DEPARTMENT OF THE NAVY
U.S. NAVAL SUPPORT ACTIVITY
PSC 817 BOX 1
FPO AE 09622-0001

NAVSUPPACT NAPLES INST 5800.3B
N01J
23 OCT 2013

NAVSUPPACT NAPLES INSTRUCTION 5800.3B

From: Commanding Officer, U.S. Naval Support Activity, Naples, Italy

Subj: NAVSUPPACT NAPLES CIVILIAN ADMINISTRATIVE FORUM

Ref: (a) North Atlantic Treaty Organization (NATO) Status of Forces Agreement (SOFA) of 19 Jun 51
(b) U.S. Navy Regulations, 1990
(c) NAVSUPPACT NAPLES INSTRUCTION 5400.8J
(d) CNICUSNAVEUR INSTRUCTION 5450.21E
(e) OPNAVINST 1752.2B
(f) 30 U.S.C. 3711

1. Purpose. To establish a Civilian Administrative Forum (CAF) hearing process to assist the Commanding Officer (CO), U.S. Naval Support Activity (NAVSUPPACT), Naples, Italy on appropriate actions responding to alleged misconduct or inappropriate personal behavior on the part of civilian component personnel on-board NAVSUPPACT Naples facilities, NAVSUPPACT Naples detachments, and U.S. Navy Element, Allied Forces Southern Europe (AFSOUTH), Naples Italy. This instruction is a complete revision and should be read in its entirety.

2. Cancellation. NAVSUPPACT NAPLES INST 5800.3A.

3. Background. References (a) and (b) provide the basis for sanctions and removal procedures from Italy of family members and civilian component personnel involved in misconduct that is embarrassing to the United States Government or prejudicial to good order and discipline. Per references (a), (c) through (e), the CO is responsible for the designated area for logistical and administrative matters affecting commands and personnel in the Naples area. Accordingly, NAVSUPPACT Naples is responsible for managing and enforcing acceptable standards of civilian conduct for individuals assigned to or present on board any NAVSUPPACT Naples facilities, NAVSUPPACT Naples detachments, and U.S. Navy Element AFSOUTH.

4. Policy. NAVSUPPACT Naples will attempt to resolve each incident of misconduct as expeditiously and at the lowest level possible. In all cases, the CO will aim to prevent recurrence of misconduct and protect NAVSUPPACT Naples facilities, programs, and personnel, while maintaining positive host nation relations. Where appropriate, a CAF hearing will be scheduled as soon as practical to address such misconduct.

5. Applicability. This instruction applies to all civilian component personnel with SOFA status in the Naples area. This includes:

a. Dependants of U.S. military personnel.

b. Appropriated and non-appropriated fund Department of Defense (DoD) civilian employees.

c. Family members and dependants of appropriated and non-appropriated fund DoD civilian employees.

d. U.S. Government contractors and their family members.

e. All other individuals permitted access to or use of NAVSUPPACT Naples facilities.

6. Responsibilities

a. Civilian employees, contractors, and dependants. Every civilian is ultimately responsible for their own conduct and behavior.

b. Sponsor. Primary responsibility for guests and dependant's behavior is vested in the sponsor. Sponsors shall ensure that all guests and dependants are aware of and abide by installation regulations. All personnel assigned to commands in the Naples area are encouraged to invoke traditional sanctions such as grounding, curfews, and withdrawal of privileges or seek counseling services to eliminate the need for involvement by civilian and military law enforcement personnel, U.S. Government authorities, and/or Italian officials.

c. The CO will:

(1) Enforce acceptable standards of conduct for civilians in the Naples area.

(2) Appoint a CAF program manager and CAF Administrative Hearing Officers (AHO), who are commissioned officers attached to NAVSUPPACT Naples.

(3) Be briefed on the results of all CAF hearings by the CAF program manager or installation Staff Judge Advocate (SJA).

(4) Dispose of all incidents of civilian misconduct occurring onboard any NAVSUPPACT Naples facilities, NAVSUPPACT Naples detachments, and U.S. Navy Element AFSOUTH. This includes incidents that were not referred to a CAF hearing.

(5) If deemed necessary to prevent further misconduct, immediately suspend any privileges (excluding access to medical treatment) pending the processing of a matter at a subsequent CAF hearing.

(6) To the extent permissible under reference (a), take appropriate administrative action in cases concurrent with any legal or administrative proceedings initiated by the Government of Italy.

d. The CAF program manager is responsible for:

(1) Coordinating the scheduling of all CAF hearings with the Installation SJA and AHO.

(2) Obtaining the results of all CAF hearings by the installation SJA and AHO.

(3) Advising the CO as appropriate.

(4) Managing the function of the overall CAF process.

(5) With the assistance of the installation SJA, maintaining a log of CAF hearings, the basis for hearing, and the resulting sanctions imposed, if any.

e. The Installation SJA shall:

(1) Review incidents of civilian misconduct provided by U.S. Forces and Italian law enforcement authorities, school officials, Defense Commissary Agency (DeCA)/Navy Exchange (NEX) officers, and others who receive information regarding alleged civilian misconduct.

(2) Coordinate the scheduling of all CAF hearings with the CAF program manager and AHO.

(3) Notify military civilian sponsors via their respective sponsoring commands of pending CAF hearings.

(4) Prepare all related correspondence pertaining to a CAF hearing including notification, disposition, and non-compliance correspondence.

(5) In conjunction with the CAF program manager, monitor CAF disposition requirements and completion of administrative sanctions, such as community service hours, counseling, etc.

(6) Communicate barment actions from NSA Naples to all U.S. military installations in Italy.

(7) Coordinate the appointment of AHO and ensure that the AHO is familiar with CAF procedures and processes.

f. AHO. To conduct CAF hearings per procedures outlined below and make appropriate recommendations to the CO.

7. Theft at the NEX and DeCA

a. In cases of clear and convincing evidence of theft at any NEX facilities, the DeCA or any other commercial activity onboard the installation will take the following actions as determined by the age of the offender:

(1) First offense, ages seven and below. The CO will normally issue a letter of warning to the sponsor via the sponsor's command.

(2) First offense, ages 8 - 17: The CO will normally suspend the offender's shopping privileges at the store at which the theft occurred for six months from the date of the incident. If the theft occurred at the NEX, the offender will normally be suspended from all NAVSUPPACT Naples area NEX, mini-marts, specialty stores, and concessionaires at the Support Site at Gricignano, Capodichino, Joint Forces Command, Carney Park and NAVSUPPACT, Gaeta. Only food related dining facilities and café bars may be frequented during this suspension.

(3) First offense, ages 18 and above: The CO will normally suspend the offender's privileges for one year to all Naples area NEX, mini-marts, specialty stores, and concessionaires at the Support Site at Gricignano, Capodichino, Joint Forces Command, Carney Park and NAVSUPPACT, Gaeta. Only food related dining facilities and café bars may be frequented during this suspension.

(4) All subsequent offenses: The CO will order the offender, his/her sponsor, and a representative from the sponsor's command to attend a civilian misconduct hearing as detailed in reference (c).

(5) If the theft occurred at the NEX, the offender must complete the NEX approved National Association for Shoplifting Prevention course and pay the appropriate civil demand amount required per reference (f), prior to reinstatement of shopping privileges.

b. Instances of theft include, but are not limited to: larceny, burglary, robbery, price altering, fraudulent returns, credit card fraud, check fraud, counterfeit currency, counterfeit coupons and product consumption.

c. The CO always reserves the right to deviate from the above general guidelines if he/she deems appropriate.

8. CAF Hearings

a. A CAF hearing is not an entitlement. No procedures discussed in this instruction will interfere with the CO's authority under reference (b) to immediately remove, and order the barment of, any individual who presents a danger to personnel, property or who threatens the orderly administration of the installation. Nothing in this instruction restricts military authorities from taking other appropriate administrative actions without a hearing.

b. Prior to any CAF hearing, the installation SJA will:

(1) Advise the civilian of the date, time and location of the misconduct hearing, via the sponsor and the sponsor's command.

(2) Provide a copy of all investigative reports concerning the alleged misconduct to the sponsor's CO. These reports may be shown to the sponsor and dependent civilian, but copies of the reports may not be given to the sponsor or dependent. In order to obtain a copy of a federal report or investigation, the sponsor must file a Freedom of Information Act request with the NAVSUPPACT Naples SJA.

c. The civilian and/or sponsor will attend the hearing. The sponsor's command will send a command representative to accompany the sponsor and/or civilian offender to the CAF hearing.

d. All CAF hearings will be conducted by an AHO. At the hearing, the AHO will conduct an investigation into the allegations of misconduct. The formal military rules of evidence do not apply, but the AHO shall ensure that any testimony or other evidence presented is competent, authentic and relevant to the hearing.

e. At the CAF hearing, the offending civilian may make a personal statement and may present matters in extenuation and mitigation. The civilian being accused will also be permitted to present witnesses and other matters for consideration at the hearing at no expense to the government.

f. Any finding by the AHO will be based upon a preponderance of the evidence presented at the board.

g. At the conclusion of the CAF hearing, the AHO will recommend appropriate administrative sanctions to the CO.

h. After a CAF hearing has convened, the CO will review the evidence, the findings of the AHO, and the recommended sanctions. The CO will then take any official action that the CO deems appropriate based on the facts and circumstances of the particular case.

9. Sanctions. Potential sanctions include:

a. Counseling.

b. Issuance of a letter of warning to the offender via the sponsor and the sponsor's CO, department head or supervisor.

c. Filing a report of the incident(s) to the civilian personnel office having cognizance over the employee for such action as may be appropriate under applicable civilian regulations.

d. Directing completion of community service hours.

e. Referral of the matter to the appropriate authorities having criminal jurisdiction over the misconduct in question.

f. Barment from any and all areas under the jurisdiction of the CO, including all facilities leased by NAVSUPPACT Naples.

g. Suspension or revocation of logistical support privileges extended by NAVSUPPACT Naples, which may include:

(1) Navy Exchange shopping privileges.

(2) Commissary shopping privileges.

(3) Non-appropriated fund activity access.

(4) Use of government leased housing.

(5) Ration privileges.

10. Early Return of Dependent (ERD). The CO reserves the right to direct an ERD per reference (e) for matters of civilian misconduct. This action is intended to be used only for the most egregious civilian misconduct and only as a last resort to preserve the safety, security and well-being of members of the NAVSUPPACT Naples community.

C. S. GRAY

Distribution:
NAVSUPPACT NAPLES INST 5216.4AA
Lists I through IV
Electronic via NAVSUPPACT Naples Web site:
https://www.cnic.navy.mil/Naples/Departments/Administration/Instructions/index.htm