JAGINST 1412.1B

Subj: COMMAND QUALIFICATION PROGRAM

Ref: (a) OPNAVINST 1412.14
     (b) U.S. Navy Regulations, 1990
     (c) MILPERSMAN 1301-800
     (d) Uniform Code of Military Justice
     (e) SECNAV M-5210.2
     (f) OPNAVINST 5215.17A

Encl (1) Sample Command Screening Oral Board Report

1. Purpose. To establish the procedures and minimum standards for qualifying and screening officers for command, as required by reference (a). This instruction applies to officers eligible to be screened for command in the active component of the Judge Advocate General’s Corps (JAGC).

2. Cancellation. JAGINST 1412.1A.

3. Policy. Unless otherwise specified in this instruction, no JAGC officer will be assigned to a commanding officer (CO) position unless that officer is screened favorably by an administrative board convened by Commander, Navy Personnel Command (CNPC). The JAGC has commands, within the meaning of references (b) through (d), in Naval Legal Service Command (NLSC) and the Naval Civil Law Support Activity in the Office of the Judge Advocate General (OJAG) Headquarters. Developing the lawyers, legalmen, and civilian employees capable of supporting the Navy’s mission whenever and wherever needed requires assigning the very best officers to lead those commands. A CO must be a person of unfailing integrity, with exceptional judgment, who has performed superbly in positions of responsibility and leadership throughout the JAGC and the Navy. To ensure every CO is qualified to meet these high standards, all officers will be evaluated in accordance with this instruction prior to being assigned to command.

4. Eligibility

   a. To be eligible for command screening, JAGC officers must meet the following criteria and professional qualification standards:

      (1) Be serving in the grade of captain/O6 or selected for promotion to captain/O6 as indicated by one’s name appearing on the captain promotion list;
(2) Meet body composition assessment and physical fitness assessment standards;

(3) Be able to complete a full 2-year tour before reaching 62 years of age, the statutory age for mandatory retirement;

(4) Be an attorney “in good standing” with the licensing authority that admitted the individual to the practice of law before the highest court of a State, Territory, Commonwealth, or the District of Columbia;

(5) Be certified by the Judge Advocate General of the Navy (JAG) in accordance with Article 27(b) of reference (d); and

(6) Be recommended for command by an oral board convened under paragraph (5) of this instruction.

b. JAGC officers with approved resignations or retirements are not eligible for command screening.

c. Any officer who is screened for command will remain on the command screen roster unless:

(1) The officer is removed from the roster by a subsequent command screen board (CSB);

(2) The officer no longer satisfies the eligibility criteria set forth herein at paragraphs 4a(2) – 4a(5); or

(3) The officer receives an adverse fitness report or demonstrates a significant decline in performance, or the officer’s record contains material that casts doubt upon their qualifications to serve as a CO.

d. Officers removed from the command screen roster for any of the reasons identified in paragraph 4c will require a full rescreen by a CSB, including a positive recommendation from a new command screen oral board, to be eligible for assignment to a CO position.

e. Captains serving in command or who have served in the rank of captain as COs are eligible for subsequent command tours without applying for additional command screening, provided they continue to satisfy the eligibility criteria set forth herein at paragraphs 4a(2) – 4a(5) and 4c.

f. Those officers not detailed to a command billet but who are serving, or have served, as acting or interim Cos, must be screened in accordance with this instruction to be eligible for permanent assignment to a command billet.

g. The provisions set forth in paragraph 4c apply to all JAGC officers who screened for command but are not currently in command as of the effective date of this instruction.
5. **Oral Board**

   a. In accordance with reference (a), an oral board is required prior to being considered by the CSB. The oral board is a one-time requirement. An officer who is not recommended by an oral board for command screening may request another oral board in a subsequent year.

   b. Membership. Oral boards will be composed of at least three JAGC captains or above senior to the officer being considered and who are currently serving in command, or who have completed a command assignment under orders from the Chief of Naval Personnel (CNP) in a billet designated with the Navy Officer Billet Code for command [9421 (CDR/CO SHR ACT)]. Officers whose only command experience is that they are serving, or have previously been assigned, as interim or acting COs are not eligible to serve as board members. Any Assistant Judge Advocate General (AJAG) and the Chief of Staff (COS) of Region Legal Service Offices (RLSO) and the COS of Defense Service Offices (DSO) hold unique positions in OJAG and NLSC, overseeing, mentoring, and evaluating division directors and NLSC COs. Any AJAG, COS RLSO, and COS DSO will be considered senior to a captain who does not hold one of these positions, regardless of lineal seniority.

   c. Scheduling. The JAG will notify eligible officers of the timing, location and procedure for requesting an oral board. If geographical and/or fiscal constraints require, boards may be held via alternate means such as video teleconference or telephone conference.

   d. Board Content. The senior member will guide the questions of the board and should focus on questions designed to evaluate the candidate’s maturity, character, temperament, judgment, motivation for command, and familiarity with JAGC and NLSC programs and policies. The board should not dwell on the technical aspects of the practice of law. The findings of the board will be determined by majority vote. Specific guidance will be provided in an Oral Board Precept.

   e. Report. Within 15 days of completing its deliberations, the oral board will report its findings to PERS-4416 in writing using the format contained in enclosure (1). The Oral Board Precept may direct additional reporting requirements. Officers not recommended by the oral board will not be considered by the CSB.

   f. Mentoring for Non-Selects and Selects. The senior member will provide, or authorize another command screen oral board member to provide, constructive feedback in a mentoring role to those officers not selected for command screen who desire such mentoring. The senior member may also provide, or authorize another command screen oral board member to provide, constructive feedback in a mentoring role to those officers selected for command screen. The mentoring will be provided without disclosing the deliberative process of the command screen oral board.

6. **CSB Process**

   a. In accordance with reference (a), a JAGC CSB will be convened annually to recommend officers for command.
b. Eligible officers, and any officers requesting rescreening, will be notified of the date of the CSB. Officers should review their official records prior to the CSB and correct any errors.

c. The CSB will be governed by the annual Administrative Selection Board precept approved by CNPC and the convening order drafted and endorsed by the JAG and approved by CNPC.

d. Membership. CSBs will be composed of at least five members. The president will be a flag officer. The remaining members will be captains senior to the officers being initially considered for command screening, and who are currently serving in command, or who have completed a command assignment under orders from the CNP in a billet designated with the Navy Officer Billet Code for command [9421 (CDR/CO SHR ACT)]. Officers whose only command experience is that they are serving, or have previously been assigned, as interim or acting COs are not eligible to serve as board members. AJAGs, COS RLSo, and COS DSO will be considered senior to any captain who does not hold one of these positions, regardless of lineal seniority. No officer may be a member of two successive CSBs.

e. Selection Standard. The CSB will select all fully qualified officers for command in accordance with the precept and convening order approved by CNPC.

f. Material Considered. The Board will have available for review each eligible officer’s Official Military Personnel File, any board correspondence submitted by the eligible officer, and any information provided by an oral board in accordance with the Oral Board Precept.

g. Board Results. Upon completion of its deliberations, the CSB will report the board’s results to CNPC, who will release the results.

(1) Selection. A five-character alphanumeric code designating an officer as command screened will be recorded on the selected member’s Officer Data Card, and the officer will be eligible to be detailed to command billets as part of the JAGC officer slating process. No entitlements are created as a result of command screening; officers will be slated/detailed to command based on the needs of the Navy and recommendation of the JAG, as community sponsor, in accordance with Article 6 of reference (d). Officers will remain eligible for command and subject to annual rescreening by the CSB until detailed to command or removed from the eligibility list pursuant to paragraph 4c.

(2) Non-Selection. Officers not favorably screened for command must undergo rescreening but are not required to complete a new oral board.

(3) Bank rescreens. To ensure that standards of performance are maintained, the CSB will, under guidance provided in the Convening Order, also review for continued eligibility all officers previously screened who have not yet reported as CO by the board convening date, including captains eligible for subsequent command tours. Officers favorably rescreened will remain on the eligibility list for command assignments unless removed pursuant to paragraph 4c. In accordance with paragraph 4c(3), those officers who receive an adverse fitness report or who, in the opinion of the majority of the board members, demonstrate a significant decline in
performance or whose records contain material that casts doubt upon their qualifications to serve as a CO will be reported to CNPC and recommended for removal from the eligibility list. If eligible under paragraphs 4a(2)–4a(5), officers who fail bank rescreening may apply again for command screening, to include a new oral board.

h. To meet operational requirements, the JAG may recommend, on a case-by-case basis, administrative screening of an individual officer to the CNP.

i. Non-Select Mentoring. Officers not selected at the CSB may seek mentorship and a record review from PERS-4416 (JAG Corps Detailing), Navy Personnel Command and/or other senior judge advocates, to include those who have served in command within NLSC. However, to avoid the potential disclosure of CSB proceedings, deliberations, or recommendations, officers assigned as CSB members, recorders or administrative support personnel may not provide non-select mentoring to those officers not selected by the CSB, unless expressly authorized by the JAG and CNPC to do so.

7. Needs of the Navy. The CNP assigns judge advocates upon the recommendation of the JAG, as community sponsor, and in accordance with Article 6 of reference (d). Nothing in this instruction creates a right or obligation to detail an officer selected by a CSB to a command billet. Assignment opportunity will be based upon the needs of the Navy and the recommendation of the JAG.

8. Responsibilities

a. JAG. The JAG, in coordination with PERS-4416, will:

   (1) Develop a formal list of community command billets, for which officers should be screened, and forward to CNP for approval;

   (2) Sponsor annually, or as required, formal administrative JAGC CSBs; and

   (3) Establish policies and deadlines for administration of the oral boards and CSBs.

b. CNPC. Per reference (a), CNPC will:

   (1) Provide board support;

   (2) Provide precept support;

   (3) Approve board precepts and board reports; and

   (4) Annotate officer records with command screening codes.

c. Deputy Assistant Judge Advocate General for Military Personnel (OJAG Code 61). OJAG Code 61, in coordination with OJAG Code 13 (Administrative Law), will prepare the
CSB Convening Order. All convening orders will be endorsed by the JAG and approved by CNPC.

9. Records Management. Records created as a result of this instruction, regardless of format or media, must be maintained and dispositioned per the records disposition schedules located on the Department of the Navy Directorate for Administration, Logistics, and Operations, Directives and Records Management Division portal page at https://portal.secnav.navy.mil/orgs/DUSNM/DONAA/DRM/Records-and-Information-Management/Approved%20Record%20Schedules/Forms/AllItems.aspx.

10. Review and Effective Date. OJAG Code 61 will review this instruction annually around the anniversary of its issuance date to ensure applicability, currency, and consistency with Federal, Department of Defense, Secretary of the Navy, and Navy policy and statutory authority using OPNAV 5215/40 Review of Instruction. This instruction will be in effect for 10 years, unless revised or cancelled in the interim, and will be reissued by the 10-year anniversary date if it is still required, unless it meets one of the exceptions in reference (f), paragraph 9. Otherwise, if the instruction is no longer required, it will be processed for cancellation as soon as the need for cancellation is known following the guidance in OPNAV Manual 5215.1 of May 2016.

John G. Hannink
JOHN G. HANNINK

Releasability and Distribution:
This instruction is cleared for public release and is available electronically only, via Navy Judge Advocate General’s Corps public website, http://www.jag.navy.mil.
SAMPLE COMMAND SCREEN ORAL BOARD REPORT

From: Oral Board Senior Member
To: Head, JAG Corps Officer Distribution Branch (PERS-4416)

Subj: COMMAND SCREEN ORAL BOARD REPORT ICO (Nominee)

Ref: (a) JAGINST 1412.1

1. Pursuant to reference (a), I acted as the senior member of a JAG Corps Command Screen Oral Board on DD MMM YY to determine (nominee)’s fitness for command. The board members were _________ and _________. I certify that all members are captains with designator 2500, are in command or have completed a command assignment, and are senior to the nominee.

2. The board found (nominee) (qualified) (not qualified) in accordance with reference (a) for consideration by the JAG Corps Command Screen Board.

Very respectfully,

//s//
Senior Board Member

Copy to:
Nominee

Enclosure (1)