



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
MANPOWER AND RESERVE AFFAIRS DEPARTMENT
HARRY LEE HALL, 17 LEJEUNE ROAD
QUANTICO, VIRGINIA 22134-5104

IN REPLY REFER TO:

1400

MMPR-1

FEB 03 2009

From: Commandant of the Marine Corps
To: First Lieutenant Andrew A. Grayson 0893/0204, USMC

Via: Commanding Officer, Individual Ready Reserve
(SSN 00-99)
15303 Andrews Road, Kansas City South Airport
Kansas City, MO 64147-1207

Subj: PROMOTION REMOVAL IN THE CASE OF FIRST LIEUTENANT
ANDREW A. GRAYSON, 0893/0204, USMC

Ref: (a) Title 10, United States Code
(b) MCO P1001R.1J

Encl: (1) Secretary of Navy Memorandum of 13 November 08

1. This letter is to inform you that under the provisions of reference (a), the Secretary of the Navy has removed your name from the FY08 USMC Captain Promotion List on 26 January 2009. As a result, you are now considered to have failed selection from the FY08 USMC Captain Promotion Board.

2. Per reference (b), the enclosure and your response to the prior notice of consideration of removal has been forwarded for inclusion in your Official Military Personnel File (OMPF).

A handwritten signature in black ink, appearing to read "G. C. Lewis III".

G. C. LEWIS III
By direction

Copy to:
CMC (JA)
CMC (MMPR)
CMC (MMSB)



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3000 MARINE CORPS PENTAGON
WASHINGTON, DC 20350-3000

IN REPLY REFER TO:
1420
JAMP

NOV 13 2008

MEMORANDUM FOR THE SECRETARY OF THE NAVY

Subj: FISCAL YEAR 2007 OFFICER RETENTION BOARD CAREER
DESIGNATION DETERMINATION AND POSSIBLE REMOVAL FROM THE
FISCAL YEAR 2008 CAPTAIN PROMOTION LIST IN THE CASE OF
FIRST LIEUTENANT ANDREW A. GRAYSON 0893/0204 USMC

Ref: (a) 10 U.S.C. § 624
(b) 10 U.S.C. § 629
(c) SECNAVINST 1420.1B
(d) MCO 1001.45H

Encl: (1) CMC ltr 1001 JAMP of 11 Apr 07
(2) CMC ltr 1420 JAMP of 9 May 07
(3) CMC ltr 1420 JAMP of 8 Jul 08
(4) 1stLt Grayson's ltr 1000 AAG of 14 Jul 08 w/ ends

1. First Lieutenant Grayson was recommended for career designation by the Fiscal Year 2007 Officer Retention Board, which convened on 9 January 2007. First Lieutenant Grayson was recommended for promotion by the Fiscal Year 2008 Captain Promotion Board, which convened on 5 February 2007, with a projected promotion date was 1 September 2007. Enclosures (1) and (2) notified First Lieutenant Grayson that his career designation and promotion were withheld due to potentially adverse information concerning his failure to accurately report and thoroughly investigate possible, suspected, or alleged violations of the law of war by Marines under his command. Enclosure (3) notified First Lieutenant Grayson, after his General Court-Martial (GCM) acquittal, that his career designation and promotion were still being withheld pending a determination of whether he was qualified for career designation or promotion. This action is being taken pursuant to references (a), (b), (c), and (d).

2. First Lieutenant Grayson was the 3d Battalion, 1st Marine Regiment Human Exploitation Team (HET) Officer in Charge on 19 November 2005 during the incident in Haditha. He was not present at the scene of the incident on 19 November 2005. At some time after the incident, a HET noncommissioned officer (NCO) allegedly informed First Lieutenant Grayson that he had

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copies of the photographs of the 19 November 2005 incident on his personal laptop. First Lieutenant Grayson allegedly viewed the photographs and then ordered the HET NCO to delete the photographs of the dead Iraqi civilians. First Lieutenant Grayson never provided these images to the Army Regulation (AR) 15-6 Investigation Officer (IO) during the investigation. When he was shown those images by the AR 15-6 IO in February 2006, First Lieutenant Grayson claims that it was the first time that he saw the HET NCO's images. In addition, First Lieutenant Grayson allegedly attempted to procure his separation from active duty, via fraudulent means, while pending court-martial regarding these allegations.

2. On 4 June 2008, a board of officer members, sitting as a GCM, acquitted First Lieutenant Grayson of all charges and specifications.

3. After First Lieutenant Grayson's acquittal, his chain of command recommended that the misconduct case be closed. On 28 June 2008, the Deputy Commandant for Manpower and Reserve Affairs (DC M&RA) closed First Lieutenant Grayson's misconduct case and directed that the adverse information concerning this matter not become part of his Official Military Personnel File (OMPF). On 15 August 2008, First Lieutenant Grayson reached his end of active service and transitioned to the Inactive Ready Reserve.

4. A recent broadening in Senate Armed Services Committee (SASC) guidance regarding officer promotions requires all officers with a connection to the facts and circumstances surrounding the "Haditha incident" to be identified and screened. Previous SASC guidance limited screenings to officers who were or could have been directly implicated of wrongdoing in the incident. Should First Lieutenant Grayson be recommended for promotion, his name must be forwarded to SASC for confirmation.

5. In enclosure (4), First Lieutenant Grayson states that he was selected for promotion prior to the start of the trial and that he firmly believes that he is a competent officer that remains committed to his country and the Marine Corps. He states that the years spent as a Marine officer have had a significant and positive impact on his life and that he values

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his service with Marines in Iraq and Africa. He believes that he has grown tremendously from this ordeal and that it has strengthened his commitment to be a man of integrity and resolve. He states that he has served honorably over the past five years and is truly humbled to have spent this time serving alongside some of the most courageous and selfless men and women he has ever met. First Lieutenant Grayson requests promotion to captain with his original date of rank.

6. In his endorsement to enclosure (4), the Commanding Officer, 2d Intelligence Battalion, II Marine Expeditionary Force (CO, 2d Intel Bn, II MEF), states that First Lieutenant Grayson is an outstanding officer who has proved himself to be a vital asset and tremendous contributor to the command and recommends First Lieutenant Grayson's promotion. The former II MEF Headquarters Group CO disagrees with the CO, 2d Intel Bn assessment of First Lieutenant Grayson's potential and finds that First Lieutenant Grayson's conduct during the pre-trial period, despite his acquittal, was disreputable. He states that First Lieutenant Grayson, while pending court-martial and knowing full well that he had a lengthy legal process ahead, took advantage of the good graces of his Bn CO and an unsuspecting Group Personnel Administration Center clerk to attempt to fraudulently separate from the Marine Corps. The Commanding General (CG), II MEF, believes, based on the former II MEF Headquarters Group CO's recommendation, that First Lieutenant Grayson should not be promoted nor offered career designation.

7. First Lieutenant Grayson's projected promotion date was 1 September 2007. If First Lieutenant Grayson is promoted, pursuant to reference (c), you may adjust his date of rank (DOR) for any period you determine that he was not qualified for promotion. If First Lieutenant Grayson is removed from the Fiscal Year 2008 Captain Promotion List, he will be considered by the Fiscal Year 2010 (USMCR) Captain Selection Board, which is scheduled to convene on or about 10 February 2009. Further, if First Lieutenant Grayson is removed from the promotion list, the correspondence documenting his removal will be forwarded for inclusion in his OMPF and will be available for review by future selection boards.

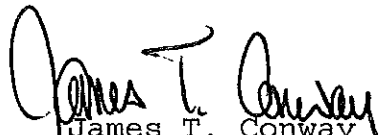
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8. References (a) and (c) provide that the appointment of an officer to a higher grade may not be delayed for more than six months after the date on which the officer would otherwise have been promoted unless you specify a further period of delay. On 15 April 2008, DC M&RA extended First Lieutenant Grayson's promotion delay until all promotion-related administrative actions were complete.

9. Pursuant to reference (d), I have determined that First Lieutenant Grayson is not qualified for career designation and hereby direct that First Lieutenant Grayson be removed from the Fiscal Year 2007 Officer Retention Board List. The correspondence documenting this removal will be forwarded for inclusion in First Lieutenant Grayson's OMPF.

10. Following a review of the facts in this case, including enclosure (4), I concur with the recommendation of the CG, II MEF, and believe that First Lieutenant Grayson should not be promoted. Although First Lieutenant Grayson was acquitted of all charges, there is a substantial difference between acquittal of criminal misconduct and qualification for promotion or career designation. First Lieutenant Grayson's conduct while pending court-martial was unsatisfactory. I recommend additional evaluation time to determine whether he possesses the level of judgment necessary to merit promotion. A promotion board should have the opportunity to review his entire record so that an informed decision concerning his qualification for promotion can be made.

11. Accordingly, I recommend that First Lieutenant Grayson be removed from the Fiscal Year 2008 Captain Promotion List.

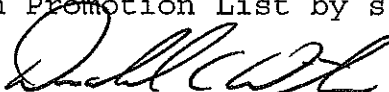

James T. Conway

Commandant of the Marine Corps.

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SECNAV DECISION: SECNAV remove First Lieutenant Grayson from
the Fiscal Year 2008 Captain Promotion List by signing below.

Remove from promotion list:

A handwritten signature in black ink, appearing to be "D. M. H.", written over a horizontal line.

Other: _____

JAN 26 2009