



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/CNLSCINST 5350.1E
Code 06

JUN 14 1997

JAG/COMNAVLEGSVCCOM INSTRUCTION 5350.1E

Subj: URINALYSIS TESTING PROGRAM

Ref: (a) SECNAVINST 5300.28E
(b) OPNAVINST 5350.4D

1. Purpose. This instruction prescribes 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. JAG/COMNAVLEGSVCCOMINST 5350.1D

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 destroys 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).

5. Applicability

a. This instruction applies to all military personnel within Navy Judge Advocate General's Corps 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) Office of the Judge Advocate General;
- (2) Naval Legal Service Command headquarters;
- (3) Naval Civil Law Support Activity;
- (4) Navy-Marine Corps Appellate Review Activity, including all judges and commissioners assigned to the Navy-Marine Corps Court of Criminal Appeals;
- (5) Navy-Marine Corps Trial Judiciary, located at Washington Navy Yard;
- (6) Region Legal Service Office Naval District Washington, located at Washington Navy Yard; and
- (7) Naval Legal Service Office North Central (Defense Service Office North, effective 1 October 2012), located at Washington Navy Yard.

b. Excluded from this program are all personnel subject to and participating in other urinalysis programs. 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. All personnel governed by this instruction shall participate in one of the following two urinalysis programs. Personnel assigned to activities located in the Pentagon will participate in the urinalysis program administered by the Chief of Naval Operations Security Branch (OPNAV Security), located at the Pentagon. Personnel assigned to OJAG Codes located at the Washington Navy Yard will participate in the urinalysis program administered by OJAG in Building 33, Washington Navy Yard.

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 by all military personnel under their supervision.

c. The Unit Urinalysis Coordinator is appointed by 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) Request AJAG (Operation and Management) appoint an Assistant Unit Urinalysis Coordinator in writing. This individual will assist in administering the program.

(3) Act as a liaison between the OPNAV Security Urinalysis Coordinator and OJAG/NLSC personnel selected for urinalysis inspection under those urinalysis inspection programs. OPNAV Security Urinalysis Coordinator sends the OJAG Urinalysis Coordinator the list of OJAG/NLSC personnel selected for urinalysis inspection who are assigned to the Pentagon. The OJAG Urinalysis Coordinator will forward this list to the OJAG Front Office for dissemination at the Pentagon.

(4) Notify all personnel participating in the Washington Navy Yard Program who are 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 to the OPNAV Security Urinalysis Coordinator for use in the administration of the urinalysis program.

(6) Assign personnel as required to act as observers during the collection process. Coordinate with AJAG (Operations and Management) if assistance is required.

(7) Supervise the Assistant Unit Urinalysis Coordinator in the performance of duties under this instruction.

d. The Assistant Unit Urinalysis Coordinator shall:

(1) Review and become familiar with the provisions of references (a) and (b).

(2) Assist the Unit Urinalysis Coordinator as required.

8. Procedures

a. Reporting for Inspection

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

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

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

b. Authority to Excuse Individuals From Inspection.

Unavoidable circumstances may preclude an individual's participation in a given inspection. Individuals may be excused from inspection as follows:

(1) 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 why randomly selected personnel assigned to their division or unit were excused from or could not participate in a given inspection.

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

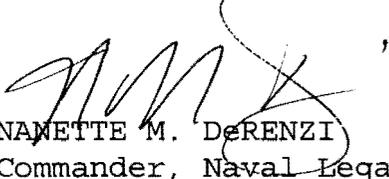
(Operations and Management) from participating in urinalysis testing for good cause.

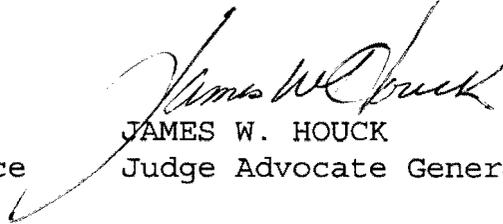
c. Exclusion of Unit Urinalysis Coordinator, Assistant Unit Urinalysis Coordinator and Observers

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

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

d. 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).


NANETTE M. DERENZI
Commander, Naval Legal Service
Command


JAMES W. HOUCK
Judge Advocate General

Distribution:

Electronic only, via Office of the Judge Advocate General Website, <http://jag.navy.mil> and Navy Knowledge On-line, <https://wwa.nko.navy.mil>.