



## UNITED STATES MARINE CORPS

3D MARINE DIVISION (-) (REIN)

UNIT 35801

FPO AP 96602-5801

DivO 1740.3M

ADJ/01

**15 MAY 2003**

### DIVISION ORDER 1740.3M

From: Commanding General  
To: Distribution List

Subj: REQUEST MAST

Ref: (a) MCO 1700.23E  
(b) U.S. Navy Regulations  
(c) Marine Corps Manual  
(d) MCO P5354.1C  
(e) MCO P1900.16E  
(f) JAGMAN  
(g) FMFPACO 1740.1L

Encl: (1) Example of a Command Request Mast Program Directive  
(2) Division Request Mast Application (NAVMC 11296)

1. Purpose. To publish Request Mast policy and procedures as required by reference (a).

2. Cancellation. DivO 1740.3L

3. Summary of Revision. This revised Order contains additional guidance concerning Request Mast policy and procedures.

4. Background. Request Mast is the officially recognized means for Marines to communicate grievances to, or seek assistance from the chain of command. It includes both the right of the Marine to communicate with the commander and the requirement that the commander consider the matter and personally respond to the Marine Requesting Mast. Normally, the Marine Requesting Mast will be afforded the opportunity to report in person to the commander to present the matter. Request Mast (RM) provides an individual the opportunity to communicate up to the Secretary of the Navy; however, the Marine's vested right is only in communication with the immediate Commanding Officer and any superior Commanding Officer in the chain of command up to and including the immediate Commanding General. Request Mast also provides commanders with firsthand knowledge of the morale and general welfare of the command. To be effective, Request Mast

must have the wholehearted support of those to whom the leadership of Marines is entrusted. Retaliation by anyone at any level against Marines who Request Mast will not be tolerated. The individual will be able to Request Mast in good faith, without the fear of reprisal or prejudice to their interests. The importance of maintaining the credibility and viability of the procedures set forth in this order cannot be overemphasized.

### Information

a. Reference (b), Article 0820c, provides that the commander shall afford an opportunity, with reasonable restrictions as to time and place, for personnel under his command to make requests, reports, or statements to the commander, and shall ensure that they understand the procedures for making such requests, reports, or statements.

b. Reference (b), Article 1151.1, further provides the right of any person in the naval service to communicate with the commander in a proper manner (appear in person, in writing, or by phone) and at a proper time and place, shall not be denied or restricted.

c. Reference (c), paragraph 2805, implements and expands these rights and constitutes the basic authority for Request Mast in the Marine Corps.

For the purpose of Request Mast:

(1) "Marine" includes all uniformed members of the Armed Forces who are members of the 3d Marine Division, including those attached to it or serving with it on temporary additional duty.

(2) "Commander" includes the Marine's immediate Commanding Officer (officer with NJP authority) and every Commanding Officer in the chain of command up to and including the Commanding General.

(3) "Commanding General" is the Commanding General, 3d Marine Division. The Commanding General, 3d Marine Division exercises general court-martial convening authority and in his absence, the acting Commanding General has that authority. It also includes an officer serving in an acting capacity. The

Commanding General is normally the officer exercising General Court Martial Authority (GCMA) over the Marine. Where the GCMA is not a Marine Officer, the separation authority for administrative discharges will be the immediate commanding general for Request Mast purposes. The Commanding General Marine Corps Base, Hawaii, assumes responsibility for hearing Request Mast petitions for all 3d Marine Division personnel on Hawaii including 1st Battalion, 12th Marines.

(4) "Communicate" includes the opportunity to appear personally before the commander, the right to correspond with that officer in writing, or the opportunity to talk to the commander telephonically as provided for in this Order.

## 6. Policy

a. Request Mast is the principal means for a Marine to formally communicate a grievance to, or to seek assistance from, his or her commander. Request Mast is a formal rather than an informal process. The process does not include those outside the official chain of command, such as subordinate officers or staff non-commissioned officers/non-commissioned officers, nor will they make any effort to delay Request Mast in order to resolve the issue themselves.

b. The right to Request Mast includes the right to appear personally before each commander in the chain of command up to and including the immediate Commanding General. In the instance a Marine requests mast to the Commanding General, the Marine's Regimental or Battalion Commander and Sergeant Major will be readily available when the Marine is to be seen by the Commanding General. When a Marine submits a Request Mast to a commander in the chain of command who is not at the same base or immediate geographic location, the Request Mast shall be submitted with a command endorsement from the senior commander in the immediate area. The Request Mast may then be addressed with the Marine in person or in writing, as deemed appropriate. Subordinate organizations of the 3d Marine Division located on Okinawa are considered to be located on one base for the purposes of this provision.

c. A Marine does not have to disclose the subject of the Request Mast to anyone in the chain of command except the commander with whom the Marine is requesting mast.

d. Each intermediate Commanding Officer shall attempt to resolve the Request Mast issue, if revealed, without delay. Delays must be explained both to the Marine and to the chain of command. If the Marine is not satisfied, forward the request mast without delay to the Commanding Officer with whom the Marine requested mast. If the Request Mast is beyond the authority of the Commanding Officer to resolve, the Commanding Officer is to forward it to the next Commanding Officer in the chain. Request Mast will be conducted at the earliest reasonable time. Whenever practicable, there should be no more than one working day delay at any level of command. Additionally, commanders will hear emergency cases as soon as possible, normally within 24 hours of the time the application is initially submitted.

e. Reference (d), states that Request Mast is the primary means for filing formal discrimination complaints, to include sexual harassment.

f. Marines confined in correctional facilities have the right to Request Mast. Applications for Request Mast may be made by placing the reason for the Request Mast in a sealed envelope marked "To be opened by the Commander/Commanding General only". Any such request will not be opened by correctional facilities personnel.

g. When the operational commitments of a Marine's command, whether for training or actual employment, would be unreasonably interfered with by adherence to the procedures set forth in this order, the right of the Marine to apply for a Request Mast to a commander above the level of the immediate commanding officer may be suspended by the Commanding General for the duration of the commitment. The authority to suspend will be invoked sparingly and then only to the extent required ensuring the accomplishment of the command's mission. The suspension may and should be lifted in whole or in part at anytime during the period when the situation permits. Examples of the types of operational commitment contemplated in this authority are battalion or larger unit field and/or firing exercises, readiness and evaluation tests, or actual deployments away from the base or station where the command's garrison headquarters is located. Any such suspension and the reasons therefore shall be made known to all Marines whose rights may be affected.

h. A commander may deny a Request Mast application if there is another specific avenue of redress available to the Marine. The commander shall explain to the Marine why the Request Mast application was denied and, if appropriate, what procedure must be followed to resolve the issue. The authority to deny Request Mast includes the authority to refuse to further process the Request Mast. Whenever a commander denies a Request Mast under this authority, the commander will explain the reason to the Marine and, explain to the Marine the appropriate avenue to take for resolution and, will forward a report of such action and the basis therefore to the Commanding General (Attention: Division Inspector) via the chain of command (within 72-hours). In cases in which the commanding officer denying a Request Mast is the Commanding General, no such report need be made. The following are some examples to which other avenues of redress apply:

(1) The Uniform Code of Military Justice (UCMJ) provides for the protection of the rights of a Marine at every stage of disciplinary action, from investigation through final review or appeal. Those rights include the right of a Marine upon whom non judicial punishment has been imposed to appeal to the next superior officer in the chain of command, and in the case of one convicted by court-martial, the right to automatic review of the findings and sentence. Request Mast is not intended to be used as a means to collaterally attack the proceedings, punishment, or findings and sentence resulting from disciplinary action brought under the UCMJ.

(2) Reference (e), chapters 4 and 6, contains provisions for the protection of rights of Marines being processed for involuntary administrative separation.

(3) Chapter III of reference (f) contains guidance for the preparation, submission, and processing of complaints under Article 138, UCMJ, and Article 1150 of reference (b). Commanders may hold a Request Mast to determine if the issue is cognizant under either article. The Staff Judge Advocate may be consulted.

(a) Article 138, UCMJ, in part, provides that any member of the armed forces who believe themselves wronged by that member's commander, and who, upon due application to that commander, is refused redress, may complain to any superior

commissioned officer, who shall forward the complaint to the officer exercising general court-martial jurisdiction over the officer against whom it was made.

(b) Article 1150 of reference (b), in part, provides if any person in the naval service consider themselves wronged by an act, omission, decision, or order of a person who is superior in rank or command, that person shall not fail in maintaining a respectful bearing toward such superior, but may report the wrong to the proper authority for redress in the manner provided in this article.

i. Request Mast with higher authority is authorized by subparagraph 2805.3 of reference (c), which states although an individual may be granted the privilege of forwarding an application for Request Mast with higher commanders such as the Commandant of the Marine Corps or the Secretary of the Navy, the individual has no vested right to Request Mast with any Commanding Officer above the immediate Commanding General. Request Mast with the Commandant of the Marine Corps and/or the Secretary of the Navy shall be processed in accordance with paragraph 6h of reference (a). Request Mast with the Commandant of the Marine Corps or the Secretary of the Navy must receive positive endorsements from all Commanding Generals in the chain. Request Mast to the Commandant of the Marine Corps is handled by the Inspector General of the Marine Corps. Request Mast may also be held with a representative of/or the IGMC during inspection trips to the Division.

j. Request Mast is not intended to be used for the purpose of harassment, avoiding duty, or intentionally interfering with the commander's ability to carry out the functions and mission of the command.

## 7 Procedures

a. Applications for Request Mast must be submitted in writing (they need not be typed) via the chain of command to the commander with whom mast is requested utilizing NAVMC 11296(Encl 2 of this order). Marines will make a written statement in the Request Mast application or record indicating that he/she saw the commander and was informed of the action taken by the commander conducting the Request Mast. The issue may not be resolved to a Marine's satisfaction, but the Marine is afforded the opportunity to address the issue with the Commanding Officer

or higher. If an application for Request Mast with a higher commander in the chain of command is resolved at a lower level, the Marine will make a written and witnessed statement in the record of Request Mast indicating an understanding of the disposition or probable disposition of the problem/complaint and voluntary withdrawal of the application to the higher commander.

b. The Division Inspector will review the Request Mast prior to it going up to the Commanding General and if able, propose a suitable solution. If, during the process of the Request Mast, the Division Inspector can resolve the issue satisfactorily, the Request Mast process can be closed. If the Division Inspector cannot resolve the issue, the individual Requesting Mast has the right to see the Commanding General. The Deputy Division Inspector is not authorized to hear Request Mast in the absence of the Division Inspector. In the absence of the Division Inspector the Commanding General will identify a Colonel from within the staff to hear Request Mast. The Deputy Division Inspector will provide all administrative support when an officer other than the Division Inspector hears a Request Mast. The following additional information shall be included on all Request Mast applications:

(1) The Marine will prepare NAVMC form 11296 in writing via the chain of command. To prepare the NAVMC 11296, the Marine needs to completely fill out all of PART 1 of the form, blocks 1 thru 9 in their entirety in compliance with MCO 1700.23E w/Ch1. Specifically, paragraph 2(b)(3). Additionally, it is required that a billet to contact initially be provided and a billet to follow for higher Request Mast. Once the Marine has filled out the NAVMC 11296, the Marine must sign and date the application. Once completed a written statement covering the reasons for Request Mast with any supporting documents concerning the Request Mast must be attached. The statement may also include a list of witnesses with the summary of the expected testimony of each witness. The statement must include a list of commanders in the chain of command with whom the Marine has Requested Mast and state the action taken by each.

(2) If the Marine has not revealed the subject of the Request Mast to the other commanders in the chain of command, the reasons must be explained. This statement must be delivered to the Commanding General together with the application for Request Mast. The Marine may place a written statement in an envelope marked "To be opened by the Commanding General only".

The Commanding General has delegated the authority to open these envelopes to the Division Inspector pursuant to his reviewing the Request Mast.

8. Request Mast by Individuals within Deployed Units

a. Commanders and officers in charge will ensure that personnel with units deployed away from the immediate geographical location of parent organizations are afforded the same rights with respect to Request Mast as individuals remaining with parent organizations.

b. A member assigned to a deployed unit desiring to Request Mast with a commander not present with the deployed force will submit a detailed written explanation of the reasons for his request. The local commander or officer in charge will aid the individual in preparation of this statement as desired by the requester. If the requester does not desire to divulge his reasons for Requesting Mast to intermediate commanders, he may submit his explanation in a sealed envelope and attach it to his Request Mast form. The commander before whom the individual desires to appear will consider each case on an individual basis. The requester may be authorized temporary additional duty orders to appear at mast, a detailed written response to his request may be provided, or he may be visited at the deployed location. The requester can also have his request heard by telephone if he so desires or at the discretion of the commander before whom he desires to appear. Any written response will include as a minimum.

An acknowledgement of receipt of the request.

(2) A statement as to the commander's decision regarding the individual's request to appear at mast.

(3) Specific instructions to the requester as to alternative courses of action available to him to aid in resolving his problem.

(4) An explanation of the action taken to resolve the requester's problem.

c. Requests from individuals with deployed units to appear at Request Mast will be processed with the same sense of urgency as if the requester were not deployed, but will allow for

mailing time. For Request Mast with the Commanding General, the request should be addressed to Commanding General, 3d Marine Division (Attn: Division Inspector) and forwarded via the chain of command.

d. In cases of individuals assigned to deployed units Requesting Mast with commanders not present, telephone or priority message communication is authorized. Such communications must contain sufficient information to allow the commander before whom the requester desires to appear to immediately initiate effective action in resolving the problem.

9. Command Request Mast Program. Each echelon of command, down to the battalion, must have a Command Request Mast Program, which incorporates the policies, and procedures set forth in this Order.

10. Other Provisions. Nothing in this Order is intended to expand or abridge the rights of Marines otherwise guaranteed by the First Amendment to the U. S. Constitution, Federal Law, or Department of Defense and Marine Corps directives. The exercise of such rights is not governed by the procedures contained in this Order.

## 11 Action

### a. Division Inspector

(1) Interview all Marines requesting mast with the Commanding General.

(2) When appropriate, arrange an appearance before the Commanding General if expressly requested by the Marine and if unable to resolve the Request Mast.

(3) Prescribe and supervise follow-up procedures appropriate in each case to ensure complete resolution of problems brought to the Commanding General, 3d Marine Division, through Request Mast.

### b. Regimental and Battalion Commanders will ensure:

(1) That a Command Request Mast Program is established and published in the form of a command directive, as required by paragraph 9 above.

(2) That enclosure 2) is used by individuals requesting mast

(3) That complete records of Request Mast proceedings are retained for a period of two years, to include follow-up, completed actions, and the stated degree of understanding of the petitioner of the disposition or probable disposition of the problem/complaint in accordance with reference (g).

(4) That the records, proceedings, and final disposition of Request Mast cases are properly safeguarded to prevent such information from having a prejudicial effect on the Marine. Request Mast records will be maintained separately from service records.

(5) That procedures are established so that follow-up action is properly accomplished in a timely and adequate manner

  
A. L. JACKSON  
Chief of Staff

DISTRIBUTION: A/D

DivO 1740.3M

EXAMPLE OF A COMMAND REQUEST MAST PROGRAM DIRECTIVE

(ORGANIZATION LETTERHEAD)

(ORGANIZATION) ORDER 1740.1

From: Commander  
To: Distribution List

COMMAND REQUEST MAST PROGRAM

(a) DivO 1740.3L

1. Purpose. To publish this organization's Request Mast program.
2. Discussion. Enclosure (2) contains specific instructions for requesting mast within this organization and a brief summary of the rights and responsibilities of Marines in connection therewith. The reference contains detailed procedures and policies for request mast throughout the 3d Marine Division. Any individual, including the Marine requesting mast, who impedes adherence to these procedures may be subject to disciplinary action.
3. Action. All officers and noncommissioned officers of this organization shall thoroughly familiarize themselves with the contents of the Order, and they will ensure that all Marines serving under them are aware of their right in connection with request mast.

DISTRIBUTION: A/D

ENCLOSURE (1)

MARINE CORPS REQUEST MAST APPLICATION

DivO I740.3M

NAVMC 11296 (Rev. 6-97)  
SN: 0000-00-888-0350 UR: EA

PRIVACY ACT STATEMENT

Authority: Title 5, U. S. Code 301; Title 10, USC Section 5013  
Principal Purpose: Formal filing of complaints/problems to command personnel.  
Routine Uses: To provide a record to facilitate personnel management actions and decisions; to serve as a data source for complaint/problem information and resolution efforts.  
Disclosure: Disclosure is voluntary. Failure to complete the requested items could result in delayed command action and/or an inaccurate/incomplete analysis of the complaint/problem.

PART I: TO BE COMPLETED BY THE APPLICANT

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

8a. I desire to Request Mast with: (Provide the name and billet of the Commanding Officer with whom you desire to communicate.)

8b. NATURE OF COMPLAINT/PROBLEM: (Give in as much detail as possible the basis of your complaint; describe the incident(s)/behavior(s) and date(s) of the occurrence(s); the names of the individuals involved, witnesses and to whom it may have been previously reported. Include any other information relevant to your complaint/problem. Attach additional sheets, as needed).

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

9. AFFIDAVIT

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

\_\_\_\_\_  
(SIGNATURE OF APPLICANT/DATE)