitioner will call his first witness.”

(At this point, the floor is turned over to the petitioner to present his case. After the petitioner finishes his questions then ...)

CHAIRMAN: “The petitioner may call his next witness.”

(The process repeats itself until the petitioner has presented his case and called all his witnesses. If, after the respondent questions a witness, the petitioner wants to ask another question or redirect the witness, he may. If he does, the respondent also gets a chance to redirect that witness.)

CHAIRMAN: “The respondent may call his first witness.”

(At this point the process repeats with respondent asking his questions first and then when he is finished, the petitioner gets a chance to ask his questions of the same witness.)

CHAIRMAN: “The respondent may present a closing statement.” (If desired by the Board).

RESPONDENT: *Presents closing statement.*

CHAIRMAN: “The petitioner may present a closing statement.” (If desired by the Board).

PETITIONER: *Presents closing statement.*

CHAIRMAN: “There being no more business to be brought before this Board we will proceed to adjourn. The Board will not render its decision today. The Board will render its decision in writing within fifteen (15) days from today. Both parties will be notified by ~~certified mail~~ **mail with a tracking number return receipt requested or email, supported by a digital signature, with a request delivery/read receipt.**

The Hearing Board is adjourned. The time is _____.

STOP THE RECORDING

NOTES FOR CONDUCTING HEARING BOARD

CONDUCT:

- Any hearing under Chapter Nine (9) of these Administrative Procedures should be conducted in an orderly and efficient manner enabling the parties to be heard and evidence presented, and to enable the Hearing Board to make a fair and just decision.

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- Assemble the hearing room so that the Hearing Board is all seated at the same table facing the room. The petitioner and respondent should have separate tables facing the Hearing Board.
- Have the National Flag and Bible present at the hearing.
- The Hearing Board Chairman calls the hearing to order and introduces all of the Hearing Board members, the Recorder and the Sgt at Arms. Announce why the Sgt at Arms is there and make sure that everyone is perfectly clear that; the hearing will be orderly, no one will argue or speak out of turn and that, if they do, they will be directed to immediately vacate the hearing room. Never allow the parties to argue amongst themselves. Strike quickly on the first attempt, no matter how minor, and you may prevent any further attempts.
- All persons having permission to speak must first identify themselves before speaking. This is important for any follow up as a result of an appeal. The person or persons acting on an appeal must be able to know who is speaking when listening to the tape.
- If for some reason the hearing cannot be concluded on the day set forth in the original notice, the hearing may be re-convened on another day, time and place. The Administrative Procedures do not set forth a time limitation on what that date should be. However, minimally comply by setting the first hearing date within the sixty (60) day period from receiving the grievance or disciplinary charge and then continue the hearing to another date if need be. If you announce at the hearing the date, time, and place of re-convening the hearing, there is no requirement to send out additional written notices to anyone. If you do not, and set a date, time, and place later, you must serve new notice by **certified-mail mail with a tracking number or-email, supported by a digital signature, with a request delivery/read receipt.**

JUDGE ADVOCATE DUTIES:

- Introduce all exhibits into evidence. All the exhibits should have been previously provided by the Petitioner and Respondent fifteen (15) days prior to the date of the hearing and the Petitioner and Respondent should have received a list of all of the exhibits to be introduced prior to the hearing. The exhibits should be marked consecutively with numbers for the Petitioner and consecutively with letters for the Respondent.
- Exhibit (1) should be the written grievance or disciplinary charges being brought.
- Exhibit (2) should be the written response, if any, from the Respondent.
- Exhibit (3) should be the written notice to the parties setting out the Hearing Board members and the date, time and place of the hearing. Attach copies of the **certified-mail receipts mail with tracking number or emails, supported by a digital signature**, making sure that the date of service is clear. If the respondent was served by the Sgt at Arms, attach a copy of his Return of Service showing the date, time and place of service.

2025 Administrative Procedures - Chapter Nine - Attachment 2

- If any of the original Hearing Board members were challenged, the written challenge and the written notice of replacement should be entered as exhibits along with documentation showing service to respondent and petitioner.
- If the Hearing Board conducted its own investigation, the written report of the investigator should also be an exhibit. NOTE: No member of the Hearing Board should conduct the investigation himself. The investigator should be called as a witness by either the Board, the petitioner or the respondent. If a Hearing Board member conducts an investigation himself, he has created a conflict because he cannot appear as an independent witness and a Hearing Board member who must decide the case.
- Mark any notarized affidavits as permitted in this chapter.

HEARING BOARD DECISION:

- It is recommended that the Hearing Board not announce your findings at this time and that the Chairman merely notify all parties that the decision will be rendered as required by the Administrative Procedures within fifteen (15) days.
- Write your decision and get a majority vote on the decision.
- If a grievance is substantiated, set out what action will be necessary to resolve the grievance.
- If punishment is warranted on a disciplinary charge, set out the punishment clearly.
- Try to make your decision as clear as possible setting out why you found the way you did. It is entirely appropriate to set out that you believed certain evidence or did not believe certain evidence. The Hearing Board has the duty to make the determination as to whom and what version of events it believes. The Hearing Board gives whatever weight it chooses to the evidence. Please remember that in the event of any appeal of your decision, it is being reviewed by someone or some other body, such as the National Judge Advocate or the BOT who did not have the opportunity to view the case and the witnesses, or hear the evidence, and that they are relying upon the record created.

2025 Administrative Procedures - Chapter Nine - Attachment 2

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2025 Administrative Procedures - Chapter Nine - Attachment 2VHB

SAMPLE RITUAL FOR CONDUCTING A VIRTUAL HEARING BOARD IN ACCORDANCE WITH CHAPTER NINE (9) MCL ADMINISTRATIVE PROCEDURES

Any virtual hearing under Chapter Nine of these Administrative Procedures should be conducted in an orderly and efficient manner enabling the parties to be heard and evidence presented, and to enable the Hearing Board to make a fair and just decision.

HAVE THE RECORDER (VIRTUAL MEETING HOST) START THE AUDIO/VIDEO RECORDING OF THE MEETING

(Have the recorder monitor the digital recording. ~~When the tape needs to be changed~~ If the recording needs to be stopped for any reason, he will inform the Chairman who will then stop the proceedings and direct stopping the recording. The Recorder will ~~changing the tape, and restarting the recording~~ inform the Chairman when the recording can resume. The Chairman then directs the continuation of the proceedings. NO DISCUSSION WILL OCCUR WITH THE RECORDING STOPPED.)

CHAIRMAN: ~~“Sgt at Arms Meeting Recorder secure the hearing room.”~~

SGT AT ARMS MEETING HOST/RECORDER: ~~“Aye, aye sir: The hearing room is secure.”~~

CHAIRMAN: ~~“Sgt at Arms led us in the Pledge of Allegiance.”~~

SGT AT ARMS: ~~“Aye, aye, sir. Hand salute! I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation under God, indivisible with liberty and justice for all. Ready Two!”~~

CHAIRMAN: We are now in executive session. This Hearing Board is convened in accordance with and under the authority of Chapter Nine (9) of the National Marine Corps League Administrative Procedures to hear the charges brought by:

_____ v. _____
(PETITIONER) (RESPONDENT)

Today is _____ (Day) and the date is _____ and the time is _____.

“Everyone will remain quiet and respectful during the conduct of this hearing. You will not speak unless the Chairman has given you the floor or the person who has the floor asks you a question. There will be only one person speaking at a time. No one will speak out of turn and if you violate this rule, ~~the Sgt at Arms~~ the JJA will ~~escort you be have you removed~~ from the virtual hearing room. If you are ~~eseorted removed~~ from the room, you will not return. There will be no additional

2025 Administrative Procedures - Chapter Nine - Attachment 2 **VHB**

warning given. Members of the Hearing Board may interrupt and ask questions of any person or witness at any time.

The members of the Hearing Board are as follows:

Chairman Name: _____ Position: _____ Unit: _____

JA Name: _____ Position: _____ Unit: _____

Member Name: _____ Position: _____ Unit: _____

Member Name: _____ Position: _____ Unit: _____

Member Name: _____ Position: _____ Unit: _____

Other non-voting members of the Hearing Board are –

~~Sgt At Arm's Name: _____~~

Meeting Host/Recorder's Name: _____.

The charges before this Hearing Board are as follows: - (READ CHARGES)

“The Judge Advocate will now list and identify for the record all exhibits entered into evidence currently accepted by the Board.”

JUDGE ADVOCATE: *(LIST AND IDENTIFY EXHIBITS BY NAME AND NUMBER)*

CHAIRMAN: “Are there any challenges or objections to the marked exhibits and affidavits? If none, so state.”

CHAIRMAN: “Are there any additional exhibits to be presented to the Board?” (Determine whether they will be accepted **electronically**. If accepted, have the Judge Advocate mark and identify them.)

CHAIRMAN: “The Judge Advocate will now swear in all witnesses (**The witnesses will be brought into the meeting from the “waiting room”**). Everyone who will present evidence to the Board please ~~rise and~~ raise your right hand.”

JUDGE ADVOCATE: “Repeat after me: ‘I do solemnly swear or affirm to tell the truth, the whole truth, and nothing but the truth’.”

CHAIRMAN: “~~Be seated.~~ The witnesses can now be sent back to the waiting room.”

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CHAIRMAN: “The petitioner may present an opening statement.” (If desired by the Board)

PETITIONER: *Presents opening statement.*

CHAIRMAN: “The respondent may present an opening statement.” (If desired by the Board)

RESPONDENT: *Presents opening statement.*

CHAIRMAN: “The petitioner will call his first witness.”

(At this point, the floor is turned over to the petitioner to present his case. After the petitioner finishes his questions then ...)

CHAIRMAN: “The petitioner may call his next witness.”

(The process repeats itself until the petitioner has presented his case and called all his witnesses. If, after the respondent questions a witness, the petitioner wants to ask another question or redirect the witness, he may. If he does, the respondent also gets a chance to redirect that witness.)

CHAIRMAN: “The respondent may call his first witness.”

(At this point the process repeats with respondent asking his questions first and then when he is finished, the petitioner gets a chance to ask his questions of the same witness.)

CHAIRMAN: “The respondent may present a closing statement.” (If desired by the Board).

RESPONDENT: *Presents closing statement.*

CHAIRMAN: “The petitioner may present a closing statement.” (If desired by the Board).

PETITIONER: *Presents closing statement.*

CHAIRMAN: “There being no more business to be brought before this Board we will proceed to adjourn. The Board will not render its decision today. The Board will render its decision in writing within fifteen (15) days from today. Both parties will be notified by **certified mail with a tracking number return receipt requested** or email, supported by a digital signature, with a request **delivery/read receipt.**”

The Hearing Board is adjourned. The time is _____.

STOP THE RECORDING

NOTES FOR CONDUCTING HEARING BOARD

CONDUCT:

15 Aug 2025

AP Chapter Nine – Attachment (2A) - 3

2025 Administrative Procedures - Chapter Nine - Attachment 2VHB

- Any **virtual** hearing under Chapter Nine (9) of these Administrative Procedures should be conducted in an orderly and efficient manner enabling the parties to be heard and evidence presented, and to enable the Hearing Board to make a fair and just decision.
- ~~○ Assemble the hearing room so that the Hearing Board is all seated at the same table facing the room. The petitioner and respondent should have separate tables facing the Hearing Board.~~
- ~~○ Have the National Flag and Bible present at the hearing.~~
- The Hearing Board Chairman calls the hearing to order and introduces all of the Hearing Board members, ~~and the Recorder and the Sgt at Arms. Announce why the Sgt at Arms is there and make~~ **Make** sure that everyone is perfectly clear that; the hearing will be orderly, no one will argue or speak out of turn and that, if they do, they will be ~~directed to~~ immediately vacated **from** the hearing room. Never allow the parties to argue amongst themselves. Strike quickly on the first attempt, no matter how minor, and you may prevent any further attempts.
- All persons having permission to speak must first identify themselves before speaking. This is important for any follow up as a result of an appeal. The person or persons acting on an appeal must be able to know who is speaking when listening to the **tape recording**.
- If for some reason the hearing cannot be concluded on the day set forth in the original notice, the hearing may be re-convened on another day, ~~and time and place~~. The Administrative Procedures do not set forth a time limitation on what that date should be. However, minimally comply by setting the first hearing date within the sixty (60) day period from receiving the grievance or disciplinary charge and then continue the hearing to another date if need be. If you announce at the hearing the date, ~~and time and place~~ of re-convening the hearing, there is no requirement to send out additional written notices to anyone. If you do not, and set a date, ~~and time and place~~ later, you must serve new notice by ~~certified mail with a tracking number or email, supported by a digital signature, with a request delivery/read receipt~~.

JUDGE ADVOCATE DUTIES:

- Introduce all exhibits into evidence. All the exhibits should have been previously provided by the Petitioner and Respondent fifteen (15) days prior to the date of the hearing and the Petitioner and Respondent should have received a list of all of the exhibits to be introduced prior to the hearing. The exhibits should be marked consecutively with numbers for the Petitioner and consecutively with letters for the Respondent.
- Exhibit (1) should be the written grievance or disciplinary charges being brought.
- Exhibit (2) should be the written response, if any, from the Respondent.

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- Exhibit (3) should be the written notice to the parties setting out the Hearing Board members and the date, ~~and time~~ ~~and place~~ of the hearing. Attach copies of the ~~certified mail~~ ~~mail with a tracking number or emails~~ making sure that the date of service is clear. If the respondent was served by the Sgt at Arms, attach a copy of his Return of Service showing the date, time and place of service.
- If any of the original Hearing Board members were challenged, the written challenge and the written notice of replacement should be entered as exhibits along with documentation showing service to respondent and petitioner.
- If the Hearing Board conducted its own investigation, the written report of the investigator should also be an exhibit. NOTE: No member of the Hearing Board should conduct the investigation himself. The investigator should be called as a witness by either the Board, the petitioner or the respondent. If a Hearing Board member conducts an investigation himself, he has created a conflict because he cannot appear as an independent witness and a Hearing Board member who must decide the case.
- Mark any notarized affidavits as permitted in this chapter.

HEARING BOARD DECISION:

- It is recommended that the Hearing Board not announce your findings at this time and that the Chairman merely notify all parties that the decision will be rendered as required by the Administrative Procedures within fifteen (15) days.
- Write your decision and get a majority vote on the decision.
- If a grievance is substantiated, set out what action will be necessary to resolve the grievance.
- If punishment is warranted on a disciplinary charge, set out the punishment clearly.
- Try to make your decision as clear as possible setting out why you found the way you did. It is entirely appropriate to set out that you believed certain evidence or did not believe certain evidence. The Hearing Board has the duty to make the determination as to whom and what version of events it believes. The Hearing Board gives whatever weight it chooses to the evidence. Please remember that in the event of any appeal of your decision, it is being reviewed by someone or some other body, such as the National Judge Advocate or the BOT who did not have the opportunity to view the case and the witnesses, or hear the evidence, and that they are relying upon the record created.

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A SAMPLE CHRONOLOGY

All hearings whether for a grievance or a disciplinary action start with the basic proposition that from the date of the filing on the complaint to the date of the start of the hearing should be 75 days or less. This chronology is only a guide and assumes a grievance or disciplinary procedure at the primary department level where the jurisdictional JA is the department JA and the jurisdictional commandant is the department commandant.

DAY ONE

Judge Advocate receives by ~~certified-mail~~ mail with a tracking number or email, supported by a digital signature, with a request delivery/read receipt from the petitioner the grievance or disciplinary charge(s) against a respondent with copies to the department commandant, the National JA and the National Commandant. The petitioner must provide evidence of service of the original of the grievance or disciplinary charge(s) upon the respondent by ~~certified-mail~~ mail with a tracking number /~~return receipt requested~~ or email, supported by a digital signature, with a request delivery/read receipt.

DAY 2 TO DAY 19

The judge advocate and/or the department commandant have 20 days in which to conduct a preliminary investigation and/or attempt to obtain an informal settlement of the grievance or disciplinary charge(s).

DAY 20

If the matter is not settled, the commandant shall immediately appoint a Hearing Board comprised of the department commandant, the department JA and at least two other members. The JA shall notify the petitioner and the respondent in writing of the composition of the Hearing Board and the date of the convening of the hearing which should be within 75 days of the original receipt of the grievance or disciplinary charge(s). The convening date cannot be less than 20 days from the original receipt.

Administrative Note: Copies of specific Sections of Chapter 9 must be forwarded to the petitioner and the respondent with this notification. See Section 9020, Paragraph E.

DAY 21 TO DAY 30

The petitioner and the respondent each have 10 days to file a written challenge to the composition of the Hearing Board in accordance with Section 9020, §F., of this chapter. The judge advocate is not subject to challenge except for good cause. Upon receipt of a sustained challenge, the appointing authority shall appoint a replacement who shall be subject to challenge only as specified in Section 9020, §F.

DAY 60

Not less than 15 days before the established hearing date, the petitioner and the respondent must provide the JA with a full list of all witnesses and a list and copy of all exhibits and all notarized statements to be presented to the Hearing Board. Note that if the hearing date is less than 75 days then you count backwards from the hearing date to establish the date upon which these materials must be provided.

Administrative Note: The date these materials must be provided should be included in the notification sent to the petitioner and respondent on DAY 20.

DAY 70

Not less than 5 days before the date of the hearing the judge advocate shall provide copies of the lists of witnesses, lists of the exhibits, copies of the exhibits and copies of the notarized statements to the petitioner and respondent. If the Hearing Board intends

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to call its own witnesses and/or introduce its own exhibits, the judge advocate should prepare the appropriate list and forward copies to the petitioner and respondent. Again, if the hearing date is less than the 75th day, you count backwards from the hearing date to establish this date.

DAY 75 Hearing is started. From the date of the conclusion of the hearing, the Hearing Board has 15 days in which to render its written decision. Upon entry of the finding and the decision, the petitioner and the respondent have 30 days to file a “Notice of Appeal” as set forth in these procedures.

All ~~mail~~ email under this chapter must be supported by digital signature, request delivery request, or by ~~certified-mail~~ mail with a tracking number-/return receipt requested.

~~E-Mail or facsimile transmissions are not acceptable except as may be specifically allowed by the procedures in this chapter.~~

NOTE: Adjustments to coincide with the modified timeline and references were made to this chronology, recognizing that this chronology is only a guide and is not mandatory. See Section 9000, §F., of this Chapter.

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FINDINGS OF THE _____ **VIRTUAL/HEARING BOARD** BETWEEN
(DISCIPLINARY or GRIEVANCE)

PETITIONER _____

v.

RESPONDENT _____

A Hearing Board was convened on _____ at _____ to hear
(Day/Date) (Place/Location)
this complaint.

The Hearing Board was comprised of the following members:

Chairman Name: _____ Position: _____ Unit: _____

Judge Ad Name: _____ Position: _____ Unit: _____

Member Name: _____ Position: _____ Unit: _____

Member Name: _____ Position: _____ Unit: _____

Member Name: _____ Position: _____ Unit: _____

Other Hearing Board Personnel:

Sgt at Arms Name: _____ Unit: _____

Recorder's Name: _____ Unit: _____

NOTE: If a Hearing Board Investigator was named and used, list their name and unit here.

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ATTACHMENTS:

Order of Authorization of the Hearing Board by the Commandant of the Department of _____ dated _____.

EXHIBITS:

- #1 Filing of formal Grievance by Petitioner
- #2 Written response (if any) by Respondent
- #3 Notice to parties identifying Hearing Board Members and date, time and place of hearing.
- #4 Petitioner Exhibit
- #5 Petitioner Exhibit
- #A Respondent Exhibit
- #B Respondent Exhibit

SUMMARY:

PETITIONER FOR DETACHMENT, _____.
(Detachment & #) (Name) (Title)

Petitioner _____ filed a grievance/charges concerning

The petitioner wanted _____

The Hearing was opened and the department JA listed for the record the exhibits before the board. There were/were not challenges or objections to any exhibit. The chairperson swore in all witnesses at the same time or individually. Board did/did not desire opening statements.

The Petitioner complaints/charges were stated as:

#1 _____

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#2 _____

#3 _____

No witnesses were called or:

Witness stated that _____

Witness stated that _____

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Petitioner _____ rested his case.

Respondent _____ presented his case.

Witness stated that _____

Witness stated that _____

Respondent _____ rested his case.

The Hearing Board did/did not desire closing statements.

The Hearing Board called _____ who was assigned by the Hearing Board as an investigator. Investigator _____ filed his report as Exhibit _____ with/without objection. His report concluded that:

The Board agreed/disagreed with Investigator _____ conclusions.

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FINDINGS:

The findings of the Hearing Board are as follows:

The Board found/did not find evidence to support any of the Petitioner's claim specifically:
Complaint #1 – the Board found that:

Complaint #2 -the Board found that:

Complaint#3 – the Board found that:

REQUIRED ACTION:

GRIEVANCE HEARING BOARD:

The Board directs that: _____

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DISCIPLINARY HEARING BOARD:

PUNISHMENT:

By majority agreement the Board adjudges _____ guilty
of _____ (Respondent)

(List the charges that the Board adjudged the Respondent guilty of)

1. _____
2. _____
3. _____

The Hearing Board awards punishment as: _____

If punishment is suspension for a specific period of time, or expulsion from the Marine Corps League, provide the following Respondent's information:

MCL ~~Membership Number~~ Profile ID _____ MCL Life Member Number _____

MODD Membership Number _____ MODD Life Member Number _____

MODD Pound Name and Number _____

NOTES

Be specific. Identify by name, persons who appeared before the Hearing Board and what their statements were. State what the Hearing Board thought of each witness and/or exhibit. Did the Board believe or disbelieve the witness and why. Did the Board believe or disbelieve the exhibit and why. Both sides may present witnesses and any witnesses should be identified in the findings. If the grievance is substantiated, indicate what action is required to resolve the grievance. If any disciplinary charge is substantiated or proved, the Hearing Board shall state in its decision its findings relating to the evidence and shall also state the punishment awarded by the Board. If any disciplinary charge(s) is not substantiated or proved, the written decision shall so state. If punishment is suspension for a specific period of time or expulsion from the Marine

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Corps League, include all identifying information about the Respondent including MCL ~~Membership Number~~ Profile ID and whether or not the member is a member of the MODD. This information is required to ensure the correct member is removed from both the League and MODD rolls.

The findings of the Hearing Board must be agreed to by a majority of the Board members.

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Sample Grievance Letter, Disciplinary Charge & Appeal Letter Instructions

If the letter is filed officially from the detachment or department, the full letterhead should be used, and that information should be included in the text.

Note that the addressing is different for a grievance and for disciplinary charges.

The detachment or department board of trustees may direct the jurisdictional judge advocate to file the complaint, and act as the petitioner for the board of trustees at any hearing that may result from the complaint.

If the grievance(s) or disciplinary charge(s) are filed by a member or members against the action(s) of another member or members, ~~the letterhead should be minimal~~ the Grievance or Disciplinary Charge(s) Form shall be used, or may be omitted altogether if the organization is not pertinent to the complaint.

For a grievance or disciplinary charges, the respondent has the right to provide a written response but is not required to do so. The response is to be sent to the jurisdictional judge advocate within 10 days of the receipt of the grievance or disciplinary charge and should only address the stated charges as briefly as possible and should not include any potential evidence or exhibits. The format of the response should generally follow the format of the complaint.

If the grievance(s) or disciplinary charge(s) are filed against the action(s) of a department commandant, a department, or any elected national officer, Chapter Nine has specific protocols that must be followed.

The date is important. The actual date it ~~goes in the mail gets~~ emailed starts the clock for calculating the sequence of events. It should be dated the same day it goes in the ~~mail~~ email.

If there is more than one petitioner, such as a board of trustees of the detachment, each ~~petitioner's digital signature must sign the letter~~ be on the form.

The Petitioner(s) may request some specific action that they believe is appropriate, but the final action is the prerogative of the Hearing Board.

As noted in Chapter Nine, all correspondence must be sent ~~Certified Mail with Return Receipt Requested~~ certified mail by mail with a tracking number or by email, supported by a digital signature, with a request delivery/read receipt unless there is a specific exception cited. If there is more than one respondent, each will have a copy of the respective letter sent to them.

~~Certified, return receipt mail~~ Mail with a tracking number or email, supported by a digital signature, with a request delivery/read receipt must be sent to the respondent, the department commandant, the department judge advocate, the National Commandant, and the National Judge Advocate.

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SAMPLE GRIEVANCE LETTER



Grievance Form

To be completed by the Petitioner

Date _____

This action is initiated under (select one box with an X):

- NAP Section 9025** - If a member, detachment, or department has a grievance against another member, detachment, or department
- NAP Section 9030** - If a department, a division, a department officer, a division officer, or a national officer is the petitioner or the respondent
- NAP Section 9035** - If a grievance arises during a National Convention

Petitioner(s): *Fill in at least one row.*

Member#	Name	Email	Phone	Detachment Name & #

Note: To insert more rows, Place cursor in the last row, Right-Click; Insert; Rows Below

Respondent(s): *Fill in at least one row.*

Member#	Name	Email	Phone	Detachment Name & #

Note: To insert more rows, Place cursor in the last row, Right-Click; Insert; Rows Below

Witness(es): *Fill in the information on any witness who can substantiate any of the grievances.*

Member#	Name	Email	Phone	Grievance #(s) this member witnessed; Detachment Name & No

Note: To insert more rows, Place cursor in the last row, Right-Click; Insert; Rows Below

CC Distribution List: *Title, National/Division/Department/Detachment*

Title	Name	Email	Phone	Organization @

Note: To insert more rows, Place cursor in the last row, Right-Click; Insert; Rows Below

@ Organization (National or Division/Department name)

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Grievance Details: *List all Grievances; the National, Department, and/or Detachment Bylaw or AP sections violated; and cite their offences.*

Grievance 1 Summary:
Alleged Violated Document and Section: 1.
Citation 1:
Citation 2:

Proposed resolution: *How would you like this matter resolved?*

On my/our oath or affirmation as a member(s) of the Marine Corps League, I/we declare that I/we have reasonable belief that the above described act or acts have been committed.

Enter the Petitioner's name in both columns. Both the digitized and handwritten signature are authorized.

Petitioner(s) Signatures	
Print name:	Sign name:

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SAMPLE DISCIPLINARY CHARGE LETTER



Disciplinary Charges Form

To be completed by the Petitioner

Date _____

This action is initiated under (select one box with an X):

- NAP Section 9040 - If the respondent is a member, detachment, detachment officer, department officer other than the commandant, or a member of the board of trustees of a detachment or department
- NAP Section 9045 - If the respondent is a department commandant or department
- NAP Section 9050 - If the respondent is a national officer or member of the National BOT, other than the National Commandant or National Judge Advocate
- NAP Section 9055 - If the respondent is the National Commandant
- NAP Section 9060 - If the respondent is the National Judge Advocate

Petitioner(s): *Fill in at least one row*

Member#	Name	Email	Phone	Detachment Name & #

Note: To insert more rows, Place cursor in the last row, Right-Click; Insert; Rows Below

Respondent(s): *Fill in at least one row*

Member#	Name	Email	Phone	Detachment Name & #

Note: To insert more rows, Place cursor in the last row, Right-Click; Insert; Rows Below

Witness(es): *Fill in the information on any witness who can substantiate any of the grievances.*

Member#	Name	Email	Phone	Actions #(s) this member witnessed; Detachment Name & No

Note: To insert more rows, Place cursor in the last row, Right-Click; Insert; Rows Below

CC: Distribution List: *Fill in the information on who should receive this form*

Title	Name	Email	Phone	Organization @

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Title	Name	Email	Phone	Organization @

*Note: To insert more rows, Place cursor in the last row, Right-Click; Insert; Rows Below
@ Organization (National or Division/Department name)*

Disciplinary Charges Details: *List all Disciplinary Charges; the National, Department, and/or Detachment Bylaw or AP sections violated; and cite their offences.*

Disciplinary Charge 1 Summary:
Alleged Violated Document and Section: 1.
<i>Citation 1:</i>
<i>Citation 2:</i>

Proposed disciplinary charges resolution: *How would you like this matter resolved?*

--

On my/our oath or affirmation as a member(s) of the Marine Corps League, I/we declare that I/we have reasonable belief that the above described act or acts have been committed.

Enter the Petitioner's name in both columns. Both the digitized and handwritten signature are authorized.

Petitioner(s) Signatures	
Print name:	Sign name:

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SAMPLE APPEAL LETTER



Appeal Form

To be completed by the Petitioner

Date _____

NAP Section Reference

This action is initiated under (select one box with an X):

- NAP Section 9080 – Appeals to the National Judge Advocate
 NAP Section 9085 – Appeals to the National Board of Trustees

Petitioner(s): *Fill in at least one row*

Member#	Name	Email	Phone	Detachment Name & #

Note: To insert more rows, Place cursor in the last row, Right-Click; Insert; Rows Below

Appeal against the decision: *Fill in at least one row*

Case file name	Date of Hearing	Date of decision	Jurisdiction

Note: To insert more rows, Place cursor in the last row, Right-Click; Insert; Rows Below

Appealing Office: *Fill in the information on all officers to which this appeal is being presented.*

Officer's Name	Officers Title	Officer's Email

Note: To insert more rows, Place cursor in the last row, Right-Click; Insert; Rows Below

CC: Distribution List: *Title, National/Division/Department/Detachment*

Title	Name	Email	Phone	Organization @

Note: To insert more rows, Place cursor in the last row, Right-Click; Insert; Rows Below

@ Organization (National or Division/Department name)

Appeal to the following decision(s): *List all appeals and cite the justification for the appeal.*

Cited Decision Number and Text:
--

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Justification for appealing this decision:

Citation 1:

Citation 2:

Proposed resolution: *How would you like this matter resolved?*

On my/our oath or affirmation as a member(s) of the Marine Corps League, I/we declare that I/we have reasonable belief that the above described grounds for appeal are valid.

Enter the Petitioner's name in both columns. Both the digitized and handwritten signature are authorized.

Petitioner(s) Signatures	
Print name:	Sign name:

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SUSPENSION ~~AND REINSTATEMENT~~ PROTOCOL

Suspension Protocol

a. **Temporary Suspension.** Under NAP SECTION 9090 the ~~department jurisdictional~~ JA may order a temporary suspension, but is not required to do so, after a disciplinary charge is formally filed by ~~certified-mail mail with a tracking number return receipt requested~~ or email, supported by a digital signature, with a request delivery/read receipt with the ~~department jurisdictional~~ JA. The temporary suspension:

- (1) Is effective on the date of service* on the respondent;
- (2) Includes NAP Section 9095 (b) restrictions; and
- (3) 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 may be suspended unless disciplinary charges have been properly filed in accordance with Chapter Nine. Then, only the jurisdictional JA can suspend a MCL member.

*For effective service, see Paragraph C., 4., below

b. **Punishment.** The Hearing Board awards to Respondent, punishment of suspension for _____ months/years.

c. Date Suspension is Effective

- (1) Temporary suspension ends on the date of the Findings.
- (2) Suspension is effective on the date of the Findings.
- (3) If the sentence of the Hearing Board states the beginning date of the suspension, the suspension begins and ends on accordance with the stated date.
- (4) Service of findings will be made in accordance with NAP Section 9075 using by ~~certified mail mail with a tracking number return receipt requested~~ or email, supported by a digital signature, with a request delivery/read receipt. Proof of delivery of ~~certified-mail mail with a tracking number or email with a request delivery/read receipt~~ to respondent's last known mailing/email address constitutes service even if respondent does not accept delivery.

d. **Any Office Held.** Any office held by respondent is vacant on the date of the findings. The detachment, the department or national may proceed immediately to fill the vacancy.

e. **Appeal Denied or Not Filed.** If punishment of suspension is still in effect when the appeal process is exhausted*, the National Judge Advocate (NJA) notifies the NED/COO that the

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respondent's name is to be stricken from the rolls. In practice, respondent's name remains on the roster of his detachment having the notation "suspended" marked after his name.

* Appeal not filed within time limits or last appeal ruled upon.

f. **Removal from Rolls.** The NED/COO removes respondent's name from the rolls by notation "suspended" after his/her name. Respondent continues to be carried as a member of his/her detachment on the National Roster but with a notation of suspension.

After the date of suspension is effective, respondent remains a member of the detachment in which he/she held membership at the time of suspension.

The NED/COO does not maintain a list of suspended or expelled members separate from the National Roster.

The National JA shall maintain a list of suspended and expelled members, which is updated weekly and sent to the NED/COO.

g. **Notification of Removal of Name from Rolls.** Upon receiving written notice from the NED/COO of the notation of suspension, the National JA notifies in writing*, the Division National Vice Commandant, department commandant, department JA, detachment commandant, MOOD Smart Dog, petitioner, and respondent:

Respondent's name has been removed from rolls, a notation of suspension after respondent's name, but respondent remains a member of the Detachment under the conditions set forth in Section 9095;

Date suspension became effective;

Date suspension ends; and

Protocol for reinstatement (See Reinstatement Protocol below).

*NAP Section 9015 applies. petitioner and respondent are notified by ~~certified mail~~ ~~mail with a tracking number~~ ~~return receipt requested~~ or email, supported by a digital signature, with a request delivery/read receipt. E-mail to all others is acceptable.

h. **Violation of Suspension**

(1) A violation of suspension stops "good time" towards the suspension from the date of the violation.

(2) Upon resolution of charge of violation of suspension:

(a) If guilty, National Judge Advocate re-computes suspension time according to punishment; or

(b) If not guilty, Respondent receives credit for all time since date

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of suspension.

- i. **Suspension period ends.** Respondent is not notified that the suspension period has ended. It is his/her responsibility to keep track of his/her status. Until respondent receives a letter of reinstatement from the National JA, the conditions of suspension under Section 9095 remain in effect.

REINSTATEMENT PROTOCOL

Reinstatement on the Rolls

- a. Until respondent is reinstated on the rolls, the conditions of suspension in Section 9095 remain in effect.
- b. Respondent remains a suspended member of the detachment in which he/she held membership at the time of suspension until reinstated.
- c. Respondent has the responsibility to request reinstatement on the rolls by letter to the National Judge Advocate sent by ~~certified-mail~~ **mail with a tracking number return receipt requested** or email, supported by a digital signature, with a request **delivery/read receipt**.
- d. Upon ascertaining that all conditions have been met for reinstatement, the National JA will issue a Letter of Reinstatement stating: (1) the date of reinstatement and; (2) the detachment in which respondent is a member in good standing.
- e. The National JA ~~will~~ **shall** send a copy of the reinstatement letter to NED/COO, Division National Vice Commandant, department commandant, department JA, detachment commandant, MODD Smart Dog, and petitioner.
- f. The National JA ~~will~~ **shall** request that the NED/COO remove the "suspended" designation in the National database.
- g. When the National JA receives e-mail from the NED/COO that the notation of suspension has been removed the National JA will forward the e-mail to all officers named above.
- h. If respondent does not request reinstatement within **two (2) years** from the date of the end of suspension, the National JA will notify the NED/COO that the respondent's name is to be removed from the membership rolls.
- i. Thereafter, to rejoin the MCL the respondent must apply to a detachment of his choice for membership.

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EXPULSION PROTOCOL

a. Punishment – The Hearing Board awards to respondent punishment of expulsion.

b. Date expulsion is effective –

(1) Expulsion is effective on the date of the findings of the Hearing Board (Findings)

(2) Service of findings ~~will shall~~ be made to all parties concerned. NAP Sections 9075. The respondent will be served by ~~certified-mail mail with a tracking number return receipt requested or email, supported by a digital signature, with a request delivery/read receipt~~, NAP Section 9015. Proof of delivery of ~~certified-mail mail with a tracking number or email with a request delivery/read receipt~~ to respondent's last known address constitutes service even if respondent does not accept delivery.

(3) The National JA ~~will shall~~ maintain a list of expelled members, which is updated weekly and sent to the NED/COO. The respondent's name ~~will shall~~ be added to the list with the notation "appeal period running."

c. Appeal Process – when the appeal process is exhausted*:

(1) If punishment of expulsion is still in effect the National JA ~~will shall~~ notify the NED/COO in writing that the respondent's name is to be stricken from the rolls.

(2) If punishment of expulsion is NOT in effect, the National JA ~~will shall~~ make notifications in accordance with paragraph "E" below.

* Appeal not filed or last appeal is ruled on.

d. Removal from Rolls –

(1) Upon receipt of written notice from the National JA that respondent's name is to be stricken from the rolls, the NED/COO ~~will shall~~ remove respondent's name from the rolls.

(2) The NED/COO does not maintain a list of expelled members separate from the membership roster.

(3) The National JA ~~will shall~~ remove the notation "appeal period running" after respondent's name on the expulsion list and insert the date the NED/COO is to remove the name from the rolls.

e. Notification – The National JA ~~will shall~~ notify:

(1) The Division National Vice Commandant, department commandant, department JA, detachment commandant, and MODD Smart Dog, in writing or by e-mail and;

(2) The petitioner and respondent by ~~certified-mail mail with a tracking number certified mail, return receipt requested or email, supported by a digital signature, with a request delivery/read receipt~~, that the respondent's name has been removed from the rolls on the date stated by the NED/COO.

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f. Bar to Membership – Expulsion is a permanent bar to membership in the League.

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RESIGNATION IN LIEU OF HEARING (ILH) BOARD PROTOCOL

When disciplinary charges have been filed, the following procedure ~~will~~ shall be followed if the respondent submits his/her resignation from the MCL to avoid the hearing:

- A. Respondent submits his/her resignation, **with prejudice**, from the MCL to the convening authority with a copy to the jurisdictional JA and the detachment commandant. (Attachment A is a sample resignation letter).

The convening authority has the option to accept or reject the resignation.

- B. **Accept.** If the convening authority accepts the resignation, he/she forwards the resignation to the National JA with a copy of the forwarding letter to respondent, petitioner and detachment commandant.

The resignation is effective retroactively to the date of the resignation letter.

- C. **Reject.** If the convening authority rejects the resignation, he/she sends a letter of rejection to the respondent with a copy to the National JA, the jurisdictional JA, the petitioner and the detachment commandant. The convening authority may continue the disciplinary procedure in NAP, Chapter Nine (9).

The National JA ~~will~~ shall forward the accepted original resignation letter to the NED/COO and request that the NED/COO remove the respondent's name from the rolls. The National JA ~~will~~ shall also send a copy of the letter to the National Commandant and Division National Vice Commandant.

- D. The NED/COO ~~will~~ shall remove the respondent's name from the rolls and notify the National JA by e-mail.

The National JA ~~will~~ shall:

Send a letter by **mail with a tracking number and/or email, supported by a digital signature, with a request delivery/read receipt** to the respondent informing him/her that his/her name has been removed from the rolls, with a copy to the petitioner;

Forward the same letter via e-mail to the NED/COO, Division National Vice Commandant, convening authority, jurisdictional judge advocate, and the detachment commandant.

Place the respondent's name on the "Expulsion/Resignation ILH" list.

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RESIGNATION IN LIEU OF HEARING (~~HLH~~)

(Name of Department Commandant)

Commandant Department of (_____) (State)

Address

City, State, Zip Code

RE: Resignation of Marine Corps League Membership

(Name of Department Commandant):

In lieu of appearing before a hearing board to defend myself against disciplinary charges, I hereby resign with prejudice, my membership in the Marine Corps League effective immediately.

DATE: _____ **PRINTED:** _____

SIGNED: _____

(Name of Member Resigning)

DATE: _____ **PRINTED:** _____

SIGNED: _____

(Witness)