



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

BJG
Docket No: 5813-01
8 February 2002

SSGT [REDACTED] USMC
[REDACTED]
[REDACTED]

Dear Staff Sergeant [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 7 February 2002. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the report of the Headquarters Marine Corps Performance Evaluation Review Board (PERB), dated 20 July 2001 with enclosure, and a memorandum for the record dated 1 February 2002, copies of which are attached. They also considered your rebuttal letter dated 17 August 2001 with enclosures.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the report of the PERB. They found that whatever advice you were given concerning the need for a source document to cancel your entitlement to basic allowance for housing (BAH) did not excuse you from an obligation to fully and accurately inform your reporting senior or current inspector-instructor first sergeant of the problem concerning your entitlement to BAH. They did not agree with your contention that the contested fitness report should be removed because you were not provided a complete copy of the investigation concerning your receipt of overpayment of BAH. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this

regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosures

1610
MMER/PERB

20 JUL 2001

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: MARINE CORPS PERFORMANCE EVALUATION REVIEW BOARD (PERB)
ADVISORY OPINION ON BCNR APPLICATION IN THE CASE OF STAFF
SERGEANT [REDACTED] USMC

Ref: (a) SSgt [REDACTED] D Form 149 of 13 Apr 01
(b) MCO P1610.7E w/Ch 1

Encl: (1) Excerpt from Command Investigation [REDACTED]
Ltr 5800 AI-I of 14 Sep 99)

1. Per MCO 1610.11C, the Performance Evaluation Review Board, with three members present, met on 18 July 2001 to consider Staff Sergeant [REDACTED] petition contained in reference (a). Removal of the fitness report for the period 990713 to 991231 (AN) was requested. Reference (b) is the performance evaluation directive governing submission of the report.

2. The petitioner contends the Reporting Senior's justification for adverse ratings are not accurate statements. Additionally, and contrary to the Reporting Senior's comments, the petitioner states he accepted personal responsibility to correct an overpayment of entitlements and that he did, in fact, seek assistance in resolving this issue prior to being confronted by the Reporting Senior. To support his appeal, the petitioner furnishes several items pertaining to his separation, pending divorce, and other matters relating to his personal affairs.

3. In its proceedings, the PERB concluded that the report is both administratively correct and procedurally complete as written and filed. The following is offered as relevant:

a. The adversity of the challenged fitness report clearly lies in the petitioner receiving almost three years of unentitled Basic Allowance for Quarters (BAQ) at the rate for married Marines. The report was appropriately referred to the petitioner for an opportunity to submit a statement of rebuttal (which he did). In the final analysis, however, the Reviewing and Adverse Sighting Officers both concurred in the Reporting Senior's overall evaluation.

Subj: MARINE CORPS PERFORMANCE EVALUATION REVIEW BOARD (PERB)
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SERGEANT ██████████ USMC

b. The petitioner's assessment as to the adversity not being accurately reported is considered without merit. All officers concerned in the performance evaluation cycle reviewed the documents submitted by the petitioner and his lawyer and had the results of the command investigation. As a matter of information, this Board obtained a copy of the pertinent portion of the command investigation (minus the 35 enclosures). See enclosure (1). We must conclude, as did the reporting officials, that on many occasions the petitioner knowingly falsified his marital status. For this, he was correctly held accountable, both monetarily and via the performance evaluation system.

c. Contrary to the petitioner's argument, the Board does not view the report as being used in lieu of disciplinary action. Rather, it records factual information impacting on the petitioner's overall character and potential. Simply stated, the absence of criminal intent does not excuse poor judgment.

4. The Board's opinion, based on deliberation and secret ballot vote, is that the contested fitness report should remain a part of Staff Sergeant ██████████ official military record.

5. The case is forwarded for final action.

████████████████████
Chairperson, Performance
Evaluation Review Board
Personnel Management Division
Manpower and Reserve Affairs
Department
By direction of the Commandant
of the Marine Corps



UNITED STATES MARINE CORPS

2ND BATTALION, 24TH MARINES
4TH MARINE DIVISION, FMP
JOSEPH J. MCCARTHY MARINE CORPS TRAINING CENTER
3034 WEST FOSTER AVENUE
CHICAGO, ILLINOIS 60625-4130

581301

ON REPLY REFER TO:
5800
AI-I
14 Sept 99

From: Captain [REDACTED] USMC

To: [REDACTED]

Subj: COMMAND INVESTIGATION INTO THE CIRCUMSTANCES SURROUNDING
UNAUTHORIZED ENTITLEMENTS PAID TO STAFF SERGEANT [REDACTED]
[REDACTED] USMC

- Ref:
- (a) JAGINST 5800.7C w/CH 1.2 (JAGMAN)
 - (b) MCO P5800.16 (LEGADMINMAN)
 - (c) MCO P1751.3E
 - (d) MCO P1080.40A
 - (e) DODPM
 - (f) Manual for Courts-Martial United States (1998 Edition)

- Encl:
- (1) Confirmation of Written Order to Conduct Investigation
 - (2) Statement of G [REDACTED], USMC dtd 990907
 - (3) Statement of 1st S [REDACTED], USMC ret. dtd 990901
 - (4) Statement of [REDACTED], USMC dtd 990818
 - (5) Statement of Capt T [REDACTED], USMC dtd 990825
 - (6) Statement of C [REDACTED], USMC dtd 990827
 - (7) Summary of Phoncon with [REDACTED] 29 Palms Base Housing Office
 - (8) Attorney [REDACTED] dtd 990825
 - (9) Attorney T [REDACTED] dtd 990831
 - (10) NAVMC 118(3) Chronological Record of S [REDACTED]
 - (11) NAVMC 10922 Dependency Application of S [REDACTED] dtd 940118
 - (12) NAVMC 10922 Dependency Application of [REDACTED] dtd 990819
 - (13) Record of Emergency Data Certification of [REDACTED] dtd 990224
 - (14) Unit Diary Transmittal Letter 00051-1999 dtd 990817
 - (15) Annual Audit Certification of S [REDACTED] 981021
 - (16) Annual Audit Certification of S [REDACTED] 990429
 - (17) SJA, MCAGCC letter dtd 950816
 - (18) [REDACTED] Court appointed Curator, letter to Consular Office dtd 950504
 - (19) Stephen [REDACTED] Attorney representing A [REDACTED] letter dtd 950920
 - (20) T [REDACTED] letter to SSgt [REDACTED] dtd 950925
 - (21) [REDACTED] letter to SSgt St [REDACTED] 970220
 - (22) [REDACTED] letter to SSgt [REDACTED] 980722
 - (23) SSgt [REDACTED] to Attorney General, Malta dtd 990713
 - (24) SSgt [REDACTED] Consular Office dtd 990827
 - (25) Attorney General, [REDACTED] letter to [REDACTED] 990728
 - (26) Chapter 8 of LEGADMINMAN - Dependent Support and Paternity
 - (27) Excerpt of DoD Financial Management Regulation, pages 220-221
 - (28) Excerpt of DoD Financial Management Regulation, pages 223-225
 - (29) Excerpt of DoD Financial Management Regulation, pages 251-253
 - (30) DD Form 1561 Statement to Substantiate Payment of Family Separation Allowance(FSA)

ENCL (1)

- (31) Statement [redacted] prepared and presented by [redacted] dtd 990902
- (32) Summary of Entitlements paid to [redacted] in 940707 to 990815
- (33) LES [redacted] from 940114 to 990815
- (34) Statement [redacted] ISMC dtd 990915
- (35) Excerpt of MCO P1751.3E Basic Allowance for Quarters manual, pages (1-3)-(1-5)

Preliminary Statement

1. Per references (a) through (f) and as directed by enclosure (1), an investigation was conducted into the circumstances surrounding unauthorized entitlements paid to [redacted] 7 July 1994 to 15 August 1999.
2. During the course of this investigation [redacted] in the MFR SJA office, was consulted on a regular basis. Guidance was provided for administrative and procedural functions, source documentation, and possible interview requirements.
3. Difficulties experienced in the conduct of this investigation are outlined as follows:
 - a. Due to the long time period of the payment of the unauthorized entitlements, pertinent personnel who may have knowledge of the circumstances could not be identified and interviewed. Additionally, most certification and application documentation prior [redacted] checking into I-I Staff, Des Moines, IA, could not be located. Specifically, the DD form 1561's used to certify authorization to make payment of FSA entitlements [redacted] during the time period encompassed by this investigation, as they are used by local commands for source documentation and maintained only two years.
 - b. Due to the distances between information sources and the investigating officer, all information was collect through phone conversations, fax, e-mail, and mail. This led to considerable delays and confusion waiting for documentation to arrive and redirecting questions. A copy of the official Annulment Decree was not able to be obtained within the time frames of this investigation. A request was made for assistance to obtain a copy through MSG Bn, Legal. [redacted] MSG Bn Legal, confirmed that a copy could be acquired, but there would be a cost of \$100.00. He further confirmed [redacted] and recently been given a copy, at which time the request for assistance was canceled.
 - c. Due [redacted] desire to provide further statements through [redacted] attorney and a Lieutenant Colonel in the USMCR, who is assisting him at no cost, an interview could not be conducted to answer many of the questions about actions taken prior to [redacted] ing to I-I Staff, Des Moines, IA.
 - d. Despite numerous requests, a statement was not provided by [redacted] former I-I 1stSgt. He stated that he would provide a statement [redacted] provided a statement [redacted] the preparation [redacted] statement. That statement has been used for this investigation.

Findings of Fact

1. That Staff Sergeant [redacted] was stationed at the American Embassy, Valletta, Malta. [Enclosure (10)]

- 42. That any Marine who obtains BAH or other allowances through fraudulent means is subject to criminal prosecution. [Enclosure (26)]
- 43. That a Marine is not considered "a member with dependents" for Family Separation Allowance entitlements when the sole dependent is a spouse legally separated. [Enclosure (29)]
- 44. That Staff Sergeant [REDACTED] did receive Family Separation Allowance entitlements while legally separated from his wife. [Enclosures (32) and (33)]
- 45. That a Marine must sign a DD 1561 form - Statement to Substantiate Payment of Family Separation Allowance in which they certify that they are not legally separated and their dependent's address prior to being paid FSA. [Enclosures (29) and (30)]
- 46. That Staff Sergeant [REDACTED] would have had to sign a DD 1561 form each time that he was paid FSA. [Enclosures (29) and (30)]
- 47. That from 7 July 1994 to 25 April 1997, while stationed at 29 Palms, CA, Staff Sergeant [REDACTED] received \$4,153.80 in unauthorized BAQ entitlements. [Enclosures (32) and (33)]
- 48. That from 7 July 1994 to 25 April 1997, while stationed at 29 Palms, CA, it could not be confirmed that Staff Sergeant [REDACTED] command had knowledge of his separation and authorized him to continue to reside off base, which without, the entire amount of \$14,813.70 paid to him in BAQ entitlements was unauthorized. [Enclosures (32) and (33)]
- 49. That from 9 December 1994 to 7 April 1995, while attached TAD to MAGTF 1-95 Emb USS Belleau Wood, Staff Sergeant [REDACTED] received \$445.00 in unauthorized FSA-T Type II entitlements. [Enclosures (32) and (33)]
- 50. That from 18 March 1996 to 23 July 1996, while attached TAD to SMAGTF CARAT-96, Staff Sergeant [REDACTED] received \$512.50 in unauthorized FSA-T Type II entitlements. [Enclosures (32) and (33)]
- 51. That Staff Sergeant [REDACTED] reported to MCSFTC, Chesapeake, VA on 26 April 1997 for TEMINS. [Enclosure (10)]
- 52. That from 26 April 1997 to 25 June 1997, while assigned to MCSFTC, Chesapeake, VA for TEMINS, Staff Sergeant [REDACTED] received \$122.50 in unauthorized FSA-T Type II entitlements. [Enclosures (32) and (33)]
- 53. That Staff Sergeant [REDACTED] reported to MCSF Det, Souda Bay, Crete, Greece on 26 June 1997 for duty. [Enclosure (10)]
- 54. That from 26 April 1997 to 24 February 1998, while assigned to MCSFTC and MCSF Det, Souda Bay, Crete, Greece, Staff Sergeant [REDACTED] received \$3,598.86 in unauthorized BAQ entitlements. [Enclosures (32) and (33)]

55. That from 26 June 1997 to 24 February 1998, while assigned to MCSF Det, Souda Bay, Crete, Greece, Staff Sergeant [REDACTED] received the following unauthorized FSA entitlements: \$292.08 in FSH, \$2,480.04 in FSA-I Type I, and \$530.00 in FSA-R Type II. [Enclosures (32) and (33)]

56. That Staff Sergeant [REDACTED] reported to Inspector-Instructor Staff, Des Moines, IA on 23 March 1998 for duty. [Enclosure (10)]

57. That shortly after checking in to I-I Staff, Des Moines, IA, [REDACTED] identify that he was receiving unauthorized BAQ entitlements to the former Inspector-Instructor First Sergeant, First Sergeant [REDACTED] and Inspector-Instructor Administrative Chief, Gunnery Sergeant [REDACTED]. [Enclosures (2), (3), (4), and (31)]

58. That Staff Sergeant [REDACTED] understand that he would have to repay all unauthorized entitlements he was paid. [Enclosure (2)]

59. That shortly after checking in to I-I Staff, Des Moines, IA, Staff Sergeant [REDACTED] attempt to verbally drop ABIGAIL [REDACTED] from his NAVMC 10922 Dependency Application in order to change his dependent status because he believed that the annulment of his marriage was complete. [Enclosures (2), (4), and (31)]

60. That shortly after checking in to I-I Staff, Des Moines, IA, Staff Sergeant [REDACTED] is told by Gunnery Sergeant [REDACTED] that his dependent status could not be changed without an official source document. [Enclosures (2), (3), (4), and (31)]

61. That a NAVMC 10922 Dependency Application, to drop a dependent or change a member's dependent status, can not be prepared without an official source document. [Enclosure (35)]

62. That Staff Sergeant [REDACTED] was directed in March 1998, by First Sergeant [REDACTED] to obtain official source documentation to correct his dependency status. [Enclosure (3)]

63. That on 5 July 1998, Staff Sergeant [REDACTED] sought through his lawyer, [REDACTED] to obtain official documentation to confirm his annulment. [Enclosure (22)]

64. That on 5 July 1998, Staff Sergeant [REDACTED] questioned through his lawyer, [REDACTED] about receiving a check [REDACTED]. [Enclosure (22)]

65. That on 21 October 1998, Staff Sergeant [REDACTED] knowingly certified his annual audit even though he knew the information was false. [Enclosures (4), (15), and (31)]

66. That on 21 October 1998, Gunnery Sergeant [REDACTED] detected Staff Sergeant [REDACTED] his dependency status certification portion of the annual audit because his dependency status had not legally changed. [Enclosures (2), (4), and (31)]

67. That on 21 October 1998, Staff Sergeant [REDACTED] certified his dependent's location as 29 Palms, CA even though he knew the information was false. [Enclosure (4), (15), and (31)]

68. That Gunn [redacted] did not provide guidance to [redacted] to not change his dependency location. [Enclosure (2)]

69. That on 29 April 1999, Staff [redacted] knowingly certified his annual audit even though he know the information was false. [Enclosures (4) and (16)]

70. That Staff Sergeant [redacted] was required to sign his LES prepared on 8 October 1994 to certify his current dependent status and annual audit or his BAQ entitlements would have been reduced from the "with dependent" to the "without" rate. [Enclosures (26), (27), (28), and (33)]

71. That Staff Sergeant [redacted] was required to sign his LES prepared on 6 November 1995 to certify his current dependent status and annual audit or his BAQ entitlements would have been reduced from the "with dependent" to the "without" rate. [Enclosures (26), (27), (28), and (33)]

72. That Staff Sergeant [redacted] was required to sign his LES prepared on 8 November 1996 to certify his current dependent status and annual audit or his BAQ entitlements would have been reduced from the "with dependent" to the "without" rate. [Enclosures (26), (27), (28), and (33)]

73. That Staff Sergeant [redacted] was required to sign his LES prepared on 7 November 1997 to certify his current dependent status and annual audit or his BAQ entitlements would have been reduced from the "with dependent" to the "without" rate. [Enclosures (26), (27), (28), and (33)]

74. That if Staff Sergeant [redacted] could not properly certify his annual audit or dependent status, his BAH at the "with dependent" rate should have been changed to the "without" rate. [Enclosures (26) and (27)]

75. That Staff Sergeant [redacted] received BAQ at the "with dependent" rate after falsely certifying his dependent's location. [Enclosures (15), (16), (32), and (33)]

76. That Staff Sergeant [redacted] was not entitled to BAQ/BAH because he did not properly certify his dependent's whereabouts or explain her absence. [Enclosure (27)]

77. That on 13 July 1999, Staff Sergeant [redacted] requested an official copy of the court order granting the annulment of his marriage from [redacted] Attorney General. [Enclosure (23)]

78. That Staff Sergeant [redacted] received notification from [redacted] Attorney General dated 28 July 1999 that a judgment in the annulment proceedings regarding his marriage to ABIGAIL S [redacted] decided on 10 September 1997. [Enclosure (25)]

79. That Inspector-Instructor First Sergeant, First Sergeant [redacted] read Malta's Attorney General notification of judgment in the annulment proceedings on 15 August 1999, causing him to further investigate the situation which resulted in the discovery of unauthorized entitlements paid to Staff Sergeant [redacted] [Enclosures (2), (4), and (5)]

80. That on 17 August 1999, Staff Sergeant [REDACTED] was read his rights by First Sergeant [REDACTED] informed that he was suspected of violating certain articles of the Uniform Code of Military Justice. [Enclosures (4) and (6)]

81. That on 17 August 1999, Staff Sergeant [REDACTED] stated that he was innocent and agreed to answer First Sergeant [REDACTED] question, which is summarized in the First Sergeant's statement. [Enclosures (4) and (6)]

82. That on 17 August 1999, Staff Sergeant [REDACTED] contacted attorney [REDACTED], a Lieutenant Colonel in the USMCR, for assistance in preparing a statement. [Enclosures (4), (6), and (8)]

83. That Staff Sergeant [REDACTED] identified that he intended to submit his statement through [REDACTED] that [REDACTED] agreed to assist him with this matter at no cost. [Enclosures (6), (8), (9), and (31)]

84. That [REDACTED] former I-I, Des Moines, IA, believed, and stated that it was generally known within the command, that Staff Sergeant [REDACTED] divorced and his actions and conversations about his knew girlfriend supported this perception. [Enclosures (6) and (34)]

85. That First Sergeant [REDACTED] was not aware that Staff Sergeant [REDACTED] was ever married or that he was collecting BAH at the "with dependent" rate. [Enclosures (4) and (5)]

86. That Captain [REDACTED] Inspector-Instructor, Des Moines, IA, was not aware that Staff Sergeant [REDACTED] was ever married or that he was collecting BAH at the "with dependent" rate. [Enclosures (4), (5), and (6)]

87. That Staff Sergeant [REDACTED] stated to Captain [REDACTED] during his initial interview that he was single and did not identify that he was still in the middle of ongoing annulment proceedings with his wife. [Enclosures (4) and (5)]

88. That Staff Sergeant [REDACTED] was living with another woman and planning to get married to this woman in September 1999. [Enclosures (4), (5), and (34)]

89. That Staff Sergeant [REDACTED] had to obtain official source documentation in order to drop ABIGAIL SARA [REDACTED] from his NAVMC 10922 Dependency Application before he could add a new wife to that form. [Enclosure (35)]

90. That Staff Sergeant [REDACTED] received verbal confirmation through a phone conversation between himself and [REDACTED] attorney in [REDACTED] that the marriage between them has been annulled. [Enclosure (4)]

91. That dependent allowances for Staff Sergeant [REDACTED] were stopped on 17 August 1999. [Enclosure (14)]

92. That Staff Sergeant [redacted] submitted an application to drop ABIGAIL [redacted] from his NAVMC 10922 Dependency Application on 19 August 1999. [Enclosure (12)]

93. That on 27 August 1999, Staff Sergeant [redacted] submitted a request and a cashiers check for \$100.00 [redacted] Consular Officer, American Embassy [redacted] obtain an official copy of judgment in the annulment of his marriage [redacted] [redacted] enclosure (24)]

Opinions

1. That from 7 July to the present, Staff Sergeant [redacted] did not live in base housing. [FF (4), (5), and (8)]

2. That Staff Sergeant [redacted] continued to live at 73463 Didsbury Road, 29 Palms, CA 92277 after his wife [redacted] returned [redacted] July 1994. [FF (4) and (5)]

3. That [redacted] did in fact return [redacted] July 1994. [FF (13), (14), (15), (16), (17), (19), and (22)]

4. That Staff Sergeant [redacted] was considered legally separated when [redacted] July 1994. [FF (13), (14), (15), (16) and (17)]

5. That Staff Sergeant [redacted] did not take appropriate and timely measures to identify and correct payment of unauthorized entitlement. [FF (17), (46), (62), (63), (65), (67), (69), (70), (71), (72), (73), and (77)]

6. That Staff Sergeant [redacted] had sufficient opportunity to correct the situation and stop unauthorized entitlements before changing his dependent status. [FF (67), (69), (70), (71), (72), (73), (74), and (76)]

7. That Gunnery Sergeant [redacted] did not properly advise Staff Sergeant [redacted] actions to be taken to reduce entitlements when certifying his annual audit on 21 October 1998. [FF (66), (68), (74) and (76)]

8. That Gunnery Sergeant [redacted] First Sergeant [redacted] not take adequate measures to correct the situation when it was presented to them. [FF (57), (59), (60), (62) and (66)]

9. That Staff Sergeant [redacted] took advantage of the incorrect guidance given by Gunnery Sergeant [redacted] to continue receiving unauthorized entitlements. [FF (57), (60), (62), (63), (65), (66), (67), and (69)]

10. That because Staff Sergeant [redacted] did not clarify his marital situation with Capt [redacted] and gave the impression of being single, the discovery of his being paid unauthorized entitlements was prevented. [FF (79), (84), (85), (86), (87), and (88)]

11. That Staff Sergeant [REDACTED] knew he was receiving unauthorized entitlements and did not save that money even though he knew that he would be obligated to repay it. [FF (57) and (58)]

12. That Staff Sergeant [REDACTED] did not provide any financial support to [REDACTED] for their separation as required by the referenced orders and regulations. [FF (24), (37), (38), and (39)]

13. That Staff Sergeant [REDACTED] claims of providing in-kind finance support to [REDACTED] is invalid. [FF (24), (29), (30), (31), (32), (33), (34), (35), (36), (37), and (38)]

14. That Staff Sergeant [REDACTED] began an honest effort to obtain official documentation of his annulment in order to [REDACTED] from his Dependency Application so that he could get remarried in September, 1999 and add his new wife to his Dependency Application. [FF (77), (84), (88), (89), (92), and (93)]

15. That Staff Sergeant [REDACTED] knowingly certified annual audits from 1994 to 1999 that were false in order to continue to receive "with dependent" rate entitlements. [FF (12), (47), (48), (54), (65), (66), (67), (69), (70), (71), (72), (73), (74), and (75)]

16. That Staff Sergeant [REDACTED] knowingly accepted \$12,289.50 in unauthorized BAQ/BAH entitlements. [FF (47), (54), (57), and (58)]

17. That Staff Sergeant [REDACTED] knowingly certified false FSA statements in order to receive those entitlements. [FF (43), (44), (45), (46), (49), (50), (52), and (55)]

18. That Staff Sergeant [REDACTED] knowingly accepted \$4,382.11 in unauthorized FSA entitlements. [FF (49), (50), (52), and (55)]

19. That Staff Sergeant [REDACTED] knowingly certified false information listed on his Record of Emergency Data on 24 February 1999. [FF (9) and (10)]

20. That Staff Sergeant [REDACTED] did violate the following Articles of the Uniform Code of Military Justice: 92 - Failure to obey order or regulation, 107 - Making false official statements, and 132 - Frauds against the United States. [FF (10), (22-25), (27), (41-44), (46), (65), (67), (69-73), (75), (76)]

Recommendations

1. That action be initiated to collect all unauthorized entitlements paid to Staff Sergeant [REDACTED]

2. That an Article 32 Investigation be assigned.

[REDACTED]
CAPT USMC

MEMORANDUM FOR THE RECORD

DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS (BCNR)
PERFORMANCE SECTION
2 NAVY ANNEX, SUITE 2432
WASHINGTON, DC 20370-5100
TELEPHONE: (703) 614-2293 OR DSN 224-2293
FACSIMILE: (703) 614-9857 OR DSN 224-9857

DATE: 1FEB02

DOCKET NO: 5813-01

PETITIONER (PET [REDACTED]) USMC

PARTY WHO CALLED: PET

WHAT I SAID: I ASKED WHAT ADDITIONAL EVI HE HAD WHICH HE MENTIONED IN HIS REBUTTAL.

WHAT PARTY SAID: PET INFORMED ME THAT HE WOULD BE DEPLOYED UNTIL MAR02, AND THAT HE REALLY DIDN'T HAVE ANY ADDITIONAL EVI, HOWEVER, HE COULD GET MORE SUPPORTING STATEMENTS WHEN HE RETURNED FROM HIS DEPLOYMENT.



BRIAN J. GEORGE