



DEPARTMENT OF THE NAVY

CHIEF OF NAVAL EDUCATION AND TRAINING
250 DALLAS ST
PENSACOLA FLORIDA 32508-5220

CH-1 OF 26 OCT 99

CH-2 OF 01 SEP 00

CNETINST 5813.1D

Code 00J

12 JUN 1998

CNET INSTRUCTION 5813.1D

Subj: PARTICIPATION IN COURTS-MARTIAL AND BOARDS OF INQUIRY

Ref: (a) CNETINST 5400.2C
(b) JAGMAN
(c) UCMJ
(d) MCM (1998 Edition)
(e) SECNAVINST 1920.6B

Encl: (1) Guide for Nomination of General Courts-Martial
Members
(2) Court Member Questionnaire

1. Purpose. To ensure that an adequate number of qualified members are available to serve on courts-martial and administrative boards convened by the Chief of Naval Education and Training (CNET). Since this instruction has been revised in its entirety, specific additions, deletions, or revisions have not been marked.

2. Cancellation. CNETINST 5813.1C

3. Discussion. CNET has regional coordination responsibility as described in reference (a), which includes the convening of courts-martial under references (b), (c), and (d). Additionally, Chief of Naval Personnel periodically requests CNET to convene Boards of Inquiry to inquire into the fitness of officers pursuant to reference (e). These functions require a number of officer personnel, including senior officers with command experience, to be readily available for service as members of courts and boards. It is understood that such services may occasionally be inconvenient for the officers concerned and their parent commands; however, such service is indispensable to the fair administration of military justice and is entirely consistent with references (a) through (e). Moreover, such participation can be extremely enhancing to the professional development of the individual officers. Only personnel who are best qualified for duty as members should be nominated. Some factors to be considered in judging the qualifications of potential nominees are maturity, education, training, experience, and judicial temperament.

4. Excusal. Any request for excusal, regardless of reason or anticipated duration, must be timely, should be submitted in writing via the nominee's commanding officer, and must state

"good cause" as contemplated by Rule for Courts-Martial 505 in reference (d). All requests for excusal should be accompanied by the nomination of an equally qualified substitute who will be available for service during the absence of the excused nominee. Requests for excusal or substitution will not be granted except in extraordinary circumstances. In considering timeliness requirements, a commanding officer requesting excusal of a member must be aware that CNET must personally appoint members to a court-martial panel.

5. Action

a. Commanding officers. Commanding officers of the activities listed in enclosure (1) shall submit the required number of nominees by name, grade, staff corps (if applicable), branch of service, and date of rank to the CNET Staff Judge Advocate (Code 00J) quarterly, **on or before the 15th day** of the months of September, December, March, and June. Service shall be for court-martial referred and/or scheduled during the subsequent quarter. Enclosure (2) shall be completed by each member nominated and will be used by CNET in the selection of courts-martial members. These forms shall not be over 6 months old and should be reviewed by the command for completeness prior to submission. In addition, each nominee shall be informed of the nomination and his/her responsibility to be readily available during the applicable quarter.

b. Court-martial members. Selected court-martial members are personally responsible for coordinating leave and travel with the CNET Staff Judge Advocate (Code 00J).

c. Board members. It is not practicable to maintain a rotating quarterly list of board members. In lieu of such a list, board members will be appointed as needed on an ad hoc basis.

6. Forms. CNET 5813/1 may be duplicated locally as needed and shall not be substituted by any other form.

7. Report. Report control symbol 5813-1 has been assigned to the report in paragraph 5a and is approved for 3 years from the date of this instruction.

/S/R. M. SCOTT
Chief of Staff

Distribution (CNETINST 5218.1F):
Lists XIIA, XIIB
SNDL 39C1 (COM TWO ZERO NCR)
39D1 (NMCB-1, NMCB-7, NMCB-133, NMCB-74)

Stocked:

CHIEF OF NAVAL EDUCATION AND TRAINING
CODE 0041
CNET
250 DALLAS ST
PENSACOLA FL 32508-5220

GUIDE FOR NOMINATION OF GENERAL COURTS-MARTIAL MEMBERS

<u>COMMAND</u>	<u>NUMBER/RANK</u>
1. Chief of Naval Education and Training	One 0-5 (or above) One 0-3 (or above)
2. Commanding Officer, Naval Education and Training Professional Development and Technology Center	One 0-4 (or above)
3. Commander, Training Air Wing FIVE (Staff or squadron personnel)	One 0-4 (or above) One 0-1 (or above)
4. Commander, Training Air Wing SIX (Staff or squadron personnel)	One 0-4 (or above) One 0-1 (or above)
5. Commanding Officer, Naval Air Station, Pensacola	One 0-5 (or above) One 0-1 (or above)
6. Commanding Officer, Naval Aviation Schools Command	Two 0-3 (or above)
7. Commanding Officer, Naval Technical Training Center, Corry Station, Pensacola	One 0-1 (or above)
8. Commanding Officer, Naval Air Maintenance Training Group	One 0-1 (or above)
9. Commanding Officer, Naval Air Technical Training Center	One 0-4 (or above) Two 0-1 (or above)
10. All other commands in the Pensacola area having at least 5 officers will nominate one qualified officer.	

NOTES:

When it appears CNET may convene a court-martial or administrative board outside the Pensacola area (such as Meridian, Gulfport, or Memphis), affected commands will be requested to provide member nominations from their area activities.

Enclosure (1)