



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

IN REPLY REFER TO:
5000
JAS/hetw
9 Mar 09

From: Staff Judge Advocate to the Commandant of the Marine Corps
To: Captain Douglas S. Wacker 9313/4401 USMC
Subj: NOTICE OF CONSIDERATION FOR DISENROLLMENT FROM THE EXCESS LEAVE PROGRAM (LAW)/ELP(L)
Ref: (a) SECNAVINST 1520.7F
(b) LEGADMINMAN, Chapter 19
Encl: (1) CO HQSVBN MCRD ltr 5800 S-1 of 2 Mar 09
(2) Capt Wacker Education Program Agreement for ELP (Law) of 18 Jan 06

1. Enclosure (1) indicates that while you were under investigation by NCIS for allegedly violating articles 120 and 134 of the UCMJ, you violated a direct order from your Commanding Officer to not contact any of the alleged victims or witnesses related to the investigation. This behavior is inconsistent with the high standards of conduct for a Marine officer and the ethical standards of the legal profession. As a result, pursuant to reference (a) and (b), and as stated in enclosure (2), you are being considered for disenrollment from the Excess Leave Program (Law) for deficiency in conduct.
2. You are afforded the opportunity to make a written reply within thirty (30) days from your receipt of this letter. Your reply, if any, will be given full consideration in making a final determination on whether you are to be disenrolled from the Excess Leave Program (Law).
3. A final decision and the supporting grounds for that decision will be set forth in writing and a copy provided to you.


J. C. WALKER



UNITED STATES MARINE CORPS

MARINE CORPS RECRUIT DEPOT/WESTERN RECRUITING REGION
1600 HENDERSON AVENUE, SUITE 238
SAN DIEGO, CALIFORNIA 92140-5001

IN REPLY REFER TO:

5800

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0 8 10 11

FIRST ENDORSEMENT on CO HQSVCBn ltr 5800/S-1 of 2 Mar 09

From: Commander, MCRD/WRR San Diego
To: Commandant of the Marine Corps (JAM)
Via: (1) Commanding General, Training and Education Command
(2) Commanding General, Marine Corps Combat Development
Command

Subj: RECOMMENDATION FOR TERMINATION OF EXCESS LEAVE PROGRAM
(LAW) ICO CAPT DOUGLAS S. WACKER 9313/0602 USMC

1. Forwarded, recommending approval.
2. I concur with the recommendation of the Commanding Officer, Headquarters and Service Battalion. Capt Wacker should be disenrolled from Excess Leave Program (Law) and placed in a regular duty status to prepare for his pending Article 32 Investigation.


C. F. HUENEFELD

ENCLOSURE (1)



UNITED STATES MARINE CORPS
HEADQUARTERS AND SERVICE BATTALION
MARINE CORPS RECRUIT DEPOT/WESTERN RECRUITING REGION
3800 BELLEAU AVENUE
SAN DIEGO, CALIFORNIA 92140-5199

IN REPLY REFER TO:
5800
S-1
2 Mar 09

From: Commanding Officer
To: Commandant of the Marine Corps (JAS)
Via: (1) Commanding General, Marine Corps Recruit Depot San Diego/Western Recruiting Region
(2) Commanding General, Training and Education Command
(3) Commanding General, Marine Corps Combat Development Command

Subj: RECOMMENDATION FOR TERMINATION OF EXCESS LEAVE PROGRAM (LAW) ICO CAPTAIN DOUGLAS S. WACKER 9313/0602 USMC


Ref: (a) MCO P5800.16A (LEGADMINMAN)

1. Pursuant to paragraph 19008 of the reference, I recommend that Captain Douglas S. Wacker be terminated from the Excess Leave Program (Law) (ELP(L)) for deficiency in conduct.
2. Per the reference, deficiency in conduct includes... "behavior recognized by the Marine Corps as inconsistent with ... the high standards of conduct and performance of the officer corps..."
3. Captain Wacker is pending charges for two allegations of rape, one allegation of indecent assault, one allegation of obstruction of justice, and an allegation of orders violation (violation of Military Protective Order/No Contact Order).
4. Captain Wacker's law school has not decided to expel him from school, but has banned Captain Wacker from the law school campus, based upon public safety concerns. To ensure that he is not irreparably impacted by the ban, the law school has employed professional note takers for the time being to ensure that he does not fall behind in any of his classes.
5. After allegations of obstruction of justice were raised, this battalion was compelled to issue a Military Protective Order and a No Contact Order to Captain Wacker to safeguard the military justice process. Despite receiving written orders and a detailed oral explanation, reports to NCIS indicate that Captain Wacker violated those orders within one week of receiving them. Refusal by a Marine Corps officer to follow explicit orders relating to such a serious matter is

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inconsistent with the high standards of conduct expected of a Marine Corps officer, leaving me no choice but to submit this recommendation.

6. Accordingly, I recommend that Captain Wacker be terminated from the Excess Leave Program (Law) (ELP(L)) for deficiency in conduct and be returned to a regular duty status to afford him the opportunity to prepare his defense for a pending Article 32 investigation.



K. S. HELFRICH