



UNITED STATES MARINE CORPS  
MARINE CORPS AIR STATION  
POSTAL SERVICE CENTER BOX 8003  
CHERRY POINT NC 28533-0003

ASO 5101.6P  
CO  
13 DEC 2023

AIR STATION ORDER 5101.6P

From: Commanding Officer, Marine Corps Air Station, Cherry Point  
To: Distribution List

Subj: TRAFFIC HEARING PROCEDURES, SUSPENSION, AND REVOCATION OF  
DRIVING PRIVILEGES

Ref: (a) MCO 5100.19E  
(b) MCO 5110.1D  
(c) MCI East-MCB CAMLEJO 5560.2B  
(d) ASO 5560.7A  
(e) Assimilative Crimes Act (18 U.S.C. 13)  
(f) Manual for Courts-Martial, 2023  
(g) North Carolina General Statutes, Chapter 20

Encl: (1) Traffic Enforcement and Traffic Hearing Procedures  
(2) Suspension and Revocation of Installation Driving  
Privileges  
(3) Preliminary Suspension of Installation Driving Privileges  
Notice  
(4) Suspension/Revocation of Installation Driving Privileges  
Notice  
(5) Traffic Court Hearing Notice  
(6) Traffic Violation Disposition Notice  
(7) Failure to Appear Notice

1. Situation. To publish rules for traffic hearing procedures, revocation, and suspension of driving privileges for Marine Corps Air Station, Cherry Point (MCAS CHERPT) and the Federal Government owned and/or controlled lands under the jurisdiction of the MCAS CHERPT Commanding Officer (CO) to include the outlying areas of Marine Corps Outlying Field (MCOF) Atlantic, MCOF Oak Grove, and Marine Corps Auxiliary Landing Field (MCALF) Bogue.

2. Cancellation. ASO 5101.6N.

3. Mission. The CO's policy is to use all administrative and legal means at his disposal to preserve the good order and discipline and eliminate avoidable vehicle accidents. Violators will be educated and disciplined, if appropriate, by the most effective means available.

a. Punitive Effect. This Order is punitive. Violation of any provision of this Order is punishable as a violation of the Uniform

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Code of Military Justice, the United States Code, and North Carolina General Statute (NCGS). All changes and amendments to the NCGS will apply on the installation.

b. Summary of Revision. This Order has been revised to reflect the Staff Judge Advocate, Marine Corps Air Station Cherry Point as the appeal authority for Traffic Court.

#### 4. Execution

##### a. Commander's Intent and Concept of Operations

###### (1) Commander's Intent

(a) Driving a privately owned vehicle aboard MCAS CHERPT is a privilege subject to the sanctions prescribed in this Order.

(b) Although the CO has the ultimate authority to impose sanctions in accordance with the provisions of this Order, MCAS CHERPT Traffic Court (TC) Hearing Officer is the primary person designated by the CO to exercise such authority, with the Provost Marshal's Office (PMO) Directorate or his designee authorized to temporarily suspend driving privileges.

(2) Concept of Operation. As used in the references, "Station" or "Reservation" or "Installation" is the general term used to describe all real estate within the geographical limits of this Order, the area known as MCAS CHERPT, and over which the Commanding Officer (CO), MCAS CHERPT, exercises either exclusive, concurrent, or proprietary jurisdiction. The PMO will enforce the regulations contained herein and forward reports of violations as appropriate.

(a) MCAS CHERPT Police are the agents through whom the CO exercises police power in control of vehicles operating aboard the installation.

(b) MCAS CHERPT Police are authorized to stop any vehicle operating aboard the installation when probable cause exist for the stop. Personnel operating motor vehicles aboard the Air Station must remember that all vehicles are subject to search.

(c) No person shall willfully fail or refuse to comply with any lawful order or direction by law enforcement or traffic control personnel who are vested by regulations with authority to direct, control, and regulate traffic.

(d) All penalties for violations imposed by this Order will be in accordance with the penalties outlined in reference (d).

##### b. Tasks

(1) The MCAS CHERPT Provost Marshal, will supervise and

coordinate the enforcement of all traffic regulations and safe driving practices.

(2) The CO or supervisor of military or civilian personnel convicted of any drunk driving, drug related offense or serious crime involving the use of a vehicle, within State or Federal Law, will notify the MCAS CHERPT Traffic Court (TC) Clerk for the purposes of scheduling a hearing before the MCAS CHERPT TC Hearing Officer.

(3) An individual's U.S. Government Motor Vehicle Operator's Identification Card will be revoked, as indicated, if a finding is made by the TC Hearing Officer that the individual committed any of the following offenses:

(a) Manslaughter or negligent homicide (One-year mandatory suspension).

(b) Fleeing the scene of an accident (hit and run) involving injury or death (One-year mandatory suspension).

(c) Felony involving the use of a vehicle (One-year mandatory suspension).

(d) Habitual violator of traffic laws as defined in enclosure (1) (Six months mandatory suspension).

(e) Conviction of Driving While Impaired (DWI) or driving with a blood alcohol content of 0.08 percent or greater (One-year mandatory suspension).

(f) Exemptions may be granted under reference (a).

5. Administration and Logistics. Questions pertaining to suspension and revocation of driving privileges should be directed to the Traffic Court Clerk at (252) 466-4428. Information regarding the status of a submitted appeal should be directed to the Office of the Staff Judge Advocate at (252) 466-6458 or (252) 466-6651.

6. Command and Signal

a. Command. This Order applies to all tenants and residents aboard the Installation.

b. Signal. This Order is effective the date signed.

  
B. C. BURKS

DISTRIBUTION: A

## TRAFFIC ENFORCEMENT AND TRAFFIC HEARING PROCEDURES

1. Traffic Enforcementa. Alcohol Countermeasures

(1) Implied Consent Law. Any person who operates a motor vehicle or is in actual physical control of a motor vehicle aboard Marine Corps Air Station Cherry Point (MCAS CHERPT) is considered to have consented to a breath analysis, urine, or blood test for the purpose of determining blood alcohol content (BAC), if apprehended or detained for driving a motor vehicle or while exercising physical control of a motor vehicle while impaired. The CO has designated such chemical tests as the primary instrument to measure BAC. However, such designation does not preclude the use of other recognized and reliable tests for measuring a driver's BAC.

(a) Under North Carolina law, driving while impaired and several related criminal offenses involving the consumption of alcohol or other impairing substances are categorized as implied consent offenses. When a person is charged with or arrested for an implied consent offense, the law enforcement officer (LEO) may require the person to undergo chemical testing for purposes of detecting the presence of alcohol and other impairing substances and measuring their concentration. If a person refuses to submit to such testing, the person's license may be administratively revoked and the refusal may be considered as substantive evidence of his or her guilt of the underlying criminal charges. The following offenses are categorized as implied consent offenses:

1. Impaired driving.
2. Impaired driving in a commercial vehicle.
3. Death by vehicle or serious injury by vehicle.
4. First or second-degree murder or involuntary manslaughter when based on impaired driving.
5. Driving by a person less than 21 years old after consuming alcohol or drugs.
6. Violating no-alcohol condition of limited driving privilege.
7. Impaired instruction. Under North Carolina General Statute 20-7(1) it is unlawful for a person to serve as a supervising driver or as an approved instructor while under the influence of an impairing substance.
8. Operating a commercial motor vehicle after consuming alcohol.

9. Operating a school bus, school activity bus, or child care vehicle after consuming alcohol.

10. Transporting an open container of alcohol.

11. Driving in violation of restriction requiring ignition interlock (G.S. 20-17.8(f)).

(b) Before any type of chemical analysis is administered, a person charged with an implied consent offense must be taken before a chemical analyst authorized to administer a test of the person's breath, or a LEO authorized to administer a chemical analysis of the breath. The term "chemical analyst" is defined as a person granted a permit by the North Carolina Department of Health and Human Services (DHHS) to perform such analyses.

(2) For the purpose of this Order, the offense of driving while impaired (DWI) occurs:

(a) When the use of alcohol, narcotics, marijuana, dangerous drugs, controlled substances or other impairing substances impairs the rational and full exercise of the person's physical and/or mental faculties at the time the person drives any vehicle upon any road, street, or any public vehicular area within the installation, or exercises physical control over the vehicle. The results of a chemical analysis shall be deemed sufficient evidence to prove a person's alcohol concentration.

(b) When a person drives a motor vehicle or exercises physical control over the vehicle with a BAC of .08 percent or greater.

(c) When a person drives a motor vehicle or exercises physical control over the vehicle with any amount of a metabolized Schedule I controlled substance (such as opiates and benzos), as listed in North Carolina General Statutes (GS) 90-89, or its metabolites in his or her blood or urine.

(d) When a person less than 21 years old drives a motor vehicle on a highway or public vehicular area while consuming alcohol or at any time while the person has remaining in his or her body any alcohol or controlled substance previously consumed.

1. When a person suspected of DWI refuses to submit a chemical analysis of BAC, the analysis will not be administered. The apprehending/detaining officer will warn the person that refusal to submit to a chemical analysis will result in suspension of driving privileges aboard MCAS CHERPT for a period of one year. Additionally, the person will be informed that such a refusal may result in formal felony charges being brought forward. If such person refuses the request to submit to, or fails to complete the chemical test, the

apprehending/detaining officer will complete a sworn statement attesting to the following:

a. That there was reasonable cause to believe the person had been driving or was in physical control of a vehicle aboard MCAS CHERPT while impaired by the ingestion of alcohol, narcotic drugs, marijuana, dangerous drugs, controlled substances or other impairing substance.

b. That the person was taken into custody lawfully.

c. That the person refused to submit to or failed to complete a chemical test after being duly requested to take the test.

d. That the person was advised in accordance with the provisions of paragraph 1.a.(3) 1-4 herein.

2. Upon receipt of the above sworn statement, the Provost Marshal, a duly authorized law enforcement officer (LEO), may issue a Preliminary Suspension of Installation Driving Privileges Notice (enclosure (3)), to the person pending a preliminary and/or full hearing before the MCAS CHERPT Traffic Court (TC) Hearing Officer.

(e) A person who has submitted to a chemical analysis of a blood sample, pursuant to North Carolina G.S. 20-139.1(d), may use the result in rebuttal as evidence that the person did not have, at a relevant time after driving, an alcohol concentration of 0.08 or more.

(3) Testing. Any LEO having reasonable grounds to believe that the person has driven or exercised physical control of a motor vehicle while impaired, may request that such person submit to a field sobriety test (FST). Failure to submit to the test will not result in a revocation of driving privileges, as is the case in refusing to submit to a chemical test. However, an individual's refusal to take a FST can be used as evidence against the individual in a criminal case, civil trial or administrative hearing.

(a) A person lawfully apprehended/detained for the offense of DWI or under the influence or being in actual physical control of a motor vehicle while impaired may request that the law enforcement official administer a chemical test for the purpose of determining BAC, and, if requested, the law enforcement official will have a chemical test administered if such test is available.

(b) Where the person subject to apprehension/detention willfully consents to a chemical analysis, the law enforcement official designated to administer the test, or any law enforcement official directed to do so, will inform the person apprehended or detained in writing of the following:

1. That the person has the right to refuse to take the test.

2. That refusal to take or complete the test will result in revocation of the person's driving privileges aboard the Installation for one year.

3. That the person may, at no expense to the government, have a qualified person administer a chemical test approved by the State of North Carolina in addition to any administered at the direction of the LEO.

4. That the person does have the right to call an attorney and select a witness to view the testing procedures, but the testing may not be delayed for these purposes longer than 30 minutes from the time the person is notified of his or her rights.

a. Search of Motor Vehicles

(1) All vehicles entering and aboard the installation are subject to being searched and inspected. Searches and Command Authorized Vehicle Inspections (CAVIs) are conducted aboard the Air Station to discourage DWI and the introduction of drugs, weapons, and other contraband. Military convoys, military units, group formations or exercise formations under the direct command of a commissioned officer or staff noncommissioned officer are normally excluded from being searched or inspected.

(2) Searches based on probable cause will be conducted in accordance with reference (d).

(3) Searches not based on probable cause will be conducted in accordance with Military Rules of Evidence (MRE) 315, reference (f).

b. Processing of Traffic Violations. The Provost Marshal's Office (PMO) aggressively enforces all traffic regulations aboard the Installation, and will issue a DD Form 1408, Armed Forces Traffic Ticket and/or DD Form 1805, United States District Court Violation Notice for any violation pursuant to any provision of these regulations.

(1) The DD Form 1408 may only be issued by PMO, and such other persons as the Provost Marshal may authorize in writing.

(a) A DD Form 1408 will be issued for a traffic violation pursuant to any provision of this Order. The pink copy will be provided to the violator and the white original will be forwarded to the PMO Traffic Court (TC) Clerk for processing per paragraph 2.b. below.

(b) The DD Form 1408 is primarily issued for minor infractions aboard the Installation and affects only on-base driving

privileges, except when issued for DWI offenses off-station as outline in paragraph 6.j. and 6.k.(4) in enclosure (2) of this Order. On-base driving privileges are managed using a point system. Offenses carry a corresponding point value, depending on the severity of the offense. Driving privileges may be suspended for persons accruing 12 or more points within a 12-month period, and/or 18 or more points within a 24-month period.

(2) The DD Form 1805 is a pleading that initiates a criminal case in the United States District Court which includes the Magistrate's Court where citations are adjudicated. Federal citations are issued for offenses occurring in areas where the federal government has jurisdiction over the person of the offense committed. Accordingly, the MCAS CHERPT Special Assistant U.S. Attorney (SAUSA) may direct the issuance of the DD Form 1805 to civilian members for infractions of installation, state and federal civil laws.

(3) Violations committed by family members, civilian personnel or military retired personnel may also be prosecuted by the U.S. Magistrate or U.S. District Court.

(a) Per reference (c), family members are directed to inform their sponsor of the violation.

(b) Per reference (c), civilian employees are directed to inform their supervisors of the violation.

(4) Citations and reports of violations issued to members of the Armed Forces not permanently stationed at MCAS CHERPT will be forwarded to their CO.

d. Illegal Use of Drugs and Drug Related Offenses. The MCAS CHERPT TC Hearing Officer, during a normal TC hearing, is authorized to suspend or revoked, as appropriate, the installation driving privileges of individuals who have been convicted by Federal, State, local, or military authorities, or who have received non-judicial punishment (NJP) for offenses involving the unauthorized possession, sale, transfer, use, introduction or distribution of narcotics, marijuana, dangerous drugs, or controlled substances. Additionally, a confirmed positive urinalysis, as determined by certified laboratory personnel, in conjunction with the above, may result in a revocation of installation driving privileges as deemed appropriate by the TC Hearing Officer.

e. Serious Crime Convictions. The MCAS CHERPT TC Hearing Officer, during a formal hearing, is authorized to suspend or revoke, as appropriate, the installation driving privileges of individuals who have been convicted of a felony by Federal, State, Local, or military authorities; or when the TC Hearing Officer determines that the person used a vehicle in the commission of such an offense, have been found guilty by the TC Hearing Officer of any non-drug related offense punishable under the UCMJ by death or the confinement in excess of one



year, wherein a vehicle was used in the commission of the offense. Reports of civil arrests and conviction of off-station violations of civil law by military personnel will normally be processed by MCAS CHERPT Police and forwarded to the individual's Commanding Officer, and the TC Hearing Officer for appropriate action.

## 2. Traffic Court (TC) Hearings

a. Mission and Scope. TC hearing procedures are authorized by the MCAS CHERPT CO. Although the CO has the ultimate authority to impose sanctions in accordance with the provision of this Order, the TC Officer is the primary officer designated by the CO to exercise such authority, with the MCAS CHERPT Provost Marshal, or his designee authorized to temporarily suspend driving privileges.

(1) The MCAS CHERPT TC Hearing Officer is also the CO's primary officer designated for adjudicating traffic citations.

(2) The Provost Marshal will provide administrative and clerical support to the TC Hearing Officer in the form of a TC Clerk.

(3) The Commanding Officer MCAS CHERPT for conducting TC hearings and shall appoint TC Hearing Officers, in writing, for a period not to exceed 12 months.

(4) The TC Hearing Officer may consider all relevant evidence pertaining to the violation and will determine whether the alleged traffic violation warrants administrative action.

(5) Persons appearing before the TC Hearing Officer will be given the opportunity to present evidence, including witnesses, and make such statements as may be relevant to their case and the disposition thereof. However, the rules of evidence as outlined in reference (f) are not applicable. Civilian counsel may appear with any person appearing before the TC Hearing Officer; however, counsel should be reminded that the proceedings are administrative in nature and not adversarial. Retained counsel must be licensed to practice law in North Carolina. Civilian personnel may be accompanied by a personal representative where authorized bylaw.

(6) Each TC hearing will be composed of one TC Hearing Officer and the TC Clerk. A senior Staff Noncommissioned Officer (SNCO) and a field grade officer are designated to act as TC Hearing Officers. Within this Order, both individuals will be referred to as the MCAS CHERPT TC Hearing Officer.

b. Appearance Before the TC Hearing Officer. A copy of the DD Form 1408 (Armed Forces Traffic Ticket) will be furnished to the violator at the time the violation is issued. The traffic ticket contains instructions to the violator to report to the TC Clerk within three (3) working days of the violation.

(1) Persons who receive a traffic ticket may plead guilty or no contest and accept a voluntary assessment without a hearing before the TC Hearing Officer. The TC Clerk is authorized to accept guilty or no contest pleas for the violation(s), and assess the appropriate penalty based on the penalty as outlined in the Table of Violations and Administrative Actions (enclosure (3)), reference (d). Once recorded, the individual will sign the entry acknowledging the assessment, and the action will be recorded as a conviction on their Installation driving record.

(2) Individuals who elect or are required to appear before the TC Hearing Officer will be advised of the occasion of and their requirement to appear before the TC Hearing Officer by signing a Traffic Court Hearing Notice, (enclosure (5)). The form will also record any administrative action taken at TC.

(3) TC Hearings will be held at building #251, Pass and Identification (Pass & ID) Office/Visitor Center.

(4) Hearings for enlisted service members will be held at 0830 the second and fourth Thursday of the month.

(5) Hearings for military officers and civilian personnel will be held at 1030 the second and fourth Thursday of the month.

(6) Active duty personnel must appear in the uniform of the day or, if military duty dictates, in an appropriate working uniform. Service members will consider appearance at TC the same as appearing for non-judicial punishment.

(7) COs are responsible for ensuring the active duty service members appears at TC as scheduled. If the individual cannot appear on the scheduled date, the violator's chain of command is responsible for rescheduling the appearance.

(8) CO's are required to send a unit representative with personnel (E-5 and below) to advise and assist them at their TC appearance.

(9) Civilian personnel will appear in appropriate civilian attire.

(10) Family members under the age of 18 must attend TC with their sponsor. The sponsor must ensure the violator appears before the TC Hearing Officer at the time and date prescribed. If the violator cannot appear as scheduled, the sponsor is responsible for notifying the TC Clerk to request a new hearing date.

(11) MCAS CHERPT LEOs will appear in the duty uniform.

(12) All contested citations and mandatory TC appearances will be referred to the TC Hearing Officer for adjudication. The TC

Hearing Officer has the authority to weigh any extenuating information, such as acts or conduct by the driver or passengers, as well as evidence presented by the charging LEO to determine whether the alleged traffic violation warrants administrative action.

(13) When individuals with essential information relevant to the pending traffic case cannot appear, such as the alleged violator, witnesses, or LEOs, it is their responsibility to reschedule the appearance for a later date. Requests for rescheduling hearings must be submitted at least 48 hours prior to the scheduled hearing and can be made by contacting the TC Clerk at (252) 466-4428.

(14) TC Hearing Officers are authorized to take administrative action against any individual directed to appear only when the TC Hearing Officer is senior in rank to the service member whose case is heard. If there is no member of such seniority, the case will be referred to the MCAS CHERPT Executive officer.

(15) The TC Hearing Officer shall impose the mandatory penalty where required under this Order, but may not impose a penalty which exceeds the maximum listed for the offense, as listed in the Table of Violations and Administrative Actions (enclosure (3), reference (d)). In the case of a guilty finding, the number of points listed may be assessed.

(16) Except for mandatory minimum or maximum suspension or revocation periods prescribed by this Order, the determination of periods of suspension or revocation is the prerogative of the TC Hearing Officer, or by the CO in his capacity as Installation Commander.

(17) The TC Hearing Officer, upon receipt of a report or other documentation of a person driving in violation of a suspension or revocation imposed, shall notify the person that the period of suspension or revocation has been increased by two years. The notice shall inform the person of their right to submit a request for a hearing within 10 working days to vacate the preliminary increase in penalty, and that the original suspension or revocation shall be permanently increased by a period of two years if such request is not submitted. If the person requests a hearing to vacate the preliminary suspension or revocation, it shall be held 14 working days of the request. If the official conducting the hearing determines that the allegation of driving under a suspension or revocation is supported by a preponderance of the evidence, the original suspension or revocation shall be increased by a period of two years. If not, the preliminary increase in suspension or revocation shall be vacated. If in a subsequent judicial, non-judicial or administrative proceeding it is determined that the person did not violate a suspension or revocation, the preliminary increase in suspension or revocation may be vacated. Decisions by the TC Hearing Officer may be appealed to the Commanding Officer MCAS CHERPT (Attn: SJA). In addition to the

above, the offender may be subject to disciplinary or administrative action.

(18) Active duty personnel, civilian employees and contractors assigned to MCAS CHERPT with traffic related court-martial convictions, non-judicial punishment, and Federal or State convictions must report to the PMO for administrative processing and adjudication by the TC Hearing Officer. Such evidence may be used by the TC Hearing Officer in determining whether the person's driving privileges aboard the Installation will be revoked or suspended and/or points assessed. Where such evidence is provided to the TC Hearing Officer, the only matters to be resolved at the hearing are whether such convictions or non-judicial punishment were entered in accordance with applicable law, and the nature of the penalty to be levied in accordance with the regulations contained herein. In instances where military, Federal, or State authorities elect not to prosecute or punish non-judicially the traffic offender, the TC Hearing Officer may consider the case on its merits, and where a preponderance of the evidence establishes the guilt of the offender, enter such penalties as may be appropriate under this Order.

(19) The results of TC Hearings shall be distributed within three (3) calendar days after each hearing to the affected unit Sergeants Major, the MCAS CHERPT Commanding Officer, and the Director, Safety and Standardization Directorate describing the TC's actions pertaining to the persons indicated therein of case disposition.

3. Failure to Appear. A citation to appear before the TC Hearing Officer or the U.S. Magistrate, when issued by military LEOs, the TC Clerk, or a person authorized by the CO, will constitute a lawful order for military personnel, and a court summons for civilian personnel, the violation of which may, in appropriate cases, could result in disciplinary action or other administrative action. Additionally, failure to appear for a scheduled court appearance will result in an automatic entry of guilt with the maximum penalty assessed, and an additional six (6) months suspension of driving privileges. A Failure to Appear Notice (enclosure (7)) will be sent to the individual's CO, Sergeant Major, first line supervisor, or sponsor.

## SUSPENSION AND REVOCATION OF INSTALLATION DRIVING PRIVILEGES

1. Driving Privileges. The operation of privately owned vehicles (POVs) aboard the Air Station constitutes a conditional privilege extended by the MCAS CHERPT Commanding Officer (CO). In order to operate a POV aboard the Installation, the following conditions must be met:

a. Comply with laws and regulations governing motor vehicle operation aboard MCAS CHERPT.

b. Be in physical control of a motor vehicle and produce, upon request of MCAS CHERPT law enforcement officers (LEOs), upon request, the following:

(1) A valid driver's license.

(2) Valid vehicle registration.

(3) Proof of vehicle liability insurance coverage.

c. Notwithstanding the fact a vehicle had been properly registered, it shall be a violation of this Order to operate said vehicle aboard the Air Station if in fact any item required for the registration of that vehicle has not been fulfilled.

2. Restricted Driving Privileges and Probation

a. Requests for restricted driving privileges will be submitted to the MCAS CHERPT Staff Judge Advocate (SJA), via the chain of command, with full justification for the request.

b. The SJA may grant restricted driving privileges on a case-by-case basis provided the person's State or Federal driver's license to operate motor vehicles remains valid to accommodate any of the following reasons:

(1) Mission requirements such as the person driving to and from place of employment or duty.

(2) Unusual personal or family hardships such as driving to medical appointments, Exchange and Commissary.

c. The terms and limitations on a restricted driving privilege (for example, authorization to drive to and from place of employment or duty, or selected Installation facilities such as hospital, commissary, and other facilities) will be specified in writing and provided to the individual concerned.

d. Restricted driving privileges will not be granted to any person whose driver's license or right to operate motor vehicles is under suspension or revocation by a State or Federal licensing

authority. Prior to application for restricted driving privileges, a State or Federal driver's license must be reinstated. The burden of proof for reinstatement of driving privileges lies with the person applying for restricted driving privileges.

e. The TC Hearing Officer may modify a suspension or revocation of driving privileges to accommodate the following reasons, provided the person's State driver's license remains valid:

(1) Mission requirements.

(2) Unusual personal or family hardships.

(3) Delays exceeding 90 days, not attributed to the subject, in a formal disposition of an apprehension of charges that are the basis for any type of suspension or revocation.

(4) When no reasonably available alternate means of transportation to officially assigned duties in this instance, a limited exception may be granted for the sole purpose of driving directly to and from domicile and duty location.

f. Persons found in violation of the restricted privilege(s) or probation are subject to withdrawal of the privilege(s) or probation. The original suspension or revocation term in its entirety may be activated to commence from the date of the violation of restricted driving privilege(s). In addition, separate action may be initiated based on the commission of any traffic, criminal, or military offense that constitutes a restriction violation.

g. DoD employees and contractors, who can demonstrate that suspension or revocation of Installation driving privileges would constructively remove them from employment, may be given a limiting suspension or revocation that restricts driving on the Installation to the most direct route to and from their respective work site. This is not to be construed as limiting the MCAS CHERPT Traffic Court (TC) Hearing Officer from suspension or revocation of on-duty driving privileges or seizure of the OF346, even if this action would constructively remove a person from employment in those instances in which the person's duty requires driving from place to place on the Installation. Withdrawal of restricted driving privileges is within the SJA's discretion.

### 3. Suspension of Driving Privileges

a. The MCAS CHERPT Provost Marshal or his designated representative is authorized to immediately suspend temporarily the driving privileges of active duty military personnel, family members, retired members of the military services, DoD civilian personnel, and other individuals with Installation driving privileges pending a TC hearing. The temporary suspension will remain in effect until the

individual appears before the TC Hearing Officer under the following circumstances:

(1) A designated chemical test administered indicates a blood alcohol content (BAC) of .08 percent or higher while operating a privately owned vehicle (POV), a BAC of .04 percent or higher if operating a commercial vehicle, or operating any vehicle while under the influence of a controlled substance.

(2) The individual is under 21 years of age and operated a motor vehicle on a highway or public vehicular area after consuming alcohol or a controlled substance with a BAC of .01 or higher.

(3) The individual refuses to take the designated chemical test requested by the apprehending law enforcement officer (LEO), regardless of jurisdiction.

(4) When the individual is charged with use of Schedule I controlled substance, or its metabolites are detected in the individual's blood or urine.

(5) When a Fitness for Duty examination indicates the individual is under the influence of an intoxicating substance.

(6) When specifically requested by a CO or supervisor to maintain proper order and discipline.

b. Prior to temporarily suspending an individual's driving privileges, the MCAS CHERPT Provost Marshal or his designated representative will review the best evidence available. To include statements of witnesses, military or civilian police reports, court results, the results of a chemical test, and the statement of the alleged offender, including evidence the person refused to consent to chemical testing, and the rights advisements pertaining thereto, or any other evidence as may be relevant.

c. Suspensions will become effective immediately after notification of such suspension.

(1) A Preliminary Suspension of Installation Driving Privileges Notice (enclosure (3)), will be provided to the suspended individual without delay. A copy of the suspension notice will be forwarded to the individual's commanding officers (COs) for active duty personnel and supervisors of civilian and contract personnel.

(2) The Preliminary Suspension of Installation Driving Privileges Notice includes the following:

(a) An advisement that the temporary suspension may become a permanent suspension or revocation for a specific period of time if such penalty is assessed by the TC Hearing Officer at a full hearing.

(b) The right of the suspended individual to request, in writing, a preliminary hearing before the TC Hearing Officer to determine if the temporary suspension should be vacated prior to resolution of the matter, and that failure to request a preliminary hearing will result in a continuation of the temporary suspension until there has been a criminal, non-judicial, or administrative resolution. The notice of temporary suspension shall include the arrest/apprehension report or other documentation, and shall inform the individual that a permanent one-year revocation shall be imposed upon conviction, imposition of non-judicial punishment, or as the result of refusing a chemical test upon probable cause the individual was driving while impaired (DWI), or in the absence of such conviction or non-judicial punishment, where the TC Hearing Officer assesses such penalty based upon a finding the offense was committed.

(c) The right of a Federal civilian employee to have a personal representative at the preliminary hearing were authorized by regulations.

(3) The preliminary hearing shall be conducted by the TC Hearing Officer within 10 working days upon receipt of a request or the temporary suspension will be vacated. In the event a full hearing can be conducted within the 10 working day period, there is no requirement for a preliminary hearing.

(4) The temporary suspension shall be continued at the preliminary hearing if the TC Hearing Officer determines there is probable cause to believe:

(a) The LEO had reasonable grounds to believe, and the evidence established that, the person was driving or in actual physical control of a vehicle while impaired as the result of ingesting alcohol, narcotic drugs, marijuana, dangerous drugs, controlled substances, or other impairing substances.

(b) The person was lawfully cited or apprehended for a driving under the influence offense.

(c) The person was lawfully requested to submit his or her blood, breath, or urine in order to determine the content of alcohol or other drugs, and was informed of the implied consent law (consequences of refusal to take or complete the test).

(d) The person refused to submit to the test for alcohol or other drug content of blood, breath, or urine; failed to complete the test; submitted to the test and the result was 0.08 or higher BAC, or between 0.05 and 0.08 in violation of the law of the jurisdiction in which the vehicle in being operated if the jurisdiction imposes a suspension solely on the basis of the BAC level; or showed results indicating the presence of other drugs for an on-station apprehension or in violation of State laws for an off-station apprehension.



(e) The occurrence of the drug related crime conviction or the positive urinalysis test result is confirmed and documented, and the testing methods were valid and reliable.

4. Revocation of Driving Privileges. The revocation of Installation driving privileges is a severe administrative measure exercised for serious moving violations, or when other available corrective actions fail to produce the desired driver improvement. Revocation of the driving privilege will be for a specified period but never less than 6 months, apply at all military Installations, and remain in effect upon reassignment.

a. Driving privileges are subject to revocation when an individual fails to comply with any of the conditions requisite to the granting of the privilege as set forth in reference (d). Revocation of Installation driving and registration privileges is authorized for military personnel, family members, DoD civilian employees, contractors, and other individuals with Installation driving privileges. For civilian guests, revocation is authorized only with respect to incidents occurring on the Installation or in the areas subject to military traffic supervision.

b. Driving privileges will be revoked for a mandatory period of not less than 1 year in the following circumstances:

(1) The Installation Commander or designee has determined that the person was lawfully apprehended for driving under the influence refused to submit to or complete a test to measure the alcohol content in the blood, or detect the presence of any other drug as required under North Carolina Implied Consent Law.

(2) A conviction, non-judicial punishment, or a military or civilian administrative action resulting in the suspension or revocation of driver's license for intoxicated driving. Appropriate official documentation of such conviction is required as the basis for revocation.

(3) When a person is involved in the sale or possession of drugs or controlled substances on or off the Installation.

(4) Upon receipt of notification by the TC Hearing Officer of any military, Federal, State, or local DWI or drug related conviction.

c. When a temporary suspension is followed by a revocation, the period of revocation is computed from the date the original suspension was imposed, exclusive of any period during which driving privileges may have been restored pending resolution of charges.

#### 5. Suspensions and Revocations by Civil Authorities

a. Where the individual's driving privileges are suspended or revoked by an appropriate authority, the driving privileges aboard

MCAS CHERPT will be suspended commensurate with the State's action pending a revocation hearing, if desired, before the TC Hearing Officer. Such action does not preclude the TC Hearing Officer from assessing penalties for the traffic violation that prompted the suspension or revocation of driving privileges in accordance with the provisions of this Order.

b. Administrative actions (suspension, revocation and point assessment) for moving traffic violations committed off the Installation will be the same as required for similar offenses if committed aboard the Air Station. When notified of State action, the TC Hearing Officer may also suspend or revoke the individual's U.S. Government Motor Vehicle Operator's Identification Card (OF346). In any case, except as authorized by the CO, authorization to drive a government vehicle will be restricted to the limits of the Installation.

6. Administrative Due Process and Point Assessment. Except as provided herein, suspension or revocation of driving privileges, or assessment of points will not become effective until the TC Hearing Officer, or representative thereof, conducts an administrative hearing on the matter. Prior to the hearing, the affected individual will be cited, directed to appear before the TC Hearing Officer and notified in writing of the following:

a. The nature of the offenses committed.

b. The mandatory/discretionary penalty or mandatory point assessment pertaining to the offense.

c. That such penalty or point assessment may be levied by the TC Hearing Officer without a hearing, based upon the evidence of the record, unless within ten (10) days of the receipt of the written notification, the individual makes an application, in writing, for a full hearing, or the matter is otherwise disposed of under paragraph 2.b., enclosure (1).

(1) Where the individual makes written application for a full hearing within the time allotted, such application shall stay any action by the TC Hearing Officer to prescribe penalties or assess points until such time as the individual has been granted a full hearing, and is notified of such penalty or point assessment, except in cases involving the temporary suspension of driving privileges under paragraph 3 herein, which is governed by the rules contained therein.

(2) Where an application for a full hearing is not timely made, in writing, the TC Hearing Officer may enter the penalty or point assessment appropriate, given the nature of the offense, on the basis of the evidence of record, without affording the individual a full hearing in accordance with the requirements of this Order.

(3) Where the individual requests a full hearing, it is the individual's responsibility to be present at the time and place prescribed, and be prepared to present relevant evidence, or notify the TC Hearing Officer if the individual is unable to attend the full hearing at the time and place prescribed, with full justification therefore, and request that a new hearing date be set.

(4) Where such notifications are not provided by the individual, and the individual fails to appear at the time and place prescribed, the TC Hearing Officer may enter the appropriate penalty or point assessment, given the nature of the offense, or the basis of the evidence of record, without affording the individual a full hearing. However, where the individual duly notifies the TC Hearing Officer of his or her inability to attend the full hearing at the time and place prescribed with justification thereof, the TC Hearing Officer will normally grant the request for a continuance and reschedule the hearing. A second request for a continuance of failing to appear at the scheduled hearing, without justification, is grounds for denying the continuance request, and requiring the individual to be present at the scheduled hearing, or in the unjustified absence by the individual, entering the penalty or point assessment appropriate, given the nature of the offense, on the basis of the evidence of record, without affording the individual a full hearing.

d. Suspension or revocation of driving privileges and point assessment shall be levied in accordance with the provisions of this Order where clear and convincing evidence supports the charge(s). The suspension or revocation shall become effective immediately upon receipt of written notification of such action. An individual whose driving privileges are suspended or revoked will have the right to request consideration as specified in subparagraph 2.b. herein.

e. Hearings conducted on revocation actions under paragraph 1.a.(1) (implied consent law), enclosure (1), will address only the issue of whether there is a preponderance of the evidence that the Government complied with the requirements set forth in subparagraph 3.c.(4)(a)(d) herein.

(1) Hearings conducted on revocation actions for refusal to consent to a chemical analysis after being arrested or apprehended for an implied consent offense will be considered only if the affected individual is offered a hearing. Under normal circumstances, if the individual cannot appear as scheduled, the individual's CO, first line supervisor, or sponsor (in case of family members) is responsible for notifying the TC Clerk at least 24 hours in advance of the scheduled TC hearing to request a new hearing date. Such requests will be given favorable consideration if the TC finds there is sufficient reason to justify the request.

(2) Hearings conducted on revocation actions under the implied consent law will be considered only if:

(a) Due to action by the Government, a hearing is not held within 14 calendar days, the suspension will not take place until such time as the person is granted a hearing and is notified of the action of the CO, TC Hearing Officer or TC Clerk. However, if the individual requests that the hearing be continued to a date beyond the 14-day period, the suspension or revocation will become effective immediately on receipt of notice that the request for continuance has been granted and remain in force pending a hearing at a scheduled hearing date.

(b) If it is determined, as a result of a hearing, to suspend or revoke the individual's driving privileges, the suspension or revocation will become effective when the person receives the written notification of such action.

f. If the revocation or suspension is imposed after such hearing, the person whose driving privileges has been suspended or revoked will have the right to appeal or request reconsideration. Where the person did not request a full hearing before the TC Hearing Officer, no appeal is authorized. The TC Hearing Officer shall notify the person, in writing, of the right to appeal the suspension or revocation of driving privileges and/or point assessment. Such requests must be forwarded via the individual's chain of command to the MCAS CHERPT CO (Attn: SJA) within 14 calendar days from the date the individual is notified of the suspension or revocation resulting from the administrative hearing. The suspension or revocation will remain in effect pending a final ruling on the request. Requests for restricted privileges will be considered per paragraph 2. herein.

g. Where the penalty is appealed, the TC Clerk will prepare a summarized record of the proceedings, including all allied documents, and forward it to the SJA. The individual appealing the penalty assessment does not have the right to a hearing before the SJA, although a hearing may be conducted at the discretion of the SJA. The SJA's decision is final subject to only a review by the Installation Commander should he or she elect to take such action.

h. If driving privileges are temporarily restored (i.e., family hardship, work requirements) pending resolution of charges, the period of revocation (after final authority determination) will still total the mandatory 12 months. The final date of the revocation will be adjusted to account for the period when the violator's privileges were temporarily restored, as this period does not count towards the revocation time.

i. For DWI offenses, reliable evidence readily available will be presented promptly to the Provost Marshal for review and authorization for immediate suspension of Installation driving privileges. Reliable evidence includes witness statements, military or civilian police report of apprehension, chemical test results if completed, refusal to consent to complete chemical testing, videotapes, statements by the apprehended individual, field sobriety or preliminary breath tests results, and other pertinent evidence.

j. Written notices of suspension of driving privileges for intoxicated driving will be provided to the individual at the time of the incident, or at the time of the action by Installation LEOs for off-station incidents. LEOs will use the Preliminary Suspension of Installation Driving Privileges Notice (enclosure (3)) and the Suspension/Revocation of Installation Driving Privileges Notice (enclosure (4)), to inform individuals of suspension actions against them.

k. Hearings on suspension actions under paragraph 3.a.(3) herein for drunk or impaired driving pending resolution of charges will cover only the following pertinent issues of whether:

(1) The LEO had reasonable grounds to believe the person was driving or in actual physical control of a motor vehicle under the influence of alcohol or other drugs.

(2) The person was lawfully cited or apprehended for a driving under the influence offense.

(3) The person was lawfully requested to submit his or her blood, breath, or urine in order to determine the content of alcohol or other drugs and was informed of the implied consent law.

(4) The person refused to submit to the test for alcohol or other drug content of blood, breath, or urine; failed to complete the test; submitted to the test and the result was 0.08 or higher BAC, or between 0.05 and 0.08 in violation of the law of the jurisdiction in which the vehicle in being operated if the jurisdiction imposes a suspension solely on the basis of the BAC level; or showed results indicating the presence of other drugs for an on-post apprehension or in violation of North Carolina laws for an off-station apprehension.

(5) The testing methods were valid and reliable, and the results accurately evaluated.

l. For revocation actions under paragraph 4.e. herein for intoxicated driving, the revocation is mandatory on conviction or other findings that confirm the charge. (Pleas of nolo contendere are considered equivalent to guilty pleas.)

m. Revocations are effective as of the date of conviction or other findings that confirm the charges. Test refusal revocations will be in addition to any other revocation incurred during a hearing. Hearing authority will determine if revocations for multiple offenses will run consecutively or concurrently taking into consideration if offenses occurred on same occasion or different times, dates. The exception is that test refusal will be one year automatic revocation in addition to any other suspension.

n. Revocations cancel any full or restricted driving privileges

that may have been restored during suspension and the resolution of the charges. Requests for restoration of full driving privileges are not authorized.

#### 7. Reinstatement of Driving Privileges

a. Individuals whose driving privileges have been revoked through the provisions of this Order may not apply for reinstatement until they can provide documented proof that they have been re-licensed by the State or district revoking the privilege. Applications for reinstatement for military personnel will be submitted to the SJA, via the chain of command. Civilian personnel will submit their requests directly to the SJA.

b. Military personnel whose driving privileges have been revoked because of a DWI conviction will provide a counseling certification from the Substance Abuse Counseling Center (SACC).

c. Military personnel with repeated alcohol offenses will provide certification of rehabilitation by SACC.

d. Civilian personnel will provide a certificate of alcohol counseling.

e. Individuals whose driving privileges have been suspended through the provisions of this Order for six (6) months or less will automatically have their driving privileges reinstated the day after the last day of the imposed suspension. Example: An individual whose driving privileges have been suspended until 1 Jan 23, will have his or her driving privileges automatically reinstated effective 0001, 2 Jan 23.

8. Restoration of Driving Privileges Upon Acquittal of Intoxicated Driving. The suspension of driving privileges for military and civilian personnel shall be restored if a final disposition indicates a finding of not guilty, charges are dismissed, or reduced to an offense not amounting to intoxicated driving, or where an equivalent determination is made in a non-judicial proceeding. The following are exceptions to the rule in which suspensions will continue to be enforced:

a. The preliminary suspension was based on refusal to take a BAC test.

b. The preliminary suspension resulted from a valid BAC test (unless disposition of the charges was based on invalidity of the BAC test). In the case of a valid BAC test, the suspension will continue, pending completion of a hearing as specified in paragraph 2-6. In such instances, the individual will be notified in writing that the suspension will continue and of the opportunity to request a hearing within 14 calendar days.

(1) At the hearing, the arrest report, the Commander's report of official disposition, information presented by the individual, and such other information as the hearing officer may deem appropriate will be considered.

(2) If the hearing officer determines by preponderance of evidence that the individual was engaged in intoxicated driving, the revocation will be for 1 year from the date of the original preliminary suspension.

c. The person was driving or in physical control of a motor vehicle while under a preliminary suspension or revocation.

d. The individual has failed to complete a formally directed substance abuse or driver's training program.

e. An administrative determination has been made by the State or host nation licensing authority to suspend or revoke driving privileges.

#### 9. Authority of Commanding Officers (COs) and Supervisors

a. The respective actions taken by the TC Hearing Officer do not relieve COs or supervisors of their responsibility to take appropriate command action against military or civilian personnel.

b. COs will revoke an individual's U.S. Government Motor Vehicle Operator's Identification Card (OF346) if convicted of any of the following offenses:

(1) Manslaughter or negligent homicide.

(2) Hit-and-run driving.

(3) DWI .08 percent or more, DWI by use of narcotics, hallucinogens, or conviction of a lesser offense involving alcohol when BAC test results were .08 percent or more, or a conviction for refusal to submit to the North Carolina Implied Consent Law as adopted through reference (g).

(4) Felony involving a vehicle.

(5) Habitual violator of traffic laws.

(6) Conviction by a civil court for violation which results in revocation or suspension of civilian driver's license.

(7) Revocation or suspension of driving privileges.

c. The CO or supervisor of any individual who has been convicted of any drug related offense or other serious crime must notify the

Provost Marshal for the purpose of initiating a hearing before the TC Hearing Officer.

10. Driving Records

a. The Traffic Court (TC) Clerk is designated as the custodian of all MCAS CHERPT driving records. The TC Clerk documents TC Hearing Officer's actions, all traffic citations, vehicle traffic accidents, moving violations, suspension or revocation actions, and traffic point assessments involving military and DoD civilian personnel, their family members, and other personnel operating motor vehicles aboard the Installation into the Consolidated Law Enforcement Operations Center (CLEOC) database.

b. Where an individual's driving privileges have been suspended or revoked for one violation or accumulation of 12 traffic points within 12 consecutive months, or 18 traffic points within 24 consecutive months, the TC Clerk will notify the individual of the action in writing. The action will also be entered into the Defense Biometric Identification System (DBIDS) showing that an individual's driving privileges have been suspended or revoked.

11. The Traffic Point System. This system provides an impartial and uniform administrative device for evaluating driver performance. The TC is the administering body that designates, suspends, revokes, or removes points from a violator's driving record. However, the system is used outside of disciplinary or punitive measures and avoids interfering in any way with the Installation Commander's prerogative to issue, suspend, revokes, or deny driving privileges for cause.

a. The point system is mandatory and is not subject to modification or alteration.

b. The point system applies to military and civilian personnel operating GOVs on and off the Installation, military personnel operating POVs on and off the Installation, and their family members, civilian employees, and all other individuals subject to this Order operating POVs aboard the Air Station.

c. Upon finding that the individual did in fact commit an infraction, the points indicated in the Table of Violations and Administrative Actions (enclosure (3), reference (d)), will be assessed without exception. This table also indicates mandatory penalties of suspensions and revocations for certain offenses. Other penalties are not mandatory, but represent the maximum authorized.

d. The revocation of driving privileges by the TC Hearing Officer, based on accumulation of traffic points, will be for a minimum period of six (6) months.

e. Points assessed against an individual will remain in effect for a consecutive 24-month period or until separation for the service



or final termination of employment, whichever is sooner. This is not applicable in cases of reenlistment, change of officer component, military retirement, and continuation of vehicle registration as a retiree or employment as a civilian. However, at the end of a revocation period, a driver's records will be expunged of all points assessed by the revocation action.

f. The point system is not applicable in cases of non-moving violations.

g. When two or more related violations are committed on a single occasion, points will be assessed for the one offense having greater value. If a violator commits a series of unrelated violations, on a single occasion, the TC Hearing Officer may, at his or her discretion, assess points for each unrelated offense.

h. Removal of points does not constitute authority to remove driving records entries for moving violations, chargeable incidents, suspensions, or revocations of driving privileges. Traffic violation entries will remain posted on individual driver's records for periods as specified below:

- (1) Chargeable non-fatal traffic accidents and moving violations - three years.
- (2) Non-mandatory suspension or revocation - five years.
- (3) Mandatory revocation - seven years.

12. Remedial Driver Training. Remedial Driver Training Courses will be attended by persons who have been found at fault in a traffic mishap while operating a privately owned vehicle (POV) or Government owned vehicle (GOV). The MCAS CHERPT Safety and Standardization Directorate provides the "Attitudinal Dynamics of Driving" (ADD) course at the beginning of each month. Attendees must enroll into a class either through their unit's S-3, online at <https://esams.cnic.navy.mil>, or contacting the MCAS CHERPT Safety and Standardization Directorate at 466-2730. The ADD is a resident 8-hour course and attendees must be in the uniform of the day.

a. Assignment to attend a Remedial Driver Training Course may be directed by the MCAS CHERPT Commanding Officer, 2D MAW Commanding General, or the TC Hearing Officer. Further, COs can order, at their discretion, members of their Command that have been convicted of moving traffic violations to a Remedial Driver Training Course. In addition to any other action, the TC Hearing Officer shall require satisfactory completion of the Remedial Driver Training Course before restoration of driving privileges.

13. Reciprocal State-Military Action. The Installation Commander recognizes the interests of the States in matters of POV administration and driver licensing, and the statutory authority that

exist within some States for reciprocal suspension and revocation of driving privileges.

a. Upon receipt of written or other official law enforcement communication from a State relative to the suspension or revocation of an individual's driving privileges, the TC Hearing Officer will terminate the driving privileges as if the violation(s) occurred within the Installation.

b. When imposing a suspension or revocation for an off-base offense, the effective date should be the same as civil disposition, or the date that State's driving privileges are suspended or revoked. This effective date can be retroactive.

c. If statutory authority does not exist within the State for formal military reciprocity, the following procedures will be adopted:

(1) The TC Hearing Officer will recognize official documentation of suspensions or revocations imposed by State authorities. Administrative actions (suspension, revocations, or if recognized, point assessment) for moving traffic violations off the Installation should not be less than required for similar offenses on the Installation. When notified by State authorities of a suspension or revocation, the persons OF 346 may also be suspended.

(2) The TC Clerk will notify State licensing authorities as soon as practical when a person's Installation driving privileges are suspended or revoked for any period, and immediately for refusal to submit to a lawful BAC test. The notification will be sent to the appropriate State DMV per reciprocal agreements. In the absence of electronic communication technology, the appropriate State DMV will be notified by official certified mail. The notification will include the basis for the suspension/revocation and the BAC level if applicable.

#### 14. Alcohol and Drug Abuse Programs

a. Per reference (b), COs will refer military personnel suspected of drug or alcohol abuse for evaluation in the following circumstances:

(1) Behavior indicative of alcohol or drug abuse.

(2) Continued inability to drive a motor vehicle safely because of alcohol or drug abuse.

b. The Commander will ensure military personnel are referred to the Installation alcohol and drug abuse program or other comparable facilities when they are convicted of, or receive an official administrative action for, any offense involving driving under the influence. A first offender may be referred to treatment if evidence

of substance abuse exists in addition to the offense of intoxicated driving.

c. Active duty Navy personnel apprehended for drunk driving on or off the Installation will be screened by the respective Substance Abuse Rehabilitation Program facility within 14 calendar days to determine if the individual is dependent on alcohol or other drugs.

d. Active duty Marines apprehended for intoxicated driving, on or off the Installation, will be referred to interview by a Level II substance abuse counselor within 14 calendar days for evaluation and determination of the appropriate level of treatment required. Subsequent to this evaluation, the Marine will be assigned to the appropriate treatment programs as prescribed by MCO P1700.24B.

e. Department of the Navy (DON) and DLA civilian personnel charged with intoxicated driving will be referred to the Civilian Employee Assistance Program in accordance with Title 5, Code of Federal Regulations, Part 792 (5 CFR 792). Such referral does not exempt the employee from appropriate administrative or disciplinary actions under civilian personnel regulations.

f. Marine Corps civilian employees charged with intoxicated driving, on or off the Installation, will be referred to the Employee Assistance Program as prescribed by MCO P1700.24B. Marine family members charged with intoxicated driving, on or off the Installation, will be provided assistance as addressed in MCO P1700.24B. Such referral and assistance does not exempt the individual from appropriate administrative or disciplinary action under current civilian personnel regulations or State laws.



ASO 5101.6P

**UNITED STATES MARINE CORPS**  
MARINE CORPS AIR STATION  
POSTAL SERVICE CENTER BOX 8003  
CHERRY POINT NC 28533-0003

5101  
PMO

From: Provost Marshal, Marine Corps Air Station, Cherry Point  
To: \_\_\_\_\_

Subj: PRELIMINARY SUSPENSION OF INSTALLATION DRIVING PRIVILEGES  
NOTICE

Ref: (a) MCO 5110.1D  
(b) ASO 5101.6P  
(c) ASO 5560.7A

1. Your driving privileges aboard Marine Corps Air Station, Cherry Point (MCAS CHERPT) have been temporarily suspended for the reason(s) indicated below:

a.  You were apprehended / detained for Driving While Impaired (DWI) with a blood alcohol content (BAC) \_\_\_\_\_% or greater.

b.  You refused to submit to a test for alcohol or other drug content of blood, breath, or urine; or failed to complete the test.

c.  You were apprehended / detained for, while under the age of 21, operating a motor vehicle while consuming alcohol, or for operating a motor vehicle at any time while any alcohol or controlled substance previously consumed remained in your body.

2. This preliminary suspension is effective immediately, pending and until an appearance before the MCAS CHERPT Traffic Court (TC) Hearing Officer.

3. You are directed to report to the TC Clerk at Building # \_\_\_\_\_, within three (3) working days to schedule a TC hearing.

4. You are advised that your preliminary suspension may become a permanent suspension or revocation of driving privileges, if such penalty is assessed by the TC Hearing Officer at a full hearing.

5. You have the right to request, in writing, within five (5) working days of this notice, a preliminary hearing before the TC Hearing Officer, to determine if the temporary suspension should be vacated pending resolution of the matter at the full TC hearing. Failure to request a preliminary hearing will result in the continuation of this temporary suspension until final administrative resolution at the scheduled TC hearing.

Enclosure (3)

6. Civilian employees have the right to have a personal representative present at the preliminary hearing where authorized by regulation.

\_\_\_\_\_  
Provost Marshal

\_\_\_\_\_  
ACKNOWLEDGEMENT

From: \_\_\_\_\_  
To: Provost Marshal, Marine Corps Air Station, Cherry Point  
Subj: PRELIMINARY SUSPENSION OF INSTALLATION DRIVING PRIVILEGES  
NOTICE

1. I have read and understand the provisions of this notice. I am aware that:

a. I am prohibited from operating a motor vehicle or allowing anyone other than my properly licensed family members to operate my privately owned vehicle(s) aboard this or any other military installation, to include Marine Corps Outlying Field (MCOFL) Atlantic, MCOFL Oak Grove, Marine Corps Auxiliary Landing Field (MCOALF) Bogue, and the Pass and Identification/Visitor Center (Bldg. #251) parking lot adjacent the Main Gate.

b. Any attempt by me to obtain a MCAS CHERPT vehicle pass during the period of this preliminary suspension will result in an additional revocation of my driving privileges.

\_\_\_\_\_  
Signature of Violator

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Law Enforcement Officer

\_\_\_\_\_  
Date



UNITED STATES MARINE CORPS  
MARINE CORPS AIR STATION  
POSTAL SERVICE CENTER BOX 8003  
CHERRY POINT NC 28533-0003

5101  
PMO

From: Traffic Court Hearing Officer, Marine Corps Air Station,  
Cherry Point

To: \_\_\_\_\_

Subj: SUSPENSION/REVOICATION OF INSTALLATION DRIVING PRIVILEGES NOTICE

Ref: (a) Armed Forces Traffic Citation (DD Form 1408) # \_\_\_\_\_  
(b) MCO 5110.1D  
(c) ASO 5101.6P  
(d) ASO 5560.7A

1. In accordance with reference (a), you were cited on \_\_\_\_\_  
for \_\_\_\_\_

\_\_\_\_\_ . Per  
references (b), (c), and (d), the following actions are applicable:

a. You have been assessed \_\_\_\_ points on your installation  
driving record and have accumulated \_\_\_\_ points to date.

b. Your privileges to operate private owned and government owned  
vehicles are **SUSPENDED / REVOKED** aboard Marine Corps Air Station,  
Cherry Point, North Carolina for a period of \_\_\_\_\_ days / months,  
beginning \_\_\_\_\_, and expiring \_\_\_\_\_. This  
**SUSPENSION / REVOCATION** is also applicable at all military  
installations, and remain in effect upon reassignment.

c. You are prohibited from operating a motor vehicle, or allowing  
anyone other than your properly licensed family members to operate  
your privately owned vehicle(s) aboard this or any other military  
installation, to include Marine Corps Outlying Field (MCOFL) Atlantic,  
MCOFL Oak Grove, Marine Corps Auxiliary Landing Field (MCOALF) Bogue,  
and the Pass and Identification/Visitor Center (Bldg. #251) parking  
lot adjacent the Main Gate.

d. If the revocation is the result of an alcohol related offense,  
you are required to complete an alcohol abuse screening by either the  
Substance Abuse Counseling Center or the U.S. Naval Health Clinic  
Cherry Point, and present a copy of the completion certificate to the  
Traffic Court (TC) Clerk.

e. You have been assigned to the Remedial Drivers Training  
Course. You must successful complete the Remedial Driver Training  
Course, and present a copy of the completetion certificate to the TC  
Clerk within 60 days of the date of this letter. You must contact the

Enclosure (4)

MCAS CHERPT Safety and Standardization Directorate at (252) 466-2730 for class information.

f. Any attempt by you to obtain a MCAS CHERPT vehicle pass during the period of this **SUSPENSION / REVOCATION** will result in an additional **REVOCATION**.

g. You may appeal this **SUSPENSION / REVOCATION** by submitting a written appeal to the Commanding Officer MCAS CHERPT (Attn: SJA) via your chain of command, within ten (10) calendar days of the date of this notice. Failure to submit a timely appeal may result in no action taken.

h. If you are unmarried and/or reside in Bachelor Enlisted Quarters (BEQ) or Bachelor Officer Quarters (BOQ), you must remove your privately owned vehicle(s) from the confines of MCAS CHERPT within three (3) calendar days from the date of this notice.

i. You may request restricted-driving privileges, in writing, to the MCAS CHERPT Commanding Officer (Attn: SJA), via the chain of command, with full justification for the request. Restricted driving privileges will not be granted if your driver's license or right to operate motor vehicles remains under suspension or revocation by a State or Federal licensing authority.

j. If your driving privileges have been **SUSPENDED** for six (6) months or less, you must comply with the provisions of this notice and your driving privileges will automatically be reinstated the day after the last day of the imposed suspension.

k. If your driving privileges have been **REVOKED**, you must comply with the provisions of this notice, and request, in writing, to the MCAS CHERPT Commanding Officer (Attn: SJA), via the chain of command, for full reinstatement of driving privileges. Your **REVOCATION** of driving privileges will remain in effect until you are reinstated, in writing by MCAS CHERPT Commanding Officer.

l. Should you violate the provisions of this notice, or be observed operating, or in physical control of a motor vehicle, during the **SUSPENSION / REVOCATION** period, you may be subject to disciplinary and additional administrative action including **REVOCATION** of driving privileges for two (2) additional years.

m. For Driving While Impaired (DWI) offenses, the TC Clerk will notify your State licensing authorities as soon as practical, of your **SUSPENSION / REVOCATION** of installation driving privileges per reference (a) and the Drivers License Compact (DLC).

2. Point of Contact is the TC Clerk at (252) 466-4428.

\_\_\_\_\_  
Traffic Court Hearing Officer/Clerk

\_\_\_\_\_  
ACKNOWLEDGEMENT

1. I acknowledge the suspension / revocation of my driving privileges as defined herein and understand the provisions of this notice.

\_\_\_\_\_  
Signature of Violator

\_\_\_\_\_  
Date





UNITED STATES MARINE CORPS

MARINE CORPS AIR STATION  
POSTAL SERVICE CENTER BOX 8003  
CHERRY POINT NC 28533-0003

ASO 5101.6P

5101  
PMO

From: Traffic Court Clerk, Marine Corps Air Station, Cherry Point  
To: \_\_\_\_\_

Subj: TRAFFIC COURT HEARING NOTICE

Ref: (a) Armed Forces Traffic Citation (DD Form 1408) # \_\_\_\_\_  
(b) MCO 5110.1D  
(c) ASO 5560.7A  
(d) ASO 5101.6P

1. In accordance with reference (a), you were cited on \_\_\_\_\_  
for \_\_\_\_\_.

2. Per references (b) and (c), if found guilty of the above violation(s), you could receive a maximum of \_\_\_\_\_ points against your installation driving record, and/or \_\_\_\_\_ days/months discretionary / mandatory suspension / revocation of your driving privileges aboard all military installations, as determined by the Traffic Court (TC) Hearing Officer.

3. Per reference (d), you have the following options in the adjudication of the above violation(s), and must place your initials by the selected option:

a. Request to waive appearance before the TC Hearing Officer and enter a guilty plea for the above violation(s). The maximum allowable penalty for the offense(s) as noted above will be levied as the result of this action.

b. Request to appear before the TC Hearing Officer in regard to the above violation(s). A failure to appear at the scheduled time, date, and location noted below will constitute a "Failure to Appear" violation and will result in the immediate suspension or revocation of my driving privileges aboard all military installations for a period of six (6) months, in addition to the maximum penalties allowed for the original offenses. My TC Hearing appearance is schedule at \_\_\_\_\_ on \_\_\_\_\_ at Building #251 (Pass & ID Office/Visitor Center) adjacent the Main Gate.

4. Any requests for continuances must be submitted to the TC Clerk at (252) 466-4428 at least 48 hours prior to the scheduled hearing. Requests for military personnel must be submitted by the service

Enclosure (5)

member's SNCOIC or OIC. Any subsequent requests must be submitted by the service member's Sergeant Major, Executive Officer, or Commanding Officer.

5. Active duty personnel E-5 and below are required to have a SNCO or NCO accompany them to advise and assist them at their TC appearance.

6. Active duty personnel must wear the uniform of the day (no flight suits).

7. Retirees, family members, civil service employees, and other civilian personnel should wear appropriate civilian attire.

8. Individuals appearing before the TC Hearing Officer should be accompanied by individuals who may serve as character witnesses, and to bring any relevant supporting documentation.

\_\_\_\_\_  
Traffic Court Clerk

ACKNOWLEDGEMENT

1.  I acknowledge my waiver to appear before the TC Hearing Officer and that the maximum allowable penalty for the offense(s) as noted above will be levied against my installation driving record as indicated in paragraphs 2 and 3(a) above.

2.  I acknowledge my requirement to appear before the TC Hearing as indicated in paragraph 3(b) above.

\_\_\_\_\_  
Signature of Violator

\_\_\_\_\_  
Date



UNITED STATES MARINE CORPS  
MARINE CORPS AIR STATION  
POSTAL SERVICE CENTER BOX 8003  
CHERRY POINT NC 28533-0003

5101  
PMO

From: Traffic Court Clerk, Marine Corps Air Station, Cherry Point  
To: \_\_\_\_\_

Subj: TRAFFIC VIOLATION DISPOSITION NOTICE

Ref: (a) Traffic Citation # \_\_\_\_\_  
(b) MCO 5110.1D  
(c) ASO 5560.7A  
(d) ASO 5101.6P

1. Per reference (a), you were cited on \_\_\_\_\_, and appeared before the Traffic Court (TC) Hearing Officer/Clerk, on \_\_\_\_\_ for \_\_\_\_\_.

2. Per references (b), (c), and (d), the following administrative action was taken by the TC Hearing Officer/Clerk:

a.  A total of \_\_\_\_\_ point(s) have been assessed on your installation driving record, with a total of \_\_\_\_\_ point(s) accumulated to date.

b.  The subject named person's driving privileges have been suspended for \_\_\_\_\_ days / months, from \_\_\_\_\_ to \_\_\_\_\_ aboard all military installations.

c.  Your driving privileges have been revoked for \_\_\_\_\_ months, from \_\_\_\_\_ to \_\_\_\_\_ aboard all military installations.

d.  You are required to complete the Remedial Driver Training Course within sixty (60) days from the date of this notice. Proof of completion of the training course must be provided to the TC Clerk no later than \_\_\_\_\_. Failure to complete the training may result in the suspension of your driving privileges until this requirement is met. You may contact the Safety and Standardization Directorate at 466-2730 to schedule the training.

e.  You may appeal a suspension or revocation of driving privileges, in writing, to the MCAS CHERPT Commanding Officer (Attn: SJA), via your chain of command, within ten (10) calendar days from the date of this notice. Failure to submit a timely appeal may result in no action taken.

Enclosure (6)

2. Point of Contact is the TC Clerk at (252) 466-4428.

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Traffic Court Hearing Officer/Clerk

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ACKNOWLEDGEMENT

1. I acknowledge the Traffic Court's actions as stated in paragraphs 2 (a) through 2 (e) and understand the requirements and provisions as stated in this notice.

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Signature of Violator

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Date



**UNITED STATES MARINE CORPS**  
MARINE CORPS AIR STATION  
POSTAL SERVICE CENTER BOX 8003  
CHERRY POINT NC 28533-0003

5101  
PMO

From: Traffic Court Clerk, Marine Corps Air Station, Cherry Point  
To: Sergeant Major, \_\_\_\_\_

Subj: FAILURE TO APPEAR NOTIFICATION; CASE OF: \_\_\_\_\_

Ref: (a) MCO 5110.1D  
(b) ASO 5560.7A  
(c) ASO 5101.6P

Encl: (1) Copy of Traffic Citation # \_\_\_\_\_  
(2) Copy of TC Docket/Schedule

1. The above named individual was cited on \_\_\_\_\_ for the following Violation(s): \_\_\_\_\_ .  
However, as required by references (a) and (c), the above named individual failed to:

a.  Report to the Traffic Court (TC) Clerk within three (3) working days from the date of the citation for administrative processing (see enclosure (1)).

b.  Report for a scheduled TC hearing on \_\_\_\_\_ (see enclosure (2)).

2. Per the references, the above named individual has been found guilty of the above listed violation(s). Accordingly, a total of \_\_\_\_\_ point(s) have been assessed against the individual's driving record, and his / her driving privileges have been suspended / revoked for a period of \_\_\_\_\_ days / months/ aboard all military installations.

\_\_\_\_\_  
TC Hearing Officer/Clerk

**Summary of Revision (ASO 5101.6N to ASO 5101.6P):**

This paragraph will be used to briefly summarized the changes that are listed below.

<b>ASO 5101.6N (Current)</b>	<b>ASO 5101.6P (Revision)</b>
<b>Use these tables on the left side to identify which SMEAC paragraph and subsection, you are revising.</b>	Use this side of the table to write out the revision.
<b>Paragraph 3, Mission, Page 1</b>	Order revised to reflect SJA, MCAS Cherry Point as appeal authority for Traffic Court.
<b>Enclosure (1), Page 7</b>	Changed (Attn: CIG) to (Attn: SJA)
<b>Enclosure (2), Page 1</b>	Changed Command Inspector General (CIG) (Magistrate) to Staff Judge Advocate (SJA) in subparagraph 2.a. Changed CIG (Magistrate) to SJA in subparagraph 2.b.
<b>Enclosure (2), Page 2</b>	Changed CIG (Magistrate) to SJA in subparagraph 2.g.
<b>Enclosure (2), Page 6</b>	Changed CIG (Magistrate) to SJA in subparagraph 6.f. Changed all references of CIG (Magistrate) to SJA in subparagraph 6.g.
<b>Enclosure (2), Page 8</b>	Changed all references of CIG (Magistrate) to SJA in subparagraph 7.a.
<b>Enclosure (4), Page 1</b>	Changed Attn: CIG to Attn: SJA. Changed "to action taken" to "no action taken."
<b>Enclosure (4), Page 2</b>	Changed all references of (Attn: CIG) (Magistrate) to (Attn: SJA) in subparagraphs 1.i. and 1.k.
<b>Enclosure (6), Page 1</b>	Change (Attn: CIG) to (Attn: SJA)
<b>Enclosure (7), Page 1</b>	Renamed reference (c) as reference (b). Renamed reference (d) as reference (c).