



DEPARTMENT OF THE NAVY
OFFICE OF THE JUDGE ADVOCATE GENERAL
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IN REPLY REFER TO

JAGINST 1301.2C
62
11 JUL 2005

JAG INSTRUCTION 1301.2C

Subj: BILLET ASSIGNMENT RECOMMENDATIONS FOR INACTIVE DUTY NAVAL RESERVE JUDGE ADVOCATES

Ref: (a) 10 U.S.C. 806 (Art. 6, UCMJ)
(b) OPNAVINST 1001.21B
(c) COMNAVRESFORCOM NOTICE 5400
(d) JAGINST 5817.5D
(e) COMNAVRESFORINST 1001.5D

1. Purpose. To define the policy regarding the assignment recommendation of inactive duty Naval Reserve judge advocates to Selected Reserve (SELRES) and Individual Ready Reserve (IRR) billets.

2. Cancellation. JAGINST 1301.2B

3. Background. Reference (a) codifies congressional intent that all judge advocates are assigned in accordance with the recommendations of the Judge Advocate General. The interest of the Judge Advocate General is to comply with the statutory mandate and to ensure that the most competent and professionally qualified inactive duty Naval Reserve judge advocates are assigned to billets which enhance career progression, mobilization readiness and service and support to the Fleet. This assignment policy will maximize the efficiency and readiness of the entire Judge Advocate General's Corps and Total Force as required by reference (b).

4. Policy. It is the policy of the Judge Advocate General that the best-qualified inactive duty Naval Reserve judge advocates are recommended for assignment to billets having command and/or supervisory responsibilities and to the judiciary. Mobilization readiness and retention resulting from professional career progression are maximized through use of assignment recommendations for all Naval Reserve judge advocates. To ensure compliance with this policy statement, the following guidance is provided:

a. The Assistant Deputy Judge Advocate General shall be responsible for the implementation of policy through this delegation of the Judge Advocate General's assignment recommendation authority under reference (a) only for the assignments of inactive duty Naval Reserve judge advocates.

The Assistant Deputy Judge Advocate General may sub-delegate this authority to Readiness Command staff judge advocates only for the purpose of assignment of non-command lieutenant commanders and below and temporary or interim billet assignments for less than one year.

The delegation to be exercised by the Assistant Deputy Judge Advocate General shall extend to billets for Readiness Command staff judge advocates, the First Naval Construction Division Staff Judge Advocate, the Naval Expeditionary Logistics Support Force Staff Judge Advocate, all Law Program unit Commanding Officers, all Naval Reserve Trial and Appellate Judiciary billets, all other unit Commanding Officers whose designator is 2505, and all non-command captain and commander billets for which the required designator is 2505.

b. Recommendation for assignment of inactive duty Naval Reserve judge advocates shall be subject to screening by the Professional Qualifications Screening Board (PQSB). The Assistant Deputy Judge Advocate General will serve as President of the PQSB. The Law Program Manager for Commander, Naval Reserve Force Command (COMNAVRESFORCOM) will serve as a permanent member of the PQSB. The Assistant Deputy Judge Advocate General will name further members to the PQSB who are Active or Reserve Component Naval judge advocates in the grade of 0-6, in numbers as he or she shall determine. If the Assistant Deputy Judge Advocate General names such further members, at least one shall be an Active Component Naval judge advocate. The Assistant Deputy Judge Advocate General may appoint different members to the PQSB for consideration of assignments to Naval Reserve Trial and Appellate Judiciary billets.

c. The PQSB shall be convened at the same time and at the same location as the National Command and Senior Officer (O5/O6) Non-command Screening and Assignment Board convened in accordance with reference (c), except that the PQSB may meet separately and at a different time and location to consider

assignments to the Naval Reserve Trial and Appellate Judiciary if required to make these assignments in a timely manner. The PQSB shall be governed by this instruction and by reference (d) for assignments to the Naval Reserve Trial and Appellate Judiciary. Upon completion of the PQSB, the Assistant Deputy Judge Advocate General will report the results of the PQSB and make recommendations for assignment of inactive duty Naval Reserve judge advocates to COMNAVRESFORCOM. The names of the inactive duty Naval Reserve judge advocates selected for assignment will be released by COMNAVRESFORCOM in accordance with reference (c).

d. In making recommendations for billet assignments, the PQSB and Readiness Command Staff Judge Advocates (in the case of assignment of non-command lieutenant commanders and below and temporary and interim fills) shall consider the following:

(1) Billet specific requirements that may be contained in the Reserve Billet Training Plan, the Reserve Unit Assignment Document and other pertinent instructions.

(2) The requirements and input of the supported command.

(3) The requirements and input of the Readiness Commander (in the case of Readiness Command staff judge advocates and Law Program unit Commanding Officers), of Commander, First Naval Construction Division (in the case of the First Naval Construction Division Staff Judge Advocate), and Commander, Naval Expeditionary Logistics Support Force (in the case of the Naval Expeditionary Logistics Support Force staff judge advocate).

(4) The application materials forwarded by the applicant.

(5) The career pattern and path of the applicant.

(6) The overall needs of the Judge Advocate General's Corps and the Total Force.

e. In addition to the foregoing requirements, the PQSB reviewing applications for assignment recommendations of Readiness Command staff judge advocates, the First Naval Construction Division staff judge advocate, the Naval

Expeditionary Logistics Support Force staff judge advocate, Naval Reserve Trial Judiciary Activity, Law Program Commanding Officers, all other unit Commanding Officers whose designator is 2505, and all non-command captain and commander billets for which the required designator is 2505, will consider the following:

(1) Readiness Command staff judge advocates, the First Naval Construction Division Staff Judge Advocate and the Naval Expeditionary Logistics Support Force Staff Judge Advocate. Judge advocates serving in these supervisory billets are the primary legal advisors to their Commanders and subordinate commands and serve as the technical and professional supervisors for judge advocates and legalmen under their cognizance. The judge advocates recommended for assignment to these positions must exhibit dedication, self-motivation, professional competence in military justice and civil law, a high degree of technical legal training and program management knowledge and understanding. Prior service as a unit Commanding Officer or senior leadership position shall be considered by the PQSB.

(2) Naval Reserve Trial Judiciary Activity. Judge advocates recommended for assignment as military judges or judges of the Navy-Marine Corps Court of Criminal Appeals must exhibit qualities of judicial temperament, objectivity, and knowledge of courtroom demeanor, procedure and rules of evidence.

(3) Commanding Officers. Judge advocates recommended for assignment as Commanding Officers of Law Program units and other units requiring 2505 designators must exhibit command potential, leadership, and the ability to supervise and train subordinate judge advocates and legalmen to perform the duties to which they are assigned. Prior service as an Executive Officer, Administration Officer or Training Officer is indicative of such understanding.

(4) Non-Command Captains and Commanders. Judge advocates recommended for assignment to non-command captain and commander billets must exhibit a strong ability to work independently and provide meaningful and timely advice to their line Commanders and Commanding Officers. Prior service as a

unit Commanding Officer with understanding of military justice and civil law indicates the applicant has such experience.

f. Additional Considerations:

(1) While rotation from SELRES to IRR is desirable in the career progression of an inactive duty Naval Reserve judge advocate, the rule of best qualified will apply and rotation from SELRES to IRR will not be automatic.

(2) Inactive duty Naval Reserve judge advocates shall not be assigned to any billet other than one with a required 2505 designator without the prior written approval of the Assistant Deputy Judge Advocate General.

(3) All SELRES inactive duty Naval Reserve judge advocate billets in the Naval Reserve Force will be advertised nationally by COMNAVRESFORCOM and the best qualified judge advocate applicant will be recommended for assignment without regard to geographical location of either the applicant or the vacancy.

(4) Billet rotation shall be in accordance with references (c) and (e), except that in the case of the Naval Reserve Trial and Appellate Judiciary billets the rotation shall be four years. Readiness Command staff judge advocate billet rotation shall be two years.

(5) Naval Reserve Trial and Appellate Judiciary billets will be filled only after the active duty Judicial PQSB has made its recommendation to the Judge Advocate General and the Judge Advocate General has approved those recommendations as required by reference (e).

5. Procedures. The procedures for submitting applications for billet assignment recommendations are:

a. Inactive duty Naval Reserve judge advocates applying for assignment recommendation for Readiness Command staff judge advocates, First Naval Construction Division staff judge advocate, Naval Expeditionary Logistics Support Force staff judge advocate, Law Program unit Commanding Officer, other unit Commanding Officer requiring a 2505 designator, or any non-

command captain or commander billet, shall comply fully with the annual Screening and Assignment (APPLY) Board program requirements of reference (c).

b. Inactive duty Naval Reserve judge advocates applying for assignment to the Naval Reserve Trial Judiciary Activity shall comply with application procedures established by the COMNAVRESFORCOM Law Program Manager and approved by the Assistant Deputy Judge Advocate General.

c. Inactive duty Naval Reserve judge advocates requesting billet assignments other than Readiness Command staff judge advocates, First Naval Construction Division staff judge advocate, Naval Expeditionary Logistics Support Force staff judge advocate, Law Program unit Commanding Officer, Commanding Officer of any unit requiring a 2505 designator, or non-command captain or commander billets or applying for assignment to an interim billet assignment other than a Readiness Command staff judge advocate billet, Commanding Officer billet, First Naval Construction Division staff judge advocate billet or Naval Expeditionary Logistics Support Force staff judge advocate billet, shall submit their assignment requests in accordance with the then-applicable COMNAVRESFORCOM instruction. Additionally, a copy of their assignment request as described above will be forwarded directly to the Readiness Command staff judge advocate for the region in which the billet is located no later than the deadline established by COMNAVRESFORCOM instruction for the fiscal year for which the assignment is sought.

d. In the case of interim billet assignments, the assignment request should be submitted within such time as is required by local directives or notices. The Readiness Command staff judge advocate shall screen such assignment requests as have been received and shall provide the Readiness Commander with the recommendations for billet assignments, including those in Law Voluntary Training Units, within the time frame established by Readiness Command instructions, except in the case of interim billet assignments where the recommendations should be made as soon as practicable. The Readiness Command staff judge advocate shall report those recommendations to the Law Program Manager at the same time such recommendations are made to the Readiness Command. Assignment requests for interim Commanding Officer, non-command captain and commander, Readiness Command staff judge advocates, First Naval Construction Division

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staff judge advocate, or Naval Expeditionary Logistics Support Force staff judge advocate billets shall be submitted to the Assistant Deputy Judge Advocate General, who shall provide the billet assignment recommendation to COMNAVRESFORCOM, the applicable Readiness Command Commander, Commander, First Naval Construction Division or Commander, Naval Expeditionary Logistics Support Force as appropriate.

e. This instruction does not replace or supersede those instructions and regulations within the Naval Reserve Force or the Naval Reserve Forces Command regarding applications for assignment to SELRES billets. This instruction pertains only to the background, process and application procedures by which the Judge Advocate General may comply with his statutory responsibilities. Reference (c) continues to apply to all inactive duty Naval Reserve Judge Advocates who desire to apply for assignment to billets for which COMNAVRESFORCOM has established compliance with other directives for billet assignment. Compliance with this instruction does not establish compliance with other directives for billet assignment. All judge advocates applying for billet assignment must comply with other COMNAVRESFORCOM instructions as appropriate, regarding applications.

6. Effective Date: This instruction is effective immediately. This instruction does not extend the normal rotation dates of current billet assignments and is applicable to the billet assignment recommendation process for fiscal year 2005 and thereafter.



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