



DEPARTMENT OF THE NAVY
OFFICE OF THE JUDGE ADVOCATE GENERAL
1322 PATTERSON AVENUE SE SUITE 3000
WASHINGTON NAVY YARD DC 20374-5066

IN REPLY REFER TO

JAG/COMNAVLEGSVCCOMINST 5350.1D
Code 06
28 June 2004

JAG/COMNAVLEGSVCCOM INSTRUCTION 5350.1D

Subj: URINALYSIS TESTING PROGRAM

Ref: (a) SECNAVINST 5300.28B
(b) OPNAVINST 5350.4B

Encl: (1) Duties of Unit Urinalysis Coordinator
(2) Duties of Assistant Unit Urinalysis Coordinator(s)
(3) Procedures

1. Purpose. The purpose of this instruction is to prescribe policies, procedures and responsibilities for implementing the urinalysis testing program within the Office of the Judge Advocate General (OJAG) and Naval Legal Service Command (NLSC) headquarters.
2. Cancellation. JAGSTAFFINST/COMNAVLEGSVCCOMINST 5350.1C.
3. Background. Drug abuse undermines combat readiness, health, safety, discipline, and loyalty. It is incompatible with the maintenance of high standards of performance, military discipline, and readiness; and is destructive of Navy efforts to instill pride, promote professionalism, and enhance personal excellence.
4. Policy
 - a. Urinalysis testing will be conducted within OJAG/NLSC for the primary purpose of ensuring the health and fitness of military personnel subject to the program, and their readiness to achieve the mission of the units to which they are assigned.
 - b. The program established by this instruction will adhere to the policies promulgated in reference (a), and will follow the provisions of reference (b) and enclosures (1) through (3).

5. Applicability

a. The provisions of this instruction apply to all military personnel within Navy JAG activities in the Washington, DC area, including personnel assigned for permanent duty, temporary additional duty, temporary duty, or active duty for training. Specifically included are all naval officers and enlisted personnel assigned to:

(1) The Office of the Judge Advocate General;

(2) Naval Legal Service Command headquarters;

(3) Naval Civil Law Support Activity;

(4) The Navy-Marine Corps Appellate Review Activity, including all judges and commissioners assigned to the Navy-Marine Corps Court of Criminal Appeals and;

(5) Members of the Navy-Marine Corps Trial Judiciary, located at the Washington Navy yard.

b. Excluded from this program are all personnel subject to and participating in another urinalysis program. Specifically excluded are all Marine Corps personnel participating in the program administered by Headquarters Battalion, U.S. Marine Corps. Individuals or OJAG/NLSC Codes, other than Marines, who claim exemption from this program by reason of participation in another program will apply to the Assistant Judge Advocate General (AJAG) (Operations and Management), who will determine whether to grant the exemption. The burden of establishing active participation in another program is on the person, division director or activity head claiming exemption.

6. Action

a. All personnel governed by this instruction shall participate in one of the following two urinalysis programs. Personnel assigned to activities physically located in the Pentagon, Presidential Towers, or Crystal City locations will participate in the urinalysis program administered by the Chief of Naval Operations Security Branch (OPNAV Security), located at the Pentagon. Personnel assigned to Codes physically located at the Washington Navy Yard will participate in the urinalysis program administered by Naval District Washington, located at Building 2, Naval Station Anacostia. Arranging for transportation to and from the urinalysis collection site is the

responsibility of the individual selected to provide a sample. Personnel who encounter problems with transportation to and from the urinalysis collection sites shall notify their chain of command.

b. The AJAG (Operations and Management) will direct the commencement of inspections under this instruction.

7. Responsibility

a. The AJAG (Operations and Management) has overall responsibility for administration and management of the OJAG/NLSC urinalysis testing program.

b. AJAGs, division directors, and Chief Judges will ensure participation in this program on the part of all military personnel under their supervision.

c. The Unit Urinalysis Coordinator and Assistant Unit Urinalysis Coordinator(s) are responsible for coordination of this program with the urinalysis programs conducted by OPNAV Security and Naval District Washington.


J. E. McPHERSON


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Distribution:

- DJAG
- AJAGs
- Chief Judge, NMCCA
- Chief Judge, NAVMARTRIJUDIC
- Division Directors
- Urinalysis Coordinator, OPNAV (N09B31)
- Urinalysis Coordinator, NDW

DUTIES OF UNIT URINALYSIS COORDINATOR

The Unit Urinalysis Coordinator is appointed by the AJAG (Operations and Management) and acts as Executive Agent for management of the OJAG/NLSC Urinalysis Program. The Unit Urinalysis Coordinator shall:

1. Maintain familiarity with the provisions and requirements of references (a) and (b).
2. Appoint in writing only those officers or chief petty officers as are necessary to act as Assistant Unit Urinalysis Coordinators. These individuals will assist in administering within OJAG/NLSC, the urinalysis programs conducted by OPNAV Security and Naval District Washington.
3. Act as liaison between the OPNAV Security Urinalysis Coordinator, Naval District Washington Urinalysis Coordinator, and OJAG/NLSC personnel selected for urinalysis inspection under those urinalysis inspection programs.
4. Notify all personnel selected to provide a urine sample.
5. Maintain and provide up-to-date rosters of all OJAG/NLSC personnel falling under the OPNAV Security urinalysis program per this instruction to the OPNAV Security Urinalysis Coordinator for use in the administration of that urinalysis program.
6. Maintain and provide up-to-date rosters of all OJAG/NLSC personnel falling under the Naval District Washington urinalysis program per this instruction to the Naval District Washington Urinalysis Coordinator for use in the administration of that urinalysis program.
7. Assign personnel as required to act as observers during the collection process.
8. Supervise the Assistant Unit Urinalysis Coordinators in the performance of their duties under this instruction.

DUTIES OF ASSISTANT UNIT URINALYSIS COORDINATOR(S)

The Assistant Unit Urinalysis Coordinator(s) shall:

1. Review and become familiar with the provisions of references (a) and (b).
2. Assist the Unit Urinalysis Coordinator as required.
3. Provide administrative assistance as required by OPNAV Security and Naval District Washington in administering this urinalysis program.

PROCEDURES1. Reporting for Inspection

a. Upon notification from the Urinalysis Coordinator, OPNAV Security (Pentagon, Crystal City personnel) or Naval District Washington (Washington Navy Yard personnel), the OJAG/NLSC Unit Urinalysis Coordinator will advise the appropriate AJAG, division director, or Chief Judge of the time and place for inspection, and of the persons to be inspected. AJAGs, division directors, and Chief Judges will ensure their personnel report at the time and place prescribed.

b. If the JAG, DJAG, AJAG (01, 02, or 06), or a Chief Judge is to be inspected, the Unit Urinalysis Coordinator will inform that officer personally if reasonably possible.

c. Anyone on approved leave, liberty, or TAD on the date of a scheduled urinalysis inspection is excused from participation in that inspection.

2. Authority to Excuse Individuals From Inspection. It is recognized that unavoidable circumstances may preclude an individual's participation in a given inspection. Individuals may be excused from inspection as follows:

a. Personnel may be excused from participation in a given inspection by their cognizant AJAG or Chief Judge as appropriate. Personnel will be excused from inspection only for good cause. Maximum participation is expected by those personnel randomly selected for inspection. Good cause will normally only include situations where the presence of an individual selected for inspection is required elsewhere for the performance of official duties for the duration of the testing period, and where the time/place of those duties is beyond the power of the officer or excusing official to control. Examples of good cause may include court appearances, briefings with senior officials, or inter-agency meetings. The excusing official will advise the Unit Urinalysis Coordinator in writing within 24 hours when and why randomly-selected personnel assigned to their division or unit were excused from or could not participate in a given inspection.

b. The AJAG (Operations and Management (06)) may excuse the AJAGs (01,02) or Chief Judges from participation in urinalysis testing upon a showing of good cause. The JAG or DJAG may

excuse the AJAG (Operations and Management) from participating in urinalysis testing for good cause, as set forth above.

3. Excursion of Unit Urinalysis Coordinator, Assistant Unit Urinalysis Coordinator(s) and Observers.

a. No one providing a urine sample for a given inspection will serve as an observer for that inspection.

b. Neither the Unit Urinalysis Coordinator nor the Assistant Unit Urinalysis Coordinator(s) will provide samples during an inspection in which they provide administrative assistance.

4. Inability to Provide Sample. If a member is unable to provide a sample or submits less than the required 60 milliliters, the member will remain at the collection site until such time as he/she can provide a sample. If a member is unable to provide a sample during the prescribed collection period the Unit Urinalysis Coordinator or AJAG (Operations and Management), as appropriate, will be notified and will take appropriate action in accordance with reference (b), pertaining to the individual.