



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:
1752
MFC-3

28 FEB 2012

From: Commandant of the Marine Corps
To: Distribution list

Subj: LETTER OF INSTRUCTION ON SUBMITTING AND PROCESSING TRANSFERS OF
MILITARY SERVICE MEMBERS WHO FILE UNRESTRICTED REPORTS OF
SEXUAL ASSAULT

Ref: (a) DTM 11-063: Expedited Transfer of Military Service
Members Who File Unrestricted Reports of Sexual
Assault

Encl: (1) Example Expedited Transfer request from victim
(2) Example Expedited Transfer Request from the commanding
officer

1. Situation. Reference (a) established Department of Defense policy and procedures on expediting the transfer of a Service Member who filed an Unrestricted Report of sexual assault.

2. Mission. To provide guidance to Commanding Officers (COs) and Sexual Assault Response Coordinators (SARCs) on processing transfer requests of Marines who filed an Unrestricted Report of sexual assault.

3. Execution

a. Commander's Intent. COs shall review the reference and expeditiously process a request for transfer of a Marine who files an Unrestricted Report of sexual assault. Every reasonable effort shall be made to minimize disruption to the normal career progression of Marines who seek a transfer following a report that he or she was the victim of sexual assault.

b. Concept of Operations

(1) The SARC shall ensure that Uniformed Victim Advocates/Victim Advocates inform Marines, at the time they elect to file an Unrestricted Report of sexual assault or as soon as practicable, of their option to request a temporary or permanent transfer from their assigned command or base, or to a different location within their assigned command or base. COs will inform Marines of this option in cases where the Marine reports a sexual assault directly to the CO.

(2) Headquarters Marine Corps Sexual Assault Prevention and Response (SAPR) (MFC-3) will work in conjunction with Manpower Management (MM) to facilitate approved requests for transfer.

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c. Coordinating Instructions

(1) Marines requesting a transfer under this policy shall submit a signed and dated written request to their CO. A sample request is provided at enclosure (1). For confidentiality reasons, no details about the reason for request should be included. The NAVMC 10274 Administrative Action Form shall not be used for transfers under this policy.

(2) COs shall approve or disapprove a request for transfer within 72 hours of receiving a signed and dated written transfer request. COs shall document the date and time the request was received.

(3) A presumption is established in favor of transferring a Marine who submits a request to transfer following a credible Unrestricted Report of sexual assault. The CO shall make a credible report determination at the time the request is made after considering the advice of the supporting judge advocate, or other legal advisor concerned, and the available evidence. The credible report determination shall be made within the 72 hour period and in no circumstances shall the determination delay the responsibility to approve or disapprove a transfer request within the 72 hour period. For purposes of this transfer request determination, a credible report of sexual assault is a report having reasonable grounds to believe that an offense constituting sexual assault has occurred.

(4) COs shall make a determination and provide his or her reasons and justification on the transfer of a Marine based on a credible report of sexual assault. COs shall consider the following prior to making a decision to approve or disapprove a transfer request:

- (a) The Marine's reasons for the request.
- (b) Potential transfer of the alleged offender instead of the Marine requesting the transfer.
- (c) Nature and circumstances of the offense.
- (d) Whether a temporary transfer would meet the Marine's needs and the operational needs of the unit.
- (e) Training status of the Marine requesting the transfer.
- (f) Availability of positions within other units on the installation.
- (g) Status of the investigation and potential impact on the investigation and future disposition of the offense, after

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consultation with the investigating Military Criminal Investigative organizations.

(h) Location of the alleged offender.

(i) Alleged offender's status (service member or civilian).

(j) Other pertinent circumstances or facts, e.g., length of time between sexual assault and request to transfer.

(5) If the Marine's request is approved, the CO shall immediately forward the approved request to MFC-3. A sample request for expedited transfer is provided at enclosure (2).

(6) If the Marine's request is disapproved, the Marine shall be given the opportunity to request review by the first general or flag officer in the chain of command, or a Senior Executive Service (SES) equivalent (if applicable).

(a) If the Marine does not request further review, the CO shall forward the package, with reason(s) for disapproval, to MFC-3 for record purposes only. No action will be taken by MFC-3.

(b) If the Marine requests further review, the CO shall expeditiously forward the request with reason for disapproval to the first general or flag officer in the chain of command (or an SES equivalent). The decision of the first general or flag officer (or SES equivalent) in the chain of command to approve or disapprove must be made within 72 hours of submission of the request for review. Status as a General Court-Martial Convening Authority does not in itself provide authority to act on transfer requests under this paragraph.

1. If approved by the first general or flag officer in the chain of command (or an SES equivalent) the package will be endorsed and forwarded to MFC-3.

2. If disapproved by the first general or flag officer in the chain of command (or an SES equivalent) the package, with reason for disapproval, will be forwarded to MFC-3 for record purposes only. No action will be taken by MFC-3.

(7) COs will notify the Marine in writing of their decision to approve or disapprove the transfer request. Additionally, for approved requests, the Marine's CO (or the CO's designee) shall directly counsel the Service member to ensure that he or she is fully informed regarding reasonably foreseeable career impacts, the potential impact of the transfer or reassignment on the investigation and case disposition, or the initiation of other adverse action

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granting the request. Marines requesting the transfer shall be informed that they may have to return for the prosecution of the case, if the determination is made that prosecution is the appropriate command action.

(8) Upon receipt of the approved request for expedited transfer, MFC-3 will coordinate with the Deputy Director, Manpower Management for active duty Marines and the Branch Head, Reserve Affairs Management for Active Reserve Marines to effect the transfer.

(9) Requests for expedited transfer by Sailors attached to Marine Corps Units will be coordinated by the unit with Navy Personnel Command (Pers-833), Personnel Security Branch Caseworker. The point of contact is Mr. Jerry Gorham at 901-874-4412.

(10) MFC-3 is not the point of contact to request a replacement. Replacements should be requested via the traditional manpower chain.

4. Administration and Logistics

a. Administration. To protect confidentiality, Personally Identifiable Information (PII) will not be included on any paperwork pertaining to the request for expedited transfer being forwarded to MFC-3. Only the tracking identification number, as it appears in SAIRD, will be used to identify the Marine. The tracking identification number will be provided to the CO by the SARC providing services to the Marine. MFC-3 will collect all information needed to execute the transfer from the Point of Contact listed on the request over the phone.

b. Logistics. Requests for expedited transfer can be scanned and forwarded to MFC-3 via e-mail. Copies will be maintained by MFC-3 in a locked filing cabinet.

5. Command and Signal

a. Requests for expedited transfer should be forwarded to Captain K. A. Mobley at kimberly.mobley@usmc.mil and Ms. Gail Reed at gail.reed@usmc.mil.

b. Point of contact for additional information is Captain K. A. Mobley at 703-432-9100 or kimberly.mobley@usmc.mil.



R. F. HEDELUND
Director
Marine and Family
Programs Division

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Distribution list:

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1752

IMM

Date

From: I. M. Marine
To: Commanding Officer, Headquarters and Service Battalion,
Quantico, VA

Subj: REQUEST FOR EXPEDITED TRANSFER

Ref: (a) DTM 11-063: Expedited Transfer of Military Service
Members Who File Unrestricted Reports of Sexual
Assault

1. Per the reference, I am requesting an expedited transfer.
2. Point of contact is D. R. Marine, Command SARC, at 123-456-7890 or d.marine@usmc.mil.

To protect confidentiality, as few people as possible should know about the assault and request for transfer. Ensure the POC is someone who is already involved in the process (i.e. the SARC or UVA)

I. M. MARINE

ENCLOSURE (/)

LETTERHEAD

1752

CO

Date

From: Commanding Officer, Headquarters and Service Battalion,
Quantico, VA

To: HQMC, Sexual Assault Prevention and Response Office (MFC-3)

Subj: REQUEST FOR EXPEDITED TRANSFER CASE OF T9900

Tracking ID
Number as
seen in SAIRD

1. Request expedited transfer for individual with tracking ID number
T9900.

2. Point of contact is D. R. Marine, Command SARC, at 123-456-7890 or
d.marine@usmc.mil.

To protect confidentiality, as few people as possible should know about the assault and request for transfer. Ensure the POC is someone who is already involved in the process.

I. M. COMMANDING

Must be signed by the Commanding
Officer or someone with Acting
authority

ENCLOSURE (2)