



**UNITED STATES MARINE CORPS**

3D BN 2D MARINES 2D MAR DIV  
PSC BOX 20096  
CAMP LEJEUNE NC 28542-0096

IN REPLY REFER TO:  
1910  
LEGAL

From: Commanding Officer, 3d Battalion, 2d Marines, 2d Marine Division, MarForLant  
To: Corporal Ronnie L. Kimble 240 47 9667/0311 USMC

Subj: ADMINISTRATIVE SEPARATION PROCEEDINGS IN THE CASE OF CORPORAL  
RONNIE L. KIMBLE 240 47 9667/0311 USMC

Ref: (a) MCO P1900.16E

Encl: (1) SNM's Acknowledgment of Rights  
(2) Purpose and Scope of the NDRB and BCNR

1. You are hereby notified that I intend to recommend to the Commanding General that you be discharged from the Marine Corps pursuant to paragraph 6210.6 of the reference by reason of misconduct due to commission of a serious offense.

2. This recommendation is based upon your civilian arrest for suspicion of commission of NCGS 14-17, 1st degree murder.

3. The least favorable characterization of service which you may receive is under other than honorable conditions. Although the Commanding General will make the determination of characterization if you are separated, I am recommending you receive a discharge under other than honorable conditions.

4. As a result of these separation proceedings, you have the following rights:

a. You have the right to consult with qualified counsel prior to electing or waiving any of your rights. Major J. G. Meeks, USMC, Legal Services Support Section, 2d Force Service Support Group, a qualified counselor, can be contacted at (910) 451-8508/8023. It is in your best interest to do so prior to waiving any of your rights.

b. You have the right to request a hearing before an administrative discharge board.

c. You have the right to present written statements to the Commanding General in rebuttal to this proposed separation and in lieu of having a hearing.

d. You have the right to obtain copies of documents that will be forwarded to the Commanding General supporting the basis of this proposed separation. Classified documents shall be summarized.

e. You have the right to waive any of these rights after being afforded an opportunity to consult with counsel.

5. Should you request a hearing before an administrative discharge board, you would be afforded the following rights:

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- a. To appear in person before such a board or be represented by counsel if you are confined by civil authorities.
  - b. To be represented by a military counsel appointed for you, or of your own choice if reasonably available.
  - c. To be represented by a civilian counsel if you desire and at your own expense.
  - d. To challenge voting members of the board or the legal advisor, if any, for cause only.
  - e. To testify in your own behalf, subject to the provisions of Article 31, UCMJ (Compulsory Self-Incrimination Prohibited); and the right to make a sworn or unsworn statement before the board.
  - f. At any time during the proceedings you or your counsel may submit written or recorded matter for consideration by the board.
  - g. You or your counsel may call witnesses on your behalf.
  - h. You or your counsel may examine evidence presented to the board and may cross-examine any witnesses who appear before the board.
  - i. You or your counsel may present argument prior to the board's closing the hearing for deliberations on findings and recommendations.
  - j. Upon written request to the Commanding General, to be provided with a copy of the report of the board and endorsement thereon.
  - k. Failure to appear without good cause at a hearing constitutes waiver of your right to be present at the hearing.
  - l. Failure to respond after being afforded a reasonable opportunity to consult with counsel constitutes waiver of the rights in paragraphs 6304.1d to 1m of the reference.
6. Information on the Purpose and Scope of the NDRB and BCNR is provided to you as enclosure (2) and requires your signature in acknowledgment that you have read and understand its contents.
7. You are directed to respond, by endorsement on this correspondence, not later than 3 May 1997, by completing the first endorsement there to. Failure to respond by that time constitutes a waiver of your rights.

  
J.L. LEDOUX



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From: Corporal Ronnie L. Kimble 240 47 9667/0311 USMC  
To: Commanding Officer, 3d Battalion, 2d Marines, 2d Marine Division, MarForLant

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1. Returned.

2. RLK I acknowledge receipt of the basic correspondence notifying me of proceedings to recommend to the Commanding General that I be separated from the Marine Corps by reason of misconduct due to commission of a serious offense pursuant to paragraph 6210.6 of the reference.

3. RLK I understand that I am being recommended for separation with an under other than honorable characterization of service and that the least favorable characterization which I may receive is under other than honorable conditions.

4. In view of the above, I choose to exercise the following rights:

RLK I ~~(have)~~ <sup>RLK</sup> (have not) consulted with counsel. I realize it is in my best interests to do so prior to exercising or waiving any of my rights. The counsel that I consulted with is: \_\_\_\_\_

RLK I (do) ~~(do not)~~ <sup>RLK</sup> request a hearing before an administrative discharge board.

RLK In lieu of a hearing, I ~~(have)~~ <sup>RLK</sup> (have not) included written statements in rebuttal to this proposed separation.

RLK I (do) ~~(do not)~~ <sup>RLK</sup> desire to obtain copies of documents that will be forwarded to the Commanding General supporting this proposed discharge.

5. If I requested a hearing before an administrative discharge board, I realize I have the following rights:

RLK a. To appear in person before such a board or be represented by counsel if I am confined by civil authorities.

RLK b. To be represented by military counsel appointed by the government or of my own choice, if determined to be reasonably available.

RLK c. To be represented by civilian counsel if I desire and at my own expense.

RLK d. To challenge voting members of the board or the legal advisor, if any, for cause only.

ENCLOSURE ( 1 )

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RLK e. To testify in my own behalf, subject to the provisions of Article 31, UCMJ (Compulsory Self-Incrimination Prohibited); and the right to make a sworn or unsworn statement before the board.

RLK f. At any time during the proceedings I or my counsel may submit recorded matter for consideration by the board.

RLK g. I or my counsel may call witnesses on my behalf.

RLK h. I or my counsel may examine evidence presented to the board and may cross-examine any witnesses who appear before the board.

RLK i. I or my counsel may present argument prior to the board's closing the hearing for deliberations on findings and recommendations.

RLK j. Upon written request to the Commanding General, to be provided with a copy of the report of the board and the endorsement thereon.

RLK k. Failure to appear without good cause at a hearing constitutes a waiver of my right to be present at the hearing.

6. RLK I have read and fully understand the information contained in the Purpose and Scope of the Navy Discharge Review Board and the Board for Correction of Naval Records form, enclosure (2), have signed the form, have retained a copy of the form, and hereby return the basic correspondence and the enclosure for command action.

*Ronnie L. Kimble*  
R. L. KIMBLE

Witness/ *Dellon M. Kelly* Date 3 April 1997

NAVY DISCHARGE REVIEW BOARD/BOARD FOR CORRECTION OF NAVAL RECORDS ADVICE SHEET

The Board for Correction of Naval Records, consisting of not less than three members, was established pursuant to 10 U.S.C. 1552, and considers all applications properly before it for the purpose of determining the existence of an error or an injustice, and to make appropriate recommendations to the Secretary of the Navy. Application may be made by the member or former member, or such other persons as the board determines to be competent for such purpose. The Board for Correction of Naval Records, unlike the NDRB, may review discharges awarded by a general court-martial. Other types of cases reviewed by this board include, but are not limited to those involving requests for physical disability retirement; the cancellation of a physical disability discharge, and substituting, in lieu thereof, retirement for disability; and increase in the percentage of physical disability; the removal of derogatory material from an official record; the review of nonjudicial punishment; and the restoration of rank, grade, or rating. Also, this board will review the case of a person who is in a Reserve component and who contends that the release from active duty should have been honorable, rather than under honorable conditions.

The law requires that application be filed with the Board for Correction of Naval Records within 3 years of the date of the discovery of the error or injustice. However, the board is authorized to excuse the fact that the application was filed at a later date if it finds it to be in the interest of justice to consider the application. The board is empowered to deny an application without a hearing if it determines that there is insufficient evidence to indicate the existence of probable material error or injustice to the respondent.

No application will be considered by this board until the applicant has exhausted all other effective administrative remedies afforded by existing law or regulations, and such other legal remedies as the board shall determine are practical and appropriately available to the applicant.

An application to the board for the correction of a record shall not operate as a stay of any proceedings being taken with respect to the person involved.

The board will consider the applicant's case on the basis of all the material before it, including but not limited to, the application for correction filed by the applicant, any documentary evidence filed in support of such applications, any brief submitted by or in behalf of the applicant, and all available pertinent records in the Department of the Navy. The applicant's service record is but one of the records which may be considered by the board.

In cases other than denied applications, the record of proceedings of the board will be forwarded to the Secretary of the Navy who will direct such actions as determined to be appropriate.

In connection with review of executed discharges by the Board for Correction of Naval Records, there is no law or regulation which provides that an unfavorable discharge may be changed to a more favorable discharge solely because of the expiration of period of time after discharge during which the respondent's behavior has been exemplary. To permit relief, an error or injustice must be found to have existed during the period of the enlistment in question and the respondent's good conduct after discharge, in and of itself, is not sufficient to warrant changing an unfavorable discharge to a more favorable type of discharge.

Applications for review and explanatory matter may be obtained by writing the Board for Correction of Naval Records, Department of the Navy, Washington, D.C. 20370.

The Navy Discharge Review Board (NDRB), consisting of five members, was established pursuant to 10 U.S.C. 1553 in order to review, on its own motion; or upon the request of any former member of the Navy or Marine Corps; or in the case of a deceased member or former member of the Navy or Marine Corps, upon the request of the surviving spouse, next of kin, or legal representative, or if incompetent by the member's guardian; the type and nature of final discharges in order to determine whether or not, under reasonable standards of naval law and discipline, the type and nature of the discharge should be changed, corrected, or modified, and if so, to decide what modification should be made. The board may also issue a new discharge in accord with the facts presented to it.

The NDRB may review all final separations from the naval service, irrespective of the manner evidenced or brought about, except a discharge awarded by a general court-martial, or a discharge executed more than 15 years before date of review application. Such review is based on all available records of the Department of the Navy pertaining to the former member, and such evidence as may be presented or obtained by the board.

The NDRB has no authority to revoke any discharge; nor to reinstate any person in the military service subsequent to discharge; nor to recall any person to active duty; nor to waive prior disqualifying discharges to permit enlistment in the naval service or any other branch of the Armed Forces; nor to cancel enlistment contracts; nor to change, correct nor modify and document other than the discharge document; nor to change the reason for discharge from or to physical disability; nor to determine eligibility for veterans' benefits. The board may, at its discretion, record a recommendation for reenlistment as part of its decision in any case; however, such recommendation is not binding upon the Commandant of the Marine Corps nor upon the secretary of the Navy.

Relevant and material facts germane to the former member concerned found by a general or special court-martial, or by a inquiry or board of investigation where the former member was in the status of a defendant or an interested party, as approved by the reviewing authorities, shall be accepted by the board as established facts in the absence of manifest error or unusual circumstances clearly justifying a different conclusion. Relevant and material facts stated in a specification to which the former member concerned pleaded guilty before a general or special court-martial, or where, upon being confronted by such a specification, the former member elected to request discharge for the good of the service, shall be accepted by the board as established facts in the absence of manifest error or unusual circumstances clearly justifying a different conclusion, or unless the former member shall show to board's satisfaction, or it shall otherwise appear, that arbitrary or coercive action was taken against the member at the time, which action was not apparent to the reviewing authority from the face of the record.

The evidence before the board which may be considered in connection with a particular discharge document will normally be restricted to that which is relevant and material to the former member's particular term of Marine Corps service or during that term of Marine Corps service, or at the time of separation.

In order to warrant a change, correction, or modification of the original document evidencing separation from the Marine Corps, the former member concerned must show to the satisfaction of the board, or it must otherwise satisfactorily appear, that the original document was improperly or inequitably issued under standards of naval law and discipline existing at the

time of the former member's original separation, or under such standards differing therefrom in the former member's favor which subsequent to separation, were made expressly retroactive to separations of the type and character had by the former member.

In connection with review of executed discharges by the NDRB there is no law or regulation which provides that an unfavorable discharge may be changed to a more favorable discharge solely because of the expiration of a period of time after discharge during which the respondent's behavior has been exemplary. To permit relief, an error or injustice must be found to have existed during the period of the enlistment in question and the respondent's good conduct after discharge, in and of itself, is not sufficient to warrant changing an unfavorable discharge.

Applications for review and explanatory matter may be obtained by writing the Navy Discharge Review Board, Department of the Navy, Washington, D.C. 20370.

**STATEMENT OF THE INDIVIDUAL**

I have been advised of the purpose and procedure for making application to the Board for Correction of Naval Records and the Navy Discharge Review Board.

Duane M Kelly 970403  
Witness Date

Harriet L Kimble 970403  
Signature Date

Paul Kaplan  
(910) 451-8021

FAX (910) 451-8559

\* (910) 451-8454