

MARINE CORPS LEAGUE

Department of Louisiana Administrative Procedures

For Official Marine Corps League use only. All other Use is prohibited.

**These Administrative Procedures must not to be in
conflict with National.**

See Chapter ONE Section 125

When in doubt National's Administrative Procedures will prevail!

APPROVED by the majority of the delegates present and voting at Department Convention : 30 September 1993

*AMENDED to comply with Department changes as of 8 August 1997

APPROVED by the majority of the delegates present and voting at Department of Louisiana Convention 6 June 1998

*CHANGES, , APPROVED by majority of the delegates present and voting at Department of Louisiana Staff meeting 24 October 1998

APPROVED by Department Judge Advocate: 15 November 1998

APPROVED by majority of delegates present and voting at Department of Louisiana Convention 8 June 2002

APPROVED by National Judge Advocate John V. "Jack" Ryan 5 September 2002

*AMENDED to comply with Department changes as approved by the 2002 Department Convention

APPROVED by the majority of the delegates present and voting at Department of Louisiana Convention 7 June 2003

APPROVED by National Judge Advocate John V. "Jack" Ryan 16 June 2003

APPROVED by Majority vote of the members present at Department Convention at Lafayette on 7 June 2008

Signed by Department Commandant Charles J. Norman - Date 7 June 2008

Signed by Department Judge Advocate Victor R. Beverson - Date 7 June 2008

Reviewed and Approved – National Judge Advocate: James J. "Jim" Touhy 15 August 2011

APPROVED by Majority vote of the members present at Department Convention at Slidell on 4 June 2011

Signed by Department Commandant George Milton Haase Sr. - Date 4 June 2011

Signed by Department Judge Advocate Wayne John Ory - Date 4 June 2011

Reviewed and Approved – National Judge Advocate: _____

***Note: These Administrative Procedures are for Department of Louisiana ONLY!
When in doubt refer to National Administrative Procedures for clarifications.***

**Department of Louisiana ADMINISTRATIVE PROCEDURES
CHAPTER ONE
GENERAL**

SECTION 100 - NAME AND PURPOSE - The name of the body corporate is the **DEPARTMENT**, and is a subsidiary organization of the Marine Corps League, which is a non-profit corporation incorporated by an Act of the Seventy-fifth Congress of the United States of America at the First Session, begun and held at the City of Washington D.C. on Tuesday, the fifth day of January, 1937, and approved August 4, 1937.

The purposes for which the 501 C (4) Corporation is formed are:

- **(a)** To preserve the traditions and to promote the interests of the United States Marine Corps;
- (b)** To band those who are now serving in the United States Marine Corps and those who have been honorably discharged from that service together in fellowship that they may effectively promote the ideals of American freedom and democracy;
- (c)** To fit its members for duties of citizenship and to encourage them to serve as ably as citizens as they have served the Nation under arms;
- (d)** To hold sacred the history and memory of the men who have given their lives to the Nation;
- (e)** To foster love for the principles which they have supported by blood and valor since the founding of the Republic;
- (f)** To maintain true allegiance to American institutions;
- (g)** To create a bond of comradeship between those in the service and those who have returned to civilian life;
- (h)** To aid voluntarily and to render assistance to all Marines and former Marines as well as to their spouses, orphans, and parents;
- (i)** To perpetuate the history of the United States Marine Corps, and by fitting acts to observe the anniversaries of historical occasions of particular interest to Marines.

SECTION 101 - LOCATION - The principle offices of the Department shall be located with the Commandant of the Department.

SECTION 105 - CORPORATE SEAL – See Enclosure LA5, Department of Louisiana Corporate Seal.

SECTION 110 – POLICY –

- **(a)** The supreme power of the Department shall be vested always in its membership functioning through Delegates at all Department Conventions; executive and administrative powers only will be delegated to its Board of Trustees or to individual members of the Department.
- **(b)** The Department shall never take part in any labor or management dispute or issue, and it shall be ever non-sectarian, non-political, and non-partisan; nor shall it be based on the grounds of race, color, creed, nationality, or sex; nor shall it be used as a medium of political ambition or preferment; nor shall former or present military rank or former or present civilian position be used as the basis for special consideration or preferment.
- **(c)** Nothing in the preceding subsection shall prohibit the Marine Corps League or any subdivision thereof, from participating in political issues affecting the welfare of the United States Marine Corps, the Department security of our Nation, or any veterans' claims for justice arising from service in the Armed Forces of the United States of America.

SECTION 120 - ORGANIZATION - The constituted bodies of the organization shall be:

- **(a)** A Department Organization to be known as the Department of Louisiana Marine Corps League;
- **(b)** Subordinate Regional organizations to be known as Divisions, the extent and boundaries of which shall be as outlined in the Department Bylaws and Administrative Procedures.
- **(c)** Subordinate state organizations to be known as Detachments;
- **(d)** Such subsidiary organizations as the National Organization may create, establish, or recognize.

SECTION 125 – COMPLIANCE WITH NATIONAL BYLAWS AND ADMINISTRATIVE PROCEDURES -

- **(a)** The National Bylaws and Administrative Procedures shall prevail should there be any inconsistency between the Department and Administrative Procedures and those of National.
- **(b)** Any amendments to, or revisions of the National Bylaws and Administrative Procedures, hereinafter adopted which may be in conflict with these Bylaws and Administrative Procedures shall automatically become part of these Bylaws and Administrative Procedures.
- **(c)** Within these Bylaws and Administrative Procedures where sections and subsections are identified without following text, the corresponding section and subsections of the National Bylaws and Administrative Procedures are to be considered as an integral part of these Bylaws and Administrative Procedures.

SECTION 130 – INSTALLATION OF DEPARTMENT OFFICERS – The installation of Department Officers shall be held during formal ceremony closing the Department Convention. The installing Officer must be the National Commandant, an elected National Officer, a Past National Commandant or past Department Commandant.

- **(a)** It shall be the responsibility of the installing Officer to sign, date and forward the completed "**Report of Officer Installation**" (National Enclosure 5) within 15 days of the installation.

Department of Louisiana ADMINISTRATIVE PROCEDURES
CHAPTER TWO
DEPARTMENT CONVENTION

SECTION 200 - MEETINGS - The Department Convention shall be convened once each year during the First full weekend in June, **Friday, Saturday and Sunday**, unless it is prevented by national emergency or other unpreventable cause.

SECTION 205 - TIME AND PLACE - The time and place of each Department Convention shall be decided by the Delegates present and voting at a Department Convention two (2) years in advance, provided that, in an emergency, the present and voting Delegates may assign this duty to the Department Board of Trustees. **(See Enclosure LA4)**

- **(a)** In the event a Detachment which has committed itself to host a convention (between conventions) decides not to host such convention, then the Department Board of Trustees shall automatically assume the executive duty of selecting an alternate location, without requirement of above referenced vote; this action is subject to ratification at the next convention.
- (b)** Each Detachment shall be provided written notification of the date and location of each pending Convention at least (60) days prior to the opening date of the Convention. Such notification to include necessary forms for the Detachments certification of authorized Delegates and Alternates to such Convention.

SECTION 210 - PROCEDURES - Immediately preceding the convening of each Department Convention, the Department Commandant and his/her Staff shall determine and establish the sequence and procedure with which the business of the Convention shall be conducted, in conformity with the Department Bylaws and Administrative Procedures. **(See Enclosure LA8 as example)**

SECTION 215 - RULES OF ORDER - The Department Bylaws and Administrative Procedures shall govern the procedure and conduct of each Department Convention. **(See Enclosure LA6)** Parliamentary reference for Conventions shall be Robert's Revised Rules of Order.

SECTION 220 – REGISTRATION -

- (a) All approved and certified Delegates, Alternates, and Members will receive from the Convention Registration Committee, a Convention Program, and such Activities Admittance Tickets as they desire upon payment of the amount indicated on the Convention Activities Ticket.
- (b) The pre-registration fee for the Department Convention shall be \$5.00 per member. Registration at the Convention shall be \$6.00 per member.
- (c) In the process of registration, should a member's credentials as a Delegate or Alternate be challenged by the Credentials Committee, the member's Detachment Commandant (or duly appointed representative in the absence of the member's Detachment Commandant) may authenticate the credentials of the member in question, providing that such action does not authorize more Delegates and Alternates than the Detachment is allowed under provision of the these Bylaws and Administrative Procedures.
- (c) In the event the Delegate whose credentials are challenged is a Detachment Commandant, or upon any appeal by a member to the action of the Credentials committee, the Department Commandant shall appoint a Grievance Committee composed of three (3) members who shall immediately hear the grievance. The committee shall report it's findings to the Convention floor. The Committee finding shall require a majority vote for acceptance. The aggrieved party shall not participate in this vote.
- **NOTE:** The Past Department Commandants shall be Delegates-at-Large to Conventions, and the registration fee for Past Department Commandants registering shall be waived. (See **Enclosure LA4** for Registration Form)

SECTION 225 - INSTALLATION OF DEPARTMENT OFFICERS – (See Chapter ONE - Section 130)

SECTION 230 - STENOGRAPHIC EXPENSE - The stenographic expense, including recording the proceedings of the Department Convention, shall be borne by Department Headquarters.

SECTION 235 - CONVENTION ADMINISTRATIVE COMMITTEES

- (a) The Department Convention Administrative Committees shall be:
 - (1) Credentials, (2) Bylaws and Administrative Procedures, (3) Resolutions and (4) Rules. (See their duties listed below)

Ch 3/98 (b) So far as is possible, the Department Commandant will appoint one (1) member of each Division to serve upon each Department Administrative Convention Committee, notifying each appointee of the selection and further shall appoint a Chairperson of the committee in order to call the first meeting and organize the committee business, as appropriate. Should there be division within any Committee upon any proposal, the minority shall have the privilege of stating the reasons for their position after the Committee Chairman's report on such proposal.

(c) Duties of the Department Convention Administrative Committees are:

- (1) **CREDENTIALS COMMITTEE** Shall:
 - (a) Examine the credentials of each Delegate and Alternate Delegate,
 - (b) Determine that each member desiring to register possesses a current membership card,
 - (c) Compile a continuing list of all registered and approved Delegates and Alternates and the approved Delegate voting strength of each Detachment in good standing. The lists shall be available upon the request of the chair and shall be presented as a part of the Committee's final report to the Department Convention,
 - (d) Disapprove the credentials of Delegates **NOT** in good standing at the time of the Department Convention.

In addition to the Commandants appointee, the committee will be compromised of the Department Judge Advocate and the Judge Advocate of each Detachment present.

- (2) **BYLAWS AND ADMINISTRATIVE PROCEDURES COMMITTEE** Shall receive and consider all proposed changes of the Department Bylaws and Administrative Procedures properly submitted in accordance with the requirements of the Department Bylaws and Administrative Procedures. The Committee, by a majority vote, shall either approve or disapprove all properly registered Department Bylaws and Administrative Procedures revisions considered by the Committee. The Committee Chairman will report the Committee's recommendations to the Department Convention for its consideration and action. **In addition to the Commandants appointee, the committee will be compromised of the Department Judge Advocate and the Judge Advocate of each Detachment present.**

- (3) **RESOLUTIONS COMMITTEE** Shall receive and consider all properly submitted resolutions (**NOT** Bylaws proposals) complying with the requirements of the Department Bylaws and Administrative Procedures and may offer resolutions on behalf of the Committee deemed by the Committee to be advisable and necessary. The Committee, by properly registered resolutions considered by the Committee. The Committee Chairman will report the Committee's recommendations upon such resolutions to the Department Convention for its consideration and action. **In addition to the Commandants appointee, the committee will be compromised of the Department Judge Advocate and the Judge Advocate of each Detachment present.**

- (4) **RULES COMMITTEE** Shall study the rules of the Convention employed at prior Conventions and determine the need for any additional rules or revision thereof, for recommendations to the current Convention. **In addition to the Commandants appointee, the committee will be**

compromised of the Department Judge Advocate and the Judge Advocate of each Detachment present. (See Enclosure LA6)

SECTION 240 – CONVENTION COMMITTEE – The Department Convention Committee shall be composed of four (4) members who will select their Chairman. **The Committee will be the Department Commandant, Department Senior Vice Commandant, Jr. Past Commandant and the Convention Chairman from Detachment sponsoring the Convention.**

- **(a)** The Convention Committee shall receive and review all bids for the Department Convention and Staff Meetings and notify the Convention body of their recommendation. Should the Convention bid be rejected or no bid received, the members of the Convention Committee shall select a location. Should the site selection be made early enough, this information shall be presented at the first Department Convention or Staff Meeting as situation allows. The information should include location, dates and rates of rooms, prices of meals, banquet, etc. Should other difficulties arise and the selection be delayed, the Convention Committee shall immediately notify the Department Commandant.
- (b)** The Convention Committee Chairman will work closely with the host Detachment to insure an orderly and enjoyable Convention.
- (c)** The Chairman and the Committee shall be responsible to the Commandant and the Board of Trustees for all planning, arrangements, control, administration and the final successful conclusion of the Department Convention and Staff Meeting.
- (d)** Any Detachment may make a formal or informal bid for a Department Convention or Staff Meeting. It is desired that the bids be received two (2) years in advance. The host Detachment must provide the following:
 - **(1)** On site adequate meeting rooms for the Department, Marine Corps League Auxiliary, Devil Dogs and Devil Dog Fleas.
 - 6/7/08 (2)** *Must provide a non smoking, hospitality room with adequate refreshments, food and beverages.* Surrounding area should be posted "No Smoking". No liquor is to be served during any meeting session.
 - 6/7/08 (3)** *Must provide complimentary rooms and Banquet meal for invited VIP's and/or guests of honor.* (This includes the Southeast Division Vice Commandant and the Southeast Division Vice President and their companions)
 - 6/7/08 (4)** *Complimentary rooms will be provided for the Department Commandant and the Auxiliary President. The Banquet invitation will be complimentary for those individuals and companions.* Rooms must be ready when they arrive.
 - (5)** The registration fee for the Annual Department Convention for members of the League shall be (\$5.00). All persons entering the hospitality room must pay this in advance.
 - (6)** The Host Detachment will liaison with the Department Convention Committee Chairman when all arrangements have been completed for approval and further instructions. This must be accomplished ninety (90) days prior to the Convention and Staff Meetings. The Host Detachment will notify all Detachments and Auxiliary Units in the Department via

mail, including information about the hotel/motel, restaurants, meeting rooms, committee meetings, etc.

(7) The Department Convention registration fee collected is to be utilized by the Host Detachment.

See **Enclosure LA8** for example of Agenda to help in Convention planning.

SECTION 245 – DEPARTMENT CONVENTION STREAMERS – There will be a Streamer awarded to those Detachments who display their Detachment Standard at the Department Convention. Department Sgt @ Arms will be responsible for acquiring and determining Detachments to receive Streamers. Department Jr. Vice Commandant is responsible for having them at Convention.

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**Department of Louisiana ADMINISTRATIVE PROCEDURES
CHAPTER THREE
DEPARTMENT STAFF**

SECTION 300 - STANDING COMMITTEES AND DUTIES - The Department Standing Committees and their duties are as follows:

- (a) **MARINE OF THE YEAR COMMITTEE** – "*Milton H. Ockman Memorial Award*" Est.2006 The Committee will be the Department Elected Staff Officers (Trustees) and will be chaired by the Department Commandant. There will be no more than two (2) Committee members from the same Detachment. If more than two (2) the lowest rank as determined by the Installation Report ranking will not be allowed to vote. The Jr. Vice Commandant will notify all Detachment Commandants in writing by **February 1** each year, by certified mail, return receipt requested, of the date nominations are to be received. All nominations will be mailed to the Department Jr. Vice Commandant by **April 1** prior to the Department Convention. The Jr. Vice Commandant will mail copies of all nominations to the Department Staff Officers (Trustees) for their review and recommendation by **May 1**. The Department Commandant will be the mediator in case of a tie. (See **Enclosure LA2**) 6/2011

- (b) **ASSOCIATE MARINE OF THE YEAR** - "*LeLand H. Wilde Memorial Award.*" Committee is Same as (a) above. (See **Enclosure LA2a**)

- (c) **BUDGET AND FINANCE COMMITTEE** - It shall be the duty of the Budget and Finance Committee to hold such hearings with Officers and Delegates during each Convention, to prepare and present a financial program and

budget for the conduct of business and affairs of the League for the ensuing year and to make recommendations concerning ways and means of increasing the funds of the League. Convention Bank

Balance ----- \$x,xxx.xx

Number of regular members X \$2.00 = \$ xxx.xx

Amount from National for Life Members last year --- \$x,xxx.xx

Total ----- \$ xx,xxx.xx

times 80% = Budget

Note - The Budget and Finance Committee is the current Department Commandant and all Past Department Commandants present at Convention. 6/2011 (Note - Department Paymaster is non voting member)

(d) AMERICANISM COMMITTEE - The Americanism Committee, **appointed by the Commandant**, shall have the duty of formulating, implementing, and executing an Americanism program to effectuate the purposes of the Marine Corps League. (See National Enclosure two (2) for guidelines.)

(e) DEPARTMENT UNIFORM COMMITTEE - The Uniform Committee shall have the duty of testing and studying present emblem and uniform items and articles, recommending changes or additions thereto; identifying an acceptable source of supply and to formulate and present to the Department Convention recommendations for changes or additions to existing uniform regulations. (See **National Enclosure three (3)** for uniform regulations.)

(f) AWARDS AND CITATION COMMITTEE - Shall have the duty of recommending to the Staff awards and citations for the Department, and shall certify that the recipient is worthy of said award. The Senior Vice Commandant will chair this committee.

(g) LIAISON OF YOUNG MARINES – The Marine Corps League recognizes the Young Marines of the Marine Corps League as an official subsidiary organization of the Marine Corps League which shall ever be subject to the authority, supervision, direction, control and discipline of the Marine Corps League. (**National Bylaws, Article Seven (7)** applies)

(h) V.A.V.S. CHAIRMAN – It shall be the duty of the Veterans Administration Volunteer Service Representative to:

- **(1)** Maintain close contact with the Veterans Administration VAVS staff for the purpose of keeping abreast of the changes in policies and procedures pertaining to the VAVS Program.
- (2)** Promulgate the objectives of the VAVS Program and cultivate the interest of constituent Departments, Detachments, and subsidiary units in their participation in the VAVS Program at hospitals within their locale.

- (3) Receive recommendations, from Detachments, of members willing to serve in the VAVS Program, and, as appropriate request VAVS certifications for required representatives and deputies.
- (4) Guide and instruct Detachment VAVS Chairman and VAVS workers in the proper conduct of their functions related to the VAVS Program and establish standards for required reports.
- (5) Receive and compile comprehensive VAVS Program activity reports from various participating Detachments and provide copies to the National Board and Veterans Administration.
- (6) Conduct a VAVS workshop at each Department Convention.
- (7) Attend annual VAVS Meetings conducted by the Veterans Administration for the representatives and deputies of participating organizations.
- (8) Submit an annual report to the Department Board of Trustees at each Staff Meeting.

(i) **MEMBERSHIP RECRUITMENT – DETACHMENT** – The Adjutant/Paymaster will check the transmittals received since May 31 previous year through May 31 current year. The total new members of each Detachment will be divided by the total paid membership of each Detachment as of current May 31 to determine the percentage increase in membership. The Detachment with the highest percentage increase in membership will receive the **Walter S. McIlhenny Award** to keep until next Department Convention. If the same Detachment receives this award for three (3) consecutive years, a miniature of the McIlhenny award will be given to that Detachment as a permanent award.

(j) **MEMBERSHIP RECRUITMENT – INDIVIDUAL** – Any individual who recruits 5 or more new members between May 31 of each year will receive a Pin in the shape of the State of Louisiana. (See **Enclosure LA3**) This award is the responsibility of the *Department Jr. Vice Commandant*.

SECTION 310 – ADVISORY COUNCILS AND DUTIES – The Advisory Councils and their duties are as follows:

- (a) **PAST DEPARTMENT COMMANDANTS’ COUNCIL** – The Past Commandants’ Council, an integral part of the Department Staff, composed of all Past Department Commandants and chaired by the Junior Past Commandant, as a collective advisory body is charged with the responsibility of providing assistance to the Department Board of Trustees. It shall be general duty of this Council to:
 - (1) Conduct a review and study of operations, administration, policies and procedures of the Department aimed towards identifying any potential problems.
 - (2) As called upon, execute in-depth study tasks as assigned by the Department Commandant or the Department Board of Trustees through the Council Chairman.
 - (3) Pursuant to accomplishing the above responsibilities they shall develop a

proposed plan, policies, procedures and/or system for recommendation to the Department Board of Trustees for its consideration.

(4) Meet semi-annually prior to the Department Board of Trustees meetings, at which a Council report will be rendered to the Department Board of Trustees. (Conduct of interim business between Council Conference shall be accomplished via mail or telephonic means).

• **(b) DETACHMENT COMMANDANTS' COUNCIL** - The Detachment Commandants' Council, an integral part of the Department Staff, composed of all Detachment Commandants present at this convention and chaired by the Department Senior Vice Commandant, as a collective advisory body is charged with the responsibility of providing assistance to the Department Board of Trustees. It shall be the general duty of this Council to:

- **(1)** Study ways and means toward stimulating growth, both in membership and stature of the Marine Corps League, its growth, and the enhancement of administrative and command relationship between the Department and Detachments.
- (2)** Receive and evaluate suggestions and relationships which are oriented to the improvement of the Marine Corps League, its growth, the enhancement of components, Department and Detachments.
- (3)** As called upon, execute in-depth study tasks as assigned by the Department Commandant or the Department Board of Trustees through the Council Chairman.
- (4)** Pursuant to accomplishing the above responsibilities, they shall develop a proposed plan, policies, procedures and systems for recommendation to the Department Board of Trustees for its consideration.
- (5)** Meet semi-annually at the Department Board of Trustees Meeting preceding the Department Convention, and the Staff Meetings at which a Council report will be rendered to the Department Board of Trustees. (Conduct of interim business between Council conferences shall be accomplished via mail or telephone)

SECTION 320 - APPOINTED OFFICERS, CHAIRMEN AND COMMITTEE MEMBERS

TERM - All appointed Department Officers, Committee Chairmen and Committee Members shall serve at the pleasure of the Department Commandant and Board of Trustees. All of the above shall surrender all monies, records and properties of the Department in their charge to their successors.

Department of Louisiana ADMINISTRATIVE PROCEDURES CHAPTER FOUR Divisions

SECTION 400 - FORMATION - To obtain more effective administrative functioning, the Department is divided into geographical units call Divisions.

SECTION 405 - POWERS - The function of Divisions is Administrative only. No Division will adopt Bylaws nor will it assess any dues or fees, and only expenses authorized in advance by the Department Board of Trustees for a Division will be paid by the Department. The duties and authority of the Division Vice Commandants are:

- **(a)** Be held accountable to the Board of Trustees for the care and proper administration of the Detachments in their Division.
- (b)** Arrange for, convene and supervise not less than one (1) Division Conference each year for the purpose of discussing Division problems, planning and executing means and methods of strengthening and increasing the effectiveness of the Division.
- (c)** Make every continuing effort to establish new Detachments within their Division.
- (d)** May appoint a Assistant Division Vice Commandant, when in the opinion of this officer, such action is necessary to assist in the constructive growth and enhancement of their Division.
- (e)** The Assistant Division Vice Commandant will represent his Division in the absence of the Division Vice Commandant

(1) Perform additional duties as directed by the Division Vice Commandant.

(2) All Authorized expenses of the Assistant Division Vice Commandant, approved by Division Vice Commandant, will be charged against the allocated budgeted amount for that Division Vice Commandant.

SECTION 410 - DIVISION ALIGNMENT - The Division of the Department shall be aligned in accordance with their geographical areas outlined on the map of the State of Louisiana included in the back of these Bylaws and Administrative Procedures. (See LA 1a)

Division 1: (*Floyd L. Baxter –Red River / Northeast*)

Bounded on the north, west and east by Louisiana borders. Bounded on the south by Vernon, Rapides, Point Coupee & Avoyelles Parishes. Including these Parishes.

Division 2: (*Paul E. Boyd / Choctaw / Jans F. Hursey*)

Bounded on the North and east by Louisiana borders. Bounded on the west by Point Coupee & Iberville Parishes. Includes these Parishes. Bounded on the south by Iberville, Ascension, St. John the Baptist, St James & Orleans Parishes. Includes these Parishes. Includes west bank of Jefferson Parish.

Division 3: (*Acadiana / Gen. Walter S. McIlhenny / St. Mary / Southwest / West Cal Al Worley*)

Bounded on the west and south by Louisiana borders. Bounded on north by Beauregard, Allen, Evangeline & St. Landry Parishes. Includes these Parishes. Bounded on east by St Landry, Iberia, St Martin & St. Mary Parishes. Includes these Parishes.

Division 4: (*Houma-Terrebonne/ Bayou Parish*)

Bounded on south and east by Louisiana borders. Bounded on west by

Assumption & Terrebonne Parishes. Includes the Parishes. Bounded on the north by Napoleonville & St. Charles Parishes. Includes these Parishes.

Department of Louisiana ADMINISTRATIVE PROCEDURES
CHAPTER FIVE
DEPARTMENT

SECTION 500 – FORMATION - A State in which there are three (3) or more Detachments with a combined membership of sixty (60) or more members may be chartered as a Department by the National Board of Trustees upon receiving a written request from such Detachments via the jurisdictional National Division Vice Commandant. However, a Charter may be granted if the combined membership is less than sixty (60) if a petitioning Detachment is chartered as is authorized by Chapter Six (6), Section 600(f). The Charter, upon being signed by the National Commandant, National Division Vice Commandant and the National Adjutant/Paymaster, shall be presented with an appropriate ceremony as soon as is possible.

SECTION 505 - POWERS - Whatever power is vested in the National Organization, shall in corresponding circumstances, be vested in the Department.

SECTION 510 - AUTHORITY - Each Department shall be governed by a Department Convention subordinate to National Convention.

SECTION 520 - DEPARTMENT DUES - The Department Convention shall determine the amount of Department per capita dues. All per capita dues and monies which are due National Headquarters from a Department shall be forwarded without delay. The current dues for the Department members is two (2) dollars annually.

Ch 3/98 SECTION 530 - INSTALLATION OF DEPARTMENT OFFICERS - (See Section 130 and Section 225)

Department of Louisiana ADMINISTRATIVE PROCEDURES
CHAPTER SIX
DETACHMENTS

SECTION 600 - CHARTER - A Detachment may be organized, chartered and instituted in the following manner:

- **(a)** A standard application form shall be signed by no less than twenty (20) persons who are eligible for regular membership in the Marine Corps League; however, no applicant for a Charter shall include as transferred the name of a member of an existing Detachment, or a person who is not eligible for a regular membership as is required in Article Six, Section 600, Paragraph (a) National

Bylaws. The form shall be accompanied by the required Department and National per capita dues and fees and it shall be signed by the organizing officer. The application when accurately completed, shall be forwarded to the Jurisdictional Department Commandant, who shall indicate thereon approval or disapproval over his signature and expeditiously forward the application to the appropriate National Division Vice Commandant who shall also indicate approval or disapproval over his/her signature and expeditiously forward the documents to the National Commandant. A recommendation for disapproval of a Charter application by either the Department Commandant or the National Division vice Commandant shall require written explanation by said officer for such recommendation. (In the event no Department exists, the application shall be mailed to the Jurisdictional National Division Vice Commandant.)

(b) Upon receipt of an application, the National Commandant shall review the application and accompanying recommendation and may approve the application and grant such Charter. The Charter shall be signed by the National Commandant, countersigned by the National Adjutant/Paymaster, the National Division Vice Commandant of the Division and the Department Commandant where a Department exists. There also shall be affixed to each Charter the official seal and ribbon of the Marine Corps League.

- (1) The National Headquarters shall provide each new Detachment with one (1) copy of the current Ritual and two (2) copies of the current and updated National Bylaws; to be mailed to the Jurisdictional Department Commandant simultaneously with forwarding the new Charter to the Jurisdictional National Division Vice Commandant for signature.

(c) The Charter shall be presented with an appropriate ceremony at an open public meeting.

(d) Each new Charter, before framing, shall be signed by each member who signed the Charter Application.

(e) Failure of the Department Commandant or the National Division Vice Commandant of the Division to act with promptness in processing and forwarding an application for a Charter, or signing a Charter as outlined above in this section, and such failure is brought to the attention of the National Board of Trustees, shall make such Officer liable to disciplinary action.

(f) Under special consideration, a Detachment Charter may be issued to less than twenty (20) applicants. A Charter issued under this provision is subject to all requirements of Chapter Six (6), Section 600.

SECTION 610 - AUTHORITY - Each Detachment shall be governed by its elected Officers (Board of Trustees) subordinate to the Department and Department Convention, the Charter and the Bylaws and Administrative Procedures of such bodies.

SECTION 615 - DUES - Each Detachment shall fix the amount of its membership dues, which shall include the Department and National per capita dues and fees. All per capita dues and fees which are due the Department and National Headquarters shall be forwarded with a standard

transmittal form without delay to the Department Paymaster for processing (see National Enclosure Six (6)). The Department Paymaster shall without delay remit to the National Adjutant/Paymaster those transmitted forms and such funds which are due National Headquarters. (Paymasters as used in this section shall also mean Adjutant/Paymaster when both duties are performed by the same person.)

C 3/98 SECTION 620 - INSTALLATION OF DETACHMENT OFFICERS -

- **(a)** The Detachment Commandant - elect shall select an Installing Officer of his/her choice. Such information shall be forwarded to the Department Commandant.
- (b)** The Installing Officer must be the Department Commandant, an elected Department Officer, a Past Department Commandant, the National Commandant, an elected National Officer, a Past National Commandant, the Detachment Commandant or a Past Detachment Commandant.
- (c)** It shall be the responsibility of the Installing Officer to sign, date and forward the installation report, within the time frame as specified in Article Five (5), of the National Bylaws. (See Enclosure Five (5) for instructions on completing the report of the Report of Officers and Installation.)

SECTION 621 – INCORPORATION OF DETACHMENT – It shall be the responsibility of the Department Board of Trustees to Incorporate the Detachment with the State of Louisiana and pay the annual fee to maintain the Incorporation. (See Bylaws Section 710)

SECTION 622 – FEDERAL TAX IDENTIFICATION NUMBER (EIN) - It shall be the responsibility of the Detachment Board of Trustees to obtain a Federal Tax Identification Number (EIN) from the United States Internal Revenue Service.

SECTION 623 – 990 N FORM - It shall be the responsibility of the Detachment Board of Trustees to File Form 990 N each year with Internal Revenue. All Detachments and Department are required to file on **1 July** each year Short form if income is less that \$25,000.00 and long form if income is \$25,000.00 or more. All Marine Corps League is require to have June 30 as their "End of year", regardless of what you previously had.

**Department of Louisiana ADMINISTRATIVE PROCEDURES
CHAPTER SEVEN
MEMBERS**

SECTION 700 - INITIATION - All applicants acceptable for membership in the Marine Corps League shall be properly obligated in accordance with the Ritual, and be presented the official membership card and lapel pin of the Marine Corps League; however, in a case where the applicant is unable to attend an obligation ceremony, said applicant shall be required, by signature on membership application, assume the obligation of membership.

SECTION 710 - MEMBERSHIP TRANSFER - Any member in good standing may transfer from one Detachment to another, without payment of additional dues or transfer fees, upon his application to and approval of the gaining Detachment and of the losing Detachment. (See **National Enclosure seven (7)**)

- **(a)** Members-At-Large must be certified as members in good standing by the National Adjutant/Paymaster (see Article Six (6), Section 615 of the Department By-Laws).

SECTION 720 – DEATH OF A MEMBER OF THE MARINE CORPS LEAGUE -

- **(a)** Upon notification of the demise of any member, the Detachment Chaplain shall:
 - **(1)** Immediately contact the family of the deceased member for the purpose of offering any assistance and presenting expressions of condolence.
 - **(2)Ch 3/98** Without delay, report the death of the member directly to both the National Chaplain and Department Chaplain (if applicable). The report will cite the full name of the deceased, name, address, and phone number of next of kin (if applicable), and any known funeral arrangements.
 - **(3)Ch 3/98** Utilize the "Notice of Death" form (available from National Headquarters). This form will be in four parts: original to National Chaplain, second copy to National Adjutant/Paymaster, third copy to Department Chaplain (if applicable), and fourth copy for the Detachment records.
 - **(b)Ch 3/98** It shall be the duty of all members of the Marine Corps League who are not prevented by distance or unavoidable cause to attend the funeral services of a deceased member. To this end, the Detachment Commandant, with assistance of the Detachment Chaplain and Adjutant/Paymaster, shall develop a plan to notify Detachment members in a timely manner.

**Department of Louisiana ADMINISTRATIVE PROCEDURES
CHAPTER EIGHT
SUBSIDIARIES AND SUBORDINATES**

SECTION 800 - REPORTS - Each National subsidiary organization and each National subordinate group (identified below) which directly or indirectly operates under the Congressional Charter and the name of the Marine Corps League must annually file with the National Headquarters a true and complete financial statement of its itemized total income and expenses for the preceding twelve (12) month period. Said report shall be submitted at the

opening date of the National Convention to the National Adjutant/Paymaster.

(a) This requirement is applicable to

- **(1)** Subsidiary organizations, such as: Marine Corps League Auxiliary; Military Order of Devil Dogs; Military Order of Devil Dog Fleas; Young Marines of the Marine Corps League; and such other organizations which may be instituted hereafter

(2) Subordinate groups, such as: Marine Corps League Youth Physical Fitness Program; and such other groups which may be instituted hereafter.

(b) Failure upon the part of any of the above organizations or groups to file the required report in compliance with the provisions of this section will subject the violating organization or group to such action as determined by the National Board of Trustees of the Marine Corps League.

(c) The financial reports shall be used by the National Commandant, the National Adjutant/Paymaster, and the National Comptroller a complete annual report to Congress of all activities and finances of the Marine Corps League and its subsidiary organizations and subordinate groups.

(d) All subsidiary organizations and subordinate groups, listed in Chapter Eight (8), Section 800, will file their 990 N or 990EZ financial report in accordance with the Internal Revenue Service (IRS) regulations, if required. These same subsidiary organizations and subordinate groups will submit a copy of their 990 N or 990EZ on the due date for the IRS to National Headquarters, Marine Corps League.

SECTION 810 - MARINE CORPS LEAGUE AUXILIARY - The Marine Corps League recognizes and adopts the Marine Corps League Auxiliary as the official Women's Auxiliary of the Marine Corps League, and declares that the Marine Corps League Auxiliary shall ever be subject to the control and supervision of the Marine Corps League. (**Article Seven (7), National By-Laws** applies.)

SECTION 820 - MILITARY ORDER OF DEVIL DOGS - The Marine Corps League recognizes and adopts the Devil Dogs as an official subsidiary organization of the Marine Corps League which shall ever be subject to the authority, supervision, direction, control and discipline of the Marine Corps League. Membership in the Military Order of Devil Dogs shall be limited to regular members of the Marine Corps League, consistent with the restrictions and requirements of the Constitution and Bylaws of the Military Order of Devil Dogs. (**Article Seven (7), National By-Laws** applies.)

SECTION 830 - MILITARY ORDER OF DEVIL DOG FLEAS - The Marine Corps League recognizes the Military Order of Devil Dog Fleas as an official subsidiary organization of the Marine Corps League Auxiliary which shall ever be subject to the authority, supervision, direction and discipline of the Marine Corps League. Membership in the Military Order of Devil Dog Fleas shall be limited to members of the Marine Corps League Auxiliary. (**Article Seven (7), National By-Laws** applies.)

SECTION 840 - YOUNG MARINES OF THE MARINE CORPS LEAGUE - The Marine Corps League recognizes the Young Marines of the Marine Corps League as an official subsidiary organization of the Marine Corps League which shall ever be subject to the authority, supervision, direction, control and discipline of the Marine Corps League (Article Seven (7), Department By-Laws applies.)

SECTION 850 - THE MARINE OF THE YEAR SOCIETY - The Marine Corps League recognizes the Marine of the Year Society as an official subordinate group of the Marine Corps League which shall ever be subject to the authority, supervision, direction and control and discipline of the Marine Corps League. (Article Seven (7), Department Bylaws applies.)

SECTION 860 - MARINE CORPS LEAGUE YOUTH PHYSICAL FITNESS PROGRAM - The Marine Corps League recognizes the Marine Corps League Youth Physical Fitness Program as an official subordinate group of the Marine Corps League which shall ever be subject to the authority, supervision, direction, control and discipline of the Marine Corps League. (Article Seven (7), Department Bylaws applies.)

SECTION 870 - MARINE CORPS LEAGUE FOUNDATION - The Marine Corps League recognizes the Marine Corps League Foundation as an official subordinate group of the Marine Corps League which shall ever be subject to the authority, supervision, direction, control and discipline of the Marine Corps League. (Article Seven (7), Department By-Laws.)

**Department of Louisiana ADMINISTRATIVE PROCEDURES
CHAPTER NINE
GRIEVANCE AND DISCIPLINE**

Refer to National Administrative Procedures for all updates and / or revisions.

SECTION 900 - DEFINITIONS-

SECTION 901 - GRIEVANCES -

SECTION 902 - DEPARTMENT or DIVISION GRIEVANCE -

SECTION 903 – NATIONAL CONVENTION in GRIEVANCE -

SECTION 904 – DISCIPLINARY ACTION -

SECTION 905 - DEPARTMENT COMMANDANT or DEPARTMENT -

SECTION 906 - NATIONAL OFFICERS and BOARD of TRUSTEES -

SECTION 907 - NATIONAL COMMANDANT -

SECTION 908 - NATIONAL JUDGE ADVOCATE -

SECTION 909 - PROCEDURE -

SECTION 910 – SUSPENSION PENDING HEARING-

SECTION 911 - PUNISHMENT -

SECTION 912 – CRIMINAL ACTS

SECTION 913 - OFFENCES –

SECTION 914 – CHARGES STEMMING from a previously heard matter –

SECTION 900 - DEFINITIONS

The following definitions shall be applicable to this chapter:

(a) Petitioner. The Petitioner is the person or unity bringing either a grievance or a disciplinary charges under this chapter.

(b) Respondent. The Respondent is the person or unit against either a grievance has been made or against whom the disciplinary action is sought.

(c) Grievance. A Grievance is an injury, injustice or wrong which gives ground for complaint because it is a unjust, Harmful, Afflictive, or oppressive. A Grievance does not subject the member, detachment or department to punishment but seeks to resolve the injury, injustice or wrong if such is found.

(d) Disciplinary Charges. A disciplinary charge is a formal complaint, accusation, information or incident of a member, Detachment or Department in which disciplinary punishment is sought. "Charges" preferred under this chapter need not be by reference to a section. A disciplinary charge shall specify: What was alleged to have occurred, when it was alleged to have accrued, and such other supporting information as may be prepared. Detachments do not have any disciplinary jurisdiction upon any member.

(e) Rules of Evidence or Procedure. The rules of evidence d or procedure prevailing in courts of law and/or equity shall not be controlling in actions under this chapter. All questions as to the relevance and admissibility of evidence and the regularity of the proceeding and the credibility of witnesses and evidence shall be determined by the appropriate Hearing Board and such shall net be overturned on appeal unless such Hearing Board is clearly in error. The goal of this chapter shall be to insure tat matters ore expeditiously, fairly and justly heard.

(f) Burden of Proof. The party bringing the grievance or the disciplinary charge has the burden of proving his allegations to the satisfaction of the Hearing Board. Any counter-charges or allegations made by another party must be proved by that party

(g) Service of Notice. All notices and correspondence from the Petitioner and /or Respondent required by this Chapter must be served by certified mail and return receipt requested. All notices and correspondence to the Petitioner and /or Respondent required by this Chapter must be served by certified mail and return receipt requested. Notices and correspondence between the Hearing Board and the National Judge Advocate or the National Commandant and the National Headquarters and/or Board of Trustees only requires regular mail.

(h) Written Communications. The use if electronic transmissions such as e-mail and fax notices are ot sufficient for notice or appeal purposes except as permitted below for the National Board of Trustees nor do such transmissions meet time deadlines as set forth in this chapter. Proof of timely service is upon the proponent. A certified mail receipt constitutes proof of the date o serviced.

(i) Vote by National Board of Trustees Not in Active Session. On any vote under this chapter by the National Board of Trustees while not in active session, notice by e-mail directed to the National Adjutant/Paymaster shall be deemed sufficient.

(j) Oath. All testimony will be given under oath. The oath will be "I do solemnly affirm to tell the truth, the whole truth, nothing else".

(k) Timely Appeals. All appeals must be served in a timely manner. Any appeal not served in a timely manner shall be deemed waived absent a showing of good cause. All appeals of of any decision are due no later than 30 days from the date of the decision. A certified mail receipt within such period constitutes proof of service of the appeal

(l) Gender. As used herein the use of masculine pronoun or designation shall be deemed to include both male and female gender as may be specifically applicable to the particular party involved.

(a) If an individual member, Detachment or Department, considers that there is a material grievance or wrongdoing within a unit, or that a member has a grievance against another member, the following procedure will be followed:

(1) The Petitioner shall present the grievance in writing, set forth as clearly as possible the basis for the grievance to the Department Judge Advocate, with a copy to the Respondent, the Department Commandant and the National Judge Advocate. The respondent shall have ten (10) days to respond to the jurisdictional Judge Advocate in writing concerning his defense to the alleged grievance but need not respond if he so chooses.

(2) The written grievance may be served upon the Respondent in person by the Department Sergeant-at Arms. Upon service, the Sergeant-at-Arms shall file a written return of service specifying the date and time the Respondent was served.

(3) A failure to accept or a refusal to accept certified mail or sign for receipt of such mail after due notice from the United States post Office shall be deemed to be good service.

(b) The Judge Advocate shall review the grievance and response (if any) and act as mediator in the dispute. If the Judge Advocate is successful in resolving the grievance, he shall inform the Petitioner and the Respondent in writing that the matter is resolved with a copy of such written notice to the National Judge Advocate. If his efforts fail, he shall so report the same to the Department Commandant.

(c) Upon notice that a grievance is not resolved, the Department Commandant shall then appoint a Hearing Board composed of himself as chairman, the Department Judge Advocate, and a minimum of three (3) other members, preferably Past Department Commandants or Past Department Judge Advocates, none of whom shall be members of the unit involved. **La. 6/08**

(d) The Hearing Board is empowered to convene a hearing at a time and a place of its convenience within the Municipality of the Respondent. The legitimate travel and lodging expenses of the Hearing Board shall be a charge against the Department, reimbursable upon submission of a voucher. The Hearing Board may call witnesses, it shall hear testimony, and it may also conduct its own independent investigation. **La. 6/08**

(e) The Hearing Board may call witnesses. It shall hear appropriate testimony either orally or by affidavit as set forth in this chapter. The Hearing Board may also conduct its own independent investigation. The petitioner has the burden of proving his allegations at the convened hearing.

(f) The decision of the Hearing Board shall be made in writing and must be affirmed by the majority of the Hearing Board.

(1) If the grievance is substantiated and proved, the Hearing Board shall state in its decision the corrective action necessary to eliminate the grounds for the grievance.

(2) If the grievance is not substantiated or proven, the written decision shall so state and the matter dismissed.

(3) The written decision shall be forwarded within fifteen (15) days to the Petitioner and the Respondent, with copies to all of the participating parties and the National Judge Advocate.

(g) The failure of a Respondent to take the corrective action found by the Hearing Board to resolve the grievance which has been substantiated and proven may be grounds for disciplinary charges.

(h) Either the Petitioner or the Respondent may appeal the decision of the Hearing

Board to the National Judge Advocate. Such appeal must be filed in writing within thirty (30) days after receipt of the Hearing Boards decision. The appeal should set forth as clearly as possible the basis for such appeal.

(1) The National Judge Advocate shall rule on the appeal and shall advise all participating parties in writing of his decision either substantiating or denying the appeal within thirty (30) days.

(2) The National Judge Advocate may make his decision concerning the appeal merely from the records or he may permit the Petitioner and / or the Respondent or any party to make an oral or written argument concerning the appeal before the National Judge Advocate after due written notice to all participating parties.

(3) If the record of the hearing is insufficient or there exists material irregularities in procedure, the National Judge Advocate may refer the matter back to the Hearing Board to supplement the record or to correct such matter irregularity to insure that justice prevails.

(i) Either the Petitioner or the Respondent may appeal the National Judge Advocate's decision in writing setting forth the basis for such appeal within fifteen (15) days to the National Board of Trustees via the National Commandant.

(1) The National Board of Trustees shall review the appeal at the first scheduled meeting subsequent to receiving such appeal.

(2) The National Board of Trustees may make its decision merely from the record, or it may permit Petitioner and / or Respondent or any other party to appear and argue the matter before the National Board of Trustees after due written notice to all participating parties. It may take, but is not required to take, further evidence relating thereto under such rules and conditions as it may from time to time adopt.

(3) The National Board of Trustees may sustain or reject the decision of the National Judge Advocate.

(4) If the National Board of Trustees fails to sustain the finding of the National Judge Advocate, it shall rule on the appeal and issue its own decision thereon in writing to all participating parties through the National Adjutant / Paymaster.

(5) The decision of the Board of Trustees is final and there are no further rights of appeal except as may be specifically granted by this Chapter in SECTION 903.

SECTION 902 - DEPARTMENT, DIVISION, or DIVISION GRIEVANCE -

(a) If a Department, a Division, a Department Officer, a Division Officer or a National officer is the Petitioner or the Respondent, all matters shall be handled directly by the National Judge Advocate; he and the National Commandant will proceed in accordance with the procedure outlined in paragraphs 901 (a), (b), (c), (d), (e) and (f).

(b) Either the Petitioner or the Respondent may appeal the Hearing Board's decision to the National Board of Trustees, in writing via the National Commandant.

(1) Such appeal must be filed within thirty (30) days of the decision of the Hearing Board stating as clearly as possible the basis for such appeal.

(2) The National Judge Advocate will distribute copies of all pertinent material to the members of the Board of Trustees.

(3) The Board of Trustees shall render their opinion to the National Headquarters within fifteen (15) days; whereupon the National Judge Advocate will inform the Petitioner of the decision of the majority of the National Board of Trustees, either sustaining or denying such

appeal with copy to the National Adjutant / Paymaster.
(4) The decision of the National Board of Trustees shall be final.

SECTION 903 – NATIONAL CONVENTION GRIEVANCE -

(a) If a grievance arises during a National Convention, it shall be immediately presented in writing to the National Judge Advocate. The National Judge Advocate shall attempt to mediate the grievance.

If mediation is unsuccessful:

(1) The National Judge Advocate shall petition the National Commandant to immediately convene a Hearing Board of at least three (3) members of the National Board of Trustees or such other members as the National Commandant shall designate. The National Commandant may serve as the Chairman of that Hearing Board or shall appoint a Chairman to serve in his stead.

(2) The Hearing board may call witnesses. It shall hear appropriate testimony either orally or by affidavit as set forth in this chapter. A Hearing Board may also conduct its own independent investigation.

(3) The Hearing Board's decision, which must be affirmed by majority of the Board shall be served in writing upon the Petitioner and the Respondent immediately.

(4) If the grievance is substantiated and proven, the Hearing Board shall state in its decision the corrective action necessary upon the Petitioner an Respondent immediately.

(5) The Petitioner may appeal the Hearing Board's decision directly to the Convention and has the burden of proving such grievance to the Convention.

(6) A majority vote of the Convention, with the affected member and/or deligation(s) abstaining, will prevail.

(b) If the grievance concerns the seating or voting of a Delegate or Delegation, the Convention shall stand in recess until the matter is resolved.

(c) Any grievance applicable to seating at a National convention shall be filed in writing with the National Judge Advocate, prior to commencement of the convention, whereupon he shall proceed in accordance with SECTION 903 (a).

SECTION 904 - DISCIPLINE OF A MEMBER, DETACHMENT, DEPARTMENT OFFICERS AND BOARD OF TRUSTEES -

(a) Whenever an individual member, Detachment, Detachment Officer, Department Officer other than the Commandant, or a member of the Board of Trustees of the Detachment commits an act contrary to the National Bylaws and Administrative Procedures of the Marine Corps League, or an act which is deemed not in the best interest of the Marine Corps League, said individual member, Detachment, Detachment Officer, Department Officer, or member of the Board of Trustees shall be charged as follows:

(1) A written complaint setting forth in detail the basis of the disciplinary charges shall be served upon the Respondent, with copies to the Department Commandant, the Department Judge Advocate, the National Commandant and the National Judge Advocate by certified mail, return receipt.

(2) The written complaint may be served upon the Respondent in person by the jurisdictional Sergeant-at-Arms. Upon service, the Sergeant-at-Arms shall file a written return of service specifying the date and time the Respondent was served.

(3) A failure to accept or a refusal to accept certified mail or to sign for the

receipt of such mail after due notice from the United States Post Office shall be deemed to be good service.

(b) Upon receiving the written complaint, the Department Judge Advocate shall have twenty (20) days in which he may conduct a preliminary informal investigation to determine the merit of the disciplinary charge and should explore the possibility of a negotiated settlement.

(c) In the absence of a settlement being accomplished in the twenty (20) calendar day period, the Department Commandant shall appoint a Hearing Board as required herein which shall convene within forty (40) calendar days subsequent to such appointment.

(1) The appointed Hearing Board shall be composed of the Department Commandant as Chairman, the Department Judge Advocate, and minimum of three (3) others members, preferably Past Commandants and Past Judge Advocates, none of whom shall be members of the unit involved. The Board shall convene a hearing at a time and place of its convenience within the Municipality of the respondent, it may hear testimony and it may also conduct its own independent investigation. **La. 6/08**

(2) The Hearing Board is empowered to convene a hearing at a time and place of its convenience subject to the limitations as set forth above in paragraph 904 (c) (1). Any challenge to composition of the Hearing Board or to the notices given concerning such hearing must be made at least ten (10) days prior to the start of the hearing or shall be deemed to have been waived.

(3) The Hearing Board may call witnesses but is under no obligation to do so. The Petitioner has the burden of proving any and all disciplinary charges against the Respondent to the satisfaction of the Hearing Board.

(4) The Hearing Board shall hear appropriate testimony either orally or by affidavit as set forth in this chapter. A Hearing Board may also conduct its own independent investigation.

(d) The decision of the Hearing Board shall be made in writing and must be affirmed by a majority of the Hearing Board.

(1) If any disciplinary charge is substantiated and proven, the Hearing Board shall so state in its decision its findings related to the evidence and shall also state the punishment awarded by the Hearing Board.

(2) If any disciplinary charge is not substantiated or proven, the written decision shall so state.

(3) The written decision shall be forwarded within fifteen (15) days to the Petitioner and the Respondent, with copies to all of the participating parties, and the National Judge Advocate and National / Paymaster.

(e) A written appeal of the Hearing Board's decision may be made to the national Judge Advocate by either the Respondent or the Petitioner. Any appeal must be made in writing within thirty (30) days after the receipt of the Hearing Board's decision setting forth as clearly as possible the basis for such appeal.

(1) The National Judge Advocate shall rule on the appeal and shall so advise all participating parties in writing of his decision either substantiating or denying the appeal within thirty (30) days.

(2) The National Judge Advocate may make his decision on the appeal from the records, or he may permit the Petitioner and / or the Respondent or any other party to make oral or written argument concerning the appeal before the national Judge Advocate after due written notice to all participating parties by the National Judge Advocate allowing such argument. No

oral or written argument or contact should be made to the National Judge Advocate concerning any disciplinary matter or appeal absent his specific request for the same.

(3) If the record of the hearing is insufficient or there exists material irregularities in procedure, the National Judge Advocate may refer the matter back to the Hearing Board to supplement the record or to correct such material irregularity to insure that justice prevails.

(f) Either the Petitioner or the Respondent may appeal the National Judge Advocate's decision in writing setting forth the basis for such appeal within fifteen (15) days of receipt of the National Judge Advocate's decision to the National Board of Trustees via the National Commandant.

(1) The National Commandant, upon receiving such an appeal, shall place the subject on the agenda of the National Board of Trustees for review at the next scheduled meeting of the Board.

(2) The National Board of Trustees shall review the appeal at the first scheduled meeting subsequent to receiving such appeal.

(3) The National Board of Trustees may make its decision merely from the records, or it may permit the Petitioner and / or the Respondent or any other party to appear and argue the matter before the National Board of Trustees after due written notice to all other participating parties. It may take, but is not required to take, further evidence including evidence of mitigation or aggravation of such disciplinary charge(s) and / or punishment awarded relating thereto under such rules and conditions as it may from time to time adopt.

(4) The National Board of Trustees may sustain or reject the decision of the National Judge Advocate.

(5) If the National Board of Trustees fails to sustain the finding of the National Judge Advocate, it shall rule on the appeal and issue its own decision thereon in writing to all participating parties through the National Adjutant / Paymaster.

(6) The decision of the Board of Trustees is final and there is no further rights of appeal.

(g) The legitimate travel and lodging expenses of the Hearing Board shall be charged against the Department, which shall be reimbursable to the members upon submission of a voucher to the paymaster of the appropriate Department.

SECTION 905 - DEPARTMENT COMMANDANT OR DEPARTMENT -

(a) In the event the Respondent is a Department Commandant or Department, the following procedure shall be followed:

(1) Disciplinary Charges shall be submitted in writing to the National Judge Advocate and to the Respondent, with a copy to the National Commandant.

(2) Proof of service on Respondent shall be provided to the National Judge Advocate by the Petitioner by either service in hand by the Department Sergeant-at-Arms or by certified mail, return receipt requested as set forth herein.

(b) The National Judge Advocate may, at his discretion, conduct a preliminary investigation to:

(1) Determine the merit of the charge.

(2) Explore the possibility of a negotiated settlement.

(c) If the charge appears to be valid, and if it appears to the National Judge Advocate that a negotiated settlement is not likely, or upon his own initiative, the National Judge Advocate

shall

proceed:

(1) Petition the National Commandant, who shall appoint a Hearing Board of not less than three (3) nor more than five (5) members, at his discretion, appoint current or former members of Board of Trustees.

(2) The Hearing Board shall convene in the state in which the disciplinary charges arose at a time and place of its convenience. Any challenge to the composition of the Hearing Board or to the notices given concerning such hearing must be made at least ten (10) days prior to the start of the hearing or shall be deemed to have been waived.

(3) The Hearing Board may call witnesses but is under no obligation to do so. The Petitioner has the burden of proving any and all disciplinary charges against the Respondent to the satisfaction of the Hearing Board.

(4) The Hearing Board shall hear appropriate testimony either orally or by affidavit as set forth in this chapter. A Hearing board may also conduct its own independent investigation.

(d) The decision of the Hearing Board shall be made in writing and must be affirmed by a majority of the Hearing Board.

(1) If any disciplinary charge is substantiated and proven, the Hearing Board shall so state in its decision its finding related to the evidence and shall also state the punishment awarded by the Hearing Board.

(2) If any disciplinary charge is not substantiated or proven, the written decision shall so state.

(3) The written decision shall be forwarded within fifteen (15) days to the National Commandant with a copy to the National Judge Advocate. The National Judge Advocate will effect proper service upon Petitioner and the Respondent, with copies to all of the participating parties and the National Adjutant / Paymaster.

(e) The Petitioner and the Respondent may appeal the decision of the Hearing board in writing within thirty (30) days to the National Board of Trustees via the National commandant setting forth as clearly as possible the basis for such appeal.

(1) The National Adjutant / Paymaster will distribute copies of all pertinent material to the members of the Board of Trustees.

(2) The Board of Trustees shall render their opinion in writing to National Headquarters within fifteen (15) days; whereupon the National Adjutant / paymaster will inform the Petitioner and the Respondent of the decision of the majority of the National Board of trustees, either sustaining or denying such appeal.

(3) Any member of the Board of Trustees who shall have served on the subject Hearing Board shall abstain from voting on the appeal.

(f) The Respondent or the Petitioner may appeal the decision of the National Board of Trustees in writing setting forth as clearly as possible the basis for such appeal directly to National; convention via the National Adjutant / paymaster.

(1) Any appeal to the convention must be made within thirty (30) days of receipt of the decision of the National Board of Trustees and not less than thirty (30) days prior to the commencement of the National Convention.

(g) The legitimate travel and lodging expenses of the Hearing Board shall be charged against National Headquarters and shall be reimbursable upon submission of a voucher to the National Comptroller.

SECTION 906 - NATIONAL OFFICERS AND BOARD OF TRUSTEES -

(a) If the Respondent is a National Officer or a member of the National Board of Trustees, other than the National Commandant or National Judge Advocate, the procedure shall be as follows:

(1) Charge shall be filed with the National Judge Advocate, who will thereupon cause service of same either in hand by the National Sergeant -at- Arms or by certified mail, return receipt requested as provided herein upon the Respondent, with copies to the national Board of Trustees.

(b) The National Judge Advocate may conduct a preliminary investigation to determine:

(1) The merit of the charge.

(2) The possibility of a negotiated settlement.

(c) If the charge appears to be valid and has merit, and it appears to the National Judge Advocate that a negotiated settlement is not likely, or upon his own initiative, the National Judge Advocate shall proceed to:

(1) Petition the National Commandant, who shall appoint a Hearing Board of not less than three (3) nor more than five (5) members, including the National Judge Advocate. The National Commandant may, with discretion, appoint current or former members of the Board of Trustees. If the charge is not found to merit further proceedings such charge shall be dismissed and the Petitioner shall be so notified by the National Judge Advocate.

(2) The Hearing Board is empowered to convene a hearing at a time and place of its convenience. Any challenge to the composition of the Hearing Board or to the notices given concerning such hearing must be made at least ten (10) days prior to the start of the hearing or shall be deemed to have been waived.

(3) The Hearing Board may call witnesses but is under no obligation to do so. The Petitioner has the burden of proving any and all disciplinary charges against the Respondent to the satisfaction of the Hearing Board.

(4) The Hearing Board shall hear appropriate testimony either orally or by affidavit as set forth in this chapter. A Hearing Board may also conduct its own independent investigation.

(d) The decision of the Hearing Board shall be made in writing and must be affirmed by a majority of the Hearing Board.

(1) If any disciplinary charge is substantiated and proven, the Hearing Board shall so state in its decision its finding relative to the evidence and shall also state the punishment awarded by the Hearing Board.

(2) If any disciplinary charge is not substantiated or proven, the written decision shall so state.

(3) The written decision shall be forwarded within fifteen (15) days to the national Commandant with copy to the National Judge Advocate. The National Judge Advocate will effect proper service upon the Petitioner and the Respondent, with copies to all of the participating parties.

(e) The Respondent or Petitioner may appeal in writing within thirty (30) days to the National Board of Trustees via the National Commandant setting forth as clearly as possible the basis for such appeal.

(1) The National Adjutant / Paymaster will distribute copies of all pertinent material to the members of the National Board of Trustees.

(2) Each member of the National Board of Trustees shall render their opinion in writing to National Headquarters within fifteen (15) days; whereupon the National Adjutant / Paymaster will inform the Petitioner and the Respondent of the decision of the majority of the National Board of Trustees, either sustaining or denying such appeal.

(3) Any member of the Board of Trustees who shall have served on the subject Hearing Board shall abstain from voting on the appeal.

(f) The Respondent or Petitioner may appeal the decision of the National board of Trustees in writing setting forth as clearly as possible the basis for such appeal directly to the National Convention via National Adjutant / Paymaster.

(1) Any appeal to the convention must be made within thirty (30) days of the receipt of the decision of the National Board of Trustees and not less than thirty (30) days prior to the commencement of the National Convention.

(g) The legitimate travel and lodging expenses of the Hearing Board shall be charged against National Headquarters and shall be reimbursable upon submission of a voucher to the National Comptroller.

SECTION 907 - NATIONAL COMMANDANT-

(a) In the event the National Commandant shall be the Respondent the following procedure shall be followed:

(1) The National Senior Vice Commandant and the National Judge Advocate shall determine if the charge is serious enough to merit further proceedings. If it is not found to merit further proceedings such charge shall be dismissed and the Petitioner shall be so notified by the National Judge Advocate.

(b) If found to have merit, the disciplinary charges shall be deemed filed with the National Judge Advocate, who thereupon cause service of same upon Respondent, with copies to the National Board of Trustees.

(c) The National Senior Vice Commandant shall immediately convene the entire National Board of Trustees (excluding the National Commandant) to serve as the Hearing Board. A Quorum shall consist of at least eight (8) board members.

(d) If the Hearing Board finds it is in the best interest of the Marine Corps League, it may, by two thirds (2/3rds) vote, temporarily suspend the National Commandant from the duties of his office.

(e) The Senior Vice Commandant shall serve as chairman of the Hearing Board.

(1) The Board shall conduct a hearing at National Headquarters at its own convenience, call witnesses, hear testimony, and it may conduct its own independent investigation.

(f) The Hearing board's decision, which must be affirmed by a two thirds (2/3rds) vote, shall be served upon the National commandant within fifteen(15) days of date of decision

(g) The National Commandant may appeal within thirty (30) days to the Senior vice Commandant, via the National Adjutant / Paymaster, who shall appoint an appeals board (Board of Appeals) which shall be comprised of a minimum of five (5) past National Commandants, none of which shall be current members of the National Board of Trustees. The Board of Appeals shall concern itself only with the appeal and a majority vote by the Board of appeals is required for a decision.

(h) The National commandant may further appeal the decision of the Board of Appeals directly to the National Convention in writing, via the National Adjutant / Paymaster.

(1) Any appeal to the convention must be made within thirty (30) days of the receipt of the decision of the Board of Appeals and not less than thirty (30) days prior to the commencement of the National Convention.

(i) The legitimate travel and lodging expenses for the Hearing Board or Board of Appeals shall be charged against National Headquarters and shall be reimbursable upon submission of a voucher to the National Comptroller.

SECTION 908 - NATIONAL JUDGE ADVOCATE-

(a) In the event the National Judge Advocate shall be the Respondent the following procedure shall be followed:

(1) The charges shall be filed with the National Commandant, who shall affect service upon the Respondent and all participating parties.

(b) The Junior Past National Commandant and National Senior Vice Commandant shall determine if the charge is serious enough to merit further proceedings. If it is not found to merit further proceedings such charge shall be dismissed and the Petitioner shall be so notified by the Junior Past National Commandant.

(c) If any charge is found to have merit:

(1) The National Senior Vice Commandant as Chairman shall immediately convene a Hearing Board, composed of himself and four (4) other members of the National Board of Trustees.

(2) The Hearing board is empowered to convene a hearing at a time and place of its convenience. Any challenge to the composition of the Hearing Board or to the notices given concerning such hearing must be made prior to the start of the hearing or shall be deemed to have been waived.

(3) The Hearing Board may call witnesses but is not under no obligation to do so. The Petitioner has the burden of proving any and all disciplinary charges against the Respondent to the satisfaction of the Hearing Board.

(4) The Hearing Board shall hear appropriate testimony either orally or by affidavit as set forth in this chapter. A Hearing Board may also conduct its own independent investigation.

(d) If the Hearing Board finds it is in the best interest of the Marine Corps League, it may, by two thirds (2/3rds) vote, temporarily suspend the National Judge Advocate from the duties of his office.

(e) The decision of the Hearing Board shall be made in writing and must be affirmed by a majority of the Hearing Board.

(1) If any disciplinary charge is substantiated and proved, the Hearing Board shall so state in its decision its findings related to the evidence and shall also state the punishment awarded by the Hearing Board.

(2) If any disciplinary charge is not substantiated or proven, the written decision shall so state.

(3) The written decision shall be forwarded within fifteen (15) days to the National Commandant who will effect proper service upon the Petitioner and the Respondent, with copies to all participating Parties.

(f) The Respondent or Petitioner may appeal in writing within thirty (30) days to the National Commandant setting forth as clearly as possible the basis for such appeal.

(1) Upon appeal, the National Commandant shall appoint an Appeal Board which

shall be comprised of a minimum of five (5) National Judge Advocates, none of which shall be a current member of the National Board of Trustees. This Appeal Board shall concern itself only with the appeal and a majority vote is required for a decision.

(g) The National Judge Advocate may further appeal the decision of the Board of Appeals directly to the National Convention in writing via the National Adjutant / Paymaster.

(1) Any appeal to the Convention must be made within thirty (30) days of the receipt of the decision of the Board of Appeals and not less than thirty (30) days prior to the commencement of the National Convention.

(h) Legitimate travel and lodging expenses of the Hearing Board or Board of Appeals shall be charged against National Headquarters and shall be reimbursable upon submission of a voucher to the National Comptroller.

SECTION 909 - PROCEDURE-

The following procedures will be adhered to in addition to the other provisions of this chapter.

A. Notice of composition of Hearing Board -

(a) The jurisdictional Judge Advocate must notify the Petitioner and the Respondent of the members appointed to the Hearing Board no less than twenty (20) days prior to the convening date of the Board. No member of the offended unit may be appointed to a Hearing Board.

(b) The Petitioner and the Respondent will have ten (10) days to object in writing to any or all of the appointed Hearing Board members. Such written notice shall be directed to the jurisdictional Judge Advocate. Absent a timely objection, the Hearing Board shall be deemed to be fair and impartial.

(c) The jurisdictional Judge Advocate is not subject to challenge except for good cause.

(1) Upon receiving a challenge, the jurisdictional Judge Advocate will petition the appointing authority for replacements and notify the Petitioner and Respondent of such replacements. Replacements may be subject to challenge only for good cause which challenge must be made before the start of the Hearing.

(2) Potential Hearing Board members who may have conflict of interest through friendship, marriage, family relationship or prejudice must recuse themselves from setting on the Hearing Board.

(3) If the jurisdictional Judge Advocate must be recused from setting on the Hearing Board, the appointing authority will appoint a replacement, preferring a Past National or Department Judge Advocate or a Past National or Department Commandant.

(4) In the event an investigator or a committee is appointed to investigate the circumstances of any allegations, the investigative report must be presented to the Hearing Board and the investigator or members of the committee may be called upon as witnesses by the Hearing Board.

B. Duties of the Petitioner -

(a) The Petitioner has the burden of proving any grievance or disciplinary charge to the satisfaction of the Hearing Board. Failure to present sufficient evidence may be grounds to dismiss the grievance or the disciplinary charge.

(1) The Petitioner will be responsible to invite witnesses to testify on his behalf and to present proper evidence relative to the grievance or disciplinary charge.

(2) A complete list of witnesses, notarized statements from any witness that can not appear at the hearing in person and copies of all exhibits to be offered into evidence must be submitted to the jurisdictional Judge Advocate fifteen (15) days prior to the convening of the Hearing Board. Any witness not listed or exhibits attempted to be introduced but not previously provided may be heard and / or admitted subject to the sole discretion of the Hearing Board under such terms and conditions as it shall require.

(3) The Petitioner may have a member of the Marine Corps League act as his Counsel, but the representative Counsel must have been a member of the Marine Corps League for at least a year.

(4) The Petitioner or his representative has the right to examine and cross examine witnesses.

C. Duties of the Respondent -

(a) A Respondent has the right to but need not file a written response to any grievance or disciplinary charge filed against him. However, failure to appear or to provide evidence shall not prevent the Hearing Board from making appropriate findings.

(1) The Respondent will be responsible to invite witnesses to testify on his behalf and to present proper evidence in his defense relative to the grievance or disciplinary charge against him.

(2) A complete list of witnesses, notarized statements from any witness that can not appear at the hearing in person and copies of all exhibits to be offered into evidence must be submitted to the jurisdictional Judge Advocate fifteen (15) days prior to the convening of the Hearing Board. Any witness not listed or exhibits attempted to be introduced but not previously provided may be heard and admitted subject to the sole discretion of the Hearing Board under such terms and conditions as it shall require.

(3) The Respondent may have a member of the Marine Corps League act as his Counsel, but the representative Counsel must have been a member of the marine Corps League for at least a year.

(4) The Respondent or his representative has the right to examine and cross examine witnesses.

D. Record of the Proceedings -

(a) The Chairman of the Hearing Board will appoint a Recorder, preferably from the local area to keep a record of the proceedings by tape recording.

(1) The Recorder will be the sole operator of the recording device.

(2) Maintain a log of tape activities (See Attachment 9-1)

(3) At the close of the hearing, the Recorder shall turn over all tapes to the jurisdictional Judge Advocate.

(4) The Jurisdictional Judge Advocate will sign the log as custodian of the tapes.

(5) A duplicate of the log will be sent with all requests for copies of tapes.

(6) The Recorder will not participate in the Hearing Board's deliberations.

(7) There will be no tape recording or other recording of the proceedings of the Hearing Board other than the official recording taken by the Recorder. The Board will make available to the principles, upon written request to the jurisdictional Judge Advocate a copy of the recording of the hearing. Such request must be made in writing to the jurisdictional Judge Advocate within ten (10) days of the notice of the decision.

(8) The actual cost of such reproduction of the tape recording will be borne by the party requesting the copy.

(9) In a grievance or disciplinary proceeding, as set forth in this chapter, if the Petitioner or the Respondent requests a copy of the Hearing Board's proceedings, as provided in Section 909(D)(7) above, the thirty (30) day appeal period shall commence subsequent to the receipt of the copy of the record.

E. Jurisdictional Judge Advocate and Appeals -

The Jurisdictional Judge Advocate cannot sit on any Appeal Board. The jurisdictional Judge Advocate may be called as a witness by the party or board hearing the appeal. The National or Department Commandant as is relevant shall appoint an acting Judge Advocate for any jurisdictional Judge Advocate. Such acting Judge Advocate shall preferably be a Past National or Department Judge Advocate, Past National or Department Commandant.

F. Duties of the Sergeant-at-Arms -

(a) The Chairman of the Hearing Board will appoint a Sergeant-at-Arms, preferably from the local area. The duties of the Sergeant-at-Arms are to preserve order and to perform other duties as required by the Chairman of the Hearing Board.

G. Duties and Responsibilities of the Hearing Board -

(a) The Hearing Board may but is not obligated to invite additional witnesses other than those designated by the Petitioner or the Respondent.

(b) The jurisdictional Judge Advocate will provide the Petitioner and Respondent with a list of witnesses including witnesses to be called by the Board itself and copies of all exhibits as identified and provided by the Petitioner and the Respondent and the Respondent or to be introduced by the Hearing Board itself not less than five (5) days prior to the convening of the hearing Board.

(c) The Hearing Board will, in so far as practicable, conduct the hearings as outlined in accordance with Roberts Rules of Order, Newly Revised. Hearings will be held in Executive Session. The jurisdictional Judge Advocate will write the findings of the Hearing Board and notify all parties concerned.

(d) The Petitioner or the Respondent or their representative will conduct the examination and / or cross examination of witnesses. If a representative is utilized, principals may not separately interrogate the witnesses. Only one party, either the Petitioner or the Respondent or appointed representative from each side will be permitted to examine or cross examine witnesses.

(e) The Hearing Board Chairman and members of the Board may conduct an inquiry of any witness.

SECTION 910 - SUSPENSION PENDING HEARING-

In all disciplinary proceedings brought under Sections 904, 905 and 906 herein, the designated jurisdictional Judge Advocate shall possess the discretionary authority to temporarily suspend the Respondent from membership, office or function pending final resolution of the disciplinary charge. The National Judge Advocate and National Adjutant / Paymaster shall be notified in writing of such suspension.

SECTION 911 - PUNISHMENT-

(a) Following conformance with the procedures outlined in this chapter, if the Respondent is adjudged guilty of committing any act which would tend to bring the Marine Corps League into disrepute, and / or conduct unbecoming a member of the Marine Corps League, or if he has violated any of the applicable provisions of the National, Department or Detachment Bylaws or Administrative Procedures, or any offence set forth in Section 913 hereof, the Respondent shall be subject to the following:

(1) A member, or officer at any level, may be punished by written reprimand, suspension for a specified period of time, or be expelled from the Marine Corps League.

(2) A Detachment or Department may receive a reprimand; its Charter may be temporarily suspended; or its Charter may be permanently revoked.

(3) The National Adjutant / Paymaster shall be notified of all actions taken pursuant to this Section.

(b) When the Respondent has been adjudged guilty, and punished by suspension, the Respondent is stricken from the roles of the Marine Corps League for the specified period of time. During that time, the Respondent is not permitted to attend or participate in any functions of the Marine Corps League, subsidiary and subordinate organizations or to represent that he is a member of the Marine Corps League. If Respondent is found in violation of a suspension, the Respondent is subject to further charges and possible expulsion from the Marine Corps League.

SECTION 912 - CRIMINAL ACTS-

Should any member of the League, or any subsidiary organization, subordinate group or members thereof, violate any criminal laws of the United States, or a State having jurisdiction thereof, the complaint should be made directly to the proper Federal, State or local authority, and not to the League although such conduct may also be the basis for a disciplinary charge under this chapter.

SECTION 913 - OFFENSES-

The following offences are recognized and must be processed in accordance with the applicable section or sections of Chapter Nine:

(a) Violation of Oath of Membership.

(b) Violation of Oath of Office.

(c) Conduct unbecoming a member of the Marine Corps League.

(d) Any action detrimental to the League.

(e) Conviction of any crime which constitutes a felony in a County (Parish), City, State, or Federal Court in the United States of America.

SECTION 914 - CHARGES STEMMING FROM A PREVIOUSLY HEARD MATTER-

In the event a charge stems from a previously heard grievance or disciplinary charge, the failure to take corrective action to resolve a grievance, the failure to comply with a temporary suspension or punishment issued during a previously heard matter, the Jurisdictional body shall be deemed to be the body who last heard the proceedings and / or whose findings were the basis of such finding, suspension or punishment.

(a) A charge filed under this section shall be submitted in writing to the National Commandant and the National Judge Advocate.

(1) If the charge stems from a previously heard matter, the National Judge Advocate will determine and immediately notify the Commandant of the jurisdictional body to reconvene a hearing at a time and place of its convenience at, or near, the place of the previous hearing. It may hear testimony and may conduct its own independent investigation and shall make such additional findings and render such additional punishment, if any, that it finds necessary to enforce the prior decision.

(2) If the charge stems from a violation of a temporary suspension, the national Judge Advocate will determine and immediately notify the jurisdictional Commandant who may, prior to convening a hearing, conduct his own independent investigation, document his findings, and make such findings known to the Hearing Board. If a violation is found the Hearing Board shall render such additional punishment as may be deemed necessary to enforce the prior punishment.

(3) The Hearing Board's decision, which must be agreed to by a majority of the Hearing Board, shall be forwarded to the Petitioner and the Respondent and the National Judge Advocate within fifteen (15) days, the National Judge Advocate will thereupon effect proper service of the Hearing Board's decision to the National Board of Trustees and the National Adjutant / Paymaster.

(4) The Hearing Board's decision may be appealed in accordance with the appropriate section of the Administrative Procedures governing the original charge.

LOG OF TAPE RECORDINGS (FORM) ---- ATTACHMENT 1

NATIONAL/DEPARTMENT HEARING BOARD

LOG OF TAPE ACTIVITIES

DATE: _____

RECORDER: _____

RESPONDENT: _____ PETITIONER: _____

TAPE # START TIME STOP TIME REASON RESUME TAPE CHANGE INITIALS

OF TAPES USED TYPE TAPE

SIGNATURES OF HEARING BOARD MEMBERS

30 MIN

60 MIN

90 MIN

110 MIN

120 MIN

SIGNATURE OF RECORDER: _____

DATE: _____

SIGNATURE TAPE(S) CUSTODIAN: _____

DATE: _____

REMARKS:

Page ___ of ___

A SAMPLE HEARING ---- ATTACHMENT - 2

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Any hearing under Chapter 9 of these Administrative Procedures should be conducted in an orderly and efficient manor enabling the parties to be heard and evidence presented, and to enable the Hearing Board to make a fair and just decision.

The following is one sample of hearing procedure:

A. Assemble the Board preferably at the same table facing the Petitioner and the Respondent. If possible the opposing parties should be seated at separate tables facing the Board.

B. The Chairman of the Hearing Board calls the hearing to order and introduces all of the Hearing Board members, the Judge Advocate, the Recorder and Sergeant-at-Arms. Announce why the Sergeant-at-Arms is there and make sure that everyone is perfectly clear that the hearing will be orderly, no one will argue or speak out of turn and that if they do. they will be directed to immediately vacate the hearing room. Never allow the parties to argue amongst themselves. Strike quickly on the first attempt no matter how minor and you may prevent further attempts.

C. Introduce into evidence all of the exhibits. All exhibits should have been previously provided by the Petitioner and the Respondent fifteen (15) days before the date of the hearing and the Petitioner and the Respondent should have received a list of all of the exhibits to be introduced prior to the hearing. Mark each of the exhibits consecutively with numbers or letters as appropriate.

(1) Exhibit number 1 should be the written grievance or disciplinary charges brought.

(2) Exhibit 2 should be the written response, if any, from the Respondent.

(3) Exhibit 3 should be the written notice to the parties setting out the Hearing Board members and the date, time and place of the hearing.

(a) Attach copies of the certified mail receipt to the Petitioner and the Respondent making sure that the date of service is clear. If Respondent was served in hand by the Sergeant-at-Arms, attach copy of his return of service showing the date, time and place of service upon the Respondent.

(b) If any of the original Hearing Board members were challenged attach as an exhibit to written challenge and the written notice of the replacement.

(c) If the Hearing Board conducted its own investigation that written report of the investigator should also be introduced into evidence. Note that no member of the Hearing Board should conduct the investigation himself, the investigator should be called as a witness by either the Board, the Petitioner or the Respondent. If a Hearing Board member conducts the investigation himself he has created a conflict because he cannot appear as an independent witness and a Hearing Board member who must decide the case.

(4) Number each of the Petitioner's exhibits with consecutive numbers.

(5) Number each of the Respondent's exhibits with consecutive numbers.

(6) Mark any notarized affidavits as permitted in this Chapter NINE.

Note that all of the above should be accomplished by the jurisdictional Judge Advocate before the hearing starts but put statements on the tape record of what you have done. For instance,

"The Hearing Board has marked the Petitioner's exhibits as exhibits 1 through 5 and the Respondent's exhibits as exhibits A-H". "We have notarized statements from X, Y and Z" Once marked have the witnesses properly identify any exhibit they are referring to. If this done, you will have an orderly record not only to assist the Hearing Board but for clarity for any possible appeal and review later.

D. Ask for any challenges or objections to the marked exhibits and affidavits. If there is a challenge note the exhibit or affidavit for the record. The Hearing Board may rule that an exhibit or affidavit not presented in accordance with procedures set forth in Chapter NINE may not be admitted or may be admitted but subject to certain conditions such as the other party would be allowed a certain period of time to rebut the evidence. This is not the time for arguments on how much weight should be given to an exhibit but merely to procedural issues as to why an exhibit or statement should or should not be introduced into evidence.

E. If the Board desires it may entertain opening statements. The Petitioner has the burden of proving his grievance or his disciplinary charges and typically makes the first opening statement. the Respondent may make an opening statement but is under no obligation to do so.

F. Ask the Petitioner or his representative to call his first witness. Have the Chairman of the Judge Advocate swear in the witness. You may have the witness take the oath individually or you may swear in all witnesses at the same time. The Petitioner or his representative then has the right to examine this witness. The Petitioner or his representative may do this in question and answer format or may simply allow the witness to make a statement or any combination. The Hearing Board may ask questions of any witness at any time. Once the Petitioner is finished with the witness, the Respondent or his representative has the right to cross-examine the witness. Do not allow either party to interrupt the other during that party's presentation. This is not a trial. There are no "Objections". Each party will and should be given the opportunity to present their evidence or rebuttal. The Petitioner should be allowed to present all of his witnesses before moving to the Respondent's defense.

G. Once the Petitioner has finished his case the Respondent then has the opportunity to present his defense. The Respondent is not required to present his defense. The burden of proof is upon the Petitioner. The same procedure is followed when the Respondent or his representative examines his witness and the Petitioner having the right to cross-examine.

H. Once all of the witnesses have been heard the Board may entertain closing statements. The statements should be based on the evidence which the Board has heard and any reasonable inferences which can be made from the evidence. The Respondent makes the first closing statement. The Petitioner, having the burden of proof, has the last closing statement.

Note: If for some reason the hearing cannot be concluded on the day set forth in the original notice, the hearing may be convened to another day, time and place. The Administrative Procedures does not set forth a time limitation on what that date should be. However, minimally comply by setting up the first hearing date within the next sixty (60) day period from receiving the grievance or disciplinary charge and then continue the hearing to another date if need be. If you announce at the hearing that date, time, and place of reconvening the hearing there is no

requirement to send out additional written notices to anyone. If you do not set up a date, time and place later, you must serve a new notice by certified mail.

I. Officially close the hearing and have the recorder note the time on the record.

J. The Board may close the session and deliberate the evidence and make a finding. It is not recommended that you announce your findings at this time and that the Chairman merely notify all parties that the decision will be rendered in writing as required by the Administrative Procedures within fifteen (15) days.

K. Write your decision and get a majority vote on the decision. If grievance is substantiated, set out what action will be necessary to resolve the grievance. If punishment is warranted on a disciplinary charge set out the punishment clearly. Try to make your decision as clear as possible setting out why you found the way that you did. It is entirely appropriate to set out that you believed certain evidence or did not believe certain evidence. The Hearing Board has the duty to make a determination as to whom and what version of events it believes. The Hearing Board gives whatever weight it chooses to the evidence. Please remember that in the event of any appeal your decision is being reviewed by someone or some other body such as the national Judge Advocate or the board of Trustees who did not have the opportunity to view the case and the witnesses or hear the evidence and they are therefore relying upon the record created.

Does all of this look like a trial? Yes it does but why reinvent the wheel? Similar procedures have been used for centuries. The eventual outcome of the grievance or the disciplinary charge is extremely important to the parties involved and to the efficient and orderly promotion of the purposes of the League and the conduct of League business.

A Sample Hearing Chronology --- Attachment - 3

All hearings whether for a grievance or a disciplinary action start with the basic proposition that from the date of the filing of the complaint to the date of the start of the hearing should be sixty (60) days or less. This chronology is only a guide and assures a grievance or disciplinary procedure at the primary Department level where the jurisdictional judge Advocate is the Department Judge Advocate and the jurisdictional Commandant is the Department Commandant.

DAY ONE - Judge Advocate receives by Certified Mail from Petitioner the grievance or Disciplinary Charge(s) against the Respondent with copies to the Department Commandant, the National Judge Advocate and the National commandant. The Petitioner must provide evidence of the original of the grievance or the disciplinary charge(s) upon the respondent by Certified mail / return receipt requested.

DAY 2 TO DAY 19 - The Judge Advocate and / or the Department Commandant has twenty (20) days in which to conduct a preliminary investigation and / or attempt to obtain an informal settlement of the grievance or the disciplinary charge(s)

DAY 20 - If the matter is not settled, the Commandant shall immediately appoint a Hearing Board composed of the Department Commandant, the Department Judge Advocate and at least three (3) other members. The Judge Advocates shall notify the Petitioner and the Respondent in writing of the composition of the hearing Board and the date of the convening of the hearing which should be within sixty (60) days of the original receipt of the grievance or the disciplinary charge(s). The convening date cannot be less than twenty (20) days from the original receipt. **La. 6/08**

DAY 21 TO DAY 30 - The Petitioner and the Respondent each have ten (10) days to file a written challenge to the composition of the Hearing Board. The Judge Advocate is not subject to challenge except for good cause. Upon receipt of a challenge, the Commandant shall appoint replacements who shall be subject to challenge for cause only.

DAY 45 - Not less than fifteen (15) days before the established hearing date, Petitioner and Respondent must provide the Judge Advocate with a list of all witnesses and a list and a copy of all exhibits and all notarized statements to be presented to the Hearing Board. Note that if the hearing date established is less than sixty (60) days then you count backwards from the hearing date to establish the date upon which these materials must be provided.

DAY 55 - Not less than five (5) days before the date of the hearing the Judge Advocate shall provide copies of the lists of witnesses, list of exhibits, copies of the exhibits and copies of the notarized statements to the Petitioner and the Respondent. If the Hearing Board intends to call its own witnesses and / or introduce its own exhibits, the Judge Advocate should prepare the appropriate list and forward to the Petitioner and the Respondent. Again, if the hearing date is less than the sixtieth (60th) day, you count backwards from the hearing date to establish this date.

DAY 60 - Hearing is started. From the date of the conclusion of the hearing, the Hearing Board has fifteen (15) days in which to render its written decision. Upon entry of the findings and the decision, the Petitioner and the Respondent have thirty (30) days in which to file a "Notice of Appeal" as set forth in these procedures.

All mail under this Chapter NINE must be by certified mail / return receipt requested. E-mail or Fax transmissions are not acceptable except as may be specifically allowed by the procedures in this Chapter.

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**Department of Louisiana ADMINISTRATIVE PROCEDURES
CHAPTER TEN
MISCELLANEOUS**

SECTION 1000 - FUND RAISING -

- **(a) FUND RAISING** - Fund raising activities may be entered into by the National Marine Corps League, Inc., its Department, Detachments and Subsidiary and Subordinate units.

(1) Provided all funds raised shall be for the sole benefit of such organization less such expenses incurred.

(2) Provided such Marine Corps League organization shall receive and disburse all funds.

(3) Provided such fund raising activity does not violate any Federal, State, Parish (County), or Municipal law or ordinance or reflect discredit upon the Marine Corps League.

(4) Nothing in this section shall prevent the National Convention Committee, or a Department Convention Committee, or a Detachment Convention Committee from selling ads or soliciting funds for any Convention book.

(b) FUND RAISING IF MORE THAN ONE (1) DETACHMENT IN CITY - If a Detachment desires to conduct a particular city-wide finance raising project in a city wherein more than one Detachment exists, such Detachment shall advise all other Detachments in such city of its intention and request approval. Any Detachment opposing such project shall immediately file objection thereto with the Detachment proposing the project, and with the Department. The decision of the matter by the Department shall be final.

(c) LIMITATIONS OF FUND RAISING BY DETACHMENT OR AUXILIARY - No Detachment of the Marine Corps League or Unit of the Auxiliary shall conduct a fund raising project in any municipality or territory other than its own territory without first securing the approval of such other Detachment or Unit, as hereinbefore provided.

(d) LIMITATION OF FUND RAISING BY DEPARTMENT - The National Organization of the Marine Corps League shall not conduct any fund raising project in any Department without first obtaining the permission of said Department.

(e) SOLICITATION - Any individual or committee soliciting funds for the National Organization, using the name of the Marine Corps League, whether selling advertising or merchandise of any sort, or soliciting donations, must submit a complete, signed, written report to the National Convention as to the amount and source of all funds disbursed, and a summary of final disposition of any and all net profit.

(f) FUND RAISING BY DEPARTMENT - No Department shall conduct any finance raising project in any city where there is one or more Detachments, without the consent of such Detachment or Detachments. Any Detachment opposing the project shall file immediate objection with the National Division Vice Commandant of that Division, and his decision in the matter shall be final.

- **(g) FUND RAISING AT CONVENTIONS, CONFERENCES AND MEETINGS** - Funding Raising at National Conventions shall be governed by the provisions of Chapter Two of the National Administrative Procedures. At all other Conventions, Conferences and Meetings, any and all fund raising shall be under

the control of the Detachment, Department or other organization that is hosting the event. No other Detachment, Department or National Headquarters of the Marine Corps League or any other Unit, Marine Corps League Auxiliary, nor any individual or groups of individuals shall be permitted to engage in any fund raising, including the sale of military or Marine Corps League related merchandise in, on or about the event site without the expressed approval and consent of the host Detachment, Department or other organizations that is hosting the event.

SECTION 1005 – RESPECT -

- **(a)** The Bible shall be opened, placed on an Altar which is covered with a clean and attractive Altar Cloth, during all the meetings of the Marine Corps League. No disrespect to the Bible, by act or word, shall be tolerated. No one shall use the Altar for physical support, and shall not, under any circumstances, use the Altar or Bible as a resting place for any item or material. All space between the Altar and the Chair shall be considered as hallowed ground and shall not be traveled upon while the Bible is open.
- **(b)** The Ritual of the Marine Corps League shall be observed and employed at all meetings and appropriate functions to the maximum extent possible.

SECTION 1010 - RESOLUTIONS, SUBMITTING AND PROCESSING - Resolutions may be submitted by a member in good standing **or** a Detachment for consideration by a **Department** Convention, provided said resolutions are in proper form and in compliance with all the following requirements:

- **(a)** The resolution must be typewritten with an original and three (3) copies, and must be registered at **Department** Headquarters no later than May 1, prior to the **Department** Convention at which action thereon is desired. An appropriate registration number will be assigned each resolution by the **Department** Adjutant/Paymaster. One copy shall be retained at the **Department** Headquarters as a part of the permanent file; one copy shall be placed in "working file" to be referred to the **Department** Resolutions Committee for the Committee's consideration and recommendations; one copy shall be used by the **Department** Adjutant/Paymaster as the source for distributing the resolving clauses. The Fourth copy, with registration number, shall be returned to the proposer/sponsor, serving as evidence of compliance with this section.
- **(b)** All resolutions submitted for consideration by a **Department** Convention shall be drawn on such form as will identify it as being adopted by the Marine Corps League in "**Department** Convention assembled." Any resolution not written in this form shall be returned by the **Department** Adjutant/Paymaster to the sponsor/proposer for correction.
- **(c)** Except as expressly waived by a vote of two-thirds (2/3rds) of the present and voting Delegates at the **Department** Convention, no motion proposing adoption of a resolution shall be placed on the floor of the **Department** Convention unless the requirements of this section have been complied with.

NOTE: The **Department** Headquarters staff shall prepare an adequate supply of all resolutions registered by the **Department** Adjutant/Paymaster in accordance with this section and shall make such supply available for distribution to all Delegates, and all members and the Resolutions Committee upon their arrival at the **Department** Convention. A complete file of all registered resolutions shall be available in the Convention Office of the **Department** Adjutant/Paymaster for inspection by any Delegate or members of the Marine Corps League who desire to take advantage of such inspection.

SECTION 1015 - AMENDMENTS - Each Revision, Amendment or repeal of a provision of the Department Administrative Procedures which are approved at a Department Convention, as outlined in the Department Bylaws Article Eight, Section 800, and does not provide an effective date, shall become effective upon the close of the Department Convention at which it is approved. 6/2011

SECTION 1020 - EFFECTIVE DATE - The effective date of any change to the Administrative Procedures must be stated in the proposed change, if not it is effective at close of Department Convention at which it is approved.

SECTION 1025 - ADMINISTRATIVE PROCEDURES DISTRIBUTION – Each Detachment, each member of the Department Board of Trustees & National Headquarters of the Marine Corps League shall be provided, without charge, with one (1) copy of the Department Administrative Procedures of the Marine Corps League or published changes thereafter each time they are printed. The Department Administrative Procedures are to be made available for examination to any member in good standing, upon request. Any member of the Marine Corps League may purchase copies of the Department Administrative Procedures from the Department Adjutant or Adjutant/Paymaster. 6/2011

SECTION 1030 - AUTHORIZATION - Permission must be obtained for the use at National Headquarters of a signature stamp or signed by direction, for each occasion of use. The individual requesting authorization and the individual granting authorization will both enter in separate LOGS the following information: DATE REQUESTED, DATE AUTHORIZED, subject of letter or correspondence, name of individual requesting and name of individual authorizing the use.

SECTION 1035 – ENCLOSURES – (See National Administrative Procedures Enclosures) –

Enclosures One (1) through nine (9) are for information in fulfilling the duties of various offices and use by the Officers and members of the Department, Detachments and Members therein.

ENCLOSURE ONE (1) – INTERNATIONAL SYMBOL FOR HANDICAPPED FACILITIES –

For use by the Convention Committee in selecting a site for the Department and Staff Meetings.

ENCLOSURE TWO (2) – AMERICANISM PROGRAM -

This is the guide for Annual reports of Americanism by Detachments and Departments in reporting to the National Convention each year.

ENCLOSURE THREE (3) – OFFICIAL MARINE CORPS LEAGUE UNIFORM CODE -

Explains how to properly wear the Marine Corps League Uniform.

ENCLOSURE FOUR (4) – MARINE CORPS LEAGUE AWARDS -

Explains the awards available for presentation by National Commandant down to awards by the Detachment Commandants.

ENCLOSURE FIVE (5) – INSTALLATION REPORT -

This is an example of an Installation form.

ENCLOSURE SIX (6) – MEMBERSHIP DUES TRANSMITTAL -

This is an example of a Dues Transmittal form.

ENCLOSURE SEVEN (7) – REQUEST FOR TRANSFER -

Form must be completed when a member requests to be transferred from one Detachment to another Detachment or to Member at Large status.

ENCLOSURE EIGHT (8) – DEATH NOTICE -

This form is to be used to notify the National Chaplain of a member's death.

ENCLOSURE NINE (9) – NATIONAL/DEPARTMENT HEARING BOARD -

This form is to be used to log tapes used at a hearing.

***** Department of Louisiana ONLY *****
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NOTE All Enclosures are the same as National Marine Corps League except Enclosures noted as **(LA)**, these are Department of Louisiana Enclosures ONLY.

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