

# Judge Advocate Support Division

COMMANDANT OF THE MARINE CORPS  
HEADQUARTERS US MARINE CORPS (JAS)  
3000 MARINE CORPS PENTAGON  
WASHINGTON, D.C. 20350-3000  
Comm: (703) 614-1318/3412 Fax: (703) 697-2771  
DSN: 224-XXXX



To: PUCKETT + FARAJ Fax: 202-280-1039  
FROM: CAPTAIN LIEBENGUTH Date: 5 May 2009  
Re: CAPT WACKER Pages including  
cover sheet: 3  
CC: \_\_\_\_\_  
 Urgent     For Review     Please Comment     Please Reply     Please Recycle

GENTLEMEN:

IF YOU NEED ANYTHING ELSE, MY DIRECT LINE IS  
703-693 8405.

v/r  
Capt Liebenguth



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

IN REPLY REFER TO:  
5000  
JAS/jrl  
MAY 04 2009

From: Staff Judge Advocate to the Commandant of the Marine Corps

To: Captain Douglas S. Wacker 9313/4401 USMC

Subj: NOTICE OF DISENROLLMENT FROM THE EXCESS LEAVE PROGRAM (LAW)/ELP(L)

Ref: (a) SECNAVINST 1520.7F  
(b) LEGADMINMAN, Chapter 19

Encl: (1) SJA to CMC ltr 5000 JAS of 9 Mar 09  
(2) Capt Wacker's response ltr of 14 April 2009 via the law firm of Puckett and Faraj

1. On 19 March 2009, you were served notice that, pursuant to reference (a) and (b) and as stated in enclosure (1), you were being considered for disenrollment from the Excess Leave Program (Law) for deficiency in conduct. Enclosure (1) indicated that you had an opportunity to make a written reply regarding your consideration for disenrollment within 30 days of receipt of the notice, which was received by you on 19 Mar 2009. You subsequently responded in writing on 14 Apr 2009 via the law firm of Puckett and Faraj, enclosure (2).

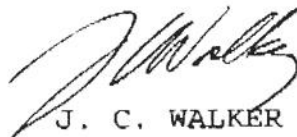
2. After careful consideration of all available information, including your written response, and pursuant to reference (a), I have determined that there is good cause to disenroll you from the Excess Leave Program (Law).

3. The grounds for your disenrollment are deficiency in conduct as detailed in enclosure (1). Specifically, enclosure (1) indicates that while you were under investigation by NCIS for allegedly violating articles 120 and 134 of the UCMJ, you violated a Military Protective Order (MPO) to not contact any of the alleged victims or witnesses related to the investigation. Your written response, which argues that that you did not violate the MPO, as you initially understood it, is not persuasive. The subject MPO, dated 9 Jan 2009, is clear and unambiguous—you were not to have any contact, be it verbally, physically, by email, letter, phone, or via a third party, with the individuals listed therein. The evidence indicates that you

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violated the MPO by having contact after 9 Jan 2009 with persons listed on the MPO. This behavior is inconsistent with the high standards of conduct for a Marine officer and the ethical standards of the legal profession.

4. Therefore, you are hereby officially notified of your disenrollment from the Excess Leave Program (Law). Your disenrollment is effective immediately. A copy of this notice has been provided to MMOA-1 for follow on assignment in your primary MOS.



J. C. WALKER

Copy to:  
MMOA-1  
MMOA-5  
MPP-30  
CG, MCRD San Diego  
CG, TECOM  
CG, MCCDC