From: Choike Col Daniel J
Sent: Thursday, March 10, 2011 3:55 PM
To: Oltman Col Robert G
Cc: Ebitz Maj Amy R; Kauzlarich Col Mark M
Subject: RE: Manning Status
Signed By: (b) (6) [redacted]

Bob,
What you have listed below is on target. The instructions given to me were best passed on personally to CWO2 Barnes, based upon the last two lengthy meetings with the CG. I don't prefer this approach and would rather go through you, but your TAD trip and absence creates this situation. Much is lost in email missives.

I just got off the phone with CWO2 Barnes and let her know about your email and the CG's intent. I know how things go and what you have done in the past in terms of notifying me, I only ask/reconfirm that any decisions to change handling instructions or assignment status is briefed first, before executed. Actions required to save life and/or protect from injury are not included in this for obvious reasons.

You and I supporting/concurring with the Brig OIC's decisions that change handling instructions or assignment status, without passing that info to CG MCCDC for consideration, is no longer acceptable. We/you are not going to get anything in writing from CG MCCDC if he rejects/modifies a recommendation. Memo's for the record can be discussed more between you and I, in an effort to address your concerns about proper documentation/file keeping.

Summary - #1 - yes adhere to the chain of command, and hopefully you understand why that didn't happen right now. #2 Yes - recommendations forwarded to me for discussion and concurrence and then recommendation forwarded to CG, MCCDC before implementation. I will not blindly forward a recommendation to the CG, instead I'll discuss it with you so you will know exactly what I forward. #3 Non-concurrence in writing - we need to discuss and determine the best way to document decision/final actions for the record. CG wants to be able to determine political impact, media interest, legal ramifications, and senior leadership reactions, and can't do so without him being in the loop upfront.

SF, Dan

PS- When do you get back?

Col Daniel J. Choike, USMC
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Quantico, VA 22134-5001

(b) (6) [redacted]

-----Original Message-----
From: Oltman Col Robert G
Sent: Thursday, March 10, 2011 14:02
To: Kauzlarich Col Mark M; Choike Col Daniel J

APPELLATE EXHIBIT 419b
PAGE REFERENCED:_____
PAGE___OF___PAGES

Cc: Ebitz Maj Amy R
Subject: Manning Status

Gents

Just got off phone with XO. She has informed me that any changes in Manning Status must be approved by Base CO. I think there is an assumption being made that CWO2 Barnes is acting alone and unafraid in her decision process with regard to status and or handling instruction changes with regard to Manning. That is not the case. She and I discuss, same as I did with Averhart, every decision and every change and to date I have concurred with all. Also every change has been discussed with the Boss. Not sure how much more involved we can be. Understand where guidance is coming from and we will do as directed. However I respectfully make the following requests 1) We adhere to the chain of command. Barnes will conact me and I will contact Base CO. 2) Based on conditions etc we, Sec BN will make a recommendation/request to implement the change. Should there be non concurrence and different guidance given we would like to have it in writing in order to annotate in the file. We can set up whatever paperwork is required.

We are on board just want to ensure the files are properly documented.

R/rgo
Sent from my BlackBerry Handheld