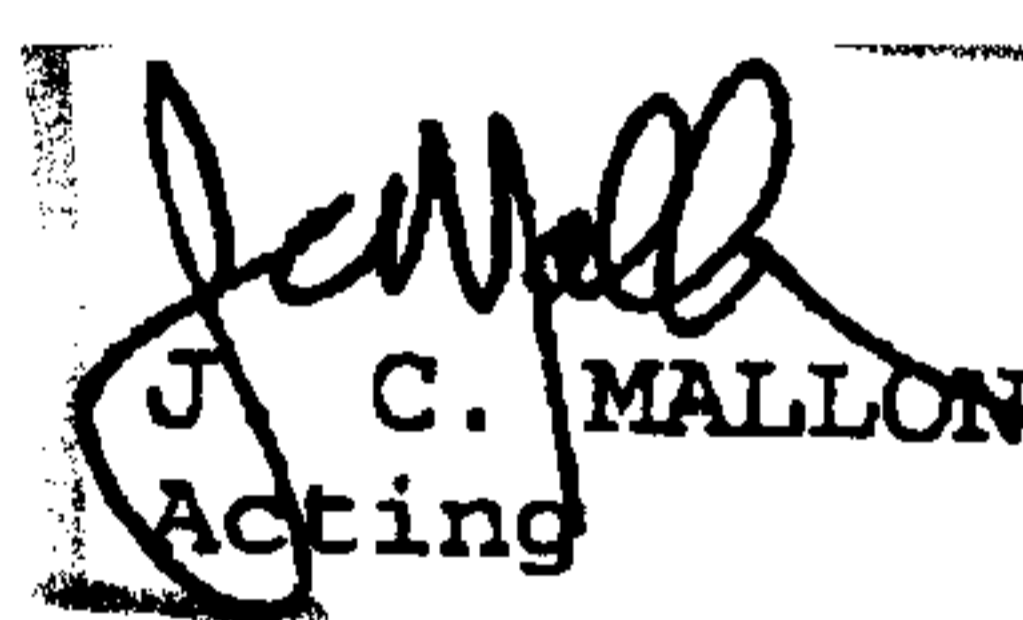


**HEADQUARTERS MARINE CORPS ROUTING SHEET (5211)**  
**NAVMC HQ 335 (REV. 06-03)**

						1 DATE: <u>AUG 20 2004</u>				
<b>2 OPERATION CODE</b>						<b>3 SUBJECT:</b> <b>SHOW CAUSE DECISION IN THE CASE OF</b> (b)(6) (b)(6) <b>JSMCR</b>				
X - ORIGINATOR OF OFFICE AFFIXING ROUTING SHEET A - APPROPRIATE ACTION B - GUIDANCE C - SIGNATURE D - COMMENT E - RECOMMENDATION F - CONCURRENCE			G - INFORMATION H - RETURN TO: PENTAGON, Room 5C840 I - INITIAL J - DISPOSITION K - DECISION L - RETENTION O - (OTHER)							
ROUTING - Use numbers to show order of routing										
4	5 OPR	6. ADDRESSEES		7 DATE		8 INITIALS		9 NATURE OF ACTION REQUIRED	ORIGINATOR'S INITIALS	DUE DATE (if any)
				IN	OUT	CONCUR	NONCONCUR			
////		COMMANDANT	CMC					ROUTINE		
////		MILITARY SECY	MILSEC					URGENT		
////		ASST COMMANDANT	ACMC							
////		MILITARY ASST	MILASST							
////		DIR MARCORSTAFF	DMCS							
		EXEC EDITOR	EDITOR							
2	KCH	DC, M&RA	M&RA	8/30	9/1					
		DC, I&L	L							
		DC, PP&O	P							
		DC, AVN	A							
		DC, P&R	R							
		DIR, I	I							
		DIR, C4	C4							
		DC, CDC	CDC							
1	DEF	DIR, MM	MM	8.22						
		LEGIS ASST	OLA							
		DIR PA	PA							
		DIR AR	AR							
		IGMC	IG							
		COUNSEL FOR CMC	CL							
		DIR HEALTH SERV	HS							
		CHAPLAIN	REL							
		DIR SPL PROJ	SPD							
		SGTMAJ/MARCOR	SGTMAJ							
		MCRC	MCRC							
		MCLC	LC							
		HQB/N	HQB/N							
		MARBKS	MARBKS							
		SAFETY	SD							
	XXX	SJA TO CMC	JA							
	XX	DEP TO SJA	JA-1	8/20						
		RES AFF	JA-1R							
		LEG ADMIN OFF	JA-2							
		LEG SVC CHIEF	JA-3							
		ADMIN BR	JAA							
		CDC	JAC							
		LEG ASST BR	JAL							
	X	MIL LAW BR	JAM							
		OPLAW BR	JAO							
		RES/CIV LAW BR	JAR							
		JA SUPPORT BR	JAS							
		JA INFO/PLANS BR	JAI							
								<b>10 REFERENCES HELD BY</b> (Name, Grade, Office Code, Telephone ext) [REDACTED]		<b>11 REMARKS AND SIGNATURE</b> (If additional space is necessary, attach plain paper)  1. This action is referred to DC M&RA, for decision as the Show Cause Authority for officer separations.  2. A synopsis and recommended disposition are provided at Tab A.  <div style="text-align: right;">   <b>J. C. MALLON</b>            Acting         </div>
								Dir _____ DepDir _____ AdminOff _____ 8/26 AdminCh _____ 08/24/55/T 8/124 PersSgtMaj _____ Copy to _____		
								<b>[ HQMC JA (05) ]</b>		
								<b>ACTION OFFICER:</b> (Name, Grade, Office Code, Telephone ext) _____ Capt., JAM, _____		

040830145

**Subj: SHOW CAUSE DECISION IN THE CASE OF** (b)(6)  
(b)(6) USMCR

**Background:** In Jun 03, SNO was deployed to Al Kut, Iraq, as a CAAT Platoon Commander in support of OIF I. At that time, SNO's company was responsible for the security of two large Ammunition Supply Points (ASPs) containing a variety of Iraqi and, periodically, U.S. ammunition. Iraqi civilians frequently intruded into the ASPs for the purpose of gathering empty canisters and live ammunition. The standard operating procedure for treatment of repeat Iraqi trespassers was to take them to the local Iraqi police station. According to SNO, such action had been ineffective in the past as the trespassers were typically released shortly after they were brought in and proceeded immediately back to the site of their offense.

**First Incident:** On 23 Jun 03, SNO was informed by (b)(6) Marines that they had apprehended four Iraqi men trespassing in the ASP. Three of the detainees had been apprehended several times earlier that day while trespassing upon the same ASP. SNO ordered that the detainees be stripped down to underclothes and shoes, escorted from the company position and released. The detainees reportedly boarded buses and a taxicab and departed the area. No further instances involving those individuals were reported.

**Second Incident:** On 28 Jun 03, while SNO and (b)(6) Marines were manning a vehicle checkpoint, a large, multi-trailer truck sped up to run through the checkpoint. The Marines opened fire on the engine and tires of the truck and it stopped in a nearby ditch. SNO called for medical support for the injured driver and passenger. The vehicle was searched for possible intelligence and intelligence support was requested.

While searching the vehicle, the Marines uncovered clothing and seat cushions described as filthy and covered with unidentified stains. When it appeared that no intelligence could be gathered from these articles, SNO ordered them burned. SNO explained that this precautionary measure was intended to prevent the spread of fleas, lice, fruit flies and the disease *leishmaniasis*, an ailment becoming more common among the military in Southwest Asia. SNO also contended that such articles were commonly used by insurgents to conceal explosives on the sides of roads in other parts of Iraq. All other confiscated articles were turned into military intelligence.



Subj: SHOW CAUSE DECISION IN THE CASE OF (b)(6)

(b)(6) USMCR

Disciplinary Action (Tab C): NJP held on 1 Aug 03.

**Charges:**

	<u>Plea</u>	<u>Finding</u>	<u>Appeal/Status</u>
Art. 103 (failing to report and turn over captured property)	Guilty	Guilty	Not appealed
Art. 133 (conduct unbecoming)	Not Guilty	Guilty	Not appealed

**Punishment:** Forfeiture of \$2,034.00 pay per month for 1 month and a Letter of Censure.

**Resignation Request:** On 6 Aug 03, SNO submitted an unqualified resignation request in lieu of further administrative separation processing. On 10 Aug 03, CG, 1st MarDiv recommended that SNO's resignation request be approved and that (b)(6) be separated with an Honorable characterization of service. On 30 Aug 03, CG, I MEF recommended that SNO's resignation request be approved and that (b)(6) be separated with an Honorable characterization of service. On 8 Oct 03, SNO was demobilized and transferred back to the SMCR. On 9 Oct 03, your predecessor recommended that SNO's resignation be approved and (b)(6) be separated with an Honorable characterization of service. On 6 Nov 03, ASN (M&RA) disapproved SNO's resignation request and directed (b)(6) to show cause for retention at a BOI.

**BOI:** COMMARFORRES convened a BOI on 6 Apr 04. The Board substantiated the allegations of misconduct and recommended that SNO be separated with an Honorable characterization of service. However, one member submitted a minority report, substantiating the misconduct, but recommending that SNO be retained.

**Chain of Command Recommendation:**

» COMMARFORRES recommends that (b)(5)

(b)(5)

**Options:** (b)(5)

(b)(5)

Subj: SHOW CAUSE DECISION IN THE CASE OF (b)(6)  
(b)(6) USMCR

SJA to CMC Comment: (b)(5)  
(b)(5)

SJA to CMC Recommendation: That you approve the recommendations of the Board and separate SNO with an Honorable characterization of service. If you agree, please sign the correspondence at Tab B.

  
J. C. MALLON  
Acting

Dir MM Recommendation:

Separate with Hon J. P. O'Connor Acting

Close case \_\_\_\_\_