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From: Commandant of the Marine Corps
To: All General Officers
All Commanding Officers
All Officers in Charge

Subj: ADVERSE INFORMATION AND THE OFFICER PROMOTION PROCESS

Encl: (1) Basic Primer on Adverse Information and the Officer
Promotion Process

1. The Corps has an institutional goal of promoting our "best and fully qualified" officers. Inherent in this standard is the requirement that our officers possess the highest professional, moral, and ethical fiber.

2. Existing Department of Defense standards of review for officers selected for promotion match our own expectations for determining "best and fully qualified" and require a thorough screening of investigative files before an individual's name is forwarded to the President recommending his or her nomination for promotion to the U.S. Senate. In the past, this screening process has disclosed pertinent information that is not included in the officer's official military personnel file (OMPF) and, therefore, not legally available to the selection board. While this material cannot be ignored in the post-board administrative process, there is no question that the board room is the right place for this material to be associated with the officer's overall record and those of his or her peers.

3. The Corps has, for several years, conducted a post-board screening of officers recommended for promotion, to ensure no officer is nominated who has failed to uphold our standards of conduct. In the vast majority of cases, no adverse information is discovered and the officers are cleared for promotion. Where information is identified, three outcomes are possible.

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a. First, the material identified is determined not to be relevant and the nomination proceeds. This results in no delay to the promotion list or the individual.

b. Second, the material is determined to be potentially relevant and is referred to the officer involved for comment while the nomination is withheld pending further review. This results in a delay to the individual while the promotion board report continues up the chain. If subsequently cleared for promotion, the individual officer routinely catches up with the promotion list prior to Senate confirmation, if not sooner.

c. Third, as a result of further review, I recommend that the officer's name be removed from the promotion board report. This results in the unacceptable loss of a promotion slot and means that another well deserving officer is not selected for promotion -- one who might otherwise have been selected had the board had access to all relevant information.

4. Henceforth, this screening will be accomplished before the convening of a promotion board. Substantiated information that may reasonably and materially affect a selection board's deliberations will be referred to the officer for comment. Upon receipt of the officer's comment, the Deputy Chief of Staff for Manpower and Reserve Affairs (DC/S M&RA) will decide whether the adverse material (with the officer's comment) will be placed in the officer's ONDF prior to the convening of a promotion board. It should be clear that screening procedures will not change -- the only difference is one of timing. Screening for adverse material will occur prior to the convening of the board instead of after the board reports out. While this action will not eliminate the requirement for post-board reviews, it will have the very positive result of placing promotion decisions where they belong -- in the hands of the boards precepted to make those critical decisions.

5. DC/S M&RA will implement and provide oversight to this process, which is outlined in more detail in the enclosure.


C. C. KRELAK

BASIC PRIMER ON ADVERSE INFORMATION AND THE OFFICER PROMOTION PROCESS

Ref: (a) MCO 1070.14A, OMPF Contents
(b) 10 U.S.C. 615 (1995)
(c) DoDInst 1320.4, Military Officer Actions Requiring
Approval of the Secretary of Defense or the President,
or Confirmation by the Senate

1. What directives and law apply to adverse information?

Reference (a) establishes the procedures utilized by commanders and HQMC staff agencies to insert adverse information in an OMPF. Reference (b) outlines the type of information that may be provided to selection boards. Reference (c) requires secretaries of military departments to advise the Secretary of Defense of any officer nominated for promotion who has been the subject of a substantiated adverse finding or conclusion from an officially documented investigation or inquiry. This includes administrative, judicial, and nonjudicial punishment proceedings. The Marine Corps has conducted post-board screening of administrative and investigative files for several years. We have long prided ourselves on ensuring that only our best and fully qualified officers are nominated for promotion. Therefore, reference (c) has not changed the way we do business, but has instead mandated a DoD-wide parity.

2. **What is the definition of adverse information?** Although not an all-inclusive definition, alleged adverse information includes any allegation of conflict of interest, failure to adhere to required standards of conduct, abuse of authority, misconduct, information serving as the basis for an incomplete or unresolved official investigation or inquiry into a possible conflict of interest, or failure to adhere to standards of conduct or other misconduct. Adverse information is any substantiated adverse finding or conclusion from an officially documented investigation or inquiry.

3. **What investigative files are reviewed to determine if there is adverse information?** The Judge Advocate Division (JAD) and the Inspector General of the Marine Corps (IGMC) review their administrative and investigative files to determine

if any officer being considered for promotion has alleged adverse information or adverse information of record. For field grade and general officer boards, a computer records check via the Defense Clearance and Investigation Index is conducted. The screening process for general officer boards (both Regular and Reserve) also includes a review of DODIG, Equal Employment Office, and the Equal Opportunity Office files.

4. What are the procedures for the post-board screening process?

The post-board process, which has occurred for both the FY96/97 promotion board cycles, commences when the promotion board adjourns. The selection lists are screened within HQMC, and adverse or alleged adverse material discovered during the screening is collected and thoroughly reviewed by an internal review committee which includes the DC/S M&RA and the Director, Personnel Management Division, as well as JAD and IGMC representatives. Information which is clearly unsubstantiated or otherwise inappropriate is removed from further consideration and a notation of that action is recorded. If the information may impact fitness for promotion, it is provided to CMC for consideration. If the material involves an ongoing investigation, CMC must recommend to the Secretary of the Navy that the officer's name be withheld from nomination pending resolution of the investigation. If the investigation has been completed and the adverse material is substantiated and relevant to promotion, CMC may recommend that the Secretary of the Navy withhold the officer's nomination to allow the officer an opportunity to comment on the adverse material. Once any comment or material the officer desires to submit is received, CMC will carefully consider the complete matter and make a recommendation to the Secretary of the Navy on the officer's suitability for promotion or removal from the board report. In all cases, the Secretary considers only CMC recommendation, the material which the officer has had an opportunity to review and comment on, and any comment or material submitted by the officer.

5. What are the procedures for the pre-board screening process?

Approximately 6 months prior to the convening of each board, DC/S M&RA will provide JAD and IGMC a list of all above and in-zone officers. JAD and IGMC will report the administrative and investigative file screening results to DC/S M&RA. After review, DC/S M&RA, working through the same review committee process outlined above, determines whether the material is

substantiated, relevant, and may reasonably and materially affect the deliberations of a promotion board (and is not already sufficiently reflected in the OMPF). If so, the information will be referred to the officer for comment, via his or her commanding general. DC/S M&RA will review the officer's comment and determine whether the information and any comment or information provided by the officer should be placed in the OMPF. This will be accomplished prior to the convening of the promotion board. Only **substantiated** information is entered into an OMPF. Ongoing proceedings or investigations cannot be referred to the Marine for comment or entered into an OMPF. CMC will continue to review promotion board results to render a decision regarding CMC support of those individuals with adverse material in their OMPF. Notwithstanding the promotion board's recommendation for promotion, CMC may recommend to the Secretary of the Navy to remove an individual name from the board report.

6. When will the pre-board screening process be implemented?

This procedure will commence with the Regular general officer and field grade promotion boards convening October 1996. Similar implementation will begin for Reserve general and field grade officers beginning in October 1997. At this time, we do not envision pre-board screening for company grade and chief warrant internal screen of officers selected to these grades.

7. Will the pre-board screening process replace the requirement for post-board screening? No, the pre-board screening will only ensure completed actions are inserted in the OMPF. Other matters relating to fitness for promotion which were somehow precluded from inclusion in the OMPF, or which were unknown prior to the convening of the board, will still be reviewed following the issuance of a board report.

8. How are officers notified that they are the subject of adverse information? An officer will be advised in writing, via his or her commanding general, that the adverse material has been determined to exist (through either pre- or post-board screening). The officer is provided an opportunity to submit written materials and/or comment for consideration prior to any final decision to enter the information in the OMPF or prior to any recommendation to the Secretary of the Navy regarding the officer's promotion.

It is vital that officers understand that **adverse material will not be considered by a promotion board unless it is substantiated, relevant, and may reasonably and materially affect a promotion board's deliberations and the officer has had the opportunity to comment on the adverse material.** Further, no recommendation that an officer's name be removed from a board report or promotion list on the basis of adverse material can occur until that information has been determined to be substantiated and relevant and the officer has had an opportunity to comment on the material. The only exception to the foregoing rule is that paragraph 5e(3) of reference (a) authorizes the insertion of nonjudicial punishment and judicial determinations into a Marine's OMPF--no prior notice and opportunity to provide comment is necessary.

9. **Once the Secretary of the Navy approves the withholding of an officer's nomination, how long will it be until a decision is made regarding promotion?** The many variables inherent in the process (including DON, DoD, White House, and Senate varies) make resolution predictions impossible. It is important to note that CMC recommends action to the Secretary of the Navy, who makes further recommendations up the chain. The final decision on an officer's promotion rests with the President (or his delegee).

10. **Does the Commandant delay promotion board reports while he decides whether or not he will recommend an officer for promotion?** A minimal delay to permit screening and review of any matters surfaced does occur. That delay is necessary to ensure that when the board report is provided to the Secretary, that CMC's comment and recommendation on each officer is appropriate. CMC's initial recommendation to withhold a name and request comment marks the point where the remainder of the list goes forward. The other officers' names and their proposed nominations enter DON, DoD, and other required processing immediately.

11. **Does the ALNAV announcing the promotion board results contain the names of all officers on the board report?** The ALNAV will not contain the name of any officer in a "withhold" status when the list is approved. If officers are subsequently approved for promotion, their names will be announced separately at a later date, when/if approved.

12. **Is it possible for an officer's name to be removed from the list of officers published in the ALNAV announcing the promotion board results?** Shortly after the ALNAV announcing the promotion board results is published, the list of officers named in the ALNAV is referred to as a "promotion list." If potentially adverse or substantiated and relevant adverse information regarding an officer on a promotion list is reported to HQMC, the promotion of the officer can be delayed. Once any ongoing investigation or proceeding related to potentially adverse information has been completed, the process described in paragraph 8, above, will be followed. However, while only the President has the authority to remove an officer's name from the report of a promotion board, the Secretary of the Navy has authority to remove an officer's name from a promotion list.

13. **Who is the point of contact at HQMC for questions regarding the process?** Questions regarding the status of a particular case should be directed to the Head, Officer Promotions, Promotion Branch (MMPR) at (703) 614-1889 or DSN 224-1889. The process is time-consuming. Quite naturally, there is much interest by all involved on the status of any action. While the Promotion Branch can advise the commander of the location of a specific package (e.g., at CMC, SecNav), CMC's actual recommendation or that of higher authorities will not be revealed until the final decision is made by appropriate authority.