**Chronology**

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**Figure 4-a -- Chronology**

**Witness Data Sheet**

Case Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date:\_\_\_\_\_\_\_

Name:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Grade:\_\_\_\_\_\_ USMC/USMCR/Other \_\_\_\_\_\_

Unit:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Phone:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

When did you report to the unit?\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Current billet?\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

How long have you known Marine?\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

What is their job billet?\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

How do you know Marine?\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

General opinion of Marine?\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Opinion and knowledge of allegation(s)?

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**Figure 4-b –- Witness Data Sheet**

**Witness Statement**

Statement dated:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

STATEMENT OF (RANK, FULL NAME) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

I, (RANK, FULL NAME) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, make this voluntary statement at (LOCATION) ­­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, to (RANK LAST NAME) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, whom I know to be the Investigating Officer. I make this sworn statement of my own free will and without any threats or promises extended to me. I am making this statement concerning my knowledge of the matter(s) under investigation.

I am currently a (RANK) \_\_\_\_\_\_\_\_\_\_\_\_\_\_ in the U.S. Marine Corps assigned to (UNIT) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. I currently reside at (ADDRESS, CITY, STATE, ZIP CODE) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**Begin Statement**

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Page 1 of \_\_\_

**Figure 4-c -– Witness Statement**

**Witness Statement – Cont’d**

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**Figure 4-c –- Witness Statement – Cont’d**

**Witness Statement – Cont’d**

The following questions (Q) were asked of me by the Investigating Officer and I provided the answers (A).

(Q)

(A)

(Q)

(A)

(Q)

(A)

(Q)

(A)

This sworn statement consists of (# of pages)\_\_\_\_\_\_-page(s). I have read this statement, and agree with the way it is worded, and initialed all errors that I have found. This statement is true and correct to the best of my knowledge.

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Time & Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Subscribed and sworn to before me on (DAY, MONTH, YEAR) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ at (LOCATION) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in accordance with Article 136(b)(4), Uniform Code of Military Justice.

Investigating Officer: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Page \_\_\_ of \_\_\_

**Figure 4-c -– Witness Statement**

**Suspect Statement w/Art 31 language**

Statement dated:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

STATEMENT OF (RANK, FULL NAME) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

I, (RANK, FULL NAME) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, make this voluntary statement at (LOCATION) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, to (RANK LAST NAME) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, whom I know to be the Investigating Officer. Before I talked to the investigating officer, I was provided warnings under Article 31(b) of the UCMJ on a separate form. I understand the protections of the Article 31(b) rights, but waived them and provided a statement. I make this sworn statement of my own free will and without any threats or promises extended to me. I am making this statement concerning my knowledge of the matter(s) under investigation.

I am currently a (RANK) \_\_\_\_\_\_\_\_\_\_\_\_\_\_ in the U.S. Marine Corps assigned to (UNIT) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. I currently reside at (ADDRESS, CITY, STATE, ZIP CODE) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**Begin Statement**

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**Figure 4-d -- Suspect Statement w/Art 31 language**

**Suspect Statement w/Art 31 language – Cont’d**

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Page \_\_\_ of \_\_\_

**Figure 4-d -- Suspect Statement w/Art 31 language – Cont’d**

**Suspect Statement w/Art 31 language – Cont’d**

The following questions (Q) were asked of me by the Investigating Officer and I provided the answers (A).

(Q)

(A)

(Q)

(A)

(Q)

(A)

(Q)

(A)

This sworn statement consists of (# of pages)\_\_\_\_\_\_-page(s). I have read this statement, and agree with the way it is worded, and initialed all errors that I have found. This statement is true and correct to the best of my knowledge.

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Time & Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Subscribed and sworn to before me on (DAY, MONTH, YEAR) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ at (LOCATION) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in accordance with Article 136(b)(4), Uniform Code of Military Justice.

Investigating Officer: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Page \_\_\_ of \_\_\_

**Figure 4-d -- Suspect Statement w/Art 31 language – Cont’d**

**Injured Marine Statement w/Warning Language**

Statement dated:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

STATEMENT OF (RANK, FULL NAME) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

I, (RANK, FULL NAME) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, make this voluntary statement at (LOCATION) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, to (RANK LAST NAME) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, whom I know to be the Investigating Officer. I have been warned by a separate form of my rights under paragraph 0212 of the Manual for the Judge Advocate General of the Navy to the effect that I do not have to sign a statement concerning the origin, incidence, or aggravation of any disease or injury that I have suffered. (If suspected of violating any articled under the UCMJ, before I talked to the investigating officer, I was provided warnings under Article 31(b) of the UCMJ on a separate form. I understood the protections of the Article 31(b) rights, but waived them and provided a statement. I make this sworn statement of my own free will and without any threats or promises extended to me. I am making this statement concerning my knowledge of the matter(s) under investigation.

I am currently a (RANK) \_\_\_\_\_\_\_\_\_\_\_\_\_\_ in the U.S. Marine Corps assigned to (UNIT) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. I currently reside at (ADDRESS, CITY, STATE, ZIP CODE) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**Begin Statement**

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Page 1 of \_\_\_

**Figure 4-e -- Injured Marine Statement w/Warning Language**

**Injured Marine Statement w/Warning Language – Cont’d**

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Page \_\_\_ of \_\_\_

**Figure 4-e -- Injured Marine Statement w/Warning Language – Cont’d**

**Injured Marine Statement w/Warning Language – Cont’d**

The following questions (Q) were asked of me by the Investigating Officer and I provided the answers (A).

(Q)

(A)

(Q)

(A)

(Q)

(A)

(Q)

(A)

This sworn statement consists of (# of pages)\_\_\_\_\_\_-page(s). I have read this statement, and agree with the way it is worded, and initialed all errors that I have found. This statement is true and correct to the best of my knowledge.

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Time & Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Subscribed and sworn to before me on (DAY, MONTH, YEAR) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ at (LOCATION) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in accordance with Article 136(b)(4), Uniform Code of Military Justice.

Investigating Officer: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Page \_\_\_ of \_\_\_

**Figure 4-e -- Injured Marine Statement w/Warning Language – Cont’d**

**WARNING ADVISEMENT ABOUT STATEMENTS REGARDING**

**ORIGIN OF DISEASE OR INJURY**

**COMPLIANCE WITH SECTION 0212 OF THE JAGMAN**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, have been advised that:

 -questions have arisen concerning whether or not my injury/disease, sustained or discovered on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 20\_\_\_\_\_\_ , was incurred in the line of duty or as a result of my own misconduct;

 -in the event such injury/disease is determined to have been incurred not in the line of duty or as a result of my own misconduct, I will be required to serve for an additional period beyond my present enlistment to make up for the duty time lost;

 -lost duty time will not count as creditable service for pay entitlement purposes;

 -I may be required to forfeit some pay where absence from duty in excess of one day immediately follows intemperate use of liquor or habit- forming drugs;

 -if I am permanently disabled and that disability is determined to have been the result of misconduct or was incurred not in the line of duty, I may be barred from receiving disability pay or allowances, as well as veterans' benefits;

 -I may not be required to give a statement relating to the origin, incidence, or aggravation of any disease/injury that I may have.

I do/do not desire to submit a statement.

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

Date Signature

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

Witness Signature

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

Witness Name/Rate/Grade/Unit/Telephone Number

**Figure 4-f –- Warning Advisement about Statements regarding Origin of Disease or Injury**

**SUSPECT'S RIGHTS AND ACKNOWLEDGEMENT/STATEMENT**

|  |  |  |  |
| --- | --- | --- | --- |
| **Name** | **Last 4 SSN** | **Rate/Rank** | **Service (Branch)** |
| **Activity/Uint** | **Date of Birth** |
| **Name (Interviewer)** | **Rate/Rank** | **Service (Branch)** |
| **Organization** | **Billet** |
| **Location of Interview** | **Time** | **Date** |

**RIGHTS**

I certify and acknowledge by my signature and initials set forth below that, before the interviewer requested a statement from me, (s)he warned me that:

 (1) I am suspected of having committed the following offense(s):

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

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 (2) I have the right to remain silent; --------------------------------------└──────┘

 (3) Any statement I do make may be used as evidence against me in trial by court-martial; ------------------------------------------------------------------------┌──────┐

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 (4) I have the right to consult with lawyer counsel prior to any questioning. This lawyer counsel may be a civilian lawyer retained by me at my own expense, a military lawyer appointed to act as my counsel without cost to me, or both; --------------┌──────┐

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 (5) I have the right to have such retained civilian lawyer and/or appointed military lawyer present during this interview; and ---------------------------------------┌──────┐

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 (6) If I decide to answer questions now without a lawyer present, I will have the right to stop this interview at any time. ---------------------------------------┌──────┐

 └──────┘

**Figure 4-g –- Suspect’s Rights and Acknowledgment/Statement**

**Suspect’s Rights and Acknowledgment/Statement – Cont’d**

**WAIVER OF RIGHTS**

I further certify and acknowledge that I have read the above statement of my

rights and fully understand them, and that, -------------------------------------┌──────┐

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 (1) I expressly desire to waive my right to remain silent. ------------------┌──────┐

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 (2) I expressly desire to make a statement. ---------------------------------┌──────┐

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 (3) I expressly do not desire to consult with either a civilian lawyer retained by me or a military lawyer appointed as my counsel without cost to me prior to any questioning. ---------------------------------------------------------------------------------┌──────┐

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 (4) I expressly do not desire to have such a lawyer present with me during this interview. ----------------------------------------------------------------------┌──────┐

 └──────┘

 (5) This acknowledgement and waiver of rights is made freely and voluntarily by me, and without any promises or threats having been made to me or pressure or coercion of any kind having been used against me. -----------------------------------------------┌──────┐

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 (6) I further understand that, even though I initially waive my rights to counsel and to remain silent, I may, during the interview, assert my right to counsel or to remain silent. -------------------------------------------------------------------------┌──────┐

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**NOTE: IF THE SUSPECT INDICATES HE IS WILLING TO MAKE A STATEMENT, HE SHOULD FIRST BE ASKED WHETHER HE HAS MADE A STATEMENT IN RESPONSE TO QUESTIONS ABOUT THE SUSPECTED OFFENSE TO ANYONE HE BELIEVED WAS ACTING IN A LAW ENFORCEMENT CAPACITY PRIOR TO THE PRESENT INTERVIEW. IF THE SUSPECT INDICATES HE HAS PREVIOUSLY MADE SUCH A STATEMENT, ADVISE THE SUSPECT AS FOLLOWS:**

**PREVIOUS STATEMENTS**

I certify and acknowledge by my signature and initials set forth below that, before the interviewer requested a statement from me, he warned me that:

 (1) My previous statement may not be admissible at courts-martial and may not be usable against me. (It may not be possible to determine whether a previous statement made by the suspect will be admissible at some future court-martial; this suggests it may be wise to treat it as inadmissible and provide the cleansing warning).

 (2) Regardless of the fact that I have talked about this offense before, I still have the right to remain silent now.

**Figure 4-g –- Suspect’s Rights and Acknowledgment/Statement – Cont’d**

**Suspect’s Rights and Acknowledgment/Statement – Cont’d**

|  |  |  |
| --- | --- | --- |
| **Signature (Accused/Suspect)** | **Time** | **Date** |
| **Signature (Interviewer)** | **Time** | **Date** |
| **Signature (Witness)** | **Time** | **Date** |

The statement which appears on this page (and the following \_\_\_ page(s), all of which are signed by me, is made freely and voluntarily by me, and without any promises or threats having been made to me or pressure or coercion of any kind having been used against me.

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

 Signature (Accused/Suspect)

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**Figure 4-g –- Suspect’s Rights and Acknowledgment/Statement – Cont’d**

**Privacy Act Statement**

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_ Rank/Rate: \_\_\_\_\_\_ Activity:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Unit: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Telephone number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Today, (Date), I acknowledge that I have received the following advisement under the guidelines of the Privacy Act.

This statement is provided in compliance with the provisions of the Privacy Act of 1974 (Public Law 93-579) which requires that Federal agencies must inform individuals who are requested to furnish personal information about themselves as to certain facts regarding the information requested below.

1. AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 972, 1201-1221, 2733, 2734-2734b., 2737, 5013, 5031-5036, 5131-5150, 5947, 6148, 7205, 7622-7623; 28 U.S.C. 1346, 2671-2680; 31 U.S.C. 240-243, 3521- 3531, 3701-3702, 3717-3718; 37 U.S.C. 802; 38 U.S.C. 105; 42 U.S.C. 2651-2653; 44 U.S.C. 3101; 49 U.S.C. 1901.

2. PRINCIPAL PURPOSES. The information which will be solicited is intended principally and may be used for the following purposes:

 a. Determinations on the status of personnel regarding entitlements to pay during disability, disability benefits, severance pay, retirement pay, increases of pay for longevity, survivor's benefits, involuntary extensions of enlistments, date of expiration of active obligated service, and accrual of annual leave.

 b. Determinations on disciplinary or punitive action.

 c. Determinations on liability of personnel for losses of, or damage to, public funds or property.

 d. Evaluation of petitions, grievances, and complaints.

 e. Adjudication, pursuit, or defense of claims for or against the Government or among private parties.

 f. Other determinations, as required, in the course of naval administration.

 g. Public information releases.

**Figure 4-h –- Privacy Act Statement**

**Privacy Act Statement – Cont’d**

 h. Evaluation of procedures, operations, material, and designs by the Navy and contractors, with a view to improving the efficiency and safety of the Department of the Navy.

3. ROUTINE USES: In addition to being used within the Department of the Navy and Defense for the purpose(s) indicated above, records of investigations are routinely furnished, as appropriate, to the Department of Veterans Affairs for use in determinations concerning entitlement to veterans' and survivors' benefits; to Servicemen's Group Life Insurance administrators for determinations concerning payment of life insurance proceeds; to the U.S. General Accounting Office for purposes of determinations concerning relief of accountable personnel from liability for losses of public funds and related fiscal matters; and to the Department of Justice for use in litigation involving the Government. Additionally, such investigations are sometimes furnished to agencies of the Department of Justice and to State or local law enforcement and court authorities for use in connection with civilian criminal and civil court proceedings. The records of investigations are provided to agents and authorized representatives of persons involved in the incident, for use in legal or administrative matters. The records are provided to contractors for use in connection with settlements, adjudication, or defense of claims by or against the Government, and for use in design and evaluation of products, services, and systems. The records are also furnished to agencies of the Federal, State, or local law enforcement authorities, and regulatory authorities, for use in connection with civilian and military criminal, civil, administrative, and regulatory proceedings and actions.

4. MANDATORY/VOLUNTARY DISCLOSURE, CONSEQUENCES OF REFUSING TO DISCLOSE:

 a. Where an individual is a subject of an investigation for purpose 2a or 2b, above: Disclosure is voluntary. You are advised that you are initially presumed to be entitled to have the [personnel determination) [disciplinary determinations] in paragraph 2, above, resolved in your favor, but the final determination will be based on all the evidence in the investigative record. If you do not provide the requested information, you will be entitled to a favorable determination if the record does not contain sufficient evidence to overcome the presumption in your favor. If the completed record does contain sufficient evidence to overcome the presumption in your favor, however, your election not to provide the requested information possible could prevent the investigation from obtaining evidence that may be needed to support a favorable determination.

**Figure 4-h –- Privacy Act Statement – Cont’d**

**Privacy Act Statement – Cont’d**

 b. Where an individual is a subject of an investigation for purpose 2c, above: Disclosure is voluntary, and if you do not provide the requested information, any determination as to whether you should be held peculiarly liable for repayment of the Government's loss would be based on the other evidence in the investigative record, which possibly might not support a favorable determination.

 c. Where the individual is a claimant or potential claimant in an investigation for purpose 2e, above: Disclosure is voluntary, but refusal to disclose the requested information could prevent the investigation from obtaining sufficient information to substantiate any claim which you have make or may make against the Government as a result of the incident under investigation.

 d. Where the individual was treated at Government expense for injuries caused by third parties in connection with a matter being investigated for purpose 2e, above: Disclosure is voluntary, but refusal to disclose the requested information could result in a requirement for you to assign to the Government your medical care claims against third parties in connection with the incident, or authorize withholding of the records of your treatment in naval medical facilities.

 e. In any other case: Disclosure is voluntary, and if you do not provide the requested information, and determinations or evaluations made as a result of the investigation will be made on the basis of the evidence that is contained in the investigative record.

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

 Signature

**Figure 4-h –- Privacy Act Statement – Cont’d**