



UNITED STATES MARINE CORPS
RECRUITING STATION BUFFALO
100 CORPORATE PARKWAY, SUITE 100
AMHERST, NEW YORK 14224

1133
ADM
22 Jan 11

From: Commanding Officer
To: Captain Jordan P. Then [REDACTED] USMC

Subj: COMMAND INVESTIGATION IN THE CASE OF GUNNERY SERGEANT
WILBERT OLMEDA [REDACTED] USMC

Ref: (a) JAG Manual
(b) DistO 5800.1B Standards of Conduct

1. Effective 22 January 2011, you are appointed to conduct a Command Investigation, in accordance with chapter 2 (par 0204) of reference (a), as soon hereafter as practicable, for the purpose of discovering all facts, evidence, and circumstances connected with these allegations.
2. You will conduct a thorough investigation of all circumstances concerning alleged illegal use of a government vehicle and government gas card.
3. Investigate all facts and circumstances surrounding the incident. If malpractice has occurred, determine any fault or negligence by Marines involved. Report your findings with opinions and recommendations to the Commanding Officer, RS Buffalo by 4 February 2011, unless an extension of time is granted.


R. M. HANCOCK



UNITED STATES MARINE CORPS
RECRUITING STATION BUFFALO
100 CORPORATE PARKWAY, SUITE 100
AMHERST, NEW YORK 14226

1133
Adm
4 Feb 11

From: Commanding Officer
To: Captain Jordan P. Then [REDACTED] USMC
Subj: EXTENSION ON COMMAND INVESTIGATION IN THE CASE OF GUNNERY
SERGEANT WILBERT OLMEDA [REDACTED] USMC
Ref: (a) JAG Manual
(b) DistO 5800.1B Standards of Conduct

1. You are hereby granted an extension for the command investigation surrounding the incident.
2. Report your findings with opinions and recommendations to the Commanding Officer, RS Buffalo by 18 April 2011.


R. M. HANCOCK



UNITED STATES MARINE CORPS
RECRUITING STATION BUFFALO
100 CORPORATE PARKWAY, SUITE 100
AMHERST, NEW YORK 14226

IN REPLY REFER TO:
5800
XO/JPT
18 Apr 11

From: Captain Jordan P. Then [REDACTED] USMC
To: Commanding Officer, Recruiting Station Buffalo
Subj: COMMAND INVESTIGATION, CASE OF GUNNERY SERGEANT WILBERT OLMEDA
XXX XX 9759/8412 USMC

Ref: (a) JAGMAN
(b) Disto 5800.1b Standards of Conduct

Encl: (1) Appointment Order
(2) Extension request
(3) MCTFS Print-outs ICO GySgt Olmeda
(4) fueleconomy.gov 2009 Pontiac G6 print-out
(5) fueleconomy.gov 2011 Chevy Malibu print-out
(6) Vehicle G10 4369H gas receipts
(7) Vehicle G10 3180K gas receipts
(8) Network Car printouts for vehicle G10 3180K
(9) Article 31 rights and statement of GySgt Olmeda
(10) Article 31 rights and statement of Sgt Tette
(11) Article 31 rights and statement of Sgt Moen
(12) Statement of GySgt Driver
(13) Statement of Maj Hancock
(14) Monthly mileage reports ICO vehicle G10 3180K
(15) Monthly mileage reports ICO vehicle G10 4369H
(16) MCRISS Assets page for RSS Syracuse
(17) Driving Directions from GySgt Olmeda's home to Clifford
Fuel station and to RSS Syracuse

1. This reports completion of the command investigation conducted in accordance with reference (a) and enclosure (1) into the alleged illegal use of a government vehicle and government gas card by Gunnery Sergeant Wilbert Olmeda XXX XX 9759/8412 USMC. All reasonably available evidence was collected in the conduct of this investigation.

~~a. An extension of time was granted by the Commanding Officer, Recruiting Station Buffalo as indicated in enclosure (2).~~

b. Some difficulties were faced in the conduct of this investigation due to the unavailability of photographic evidence from the many gas stations. Each gas station where Gunnery Sergeant Olmeda used his government gas card was contacted in order to obtain photographic evidence of the misuse of that card. Each gas station did not retain such photographic evidence. As a result, no photographic evidence was obtained. Additionally, Gunnery Sergeant

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Olmeda was not available to interview for a period of time due to his participation in the Advanced Course at Marine Corps Base Quantico.

c. Enclosures (1) through (17) represent the totality of materials reviewed for this investigation.

Findings of Fact

1. Gunnery Sergeant Wilbert Olmeda [REDACTED] USMC was the Non-commissioned Officer in Charge (NCOIC) of Recruiting Sub-station (RSS) Syracuse during the period covered by this investigation. [encl (3) and (9)]
2. Gunnery Sergeant Olmeda resides at 115 Jacob Lane, Chittenango, NY 13037. [encl (3)]
3. Gunnery Sergeant Olmeda checked in to Recruiting Station (RS) Buffalo on 31 August 2009. [encl (3)]
4. At the time of his check in he was assigned a 2009 Pontiac G6 government vehicle, license plate G10 4369H, VIN 2G3ZJ57B094253385. This vehicle remained assigned to him until 30 August 2010. [encls (6) and (15)]
5. Gunnery Sergeant Olmeda purchased gasoline with the government "Wright Express" gas card assigned to vehicle G10 4369H while outside of the limits of RS Buffalo on various occasions, described below: [encl (6)]
 - a. On Friday, 9 April 2010 at 1000 Gunnery Sergeant Olmeda purchased 12.342 gallons of gasoline with the government "Wright Express" gas card at Clifford Fuel in Chittenango, NY. [encl (6)]
 - b. On Tuesday, 27 April 2010 at 0709 Gunnery Sergeant Olmeda purchased 11.955 gallons of gasoline with the government "Wright Express" gas card at Clifford Fuel in Chittenango, NY. [encl (6)]
 - c. On Wednesday, 5 May 2010 at 1653 Gunnery Sergeant Olmeda purchased 12.564 gallons of gasoline with the government "Wright Express" gas card at Clifford Fuel in Chittenango, NY. [encl (6)]
 - d. On Friday, 4 June 2010 at 1858 Gunnery Sergeant Olmeda purchased 1.511 gallons of gasoline with the government "Wright Express" gas card at a Mobil station in Milford, CT. [encl (6)]
 - e. On Monday, 7 June 2010 at 0359 Gunnery Sergeant Olmeda purchased 10.969 gallons of gasoline with the government "Wright Express" gas card at Gulf Express in Lee, MA. [encl (6)]

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f. On Sunday, 20 June 2010 at 1459 Gunnery Sergeant Olmeda purchased 12.409 gallons of gasoline with the government "Wright Express" gas card at Clifford Fuel in Chittenango, NY. [encl (6)]

g. On Sunday, 27 June 2010 at 1839 Gunnery Sergeant Olmeda purchased 12.754 gallons of gasoline with the government "Wright Express" gas card at Clifford Fuel in Chittenango, NY. [encl (6)]

h. On Monday, 28 June 2010 at 1805 Gunnery Sergeant Olmeda purchased 13.346 gallons of gasoline with the government "Wright Express" gas card at Clifford Fuel in Chittenango, NY. [encl (6)]

i. On Saturday, 3 July 2010 at 0829 Gunnery Sergeant Olmeda purchased 12.326 gallons of gasoline with the government "Wright Express" gas card at Clifford Fuel in Chittenango, NY. [encl (6)]

j. On Tuesday, 20 July 2010 at 2031 Gunnery Sergeant Olmeda purchased 11.415 gallons of gasoline with the government "Wright Express" gas card at Clifford Fuel in Chittenango, NY. [encl (6)]

k. On Thursday, 22 July 2010 at 1931 Gunnery Sergeant Olmeda purchased 13.743 gallons of gasoline with the government "Wright Express" gas card at Clifford Fuel in Chittenango, NY. [encl (6)]

l. On Tuesday, 27 July 2010 at 1944 Gunnery Sergeant Olmeda purchased 13.225 gallons of gasoline with the government "Wright Express" gas card at Clifford Fuel in Chittenango, NY. [encl (6)]

m. On Monday, 2 August 2010 at 1846 Gunnery Sergeant Olmeda purchased 11.950 gallons of gasoline with the government "Wright Express" gas card at Clifford Fuel in Chittenango, NY. [encl (6)]

n. On Tuesday, 3 August 2010 at 2019 Gunnery Sergeant Olmeda purchased 16.801 gallons of gasoline with the government "Wright Express" gas card at Clifford Fuel in Chittenango, NY. [encl (6)]

o. On Sunday, 8 August 2010 at 1344 Gunnery Sergeant Olmeda purchased 12.648 gallons of gasoline with the government "Wright Express" gas card at Clifford Fuel in Chittenango, NY. [encl (6)]

p. On Saturday, 14 August 2010 at 1742 Gunnery Sergeant Olmeda purchased 12.751 gallons of gasoline with the government "Wright Express" gas card at Clifford Fuel in Chittenango, NY. [encl (6)]

6. Gunnery Sergeant Olmeda traveled to Connecticut on 16 August 2010, which is outside of the boundaries of RS Buffalo. [encl (6)]

7. Gunnery Sergeant Olmeda called Gunnery Sergeant Driver while he was in Connecticut because his government vehicle, G10 4369H, broke down. [encl (12)]

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8. Gunnery Sergeant Driver was told by Gunnery Sergeant Olmeda that the Commanding Officer, Major Hancock authorized him to drive his government vehicle while on liberty. [encl (12)]

9. Gunnery Sergeant Driver provided Gunnery Sergeant Olmeda with the information he needed to get the vehicle fixed. [encl (12)]

10. Major Hancock did not authorize Gunnery Sergeant Olmeda to use his vehicle while on liberty outside of the RS Buffalo AO. [encl (12)]

11. Gunnery Sergeant Olmeda utilized his government vehicle while on liberty in Massachusetts between 20 and 22 August 2010. [encl (6)]

12. Between April and August 2010 Gunnery Sergeant Olmeda purchased 350.54 gallons of gasoline and drove 6691 miles in vehicle G10 4369H, resulting in an average of 19.1 miles per gallon (mpg). [encls (6) and (15)]

13. Sergeant Phillip R. Tette [REDACTED] USMC is a canvassing recruiter assigned to RSS Syracuse. [encl (16)]

14. Sergeant Tette borrowed vehicle G10 4369H from Gunnery Sergeant Olmeda one day during the summer of 2010. Gunnery Sergeant Olmeda told him that the vehicle needed gas and that when he filled it up he needed to add 800 miles to the odometer reading because he "messed up and pressed the wrong button, I (Gunnery Sergeant Olmeda) have to fix it when I talk to Supply." [encl (10)]

15. Sergeant Tette proceeded to follow Gunnery Sergeant Olmeda's instructions and filled up the tank entering an incorrect odometer reading. [encl (10)]

16. Gunnery Sergeant Olmeda never reported any odometer issues to the RS Supply Chief, Gunnery Sergeant Mahlon K. Driver Jr. [REDACTED] USMC. [encl (12)]

17. Vehicle G10 4369H was turned over to Sergeant Christopher S. Moen [REDACTED] USMC, a canvassing recruiter assigned to RSS Syracuse on 1 September 2010. [encl (15)]

18. At the time of the turnover, Gunnery Sergeant Olmeda had reported to the RS, via his official monthly trip ticket, that vehicle G10 4369H had an odometer reading of 23,440 miles. [encl (15)]

19. Sergeant Christopher S. Moen [REDACTED] USMC is a canvassing recruiter with RSS Syracuse.

20. At that time Sergeant Moen was told by Gunnery Sergeant Olmeda that the odometer in vehicle G10 4369H was broken and that Sergeant Moen should call Gunnery Sergeant Olmeda whenever he needed to fill his ~~own~~ tank in order to input the correct odometer reading into the gas ~~09/29/2011~~. [encl (11)]

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[REDACTED] USMC

21. Sergeant Moen believed his NCOIC, and called to obtain the correct odometer readings during gasoline purchases over the next few months. [encl (11)]

22. Sergeant Moen also obtained the odometer readings to report to the RS on his monthly trip ticket from Gunnery Sergeant Olmeda. [encls (11) and (15)]

a. Sergeant Moen reported beginning mileage of 23,440 and ending mileage of 23,580 in September. [encls (11) and (15)]

b. Sergeant Moen reported beginning mileage of 23,580 and ending mileage of 24,369 in October. [encls (11) and (15)]

c. Sergeant Moen reported beginning mileage of 24,369 and ending mileage of 24,788 in November. [encls (11) and (15)]

d. Sergeant Moen reported beginning mileage of 24,788 and ending mileage of 25,162 in December. [encls (11) and (15)]

23. Between September and December 2010, Sergeant Moen purchased 91.611 gallons of gasoline and drove 1722 miles, resulting in his obtaining 18.8 miles per gallon of fuel efficiency. [encl (6)]

24. The Pontiac G6 obtains an estimated 25 miles per gallon in combined city/highway driving conditions. [encl (4)]

25. In January 2011, Sergeant Moen began reporting accurate odometer readings. His initial reading in January 2011 was 23,114 and his final reading for January 2011 was 23,684, nearly 1,500 fewer miles than were reported on 31 December. [encls (6), (11), and (15)]

26. Eventually, Sergeant Moen came to the conclusion that the odometer was not broken and that Gunnery Sergeant Olmeda was lying. On his next fill-up (January 2011), Sergeant Moen entered the accurate odometer reading. [encl (11)]

27. The first recorded mileage data for G10 4369H while Gunnery Sergeant Olmeda was assigned to it was on 1 November 2009. The ~~mileage at that time was 9,126.~~ The final mileage on the vehicle on 31 January 2011 was 23,684, which resulted in a total mileage driven of 14,558. During that period 1574.46 gallons of fuel were purchased on the "Wright Express" gas card assigned to vehicle G10 4369H, resulting in an average of 9.2mpg. [encls (6) and (15)]

28. Gunnery Sergeant Olmeda was issued a new 2011 Chevy Malibu, license plate G10 3180K, VIN 1G1ZA5E03AF278716, in August 2010. [encls (7) and (14)]

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[REDACTED] USMC

29. Gunnery Sergeant Olmeda purchased gasoline with the government "Wright Express" gas card assigned to vehicle G10 3180K while outside of the limits of RS Buffalo on various occasions, described below:
[encl (7)]

a. On Sunday, 15 August 2010 at 1255 Gunnery Sergeant Olmeda purchased 6.594 gallons of gasoline with the government "Wright Express" gas card at Sunoco in Chittenango, NY. [encl (7)]

b. On Thursday, 26 August 2010 at 2013 Gunnery Sergeant Olmeda purchased 8.883 gallons of gasoline with the government "Wright Express" gas card at Clifford Fuel in Chittenango, NY. [encl (7)]

c. On Friday, 27 August 2010 at 1835 Gunnery Sergeant Olmeda purchased 10.832 gallons of gasoline with the government "Wright Express" gas card at Clifford Fuel in Chittenango, NY. [encl (7)]

d. On Sunday, 12 September 2010 at 1338 Gunnery Sergeant Olmeda purchased 10.241 gallons of gasoline with the government "Wright Express" gas card at Clifford Fuel in Chittenango, NY. [encl (7)]

e. On Saturday, 2 October 2010 at 0840 Gunnery Sergeant Olmeda purchased 13.82 gallons of gasoline with the government "Wright Express" gas card at Clifford Fuel in Chittenango, NY. [encl (7)]

f. On Sunday, 3 October 2010 at 1241 Gunnery Sergeant Olmeda purchased 11.186 gallons of gasoline with the government "Wright Express" gas card at Clifford Fuel in Chittenango, NY. [encl (7)]

g. On Wednesday, 13 October 2010 at 0727 Gunnery Sergeant Olmeda purchased 12.276 gallons of gasoline with the government "Wright Express" gas card at Clifford Fuel in Chittenango, NY. [encl (7)]

h. On Sunday, 17 October 2010 at 1213 Gunnery Sergeant Olmeda purchased 13.670 gallons of gasoline with the government "Wright Express" gas card at Clifford Fuel in Chittenango, NY. [encl (7)]

i. On Sunday, 24 October 2010 at 1707 Gunnery Sergeant Olmeda purchased 12.702 gallons of gasoline with the government "Wright Express" gas card at Clifford Fuel in Chittenango, NY. [encl (7)]

j. On Sunday, 14 November 2010 at 1538 Gunnery Sergeant Olmeda purchased 12.410 gallons of gasoline with the government "Wright Express" gas card at Clifford Fuel in Chittenango, NY. [encl (7)]

j. On Tuesday, 16 November 2010 at 1909 Gunnery Sergeant Olmeda purchased 13.982 gallons of gasoline with the government "Wright Express" gas card at Clifford Fuel in Chittenango, NY. [encl (7)]

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[REDACTED] USMC

k. On Sunday, 21 November 2010 at 1729 Gunnery Sergeant Olmeda purchased 12.468 gallons of gasoline with the government "Wright Express" gas card at Clifford Fuel in Chittenango, NY. [encl (7)]

l. On Saturday, 4 December 2010 at 0940 Gunnery Sergeant Olmeda purchased 13.55 gallons of gasoline with the government "Wright Express" gas card at Clifford Fuel in Chittenango, NY. [encl (7)]

m. On Thursday, 9 December 2010 at 1727 Gunnery Sergeant Olmeda purchased 12.360 gallons of gasoline with the government "Wright Express" gas card at Clifford Fuel in Chittenango, NY. [encl (7)]

n. On Tuesday, 14 December 2010 at 0733 Gunnery Sergeant Olmeda purchased 13.537 gallons of gasoline with the government "Wright Express" gas card at Clifford Fuel in Chittenango, NY. [encl (7)]

o. On Saturday, 18 December 2010 at 1320 Gunnery Sergeant Olmeda purchased 12.63 gallons of gasoline with the government "Wright Express" gas card at Clifford Fuel in Chittenango, NY. [encl (7)]

p. On Tuesday, 28 December 2010 at 1908 Gunnery Sergeant Olmeda purchased 12.218 gallons of gasoline with the government "Wright Express" gas card at Clifford Fuel in Chittenango, NY. [encl (7)]

30. The Clifford Fuel station is 3.1 miles from Gunnery Sergeant Olmeda's home in Chittenango, NY and along the route to RSS Syracuse from Gunnery Sergeant Olmeda's home. [encl (17)]

31. Between August 2010 and the end of December 2010, Gunnery Sergeant Olmeda put 11,010 miles on vehicle G10 3180K. During that same period he purchased 597.79 gallons of gasoline. This represents an average mpg of 18.4. [encls (7) and (14)]

32. The 2011 Chevy Malibu is rated at 26mpg combined city/highway. [encl (5)]

33. The network car device in vehicle G10 3180K was functioning between 12 October and 12 November 2010. [encl (8)]

~~34. Between 12 October and 12 November 2010, Gunnery Sergeant Olmeda drove his government vehicle, G10 3180K, home at the end of the workday 25 times. [encl (8)]~~

35. On 17 September 2010 at 1827 Gunnery Sergeant Olmeda fueled up at the Clarence rest stop on I-90 westbound, the last rest stop before Buffalo, NY. [encl (6)]

36. Gunnery Sergeant Driver met Gunnery Sergeant Olmeda and his entire family at the Crowne Plaza hotel in Niagara Falls, NY, just North of Buffalo at 1935 on 17 September. [encl (12)]

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[REDACTED] USMC

37. Gunnery Sergeant Olmeda states in his written statement that he did not know that taking his government vehicle domicile to duty was against regulations, yet he signed a trip report each month that specifically states that domicile to duty is unauthorized. [encls (14) and (15)]

Opinions

1. Gunnery Sergeant Olmeda clearly purchased gasoline for vehicles other than his government vehicles, resulting in the appearance of very low average mpg achieved in his government vehicles. This low mpg rate is simply not possible in the fuel efficient vehicles that were used, proving that he must have purchased gasoline for other vehicles with his "Wright Express" government gas card. [FF (7), (16), (18), (22-25), (27), (34), and (35)]

2. Gunnery Sergeant Olmeda Drove his government vehicle home on a regular basis, as evidenced by the fact that many of his gasoline purchases are made in the same town in which he lives, a town which is outside of RS Buffalo's area of operations. [FF (5), (29), (33), and (34)]

3. Gunnery Sergeant Olmeda lied to Sergeants Moen and Tette and manipulated them into falsifying official documents in the form of odometer readings on trip reports and odometer readings submitted at the point of sale for gasoline purchases. [FF (14), (15), and (20-23)]

4. Gunnery Sergeant Olmeda knew Domicile to Duty government vehicle usage was illegal, yet did it anyways, over a period of time greater than one year, a flagrant violation of reference (b) and article 92 of the UCMJ. [FF (5), (24), (31), and (37)]

5. Gunnery Sergeant Olmeda either drove his family in his government vehicle to the Crowne Plaza in Niagara Falls or he filled up his POV with his "Wright Express" government gas card en-route to the Crowne Plaza with his family. Either way he violated article 92 of the UCMJ. [FF (35-36)]

6. Gunnery Sergeant Olmeda utilized his vehicle while in a liberty ~~status in Connecticut and Massachusetts, areas which are outside the~~ boundaries of RS Buffalo. [FF (6-13)]

7. Sergeant Moen submitted odometer readings which he knew to be false, making him guilty of violating article 107 of the UCMJ. [FF (14-21)]

8. Sergeant Tette is not responsible for entering the improper odometer reading for vehicle G10 4369H on one occasion because he believed that a legitimate error occurred. [FF (8-10)]

Subj: COMMAND INVESTIGATION, CASE OF GUNNERY SERGEANT WILBERT OLMEDA
[REDACTED] USMC

Recommendations

1. Gunnery Sergeant Olmeda be referred to trial by court martial for violations of articles 92 and 121 of the UCMJ
2. Sergeant Moen receive a 6105 counseling for his violation of article 107 of the UCMJ.
3. Sergeant Tette not be punished, administratively or judicially, for his role in this case.
4. I recommend that the following codes be entered in MCRISS:
 - a. Sergeant Moen: EBA.
 - b. Sergeant Tette: ECC.
 - c. Gunnery Sergeant Olmeda: EBB.

Jason P. Then
J. P. THEN



UNITED STATES MARINE CORPS
RECRUITING STATION BUFFALO
100 CORPORATE PARKWAY, SUITE 100
AMHERST, NEW YORK 14226

1133
Adm
APR 18 2011

FIRST ENDORSEMENT on Capt Then's ltr 5800 XO/JPT of 18 Apr 11

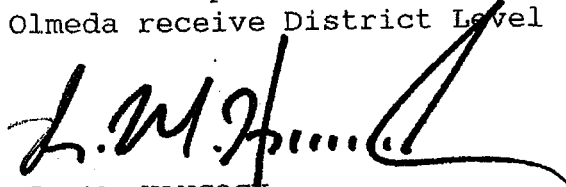
From: Commanding Officer, Recruiting Station Buffalo
To: Commanding General, Eastern Recruiting Region, Marine
Corps Recruiting Command
Via: Commanding Officer, 1st Marine Corps District, 605
Stewart Avenue, Garden City, NY 11530

Subj: COMMAND INVESTIGATION IN THE CASE OF GUNNERY SERGEANT
WILBERT OLMEDA [REDACTED] USMC

Ref: (a) Manual of the Judge Advocate General
(b) DistO 5800.1B Standards of Conduct

1. Forwarded.

2. I have reviewed the command investigation in its entirety. I concur with the Investigating Officer's findings of fact, opinions, and recommendations with the exception that I recommend that Gunnery Sergeant Olmeda receive District Level Non-judicial punishment.


R. M. HANCOCK



UNITED STATES MARINE CORPS

FIRST MARINE CORPS DISTRICT
EASTERN RECRUITING REGION
605 STEWART AVENUE
GARDEN CITY, NEW YORK 11530-4781

IN REPLY REFER TO:

5830

LEGAL

20 JUN 2011

SECOND ENDORSEMENT on Captain Then's ltr 58000 XO/JPT of 18 Apr 11

From: Commanding Officer
To: File

Subj: COMMAND INVESTIGATION, CASE OF GUNNERY SERGEANT WILBERT
OLMEDA [REDACTED] USMC

1. Closed. No further investigation needed.
2. I concur with the findings of fact and opinions of the Investigating Officer. I concur with the recommendations in part.
3. Gunnery Sergeant Olmeda will be referred to District Level Non-Judicial Punishment for violation of Articles 92x2 and 107 of the Uniform Code of Military Justice (UCMJ) for failure to obey order or regulation and providing false official statements. Specifically, Gunnery Sergeant Olmeda's unlawful actions include: failed to adhere to the statement of understanding for a government vehicle operation in that he used the government vehicle for domicile to duty; used a WEX card in an unauthorized manner in the amount of \$1,241.50; and, submitted odometer readings that he knew to be false.
4. It is directed that the Commanding Officer of Recruiting Station Buffalo process Gunnery Sergeant Olmeda for Relief of Cause due to misconduct and will also have a code of 'EBB' entered into his MCRISS screen. Additionally, Sergeant Moen will receive additional instruction on how to properly complete a First Marine Corps District trip report, to include accurate and specific reporting of the odometer reading.
5. Point of contact is Captain Canero, Adjutant, at commercial (516) 228-5655.


D. G. GOULET

UNIT PUNISHMENT BOOK (5812)
 NAVMC 10132 (REV. 4-02) (Previous editions will not be used.) (EF)

Distribution:
 Original copy to SR/NOGR
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 MEMBER

Staple Additional pages here.

1. OFFENSES (To include specific circumstances and the date and place of commission of the offense.)
 Art. 92 (Failure to obey order or regulation) - In that GySgt Olmeda, did, between on or about 9 April 2010 to 17 September 2010, misuse his assigned Government vehicle for domicile to duty, violating District Order 5800.1B.
 (Cont'd)

2. I have been advised of and understand my rights under Article 31, UCMJ. I also have been advised of and understand my right to demand trial by court-martial in lieu of non-judicial punishment. I (do not) demand trial and (will not) accept non-judicial punishment subject to my right of appeal. I further certify that (have) (have not) been given the opportunity to consult with a military lawyer, provided at no expense to me, prior to my decision to accept non-judicial punishment.

(DATE) 110421

(Signature of accused) *[Signature]*

3. The accused has been afforded these rights under Article 31, UCMJ, and the right to demand trial by court-martial in lieu of non-judicial punishment.

(DATE) 110621

(Signature of immediate CO of accused) *[Signature]*

4. BOOKER STATEMENT: I have been given the opportunity to consult with a lawyer, provided by the Government at no cost to me, in regard to a pending NJP for violation of Article(s) 92, 107 of the UCMJ. I understand I have the right to refuse that NJP; I (do not) choose to exercise that right. I further understand that acceptance of NJP does not preclude my command from taking other adverse administrative action against me.

(DATE) 110421

(Signature) *[Signature]*

5. UNAUTHORIZED ABSENCES (in excess of 24 hours) AND MARKS OF DESERTION
 NONE.

6. FINAL DISPOSITION TAKEN AND DATE

Forf of \$2012.00 pay per mo for 2 mos. Total forf \$4,024.00. 20110627

7. SUSPENSION OF EXECUTION OF PUNISHMENT, IF ANY.

NONE.

8. FINAL DISPOSITION TAKEN BY (Name, grade, title)

D. G. GOULET, COLONEL, COMMANDING OFFICER

9. Upon consideration of the facts and circumstances surrounding (this offense) ~~these offenses~~ and upon further consideration of the needs of military discipline in this command, I have determined the offense (s) involved herein to be minor and properly punishable under Article 15, UCMJ, such punishment to be that indicated.

(Signature of CO who took final disposition in 6)

[Signature]

10. DATE OF NOTICE TO ACCUSED OF FINAL DISPOSITION TAKEN.

20110627

11. The accused has been advised of the right of appeal.

20110627
 (DATE)

[Signature]
 (Signature of CO who took final action in 9)

12. Having been advised of and understanding my right of appeal, at this time I (do not) intend to file an appeal.

110427
 (DATE)

[Signature]
 (Signature of accused)

13. DATE OF APPEAL, IF ANY.

NONE.

14. DECISION ON APPEAL (IF APPEAL IS MADE), DATE THEREOF, AND SIGNATURE OF CO WHO MADE DECISION.

N/A
 (DATE)

N/A

(Signature of CO making decision on appeal)

15. DATE OF NOTICE TO ACCUSED OF DECISION ON APPEAL.

N/A

16. REMARKS

NONE.

17. Final administrative action, as appropriate, has been completed.

UD# 43A DTD 20110628 INIT *[Signature]*

18. UNIT

Recruiting Station Buffalo, First Marine Corps District

19. INDIVIDUAL (Last name, first name, middle initial)

OLMEDA, WILBERT

20. GRADE

GySgt/E-7

21. SSN

[Redacted]

Page 1

Adobe Designer 8.0

I acknowledge receipt of a copy of my UPB.

WILBERT OLMEDA
 Print/Sign

OLMEDA
 000133
 09/29/2011

ENCLOSURE (2)

(cont'd from block 1)

Art. 92 (Failure to obey order or regulation) - In that GySgt Olmeda, did, between on or about 9 April 2010 to 17 September 2010, misuse his assigned WEX card, to wit: a total of \$1241.50 for personal use, violating District Order 5800.1B.

Art. 107 (False official statement) - In that GySgt Olmeda, did, between on or about 9 April 2010 to 17 September 2010, with the intent to deceive, submit false official records, to wit: by submitting false odometer readings which were totally false and was then known by the said GySgt Olmeda to be so false.



UNITED STATES MARINE CORPS

FIRST MARINE CORPS DISTRICT
EASTERN RECRUITING REGION
605 STEWART AVENUE
GARDEN CITY, NEW YORK 11530-4761

IN REPLY REFER TO:

1610

ADMIN

2 AUG 2011

FIRST ENDORSEMENT on CO, RS BUF ltr 1610 ADMIN of 21 Jun 11

From: Commanding Officer
To: Commandant of the Marine Corps (MMEA-85)
Via: (1) Commanding General, Marine Corps Recruit Depot/Eastern
Recruiting Region
(2) Commanding General, Marine Corps Recruiting Command
Subj: RELIEF FOR CAUSE IN CASE OF GUNNERY SERGEANT WILBERT OLMEDA
XXX XX 9759/8412 USMC

Encl: (4) Copy of UPB dtd 27 Jun 11

1. Forwarded, concurring with the Recruiting Station Commanding Officer's recommendation that Gunnery Sergeant Olmeda be relieved from recruiting duty due to misconduct.
2. Gunnery Sergeant Olmeda was the subject of a command investigation for his alleged misuse of his assigned Government vehicle for domicile to duty travel, misuse of his assigned WEX card in total of \$1241.50, and for submitting false odometer readings. Per enclosure (4), Gunnery Sergeant Olmeda received District-Level Non-Judicial Punishment for violation of Articles 92, failure to obey an order or regulation and Article 107, false official statement, of the Uniform Code of Military Justice. As a result of this non-judicial punishment, Gunnery Sergeant Olmeda received forfeiture of pay in the amount of \$2,012 for two months, totaling \$4,024. Gunnery Sergeant Olmeda demonstrated a total disregard to District Order 5800.1b, Standards of Conduct which was counterproductive to mission accomplishment. Consequently, I recommend Gunnery Sergeant Olmeda be relieved of his duties as a career recruiter and his 8412 MOS be voided.
3. I do recommend Gunnery Sergeant Olmeda for retention in the United States Marine Corps.
4. Gunnery Sergeant Olmeda's Special Duty Assignment Pay will be terminated effective the final determination of his Relief for Cause as he is currently performing his duties as a career recruiter in the Officer Selection Assistant billet at Officer Selection Station Syracuse.


D. G. GOULET

OLMEDA
00006
09/29/2011

RECEIVED

CHARGE SHEET

I. PERSONAL DATA

1. NAME OF ACCUSED (Last, First, MI) OLMEDA, WILBERT		2. SSN 030 62 9759	3. RANK/RATE GySgt	4. PAY GRADE E-7
5. UNIT OR ORGANIZATION Recruiting Station Buffalo, New York, First Marine Corps District, Eastern Recruiting Region		AFADB: 19931012 DOB: 19730717	6. CURRENT SERVICE a. REENLIST DATE 20080530	b. TERM 4 Yrs 9 Mos
7. PAY PER MONTH			8. NATURE OF RESTRAINT OF ACCUSED	
a. BASIC \$4,024.50	b. SEA/FOREIGN DUTY N/A	c. TOTAL \$4,024.50	9. DATE(S) IMPOSED N/A	

II. CHARGES AND SPECIFICATIONS

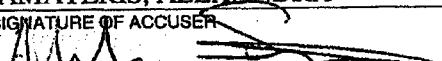
10.
Charge I: Violation of Article 92, Uniform Code of Military Justice

Specification 1: In that Gunnery Sergeant Wilbert Olmeda, U.S. Marine Corps, Recruiting Station Buffalo, New York, First Marine Corps District, Eastern Recruiting Region, on active duty, did, at divers locations in Connecticut, Massachusetts and New York, on divers occasions between on or about 31 August 2009 to on or about 31 August 2010, violate a lawful regulation, to wit: paragraph 2-301, Joint Ethics Regulation 5500.7-R, dated 29 November 2007, by wrongfully using a government vehicle for unauthorized purposes.

Specification 2: In that Gunnery Sergeant Wilbert Olmeda, U.S. Marine Corps, Recruiting Station Buffalo, New York, First Marine Corps District, Eastern Recruiting Region, on active duty, did, at divers locations in New York, on divers occasions between on or about 1 August 2010 to on or about 31 January 2011, violate a lawful regulation, to wit: paragraph 2-301, Joint Ethics Regulation 5500.7-R, dated 29 November 2007, by wrongfully using a government vehicle for unauthorized purposes.

(See Supplemental Pages)

III. PREFERRAL

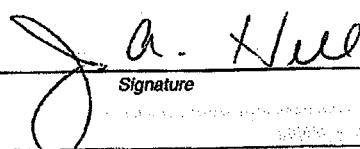
11a. NAME OF ACCUSER (Last, First, MI) STAMATERIS, ALEXANDRA	b. GRADE LCpl	c. ORGANIZATION OF ACCUSER HqSvcBn, MCRD, PISC
d. SIGNATURE OF ACCUSER 		e. DATE 20110929

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 29TH day of SEPTEMBER, 2011, and signed the foregoing charges and specifications under oath that he/she is a person subject to the Uniform Code of Military Justice and that he/she either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his/her knowledge and belief.

J. A. HILL

Typed Name of Officer
Captain, U.S. Marine Corps

Grade and Service



Signature

HqSvcBn, MCRD, PISC

Organization of Officer
Chief Trial Counsel

Official Capacity to Administer Oaths
(See R.C.M. 307(b)--must be commissioned officer)

12. On _____, 20 11, the accused was informed of the charges against him/her and of the name(s) of the accuser(s) known to me. (See R.C.M. 308(a)). (See R.C.M. 308 if notification cannot be made.)

J. M. MASLYN

Typed Name of Immediate Commander

Captain, U.S. Marine Corps

Grade

Signature

1MCD, GARDEN CITY, NY

Organization of Immediate Commander

IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13. The sworn charges were received at _____ hours, _____ 20 11 at 1MCD, GARDEN CITY, NY

Designation of Command or

Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)

FOR THE COMMANDING OFFICER

J. M. MASLYN

Typed Name of Officer

Captain, U.S. Marine Corps

Grade

Signature

Legal Officer

Official Capacity of Officer Signing

V. REFERRAL; SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY

b. PLACE

c. DATE

First Marine Corps District

Parris Island, SC

Referred for trial to the Special court-martial convened by Special Court-Martial Convening Order #01-11

DATED 11 April 20 11, subject to the following instructions:² None

By [Signature] of _____
Command or Order

D. G. GOULET

Typed Name of Officer

Colonel, U.S. Marine Corps

Grade

Signature

COMMANDING OFFICER

Official Capacity of Officer Signing

15. On _____, 20 11, I (caused to be) served a copy hereof on (each of) the above named accused.

J. A. HILL

Typed Name of Trial Counsel

Captain, U.S. Marine Corps

Grade or Rank of Trial Counsel

Signature

FOOTNOTES

1 -- When an appropriate commander signs personally, inapplicable words are stricken.
2 -- See R.C.M. 601(e) concerning instructions. If none, so state.

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Subj: U.S. v. Gunnery Sergeant Wilbert Olmeda, U.S. Marine Corps
XXX XX 9759

Specification 3: In that Gunnery Sergeant Wilbert Olmeda, U.S. Marine Corps, Recruiting Station Buffalo, New York, First Marine Corps District, Eastern Recruiting Region, on active duty, did, at divers locations in Connecticut, Massachusetts and New York, on divers occasions, between on or about 31 August 2009 to on or about 31 August 2010, violate a lawful regulation, to wit: paragraph 2-301, Joint Ethics Regulation 5500.7-R, dated 29 November 2007, by wrongfully using his government Fleet Charge Card for unauthorized purposes.

Specification 4: In that Gunnery Sergeant Wilbert Olmeda, U.S. Marine Corps, Recruiting Station Buffalo, New York, First Marine Corps District, Eastern Recruiting Region, on active duty, did, at or near Chittenango, New York, on divers occasions, between on or about 1 August 2010 to on or about 31 January 2011, violate a lawful regulation, to wit: paragraph 2-301, Joint Ethics Regulation 5500.7-R, dated 29 November 2007, by wrongfully using his government Fleet Charge Card for unauthorized purposes.

Charge II: Violation of Article 107, Uniform Code of Military Justice

Specification 1: In that Gunnery Sergeant Wilbert Olmeda, U.S. Marine Corps, Recruiting Station Buffalo, New York, First Marine Corps District, Eastern Recruiting Region, on active duty, did, at or near Syracuse, New York, between on or about 1 May 2010 to on or about 31 August 2010, with intent to deceive, make to Sergeant Phillip R. Tette, U.S. Marine Corps, an official statement, to wit: "Before you fill the car up with gas add 800 miles to the odometer reading because I messed it up and pressed the wrong button," or words to that effect, which statement was false in that the odometer was functioning correctly, and was then known by the said Gunnery Sergeant Olmeda to be so false.

Specification 2: In that Gunnery Sergeant Wilbert Olmeda, U.S. Marine Corps, Recruiting Station Buffalo, New York, First Marine Corps District, Eastern Recruiting Region, on active duty, did, at or near Syracuse, New York, between on or about 1 September 2010 to on or about 31 January 2011, with intent to deceive, make to Sergeant Christopher S. Moen, U.S. Marine Corps, an official statement, to wit: "Call me before you fill up the gas tank in the car to get the correct odometer reading because the odometer is broken," or words to that effect, which statement was false in that the odometer was not broken, and was then known by the said Gunnery Sergeant Olmeda to be so false.

Charge III: Violation of Article 121, Uniform Code of Military Justice

Specification 1: In that Gunnery Sergeant Wilbert Olmeda, U.S. Marine Corps, Recruiting Station Buffalo, New York, First Marine Corps District, Eastern Recruiting Region, on active duty, did, at or near Chittenango, New York, on divers occasions, between on or about 31 August 2009 to on or about 31 January 2011, steal United States currency, military property, of a total value of approximately \$1,136.53, the property of the United States government.

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Subj: U.S. v. Gunnery Sergeant Wilbert Olmeda, U.S. Marine Corps
XXX XX 9759

Specification 2: In that Gunnery Sergeant Wilbert Olmeda, U.S. Marine Corps, Recruiting Station Buffalo, New York, First Marine Corps District, Eastern Recruiting Region, on active duty, did, at or near Milford, Connecticut, on or about 4 June 2010, steal United States currency, military property, of a value of \$34.06, the property of the United States government.

Specification 3: In that Gunnery Sergeant Wilbert Olmeda, U.S. Marine Corps, Recruiting Station Buffalo, New York, First Marine Corps District, Eastern Recruiting Region, on active duty, did, at or near Lee, Massachusetts, on or about 7 June 2010, steal United States currency, military property, of a value of \$31.14, the property of the United States government.

Specification 4: In that Gunnery Sergeant Wilbert Olmeda, U.S. Marine Corps, Recruiting Station Buffalo, New York, First Marine Corps District, Eastern Recruiting Region, on active duty, did, at or near Chittenango, New York, on divers occasions, between on or about 31 August 2009 to on or about 31 January 2011, wrongfully appropriate United States currency, military property, of a total value of approximately \$1,136.53, the property of the United States government.

Specification 5: In that Gunnery Sergeant Wilbert Olmeda, U.S. Marine Corps, Recruiting Station Buffalo, New York, First Marine Corps District, Eastern Recruiting Region, on active duty, did, at or near Milford, Connecticut, on or about 4 June 2010, wrongfully appropriate United States currency, military property, of a value of \$34.06, the property of the United States government.

Specification 6: In that Gunnery Sergeant Wilbert Olmeda, U.S. Marine Corps, Recruiting Station Buffalo, New York, First Marine Corps District, Eastern Recruiting Region, on active duty, did, at or near Lee, Massachusetts, on or about 7 June 2010, wrongfully appropriate United States currency, military property, of a value of \$31.14, the property of the United States government.



UNITED STATES MARINE CORPS

FIRST MARINE CORPS DISTRICT
EASTERN RECRUITING REGION
605 STEWART AVENUE
GARDEN CITY, NEW YORK 11530-4761

5810
LEGAL
11 APR 2011

SPECIAL COURT-MARTIAL CONVENING)
ORDER NUMBER.....01-11)

Pursuant to the authority contained in Article 23(a), Uniform Code of Military Justice and Section 0120b, Manual of the Judge Advocate General, a Special Court-Martial is hereby convened. It may proceed at Marine Corps Recruit Depot, Parris Island, South Carolina, to try those persons who may be properly brought before it. The Court will be constituted as follows:

The following are detailed as members:

- Major Michael E. Ogden, U. S. Marine Corps;
- Major Kenneth K. Goedecke, U. S. Marine Corps;
- Major Alexander E. Gilbert, U. S. Marine Corps;
- Captain Harold J. Everhart, U. S. Marine Corps;
- Captain John Shim, U. S. Marine Corps;
- Master Sergeant Michael C. Mollica III, U. S. Marine Corps;
- Master Sergeant Frank Andolini, U. S. Marine Corps;
- Gunnery Sergeant Brian J. Baker, U. S. Marine Corps;
- Gunnery Sergeant Marcos A. Rodriguez, U. S. Marine Corps; and,
- Staff Sergeant Kyle J. Ochoa, U. S. Marine Corps.

The following are detailed as alternate members:

- Major Frank J. Brogna, U. S. Marine Corps;
- Master Sergeant David P. Goldberg, U. S. Marine Corps.

D. G. Goulet
D. G. GOULET
Colonel
U.S. Marine Corps
Commanding

WHY IS THIS
DATED 11 APRIL?
NJP went Jun 27