

# **Grievance Procedures:**

Article 138 Complaints  
Article 1150 Complaints  
Request Mast  
Congressional Inquiries

## **FREQUENTLY ASKED QUESTIONS**



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## Grievance Procedures FAQs

### What is a grievance procedure?

A grievance procedure is a formal process for resolving complaints of wrong quickly and at the lowest level of command possible. There are four basic grievance procedures available to servicemembers: (1) Request Mast; (2) Article 138 complaint; (3) Article 1150 complaint; and (4) Congressional Inquiry.

### Which procedure is right for my grievance?

It depends on the nature of your grievance.

- Are you accusing your commanding officer of committing a wrong that affects you directly and personally? If so, Article 138 is the proper procedure.
- Are you accusing a superior other than your commanding officer of committing a wrong that affects you directly and personally? If so, Article 1150 is the proper procedure.
- Do you have a need to communicate a grievance to or seek assistance from your commanding officer for a reason not covered by Article 138 or Article 1150? If so, Request mast is the proper procedure.
- Have you already tried the grievance procedures outlined above and not had your grievance resolved to your satisfaction? If so, you may want to petition Congress for relief.

## Article 138 Complaint FAQs

### What is an Article 138 complaint?

Article 138, UCMJ, provides that any Marine who believes himself or herself wronged by his commanding officer may complain to any superior commissioned officer, who shall forward the complaint to the officer exercising general court-martial jurisdiction over the commanding officer that is the subject of the Marine's complaint.

### What order or directive governs Article 138 complaints?

Article 138, UCMJ and Chapter III, JAGMAN

### What kinds of complaints are appropriate for an Article 138 complaint?

Actions or inactions by the commanding officer that affect the complainant directly and personally.

### What kinds of complaints are not appropriate for an Article 138 complaint?

- Complaints regarding acts that are not final
- Complaints regarding general policies of the Department of Defense or Department of the Navy
- Requests seeking disciplinary action against another
- Requests to change final military records (90 days after a Marine is notified of the submission of a record for inclusion in a permanent file or one year after submission of the record, whichever is earlier)
- Complaints regarding matters for which there is a review procedure already in place, such as:
  - NJP (except vacation of suspended NJP punishment, which is an appropriate issue for an Article 138 complaint because there is no appeal process)
  - Courts-martial issues
  - Administrative Boards (separation boards, competency review boards, etc.)

### Do I have to talk to my commanding officer about my issue before I make an Article 138 complaint?

Yes. You must give your commanding officer a reasonable opportunity to address your complaint before initiating an Article 138 complaint. You must file, in writing, a request to your commanding officer to redress the alleged wrong before you file an Article 138 complaint. The commanding officer must act upon this request in a timely manner (ordinarily 30 days) and notify you in writing of any action taken.

### How do I file my complaint?

Your complaint should be filed via your chain of command (including the commanding officer you are complaining about) in the format provided in the appendix following Chapter III, JAGMAN. A copy is provided as an enclosure to this document. You should also submit all relevant evidence, including affidavits, statements, and documents, with the complaint.

Is there a time limit to file a complaint?

Yes. Complaints should be filed within 90 days of discovering an alleged wrong. Failure to file within 90 days may cause the complaint to be denied as untimely absent unusual circumstances justifying the delay. The time waiting for the commanding officer to respond to your written request for redress does not count against the 90 day time limit to file an Article 138 complaint.

What if I am not the only one with a complaint against the commanding officer?

Each person must file their own complaint.

What happens when the complaint reaches my CO's general court-martial convening authority?

The general court-martial convening authority, normally the first commanding general in the chain of command, will conduct an inquiry, address the alleged wrong, take appropriate action, and then forward the matter to the Secretary of the Navy. You will be informed along the way what action is being taken regarding your complaint.

If the general court-martial convening authority does not address my concern adequately, can I appeal his or her decision?

No. You may only seek redress if the general court-martial convening authority fails to forward your complaint to the Secretary of the Navy. You may wish to contact your Congressman if you believe that the general court-martial convening authority has mishandled your complaint (see section on Congressional Inquiries).

How will I know what is going on with my complaint?

Prior to final action being taken on your complaint by the general court-martial convening authority, you will be provided a copy of all endorsements and enclosures forwarded with the complaint, as well as any adverse evidence developed regarding your allegations during the inquiry. You will be afforded an opportunity to rebut any matter of an adverse nature. The general court-martial convening authority investigating your complaint will then notify you in writing of the action taken on your complaint. The general court-martial convening authority will then forward the matter to the Secretary of the Navy. The Secretary of the Navy will then notify you whether such resolution is determined to be correct in law and fact and whether further action on the complaint will be taken.

If the Secretary of the Navy says that the matter is closed, can I appeal?

No. You have exhausted your remedies under Article 138. However, you may have other remedies available under other statutes or regulations, including petition to the Board for Correction of Naval Records if your request for redress is a matter over which they have jurisdiction.

May I withdraw my complaint?

Yes. You may withdraw a complaint at anytime. A withdrawal must be in writing, signed by you and forwarded via the same chain of command used to file the complaint.

## Article 1150 Complaint FAQs

### What is an Article 1150 complaint?

Article 1150, US Navy Regulations, provides that any Marine who believes himself or herself wronged by an act, omission, decision, or order of a person who is superior in rank, or command, may report the wrong to the proper authority for redress. Article 1150 complaints are not to be used for complaints against a Marine's commanding officer, which are the proper subject of an Article 138 complaint.

### What order or directive governs Article 1150 complaints?

Article 1150, US Navy Regulations and Chapter III, JAGMAN

### What is the procedure for making an Article 1150 complaint?

It depends on whether or not you and the superior you are complaining about have the same commanding officer.

- If you and the superior you are complaining about have the same commanding officer, your commanding officer will resolve the complaint. If you don't agree with the resolution, file an Article 138 complaint against your commanding officer.
- If you and the superior you are complaining about have a different commanding officer, use the same procedures as an Article 138 complaint. In short, this means taking the complaint to your commanding officer, who shall forward the complaint to the officer exercising general court-martial jurisdiction over the command.

### How do I file my complaint?

Your complaint should be filed via your chain of command in the format provided in the appendix following Chapter III, JAGMAN. A copy is provided as an enclosure to this document. You should also submit all relevant evidence, including affidavits, statements, and documents, with the complaint.

### Is there a time limit to file a complaint?

Yes. Complaints should be filed within 90 days of discovering an alleged wrong. Failure to file within 90 days may cause the complaint to be denied as untimely absent unusual circumstances justifying the delay.

### Do I have to talk to the superior I am complaining about before I make an Article 1150 complaint?

No, but you must keep a respectful bearing toward the superior while reporting the wrong to the proper authority for redress.

### What if I want to complain about more than one superior?

You must submit a separate complaint against each person.

### What if I am not the only one with a complaint against this superior?

Each person must file their own complaint.

May I withdraw my complaint?

Yes. You may withdraw a complaint at anytime. A withdrawal must be in writing, signed by you and forwarded via the same chain of command used to file the complaint.

*[The following applies only when you and the superior you are complaining about do not have the same commanding officer]*

If the general court-martial convening authority does not address my concern adequately, can I appeal his or her decision?

No. You may only seek redress if the general court-martial convening authority fails to forward you complaint to the Secretary of the Navy. You may wish to contact your Congressman if you believe that the general court-martial convening authority has mishandled your complaint (see section on Congressional Inquiries).

How will I know what is going on with my complaint?

Prior to final action being taken on your complaint by the general court-martial convening authority, you will be provided a copy of all endorsements and enclosures forwarded with the complaint, as well as any adverse evidence developed regarding your allegations during the inquiry. You will be afforded an opportunity to rebut any matter of an adverse nature. The general court-martial convening authority investigating your complaint will then notify you in writing of the action taken on your complaint. The general court-martial convening authority will then forward the matter to the Secretary of the Navy. The Secretary of the Navy will then notify you whether such resolution is determined to be correct in law and fact and whether further action on the complaint will be taken.

If the Secretary of the Navy says that the matter is closed, can I appeal?

No. You have exhausted your remedies under Article 1150. However, you may have other remedies available under other statutes or regulations, including petition to the Board for Correction of Naval Records if your request for redress is a matter over which they have jurisdiction.

## Request Mast FAQs

### What is Request Mast?

Request Mast is a formal process giving all Marines the opportunity to communicate grievances directly to, or seek assistance from, their commanding officers. Request Mast includes the right to communicate directly with the commander, normally in person, and the requirement that the commander consider the matter and personally respond to the Marine Requesting Mast.

### How do I go about filing a Request Mast application?

All commands should have a command Request Mast program. The program outlines, in understandable terms, the procedures to be followed by a Marine who desires to Request Mast. The Request Mast program is most likely controlled by the squadron or battalion headquarters element. Information about the command's program should be published for all command personnel to see. If you are unable to locate the directive outlining your command's program, enlisted Marines should contact the unit Sergeant Major, Senior Enlisted Marine or Administrative Chief. Officers should contact the Executive Officer or Adjutant.

### What order governs Request Mast?

Marine Corps Order 1700.23E

### Is there a form I should use to Request Mast?

Yes. NAVMC 11296 is the Marine Corps Request Mast Application. A copy is enclosed.

### Can I only Request Mast to my immediate commanding officer?

No. Request Mast provides a Marine the opportunity to communicate not only with his or her immediate commanding officer, but also with any superior commander in the chain of command up to and including the Marine's immediate commanding general.

### Can I Request Mast to a commander superior to my immediate commanding general?

Yes. A Marine may be granted the privilege of forwarding an application for Request Mast to higher commanders such as the Commandant of the Marine Corps or the Secretary of the Navy. However, there is no vested right to Request Mast with such higher commanders and the application may be returned without action. A Request Mast to the Commandant of the Marine Corps or the Secretary of the Navy must be forwarded via the chain of command and include an endorsement from your immediate commanding general recommending consideration or they will be returned without action. Request Mast applications to the Commandant of the Marine Corps will be handled by the Inspector General of the Marine Corps.

### Can someone in my chain of command stop me from Requesting Mast?

No. Anyone who attempts to deprive a Marine of the right to Request Mast or fails to assist the Marine in bringing his or her Request Mast to the officer to whom it is addressed is subject to punishment under the UCMJ. Furthermore, once the Marine has indicated his or her desire to Request Mast with the commander, NCOs, SNCOs and Officers subordinate to the Commanding Officer will make no effort to delay the Request Mast process in order to solve the problem themselves but rather will focus their effort on making the Marine available to the commander.

### Can I get in trouble for Requesting Mast?

No. Any attempt of reprisal against a Marine who has Requested Mast is prohibited. Anyone who violates this prohibition may be subjected to disciplinary action under the UCMJ.

Do I have to disclose the subject of my Request Mast to my chain of command?

No. A Marine does not have to disclose the subject of the Request Mast to anyone in the chain of command except to the commander with whom the Marine is Requesting Mast. You may seal your Request Mast application in an envelope marked "To be opened by [insert name or billet here] only."

How quickly will I hear from my commander?

In general, there should be no more than one working day delay from when the request is made to when the Marine sees his or her immediate commander. If you are Requesting Mast above your immediate commander (i.e., to your immediate commanding general), you should expect an additional one day of delay for each level of command between you and the officer to whom you are Requesting Mast.

Can the officer to whom I Request Mast refuse to address my Request?

Yes. A commander may deny a Request Mast application if there is another specific avenue of redress available to the Marine. For example, a Request Mast application may be denied if it relates to an ongoing investigation, court-martial, administrative separation proceeding, competency review board, NJP appeal, etc. In other words, Request Mast may not be used to short-circuit a system that is already in place to deal with a specific issue. If a commander refuses a Request Mast application, the commander is required to explain to the Marine why the Request Mast application was denied and, if appropriate, what procedure must be followed to resolve the issue.

What is the officer to whom I want to Request Mast is at a different location than me?

The Request Mast will be expeditiously forwarded by the senior commander at your location to the officer to whom it is addressed. The Request Mast will then be handled between the Marine and the officer to whom the application is addressed in person, by telephone or in writing, as deemed appropriate.

Can my Request Mast be delegated?

If you Request Mast to a commanding general, the authority to act on your application may be delegated to a deputy or assistant commander who is also a general officer. If you are not Requesting Mast to a commanding general, then your application may not be delegated and must be handled by the officer to whom it is addressed. In addition, commanding generals may authorize a Request Mast to be reviewed by a local command inspector. However, the inspector will only make appropriate recommendations to the commanding general and will not respond to or deny a Request Mast on behalf of the commanding general.

Can I Request Mast if I am deployed?

Yes. However, if the operational commitments of a Marine's command, whether for training or actual employment, would be unreasonably interfered with by the normal Request Mast protocol, the right to Request Mast can be limited to only the Marine's immediate commanding officer. Only the commanding general can limit a Marine's right to Request Mast in this way.

Will my Request Mast go into my service record?

No. Request Mast records are maintained separately from service records.

Can I Request Mast if I'm in confinement?

Yes. Marines confined in correctional facilities have the right to Request Mast. A Request Mast marked "To be opened by Commanding Officer/Commanding General only" will not be opened by correctional facilities personnel.

## **Congressional Inquiry FAQs**

### What is a Congressional Inquiry?

A Congressional Inquiry is a petition from a Member of Congress for information or assistance on behalf of one of their constituents. It is basically a request from a Member of Congress to the Marine Corps requesting information on a matter. It could be initiated because a Marine or a Marine's family contacts their Congressional representative and asks for their assistance on a matter relating to their military service.

### What happens when the Marine Corps receives a Congressional Inquiry?

Upon receipt of a Congressional Inquiry, Headquarters, Marine Corps will task the relevant command with providing the necessary information to respond to the Member of Congress.

### What is the purpose of contacting a Member of Congress for help?

While a Member of Congress has no direct power to order the Marine Corps to do anything, the attention of a Member of Congress is likely to encourage the Marine Corps to address your issue with all due urgency.

### Do I have to notify my command that I'm contacting a Member of Congress?

No. Commands cannot limit the right to communicate directly with a Member of Congress or require prior notice or approval. However, you should normally seek to have your issue addressed through other grievance procedures before contacting a Member of Congress. While you can not be restricted from communicating with a Member of Congress for any lawful purpose, you should give your command the opportunity to correct any problems you are experiencing first through an Article 138 Complaint, Article 1150 Complaint or Request Mast.

### How do I contact a Member of Congress?

There is no formal process for contacting a Member of Congress for assistance. You should send the Member of Congress a written request with your rank, full name, Social Security number, assignment, address, and a phone number where you can be contacted. Explain the problem and state what remedy is desired. Include copies of documentation provided to the command and any correspondence with the command. Beware of including incriminating evidence, as the letter will eventually be forwarded to your command. You may decide to provide sensitive information if the Member of Congress agrees not to forward that information to the military or agrees to wait until a later date.

Members of Congress generally assist only their own constituents and require a home or permanent address that falls within their district. However, some Members will take an interest in requests from non-constituents if:

- A servicemember complains that his or her own Congress member has not helped.
- The case is of such political significance that many Congress members may work together.
- The issue is one that the Congress member is especially interested in (racism, sexual harassment, or military prisons, for example).

Members of the House of Representatives are normally better suited to address requests for help from military members. The Capitol switchboard, at (202) 224-3121 or (800) 972-3524, can identify a servicemember's Member of Congress and connect callers to the Member's office. You can also find your Member of Congress using your zip code at [www.visi.com/juan/congress](http://www.visi.com/juan/congress) or, for members of the House of Representatives only, [www.house.gov/writerep](http://www.house.gov/writerep).

**MARINE CORPS REQUEST MAST APPLICATION**

NAVMC 11296 (Rev. 6-97)

IN: 0000-00-888-0350 U/I: EA

**PRIVACY ACT STATEMENT**

Authority: Title 5, U. S. Code 301; Title 10, USC Section 5013

Principal Purpose: Formal filing of complaints/problems to command personnel.

Routine Uses: To provide a record to facilitate personnel management actions and decisions; to serve as a data source for complaint/problem information and resolution efforts.

Disclosure: Disclosure is voluntary. Failure to complete the requested items could result in delayed command action and/or an inaccurate/incomplete analysis of the complaint/problem.

**PART I: TO BE COMPLETED BY THE APPLICANT**

1. NAME:		2. RANK:	3. SSN:
4. UNIT:		5. RACE/ETHNIC GROUP:	
6. GENDER:		7. DATE:	

a. I desire to Request Mast with: (Provide the name and billet of the Commanding Officer with whom you desire to communicate.):

b. NATURE OF COMPLAINT/PROBLEM: (Give in as much detail as possible the basis of your complaint; describe the incident(s)/behavior(s) and date(s) of the occurrence(s); the names of the individuals involved, witnesses and to whom it may have been previously reported. Include any other information relevant to your complaint/problem. Attach additional sheets, as needed).

c. REQUESTED REMEDY/OUTCOME: (Clearly state what assistance or complaint resolution you are seeking from the commanding officer named in 8a above.)

**AFFIDAVIT**

\_\_\_\_\_, have read this statement which begins in Block 8b on this page (page 1) and ends on page \_\_\_\_\_. I fully understand the statement made by me and certify the statement is true. I have initialed all corrections. I make this formal statement without threat of punishment and without coercion, unlawful influence, or unlawful inducement.

(SIGNATURE OF APPLICANT/DATE)

**ENCLOSURE (1)**

PART II: TO BE COMPLETED BY THE OFFICER CONDUCTING REQUEST MAST

10. DISPOSITION: (Provide a detailed explanation of actions taken or attempted to resolve the complaint/problem, to include any other referrals. If an inquiry/investigation was initiated as a result of this complaint, provide the type conducted and the results. Attach additional sheets as necessary.)

\_\_\_\_\_  
COMMANDING OFFICER SIGNATURE/DATE

PART III: APPLICANT'S ACKNOWLEDGMENT OF REQUEST MAST

(Applicant should initial/complete the appropriate statement(s))

\_\_\_\_\_ I have had the opportunity to communicate directly with my Commanding Officer named in Block 8a and understand the disposition or probable disposition of my problem/complaint.

\_\_\_\_\_ I have had the opportunity to communicate directly with \_\_\_\_\_ (name and billet of commanding officer subordinate to officer named in Block 8a), understand the disposition or probable disposition of my problem/complaint, and voluntarily withdraw this Request Mast.

\_\_\_\_\_ I have not had the opportunity to communicate directly with my Commanding Officer named in Block 8a.

\_\_\_\_\_ I have had the opportunity to communicate directly with my Commanding Officer named in Block 8a but have not been informed of the disposition or probable disposition of my problem/complaint.

\_\_\_\_\_  
WITNESS' SIGNATURE/DATE

\_\_\_\_\_  
APPLICANT'S SIGNATURE/DATE

COMPLAINT OF WRONGS

Submitted under the provisions of article 138, UCMJ, or article 1150, U.S. Navy Resolutions (1990)

1. FROM: (Name)  
(Grade/Rate) , (SSN)

a. Organization (current command and, if different, command at the time of the alleged wrong):

b. EAOS/EAS:

c. Permanent home address (place where correspondence should be forwarded upon separation from active duty) :

2. TO (general court-martial authority over respondent at the time of the alleged wrong):

3. VIA ADDRESSEES (intermediate superiors in the chain of command, to include complainant's current commanding officer and the respondent) :

4. RESPONDENT (person against whom complaint is made):

a. Name and grade:

b. Organization (title/position and current command, and if different, provide same information for respondent at the time of the alleged wrong):

5. COMPLAINT (explain what happened and how it adversely affected you personally):

a. Date wrong discovered:

b. Specific nature of wrong (include date and place of wrong) :

Number of additional pages attached: \_\_\_\_\_ -

c. ENCLOSURES (documents necessary to support the complaint, including prior written request for redress and the answer to the request):

(1)

(2)

(3)

A-3-a(1)

Change 3

ENCLOSURE (2)

d. Date written request for redress was submitted:

e. Date answer to request for redress was received:

f. Number of days between wrong and submission of complaint (difference between date in block 6a above and date this form is submitted, excluding the period respondent considered the written request for redress, which can be determined from blocks 6d and 6e above; if complaint is submitted more than 90 days after discovery of the wrong, the delay must be explained in block 6g below):

g. Explanation of delay in submission:

6. RELIEF REQUESTED (relief must be personal in nature and may not include, for example, a demand for public apology or initiation of disciplinary action against another):

7. I CERTIFY THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, AND THIS COMPLAINT IS SUBMITTED PER THE GUIDELINES AND PROCEDURAL REQUIREMENTS IN CHAPTER III, MANUAL OF THE JUDGE ADVOCATE GENERAL.

DATE \_\_\_\_\_

SIGNATURE OF COMPLAINANT \_\_\_\_\_

WITNESS: \_\_\_\_\_

Date: \_\_\_\_\_