

FINDINGS OF THE BOARD OF INQUIRY

[AS THE BOARD VOTES DURING DELIBERATION, THE SENIOR MEMBER INITIALS BLANKS ON THIS WORKSHEET TO INDICATE THE BOARD'S DECISIONS. THE SENIOR MEMBER WILL THEN ANNOUNCE THE BOARD'S DECISIONS BY READING THIS WORKSHEET WHEN THE BOARD RECONVENES.]

Major Jason C. Brezler 1302/USMCR, by a majority vote, this Board of Inquiry finds that:

[SELECT AND INITIAL NEXT TO PARAGRAPH (1) OR (2). IF 2 IS SELECTED, ALSO SELECT AND INITIAL PARAGRAPHS (3)-(5).]

1. _____ **ALLEGATION(S) UNSUBSTANTIATED**. The preponderance of the evidence substantiates none of the reasons for separation for cause. Accordingly, the Board recommends that your case be closed.

2. GAB **ALLEGATIONS(S) SUBSTANTIATED**. The preponderance of the evidence substantiates [one or more of] the reason(s) for separation for cause as set forth below.

a. GAB **Substandard Performance of Duty**. Specifically:

(1) _____ Failure to achieve or maintain acceptable standards of proficiency required of an officer of his grade.

(2) GAB Failure to properly discharge the duties expected of an officer of his grade and experience.

b. GAB **Misconduct, Moral, or Professional Dereliction**. Specifically:

(1) GAB Commission of a military or civilian offense that, if prosecuted under the UCMJ, could be punished by confinement of six months or more, or if prosecuted under the UCMJ, would require specific intent for conviction. Specifically:

(a) GAB A violation of Article 92, UCMJ (Violation of a Regulation). In that Major Brezler, while on and off periods of active duty or inactive duty training, did, between on or about 29 December 2009 and on or about 31 July 2012, at or near the State of New York, the State of Oklahoma, Afghanistan, and elsewhere, fail to obey a lawful general regulation, to wit: section 4.1(d) of Executive Order 13526, dated 29 December 2009, by wrongfully removing from official premises electronic

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documents and files classified as "Secret" without proper authorization.

(b) _____ A violation of Article 92, UCMJ (Dereliction of Duty). In that Major Brezler, while on and off periods of active duty or inactive duty training, at or near the State of New York, the State of Oklahoma, Afghanistan, and elsewhere, who should have known of his duties as a Civil Affairs Officer and/or H&S Company Commander, 2d Bn, 25th Marines, 4th MarDiv, between on or about 1 August 2009 and on or about 31 July 2012, was derelict in the performance of those duties in that he willfully failed to properly safeguard and secure electronic documents, files, and material properly classified.

(c) _____ A violation of Article 133, UCMJ (Conduct Unbecoming an Officer and Gentleman). In that Major Brezler, while on and off periods of active or inactive duty training, did, between on or about 1 August 2009 and on or about 31 July 2012, at or near the State of New York, the State of Oklahoma, Afghanistan, and elsewhere, disregard classified handling protocols by improperly storing electronic documents, files, and materials properly classified on a personal (non-secure) laptop computer and personal (non-secure) external/portable storage device; by wrongfully removing from official premises electronic documents and files classified as "Secret" without proper authorization; by failing to report that the same had been illegally removed; by storing said personal laptop computer and external/portable storage device with electronic documents, files, and materials properly classified in his home; and/or by e-mailing a classified document from his unsecured personal e-mail account to three recipients, two of which were unsecured personal e-mail addresses, which conduct was unbecoming an officer and a gentleman.

(d) _____ A violation of Article 134, UCMJ (Violation of Federal Law). In that Major Brezler, while on and off periods of active or inactive duty training, did, at or near the State of New York, the State of Oklahoma, Afghanistan, and elsewhere, violate Title 18, U.S. Code, Section 793(f), a crime or offense not capital, when, between on or about 1 August 2009 and on or about 31 July 2012, he, being entrusted with or having lawful possession or control of electronic documents, files, or information related to the national defense, (1) through gross negligence permit the same to be removed from its proper place of custody or delivered to anyone in violation of his trust, or to be lost, stolen, abstracted, or destroyed; or (2) having

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knowledge that the same had been illegally removed ultimately to his private residence from its proper place of custody or abstracted, and failed to make prompt report of such loss, theft, abstraction, or destruction to his superior officer.

3. **RETENTION OR SEPARATION.** Having found that the preponderance of the evidence substantiates [one or more of] the reason(s) for separation:

a. GAB **Retention.** The Board finds that none of the reasons listed above warrant Major Brezler's separation from the naval service and recommends closing the case.

b. _____ **Separation.** The Board recommends separating Major Brezler from the naval service for the reason(s) listed above. The Board further recommends that Major Brezler's service be characterized as:

(1) _____ Honorable*

[SEE ENCLOSURE (5) OF SECNAVINST 1920.6C FOR GUIDANCE ON CHARACTERIZATION OF SERVICE RECOMMENDATION]

4. **MINORITY REPORT**

[IF ANY MEMBER OF THE BOARD DOES NOT CONCUR WITH THE MAJORITY, THE NONCONCURRING MEMBER MUST SUBMIT A MINORITY REPORT WHICH INCLUDES THE EXTENT OF NON-CONCURRENCE AS TO EACH FINDING AND RECOMMENDATION AND THE REASONS THEREFORE.]

a. GAB There is no minority report. OR

b. _____ The minority report will be attached to the Report of the Board of Inquiry.

5. **ADDITIONAL CONSIDERATIONS**

a. **Preservice Misconduct**

[IF THE BOARD CONSIDERS PRESERVICE MISCONDUCT, THE SENIOR MEMBER MUST INDICATE THAT THE MEMBERS CONSIDERED THE PRESERVICE MISCONDUCT ONLY FOR THE PURPOSE OF DETERMINING WHETHER TO RECOMMEND RETENTION OR SEPARATION.]

(1) GAB The Board of Inquiry did not consider preservice misconduct. OR

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(2) _____ The Board of Inquiry considered preservice misconduct, but only for the purpose of determining whether to recommend retention or separation.

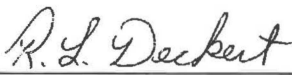
b. Misconduct Older Than Five Years

[THE BOARD MAY NOT CONSIDER MISCONDUCT IDENTIFIED MORE THAN FIVE YEARS PRIOR TO THE INITIATION OF PROCESSING FOR SEPARATION. THE SENIOR MEMBER MUST INDICATE THAT THE MEMBERS DID NOT CONSIDER THIS TYPE OF MISCONDUCT. THE BOARD MAY CONSULT WITH THE LEGAL ADVISOR WITH QUESTIONS CONCERNING PRIOR MISCONDUCT.]

(1) ^{GND} The Board of Inquiry did not consider misconduct identified more than five years prior to ~~5 September 2013~~^{GND}, the date of the initiation of processing for separation.



G. A. Belyeu
Colonel USMC
USMC
President



R. L. Deckert
Colonel
USMCR
Member



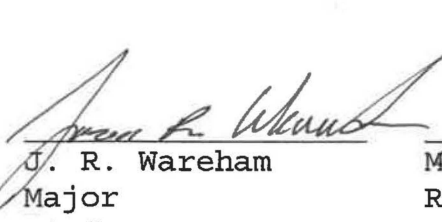
T. G. Miller
Colonel
USMCR
Member



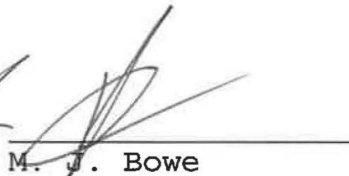
A. M. King
Lieutenant Colonel
USMC
Recorder

B. J. McKenna
Captain
USMC
Co-Recorder

K. M. McCann
Captain
USMC
Co-Recorder



J. R. Wareham
Major
USMC
Respondent's Counsel



M. J. Bowe
Respondent's Civilian Counsel

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Object to form of
2. 10. (1) (a) - Executive Order