



UNITED STATES MARINE CORPS
MARINE CORPS AIR STATION
BEAUFORT, SOUTH CAROLINA 29904-5001

ASO 5530.1a
SEC
1 Oct 21

AIR STATION ORDER 5530.1a

From: Commanding Officer
To: Distribution List

Subj: DEBARMENT PROCEDURES

Ref: (a) 50 U.S.C. § 797, Penalty for Violation of Security Regulations and Orders
(b) 18 U.S.C. §1382, Entering military, naval, or Coast Guard property
(c) DoDI 5200.08, Security of DoD Installations and Resources and the DoD Physical Security Review Board (PSRB)
(d) MCO 5530.14A, Marine Corps Physical Security Program Manual
(e) MCIEAST-MCB CAMLEJO 5530.2C, Debarment Procedures
(f) SecNav Memo of 7 Oct 08 (Policy for Sex Offender Tracking and Assignment and Access Restrictions with the DoN)
(g) CMC (I&L) ltr 11000 LFF of 31 Dec 08 (Policy Letter - Registered Sex Offenders Prohibited Occupancy and Access to Marine Corps Government-Owned, Leased, or Privatized Family Housing)
(h) SECNAV Notice 5210 Implementation of New Department of the Navy Bucket Records Schedules
(i) SECNAV M-5210.1 Records Management Manual
(j) MCO 5215.1K Marine Corps Directives
(k) MCO 5210.11F Marine Corps Records Management Program

Encl: (1) Sample Temporary Order of Debarment
(2) Sample Debarment Order
(3) Sample Action Memorandum

1. Situation. The Commanding Officer (CO) is responsible for maintaining law and order aboard Marine Corps Air Station (MCAS) Beaufort and requires all personnel who come aboard this installation, regardless of status, to adhere to established rules, regulations, and applicable Federal and State laws. Any individual who threatens the orderly administration of MCAS Beaufort by conduct which is criminal or impedes the normal functioning of the command may be subject to administrative sanction, citation to appear before a U.S. Magistrate Court, prosecution by indictment in U.S. District Court, or temporary restraint by military police pending expedited transfer to appropriate civil authorities. This Order provides guidance to commanders and staff aboard MCAS Beaufort on the standards and procedures for debarment. Regulatory and statutory authority for debarment and other forms of administrative action are vested in the CO, MCAS Beaufort, in accordance with the references.

2. Cancellation. None.

3. Mission. To promulgate procedures for debarring individuals from MCAS Beaufort (to include Laurel Bay Military Housing (LBMH) and Townsend Bombing Range (TBR)).

DISTRIBUTION STATEMENT A: Approved for public release. Distribution is unlimited.

4. Execution

a. Commander's Intent and Concept of Operations

(1) Commander's Intent. By virtue of the office, and pursuant to the references, the CO possesses the authority to allow or prohibit access to MCAS Beaufort. In keeping with the CO's responsibility to maintain law and order, to promote secure and effective workplaces, and to meet the mission of MCAS Beaufort, the CO's authority is used when deemed appropriate in order to promote the secure and orderly operation of the installation.

(2) Concept of Operations. Debarments fall into one of two general categories: Debarment of former service members separated from the Marine Corps punitively or administratively for misconduct; and, Debarment of civilians who pose a threat to law, order, impede mission accomplishment, or otherwise interfere with the operations of MCAS Beaufort or subordinate commands. The second category is further broken down into two different subcategories: Emergency Debarment, and Non-Emergency Debarment.

(a) Former Service Member Debarment. Former service members separated punitively or administratively for misconduct no longer have a valid purpose to remain on the installation, and represent a potential risk to mission accomplishment. The Unit CO of all MCAS Beaufort units, tenants, and activities shall submit a request for debarment to the CO, MCAS Beaufort, for all service members separated for misconduct via a punitive discharge (i.e., bad conduct discharge, dishonorable discharge, or dismissal) or administrative separation with an other than honorable characterization of service. Unit CO discretion shall be used in considering and submitting requests to the CO, MCAS Beaufort for service members separated for misconduct with a general (under honorable conditions) characterization of service. All such requests shall be submitted to the CO, MCAS Beaufort (Attn: Security Manager). When practicable, such requests will be sent prior to the service member's separation in order to ensure the timely processing of any debarment action.

(b) Civilian Debarment

1. Emergency Debarment. In an emergency situation involving serious misconduct or where a bona fide threat of injury or security exists, the CO, Executive Officer (XO) (by direction), Security Manager (by direction), Provost Marshal (PM) (by direction), Officer in Charge, Criminal Investigation Division (CID) (by direction), and PMO Watch Commanders (by direction), may issue a temporary debarment order (enclosure 1). The authority of the PM, Officer in Charge, CID, and PMO Watch Commanders to issue temporary debarment orders shall be limited to situations which occur after normal business hours (or during normal working hours where the Security Manager is unavailable). If such an order is issued (and where time and circumstances permit), it will be hand delivered to the recipient prior to his/her physical removal from the installation. Any order issued by anyone other than the CO will be reviewed by the CO within three (3) business days of issuance of the order. Such order will remain in effect until such time as the CO has determined whether to continue, modify, or vacate the debarment. The Security Manager shall notify the recipient by U.S. Postal Service Certified Mail Return Receipt Requested (primary) and/or electronic mail (secondary) with the CO's final determination.

2. Non-Emergency Debarment. In non-emergency situations, if a civilian is considered to be a threat to the orderly administration of the installation, the concerned chain of command may request that the CO, MCAS Beaufort, debar the individual. The chain of command should include an action memorandum (enclosure 3) with background information containing the 5Ws, any available evidence/substantiating documentation, and include a recommendation(s) for course(s) of action to the CO for decision. The request will be addressed to the CO, MCAS Beaufort (Attn: Security Manager). The MCAS Beaufort Debarment Advisory Panel, comprised of the Security Manager as Chairman, Staff Judge Advocate (SJA), MCAS Beaufort, Executive Officer (XO), MCAS Beaufort, and Sergeant Major (SgtMaj), MCAS Beaufort, will review the action memorandum and make appropriate recommendations. The CO will consider the case and make a determination. If approved by the CO, the Security Manager and/or his/her designee will issue the debarment letter (enclosure 2) to the recipient either in person (primary) or via U.S. Postal Service Certified Mail Return Receipt Requested (secondary). In cases in which the debarment letter cannot be personally served, the Security Manager will mail the decision to the respondent via U.S. Postal Service Certified Mail Return Receipt Requested. If a respondent is debarred, they will be considered debarred on the date the letter is signed.

(c) Only the individual committing misconduct or violating regulations will be debarred; other family members will not. However, under some circumstances, misconduct and/or debarment of an individual may preclude access to privatized housing, the workplace, or other facilities onboard the installation, including child care, medical treatment facilities, or schools—all of which are essential to maintaining the safety, security, good order, and mission of MCAS Beaufort. Moves related to forced dispossession shall be at no cost to the Government.

(d) Debarment takes effect immediately upon signing unless a later effective date is stated in the notification letter signed by the CO, MCAS Beaufort. Debarment notification will be forwarded throughout the tri-command area to the CG, Marine Corps Recruit Depot, Parris Island, South Carolina (MCRDPI) and to the CO, Navy Medicine Readiness and Training Command (NMRTC) Beaufort.

(e) Those debarred from MCAS Beaufort who demonstrate eligibility for particular services may, upon written request, and at the CO's sole discretion, be authorized limited access to the installation to make use of specific facilities or services. Requests for authorized access will be submitted in writing to the CO, MCAS Beaufort (Attn: Security Manager). The CO will make a determination and the Security Manager will notify the requestor, in writing, of that decision.

b. Definitions

(1) Civilians. All nonmilitary personnel, including, but not limited to, nonmilitary government employees, retired military personnel, and dependents of active duty military personnel.

(2) Criminal Offense. Violation of the criminal code of the United States or State of South Carolina.

c. Tasks

(1) Commanders, Officers in Charge, and Activity Heads

(a) Service members discharged from the Marine Corps via punitive separation (i.e. bad conduct discharge) or administratively, (an "other than honorable" characterization of service) shall be reported to the CO, MCAS Beaufort, for debarment via the Security Manager, MCAS Beaufort. Upon issuance of a debarment letter by the CO, MCAS Beaufort, deliver the debarment letter to the service member in conjunction with discharge. Advise the service member of the appeal process and deadline to submit an appeal, ensuring the individual acknowledges receipt of the letter, and forward the acknowledged copy to the Security Manager.

(b) Requests for other individuals to be debarred from MCAS Beaufort shall be sent to the CO, MCAS Beaufort, via the Security Manager. Each request shall be accompanied by an action memorandum (enclosure 3) which includes, at a minimum, the subject's identity, debarment justification, and all known evidence for the CO's consideration.

(2) Security Manager

(a) Responsible for the overall administration of the Debarment program.

(b) Serve as Chairman of the MCAS Beaufort Debarment Advisory Panel.

(c) Acting on behalf of the CO, MCAS Beaufort, impose any administrative action (other than civilian personnel action) due to civilian misconduct, to include issuing debarment letters by direction of the CO. This also includes issuing warning letters and/or letters revoking certain base privileges to civilians whose misconduct does not rise to the level requiring debarment.

(d) Provide all temporary and permanent debarments to PMO for entry into the indices of the Defense Biometric Identification System (DBIDS) to ensure compliance with local and regional access control procedures and verify removal from DBIDS upon a successful appeal or expiration of debarment period.

(e) Review reports of investigations of civilian misconduct occurring aboard MCAS Beaufort and take appropriate administrative action including drafting debarment letters.

(f) Ensure all individuals, upon whom administrative action is pending, receive timely notification as provided for in this Order.

(g) Notify the sponsor's command immediately when debarment or dispossession of quarters is contemplated in cases involving family members.

(h) Receive and process all appeals submitted by civilians, or on behalf of juveniles, as a result of prior debarment determinations per the provisions of this Order.

(i) Maintain records on administrative action taken against civilians and ensure appropriate agencies are notified of the action taken.

(j) In all cases where a debarment letter is issued, forward a copy of the letter to the CG, MCRDPI (Attn: SJA) and CO, NMRTC, for their situational awareness and consideration.

(k) Issue temporary debarments in accordance with this Order.

(3) Provost Marshal

(a) Investigate alleged misconduct, if appropriate, or refer the matter to the Naval Criminal Investigative Service (NCIS), if NCIS has jurisdiction over the matter. In appropriate cases, coordination may be made with local civilian law enforcement agencies.

(b) Upon completion of investigative actions, in addition to any other required distribution, copies of reports shall be distributed to:

1. The SJA, MCAS Beaufort for review and coordination regarding the initiation of criminal prosecution, if appropriate.

2. The Security Manager for review and initiation of administrative action, if appropriate.

(c) Facilitate physical removal of individuals debarred from installation.

(d) Process personnel who have been barred from reentering MCAS Beaufort and who attempt to reenter for prosecution before the U.S. Magistrate, as appropriate, by forwarding the processing documents to the Special Assistant United States Attorney, copy to: Security Manager, SJA, and Low Country Counsel.

(e) Enter all temporary and permanent debarments into the indices of the DBIDS to ensure compliance with local and regional access control procedures and, when directed, ensure debarments are removed from DBIDS upon a successful appeal or expiration of debarment period.

(f) Issue temporary debarments in accordance with this Order.

(g) In after-hours situations, or during normal working hours where the Security Manager is unavailable, upon receipt of a report of serious misconduct committed by civilian/juvenile, issue temporary debarments in accordance with this Order and as appropriate. This authority is limited to emergency cases where there is a bona fide, imminent threat of injury or security.

(h) Upon receipt of a report of serious misconduct committed by civilian/juvenile or where an imminent threat to security exists, the PM, Officer in Charge, CID, and on-duty Watch Commanders are authorized to sign temporary debarments "by direction" only during after-hours situations, or during normal working hours where the Security Manager is unavailable. This authority is limited to emergency cases where there is a bona fide threat of injury or security and may be exercised based on sound discretion when deemed necessary in accordance with this Order. After signing the temporary debarment "by direction," the issuing authority will request that the form be acknowledged by the debarred individual, and provide a copy to the individual prior to escorting him/her off the installation. A copy of the temporary debarment order will be filed with the Military Police Incident Report.

(4) Staff Judge Advocate

(a) Serve on the MCAS Beaufort Debarment Advisory Panel.

(b) Make recommendations regarding debarment for all uniformed and civilian cases forwarded to the CO, MCAS Beaufort.

(c) Review completed reports of investigation involving civilian misconduct occurring aboard this installation and initiate coordination for prosecution, if appropriate.

(d) Provide legal advice on Debarment Appeals.

(5) Lowcountry Counsel

(a) Provide legal advice on Debarment Appeals.

(b) Provide civilian personnel law legal advice from the Eastern Area Counsel's Office.

(6) XO

(a) Serve on the MCAS Beaufort Debarment Advisory Panel.

(b) When acting by direction, serve as the Debarment Appeal Authority on all timely appeals (within 10 calendar days of notification of debarment).

(c) When acting by direction, issue responses to appeals of debarment. Coordinate with the Security Manager to have responses appropriately delivered to the respondents.

(d) Issue temporary debarments in accordance with this Order.

(7) SgtMaj

(a) Serve on the MCAS Beaufort Debarment Advisory Panel.

(b) Provide advice to the CO, MCAS Beaufort, regarding debarment matters as appropriate.

(8) Station Duty Officer (SDO). The SDO will record any issuances of temporary debarment letters in the duty log book and will notify the Adjutant of the issuance of any such orders upon relief (or earlier if practical).

d. Coordinating Instructions. The military chain of command will resolve instances of misconduct committed by military personnel. Misconduct committed by civilians will be resolved administratively by the Civilian Human Resources Office and/or through referral to the U.S. District Court. Additionally, offenses committed in the local community will be handled in accordance with this Order and civilian personnel regulations.

5. Administration and Logistics

a. Administration

(1) Initial Appeal of Decision. Civilian personnel and former service members against whom debarment action is taken may request reconsideration of the decision to the CO. All appeals must be forwarded in writing to the CO, MCAS Beaufort (Attn: Security Manager) within 10 calendar days of notification of the action. Individuals who do not appeal within the 10

calendar day timeframe, or who appeal, but the appeal is denied, may submit a request for removal from debarment status after one year from the notification of debarment action. Individuals desiring a personal appearance to discuss their appeals shall include this request in their written request for appeal. This does not create a right to a personal appearance.

(2) Removal from Debarment Status

(a) The authority to bar an individual from the installation is discretionary and rests solely in the sound judgment of the CO, MCAS Beaufort. When any individual barred from entry onboard the Installation ceases to be a threat, or has corrected the deficiency that caused the debarment, the debarment may be removed by the CO, MCAS Beaufort, or the CO's designee.

(b) Following appeals, requests for removal from debarment status, or limited re-instatement, may be made in writing, after one year, to the CO, MCAS Beaufort (Attn: Security Manager) providing sufficient justification for lifting or modifying the debarment. Specifically, the requestor should demonstrate that the requestor's presence onboard MCAS Beaufort no longer presents a threat to the orderly administration of the installation.

(c) Upon completion of the prescribed period of debarment, with no further violation of laws or regulations, an individual may request that the debarment be terminated and privileges restored. Written approval for reentry must be provided to the individual before his/her debarment is deemed to have been terminated and privileges restored. Notice will NOT be sent upon the expiration of a debarment period. In order to avoid any potential misunderstandings or violations of the law, it is advisable for individuals to contact the Security Manager prior to attempting to access the installation.

(d) Subsequent offenses may increase a period of debarment and thereby preclude removal from debarment status.

(3) Controlled Unclassified Information (CUI)

(a) Unless specifically marked as classified (e.g. Confidential, Secret, and Top Secret) the following are categories are subsets of Controlled Unclassified Information (CUI) and are to be protected in accordance with 32 CFR Part 2002: Agriculture, Critical Infrastructure, Emergency Management, Export Control, Financial, Geodetic Product Information, Immigration, Information Systems Vulnerability Information, Intelligence International Agreements, Law Enforcement, Legal, Natural and Cultural Resources, NATO Controlled, Nuclear, Patent, Privacy, Procurement and Acquisition, Proprietary Business Information, SAFETY Act Information, Statistical and Tax.

(b) All individuals handling this information are required to protect it from unauthorized disclosure. Handling, storage, reproduction, and disposition of the attached document(s) must be in accordance with 32 CFR Part 2002 and applicable agency policy.

(c) Access to and dissemination of Controlled Unclassified Information shall be allowed as necessary and permissible to any individual(s), organization(s), or grouping(s) of users, provided such access or dissemination is consistent with or in furtherance of a Lawful Government

Purpose and in a manner consistent with applicable law, regulations, and Government-wide policies.

(4) Records Management. Records created as a result of this Plan shall be managed according to national archives and records administration (NARA) approved dispositions per (h) and (i) to ensure proper maintenance, use, accessibility and preservation, regardless of format or medium. Refer to references (k) for Marine Corps records management policy and procedures.

(a) All records relating to civilian and juvenile misconduct are considered sensitive and shall be maintained by the Security Manager and PM in restricted access containers separate from general correspondence files. The Security Manager and PM shall ensure the privacy of these files is maintained and disclosure to third parties is strictly controlled.

(b) Access to civilian and juvenile files shall be limited to those individuals who have an official need to know such information. Additionally, the individual upon whom the files relate, may, under certain circumstances, authorize the limited release of such files to third parties. The Privacy Act or Freedom of Information Act governs access to such files by the offender or third-party requester.

(c) All files relating to juveniles and not including a declaration of debarment shall be destroyed two years after the last recorded incident.

(d) Debarment files shall be maintained by the Security Manager in both electronic and paper form.

1. Paper files will be more inclusive and maintained for a period of two years after the expiration of the prescribed period of debarment.

2. Electronic files will be maintained in the form of a database and contain at a minimum personal identifiers, period of debarment, and a brief summary of the circumstances resulting in debarment. All database entries will be maintained indefinitely.

b. Logistics. Notices of debarment results will be sent via U.S. Postal Service Certified Mail Return Receipt Requested. Notices of debarment may be sent via electronic means as well; however, electronic means will not serve as a substitute for certified mail.

6. Command and Signal

a. Command. This Order is applicable to all MCAS Beaufort subordinate and tenant commands and all individuals accessing MCAS Beaufort, including LBMH, and TBR.

b. Signal. This Order is effective the date signed.


K. R. ARBOGAST

DISTRIBUTION: A

Sample MCAS Beaufort Temporary Debarment Letter

UNIT LETTERHEAD

5530
PMO
DD Mon YY

From: Provost Marshal
To: **Last Name, First Name, MI, Address**

Subj: TEMPORARY ORDER OF DEBARMENT

Ref: (a) ASO 5530.2

1. **Descriptive narrative of the actions that have led to the issuing of a temporary debarment order.** Mr. I. M. Civilian was apprehended by PMO, Cpl Motivator, on the evening of 20 July for aggressively harassing a Post Exchange employee.

2. Under the authority of the Commanding Officer, Marine Corps Air Station Beaufort, you are hereby ORDERED not to enter Marine Corps Air Station (MCAS) Beaufort, Laurel Bay Military Housing (LBMH), or Townsend Bombing Range (TBR) for a period of **[no less than three days (72 hours)]**. It will be your responsibility to contact the Security Manager's office to verify if your temporary debarment has been suspended.

3. You are hereby given NOTICE that any attempt to enter MCAS Beaufort, LBMH, or the TBR without requisite authority will constitute a violation of Title 18, United States Code, Section 1382, which is quoted in its entirety for your information.

Title 18-U.S. Code-Section 1382-Entering military, Naval, or Coast Guard property

Whoever, within the jurisdiction of the United States, goes upon any military, Naval, or Coast Guard reservation, post, fort, arsenal, yard, station, or installation, for any purpose prohibited by law or lawful regulation; or Whoever reenters or is found within any such reservation, post, fort, arsenal, yard, station or installation, after having been removed therefrom or ordered not to reenter by any officer or person in command or charge thereof-

Shall be fined under this title or imprisoned not more than six months, or both.

4. Should you believe a compelling reason justifies modification of this debarment order, you may forward such information in writing to the CO, MCAS Beaufort (Attn: Security Manager) for consideration at: P.O. Box 55010, Beaufort, South Carolina 29904-5001.

I. M. LEADING
PMO Watch Commander
By direction

Received by: _____ at _____ on _____
(First M. Last name) (time) (date)

Enclosure (1)

Sample MCAS Beaufort Debarment Notification Letter

UNIT LETTERHEAD

5530
CO
DD Mon YY

CERTIFIED MAIL - 7000 1000 0000 2000 3005
RETURN RECEIPT REQUESTED

Mr. John Doe
123 Main Street
Beaufort, SC 29904

Mr. Doe:

SUBJECT: DEBARMENT ORDER

This letter notifies you that the Commanding Officer (CO) Marine Corps Air Station (MCAS) Beaufort, has determined that your presence aboard MCAS Beaufort threatens the orderly administration of the installation based on **descriptive narrative of the actions that have led to the issuing of debarment order.**

Under the authority of the Commanding Officer, MCAS Beaufort, effective immediately, you are hereby ORDERED not to enter Marine Corps Air Station (MCAS) Beaufort, Laurel Bay Military Housing (LBMH), or Townsend Bombing Range (TBR) [**indefinitely / for a period of length of debarment**].

You are hereby given NOTICE that any attempt to reenter MCAS Beaufort, LBMH, or the TBR without requisite authority, will subject you to apprehension and detention by military authorities for prompt delivery to appropriate civilian authorities for violation of Title 18, U.S. Code Section 1382, which states:

Whoever, within the jurisdiction of the United States, goes upon any military, Naval, or Coast Guard reservation, post, fort, arsenal, yard, station, or installation, for any purpose prohibited by law or lawful regulation; or Whoever reenters or is found within any such reservation, post, fort, arsenal, yard, station or installation, after having been removed therefrom or ordered not to reenter by any officer or person in command or charge thereof-

Shall be fined under this title or imprisoned not more than six months, or both.

Unless you receive written notification signed by the CO or his designee to the contrary, this Order remains in effect at all times.

In accordance with Air Station Order 5530.2, you have the right to appeal this decision within 10 calendar days of notification. All appeals must be forwarded in writing to the CO, MCAS Beaufort (Attn: Security Manager) for consideration at: P.O. Box 55010, Beaufort, South Carolina 29904-5001.

K. R. ARBOGAST

Received by: _____ at _____ on _____
(First M. Last name) (time) (date)

Enclosure (2)

Sample Action Memorandum

UNIT LETTERHEAD

5530
HRO
DD Mon YY

From: **(Insert Requesting Official Example: Director, Human Resources Office)**
To: Commanding Officer, Marine Corps Air Station Beaufort
Via: Security Manager, Marine Corps Air Station Beaufort

SUBJECT: MCAS DEBARMENT LETTER: **(SUBJECT CIVILIAN NAME)**

1. Facts. **(Summary. Rec: WHEN, WHO, WHAT, WHERE)**
2. Discussion/Background. **(Additional detail as necessary. Include "Tabs," "Enclosures," or other materials (incl. citing regulation/policy as needed. If not abundantly clear, include statement regarding how conduct has "threatened the orderly administration of MCAS Beaufort" and/or opinion on impacts to installation security, mission accomplishment, or good order and discipline. This may require several short paragraphs.)**
3. Recommendation. In order to ensure the orderly administration of MCAS Beaufort, and to protect **(installation security/mission accomplishment/good order and discipline/personnel)** onboard MCAS Beaufort, I recommend that **(name)** be debarred from MCAS Beaufort **(indefinitely/for a period of XXXX)**.

4. Recommendations

Security Manager:	Concur _____	Non-concur _____
SJA:	Concur _____	Non-concur _____
XO:	Concur _____	Non-concur _____
SgtMaj:	Concur _____	Non-concur _____

5. Action

CO: Approved _____ Disapproved _____
Other _____