



UNITED STATES MARINE CORPS  
U.S. MARINE CORPS AIR STATION  
YUMA, ARIZONA 85369-5001

and  
U. S. Army Proving Ground  
Yuma, Arizona 85365-9124  
and  
Marine Aircraft Group 13  
3D Marine Aircraft Wing, FMFPac  
Yuma, Arizona 85369-6070

StaO 1620.1  
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17 Jun 93

STATION ORDER 1620.1

From: Commanding Officer, Marine Corps Air Station, Yuma  
Commanding Officer, U. S. Army Proving Ground, Yuma  
Commanding Officer, Marine Aircraft Group 13, 3d Marine  
Aircraft Wing, FMFPac, Yuma

To: Distribution List

Subj: MARINE CORPS AIR STATION YUMA OFF-LIMITS BOARD

Ref: (a) MCO 1620.2B

Encl: (1) Procedural Guide

1. Purpose. To establish an Off-Limits Board (Armed Forces Disciplinary Control Board) for MCAS Yuma and U. S. Army Proving Ground per the provisions of the reference.

2. Information

a. All military personnel are cautioned that failure to obey an off-limits order constitutes an offense under the Uniform Code of Military Justice (UCMJ).

b. The board provides a forum for all commanders aboard the Air Station and U. S. Army Proving Ground who seek to have an area or specific location within Yuma County, La Paz County, Winterhaven, California, Mexico or nearby areas placed off-limits to military personnel.

c. The board will investigate all requests for off-limits action and make specific recommendations to the Commanding Officer, Marine Corps Air Station, Yuma.

d. If a location is placed off-limits, it is off-limits to all active duty military personnel, regardless of their command.

e. The board will consist of the following voting members:

(1) Station Chaplain;

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(2) Preventive Medicine Department Head from the Station Clinic;

(3) Executive Officer, Marine Aircraft Group 13, or his officer designee;

(4) Executive Officer, Marine Corps Air Station, Yuma;

(5) Executive Officer, Marine Aviation Weapons and Tactics Squadron 1 or his officer designee;

(6) Station Sergeant Major;

(7) MAG-13 Sergeant Major;

(8) MAWTS-1 Sergeant Major;

(9) Command Judge Advocate U. S. Army Yuma Proving Ground;

(10) Joint Public Affairs Officer (JPAO) or his designee;

(11) MCAS Yuma Provost Marshal or his officer designee;

(12) Station Inspector;

g. The Director of the Law Center will be the Board's Recorder.

h. An investigator provided by the MCAS Yuma Criminal Investigation Division will act as the Board Investigator.

i. The Board may recommend to the Commanding Officer, MCAS Yuma that off-base establishments and areas in Yuma and La Paz Counties, Winterhaven, California, Mexico and nearby areas be placed off-limits to military personnel for the following reasons:

(1) The presence of criminal activity, including, but not limited to, prostitution, pornography, illegal gambling, liquor law violations, narcotics, dangerous or illegal drugs, drug abuse paraphernalia, or a pattern of crimes against persons.

(2) Racial or other discriminatory practices.

(3) Disorders or conditions fostering a breakdown or decline in discipline.

(4) Alcohol Abuse.

(5) Any unsanitary or unhealthy condition which might adversely affect the readiness, health or welfare of military personnel, including, but not limited to, any sexually transmitted disease to include AIDS.

(6) Unsafe conditions.

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(7) Illegal, unethical or unfair commercial practices.

(8) Other undesirable conditions that may adversely affect military personnel or their families.

### 3. Action

a. The Executive Officer, Marine Corps Air Station Yuma will serve as the Board President during the first and third quarters of each calendar year and the Executive Officer, MAG-13 will serve as the Board President during the second and fourth quarters.

b. Before each Board meeting, the President will excuse nonvoting members whose presence is not required because of the nature of the case.

c. The Board President shall call, schedule, set the agenda for and preside over all Board meetings. The President shall sign all Board correspondence and authenticate Board minutes.

d. The JPAO will handle all news media interviews and releases and will coordinate the invitation and participation of news media observers as directed by the President.

e. All Board members shall attend all Board meetings unless previously excused by the President.

f. As directed by the President, the Recorder will oversee the investigation into all allegations of undesirable conditions which might warrant restrictive or other action. The Recorder will present the results of such investigations to the President and the Board under the procedures set forth below. The Recorder will prepare minutes of Board proceedings and Board correspondence and will maintain liaison with other Armed Forces Disciplinary Control Boards. The Recorder shall supervise the Board Investigator in the performance of his duties.

g. The Board Investigator will interview witnesses and gather other information concerning off-base conditions which might warrant restrictive or other actions and will maintain contact with state and local law enforcement agencies.

h. Commanders will forward complaints of individuals, over which the Board may have jurisdiction, to the President of the Board. The Board will meet as the President directs to consider complaints. Board meetings will normally be publicly announced by JPAO. A majority of voting members shall constitute a quorum. Business cannot be conducted unless the quorum rule is satisfied. The Board proceedings are open to the public, if circumstances warrant, and the President has not directed that the proceedings be closed. Board actions and/or recommendations shall be based on a majority vote of members present. All deliberations and voting shall be done in closed session. Only voting Board members may be present during deliberation

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and voting. The President shall prescribe procedures for deliberating and voting. Each voting member shall have one vote. Enclosure (1) is a procedural guide to be used by the Board.

i. The President of the Board will invite observers from the Chamber of Commerce, law enforcement, or such other civil agencies deemed appropriate. The President may elicit the views of invited observers but they shall not exercise a vote nor be present during Board deliberations. Only the JPAO, at the direction of the President, may invite observers from the news media.

j. As directed by the President, the Recorder will oversee any investigation into complaints of off-base conditions which may require restrictive action. The Board Investigator will assist the Recorder in the conduct of the investigation. Military personnel who are participating in the investigation, shall not visit off-base establishments and areas incognito during the course of an investigation.

k. The Recorder will report the results of the investigation to the President. The Recorder and/or the President will thereafter attempt to alleviate any undesirable condition by contact with the appropriate civil authority, civilian commercial establishment, or landowner.

l. If contact with civil authorities or the civilian establishment fails to remedy the undesirable condition, the Board shall issue a letter of notification by certified mail return receipt requested to the responsible party of the off-base establishment or area placing it on notice of the nature of the complaint and warning that a failure to correct the undesirable conditions by a reasonable time not to exceed thirty days will lead to the initiation of restrictive action proceedings before the Off-Limits Board.

m. If the undesirable condition is not corrected by the date described in the notification letter, the Board shall initiate restrictive action proceedings by issuing a letter of invitation by Certified mail to the responsible party informing that person of the right to appear before the Board to explain why the establishment or area should not be placed off-limits.

n. The Board may vote to hold a restrictive action recommendation in abeyance for a specified period if the responsible party presents a viable plan of action to rectify the undesirable condition. At the end of the probationary period, the Board shall act on the restrictive action and recommendation based upon information before the Board and such other matters as the responsible party may submit.

o. The President shall forward any recommendation for restrictive action to the Commanding Officer, Marine Corps Air Station Yuma via the Director of the Law Center who shall endorse the Board's recommendation with a legal opinion and recommendation.

p. The Commanding Officer, Marine Corps Air Station, Yuma, shall take final action on all Board recommendations for restrictive action.

q. If the Commanding Officer, Marine Corps Air Station, Yuma, approves restrictive action, the President shall forward a declaration of off-limits restriction to the responsible party by certified mail and insure that the Director of the Law Center is notified of the off-limits decision.

r. The Director of the Law Center and the JPAO will ensure that all personnel stationed aboard U. S. Army Yuma Proving Ground and Marine Corps Air Station, Yuma are notified of off-duty limits action. Identification of off-limit establishments and areas shall be published to all military personnel through all available military means.

s. The responsible party may appeal any restrictive action to the COMCABWEST. Off-limits orders are not affected while an appeal is pending.

t. The responsible party may further an adverse appellate decision by the COMCABWEST to the Commandant of the Marine Corps (JAR), Washington, D. C. 20380-0001.

u. A responsible party may petition the Board for removal of an off-limits restriction. The petition must be in writing and must state in detail the actions taken to rectify the undesirable conditions or the reasons why the off-limits restriction should be lifted. The President may order an investigation of conditions at the off-base establishment or area in question and may grant the responsible party a hearing. After review of all information available, the Board shall recommend to the Commanding Officer, Marine Corps Air Station, Yuma via the Director of the Law Center either removal or continuation of the off-limits restriction.

v. All Board minutes, records and files will be for official use only. Board restrictive action files may be maintained by name and location of the off-base establishment or the area, but files will not be marked or retrievable by a person's individual identifier, e.g., name, social security number. The Freedom of Information Act and implementing regulations and directives shall govern all requests for Board records. Any request by a civilian for Board materials should be forwarded to the JPAO. Board minutes and all other Board related documents will only be distributed to appropriate staff sections and commands.

w. All military personnel are prohibited from entering, visiting or frequenting off-limits establishments or areas. This is a punitive order and a violation of an off-limits restriction constitutes a violation of Article 92, Uniform Code of Military Justice.

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4. Concurrence. The Commanding Officers, Marine Corps Air Station, Yuma and U.S. Army Yuma Proving Ground, and all Commanding Officers aboard Marine Corps Air Station, Yuma concur in the provisions of this Order and make it applicable to their commands.



D. D. LOFTIS



G. G. GOODWIN III



C. B. CHEATHAM

Distribution: B plus YPG (5)

**PROCEDURAL GUIDE**

**ARMED FORCES DISCIPLINARY CONTROL BOARD**

**Note:** This format will serve as a guide only and may be modified at the discretion of the President after consulting with the Director of the Law Center.

**President:** THIS MEETING OF THE MCAS YUMA OFF-LIMITS BOARD WILL COME TO ORDER. WE WELCOME ALL COMMAND REPRESENTATIVES AND INVITED OBSERVERS. THE TIME IS \_\_\_\_\_ ON \_\_\_\_\_.

**Recorder:** THE RECORDER (state name) \_\_\_\_\_,  
THE BOARD INVESTIGATOR (state name) \_\_\_\_\_,  
AND THE FOLLOWING MEMBERS ARE PRESENT:  
(List by name, rank and unit)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

THE FOLLOWING MEMBERS ARE ABSENT:  
(List absent members by name, rank, & billet)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**President:** WE (HAVE)(DO NOT HAVE) A QUORUM. (A simple majority of the voting members constitutes a quorum.) ALL MEMBERS NOT PRESENT ARE ABSENT WITH MY AUTHORIZATION (EXCEPT THE FOLLOWING) (list all members absent without the President's authorization by name, rank & billet)

\_\_\_\_\_  
\_\_\_\_\_

I HAVE INVITED THE FOLLOWING OBSERVERS: (List the invited observers by name, title, & organization and indicate whether observer is present)

\_\_\_\_\_  
\_\_\_\_\_

(I HAVE NOT INVITED ANY OBSERVERS.)  
(THE JOINT PUBLIC AFFAIRS OFFICER HAS NOT INVITED ANY OBSERVERS FROM THE MEDIA).  
(THE JOINT PUBLIC AFFAIRS OFFICER HAS INVITED THE FOLLOWING NEWS MEDIA OBSERVERS:  
(List by name, title, organization, indicate whether observer is present and state participation guidelines established by the Joint Public Affairs Officer).

\_\_\_\_\_

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THIS MEETING WILL BE (IN CLOSED SESSION) (OPEN).

**Note:** If the President directs a meeting in closed session, the Recorder will ensure that the hearing room is cleared of all uninvited observers.

**President:** THE COMMANDING OFFICER, MARINE CORPS AIR STATION, YUMA, HAS ESTABLISHED THIS ARMED FORCES DISCIPLINARY CONTROL BOARD AND HAS GIVEN THE BOARD THREE MISSIONS: FIRST, TO ADVISE AND MAKE RECOMMENDATIONS ON ALL MATTERS CONCERNING THE ELIMINATION OF CRIME, MISCONDUCT OR OTHER CONDITIONS WHICH MAY AFFECT THE HEALTH, SAFETY, MORALS, WELFARE, MORALE, AND DISCIPLINE OF MILITARY PERSONNEL. SECOND, TO MAINTAIN LIAISON WITH CIVIL AUTHORITIES REGARDING THESE MATTERS, AND THIRD, WHEN UNDESIRABLE CONDITIONS OFF BASE SO REQUIRE, TO RECOMMEND THAT ESTABLISHMENTS AND AREAS WHERE SUCH UNDESIRABLE CONDITIONS EXIST BE PLACED OFF-LIMITS TO ALL MILITARY PERSONNEL. THE RECORDER MAY READ THE MINUTES OF OUR LAST MEETING.

**Recorder:** (Recorder will review the minutes of the last meeting and present them to the Board).

**President:** (The President will state any correction deemed appropriate in the minutes and call for any proposed corrections from the members. The President will then formally approve the minutes with any necessary corrections).

(The Board will consider any unfinished or continuing business).

(The Board will consider any new business. Restrictive action matters will be considered last).

**Note:** If the meeting involves a restrictive action hearing, the hearing will proceed as set forth below:

**President:** THE BOARD WILL NOW CONSIDER A RESTRICTIVE ACTION RECOMMENDATION IN THE CASE OF (state name and location of the off-base establishment or area in question).

**Recorder:** THE RESPONSIBLE PARTY (state responsible party's name, if known) \_\_\_\_\_ HAS BEEN NOTIFIED OF THE PLACE, DATE AND PURPOSE OF THIS HEARING. HE/SHE IS PRESENT/ABSENT AND IS REPRESENTED BY (state counsel's name). EXHIBIT 1, A COPY OF THE NOTIFICATION LETTER(S) WITH RETURN RECEIPT ATTACHED, SHALL BE APPENDED TO THE RECORD OF THESE PROCEEDINGS.

**President:** (The President will review for the record previous Board action and correspondence in the case). THE SOLE PURPOSE

ENCLOSURE (1)

OF THIS HEARING IS TO DETERMINE WHETHER THE BOARD SHOULD RECOMMEND TO THE COMMANDING OFFICER, MCAS, YUMA, THAT THE (state the name of the establishment or area in question) \_\_\_\_\_, SHOULD (BE PLACED OFF-LIMITS TO ALL MILITARY PERSONNEL) (REMAIN IN OFF-LIMITS STATUS). THIS HEARING IS NONADVERSARIAL AND NONPUNITIVE. BOARD MEMBERS SHALL NOT REPRIMAND OR ADMONISH ANY PERSON APPEARING BEFORE THE BOARD. HOWEVER, THE BOARD SHALL NOT TOLERATE DISRUPTIVE OR OBSTRUCTIVE BEHAVIOR AND I MAY REMOVE PERSONS WHO DISPLAY SUCH BEHAVIOR. THERE ARE NO RULES OF EVIDENCE. THE BOARD MAY RECOMMEND RESTRICTIVE ACTION IF SUBSTANTIVE INFORMATION INDICATES THAT UNDESIRABLE CONDITIONS EXIST AT (state name/location of the establishment or area in question) \_\_\_\_\_ WHICH ADVERSELY AFFECT MILITARY PERSONNEL. THE RECORDER MAY PROCEED.

**Recorder:** (The Recorder will present investigation results. The Recorder's presentation may be verbal or written. The Recorder may present written statements, documents or live witnesses).

**Note:** The Board and the responsible party may question any witness.

**President:** (The President will briefly summarize the complaint).  
THE RESPONSIBLE PARTY (state party's name) \_\_\_\_\_  
MAY PRESENT MATTERS FOR THE BOARD'S CONSIDERATION.

**RESPONSIBLE PARTY:** (The responsible party may present material for the board's consideration).

**Note:** The Recorder and the Board members may question the responsible party and any witnesses called by the responsible party.

**President:** THE BOARD WILL CLOSE FOR DELIBERATIONS. THE RESPONSIBLE PARTY WILL BE NOTIFIED OF THE FINAL ACTION ON THIS CASE BY CERTIFIED MAIL. (The President will adjourn the meeting).

