UNITED STATES MARINE CORPS
MARINE CORPS BASE
QUANTICO, VIRGINIA 22134-5001

IN REPLY REFER TO:
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B052
FEB 11 2011

From: Commander, Marine Corps Base, Quantico, Virginia
To: Chief Warrant Officer 5 Abel Galaviz 6571/5804 USMC

Subj: SPECIAL INQUIRY INTO THE ARTICLE 138 COMPLAINT SUBMITTED ON 19 JANUARY 2011 BY PRIVATE FIRST CLASS BRADLEY MANNING, U.S. ARMY

Ref: (a) JAGMAN

Encl: (1) PFC Manning's Art 138 complaint w/ response

1. This appoints you, per chapter 3 of the reference, to conduct a review of the facts and circumstances surrounding the decisions made by the Command of the Quantico pretrial confinement facility as outlined in the enclosure. In his complaint, Private First Class Manning (PFC Manning) alleges that his classification as a maximum custody detainee by Chief Warrant Officer 4 Averhart was an abuse of discretion. He further alleges that his assignment as a suicide risk is based upon an inappropriate reason and is also an abuse of Chief Warrant officer Averhart's discretion. He also that placing in a prevention of injury status for over five months was outside Chief Warrant Officer Averhart's discretion.

2. I request that you review this matter and provide specific findings on the following issues:

a. Are the conditions of PFC Manning's confinement authorized by applicable Navy and Marine Corps regulations?

b. Did Chief Warrant Officer 4 Averhart abuse his discretion in classifying PFC Manning as a maximum custody detainee?

c. Did Chief Warrant Officer 4 Averhart abuse his discretion in placing PFC Manning in a prevention of injury status?

d. Did Chief Warrant Officer 4 Averhart abuse his discretion in placing PFC Manning in a suicide risk status?

3. In accordance with chapter 3 of the reference, I am required to resolve this issue within 90 days of receipt of the initial complaint. Accordingly, you will provide a written report to me **no later than 28 February 2011.** Should you require more time to complete this inquiry, you must request additional time via e-mail to my Staff Judge Advocate, LtCol Christopher M. Greer. A request for delay longer than 14 days should be addressed to me.

4. By copy of this appointing order, the Commanding officer, Security Battalion, is directed to furnish necessary access to personnel and

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documentation. As PFC Manning is represented by counsel, should it become necessary to speak with him in the course of the investigation, you must coordinate any communication to him via the Staff Judge Advocate.

D. J. CHOIKE