



UNITED STATES MARINE CORPS
MARINE CORPS INSTALLATIONS EAST-MARINE CORPS BASE
PSC BOX 20005
CAMP LEJEUNE NC 28542-0005

MCIEAST-MCB CAMLEJO 7010.1B
MCCS

APR 01 2019

MARINE CORPS INSTALLATIONS EAST-MARINE CORPS BASE CAMP LEJEUNE ORDER
7010.1B

From: Commanding General
To: Distribution List

Subj: LEJEUNE AND NEW RIVER CIVIL RECOVERY PROGRAM FOR COSTS
ASSOCIATED WITH SHOPLIFTING, THEFT DETECTION, AND THEFT
PREVENTION IN MARINE CORPS COMMUNITY SERVICES (MCCS), LEJEUNE-
NEW RIVER ACTIVITIES

Ref: (a) 31 U.S.C. §3701
(b) CMC ltr 1754 MRL of 6 May 02 (NOTAL)
(c) CMC ltr 1754 MR of 16 Sep 05 (NOTAL)

Encl: (1) Sample First Notice: Demand for Recovery of Shoplifting
Costs and Damages Letter
(2) Sample Second Notice: Demand for Recovery of Shoplifting
Costs and Damages Letter
(3) Sample Command Notification Letter

1. Situation. This Order promulgates policy regarding the MCCS, Lejeune-New River Civil Recovery Program. Enclosures (1) through (3) are sample notification letters that comply with the requirements of references (a) through (c).

2. Cancellation. MCIEAST-MCB CAMLEJO 7010.1A.

3. Mission

a. To provide policies and procedures for administering the Civil Recovery Program for the collection of business losses, operating expenses and administrative fees related to shoplifting, theft detection, and theft prevention in MCCS, Lejeune-New River activities.

b. Summary of Revision. This Order has been revised to update policies and procedures and should be reviewed in its entirety. Specifically, the following summary of revisions follow:

(1) Civil recovery payments are now submitted directly to the Shared Services Center in Kansas vice the local MCCS.

(2) Removed the Command Inspector General and added the Base Magistrate who has staff cognizance over reviewing culpability claims and debt waivers.

DISTRIBUTION STATEMENT A: Approved for public release, distribution is unlimited.

4. Execution

a. Commander's Intent. Expenses associated with shoplifting, theft detection, and theft prevention are an ever increasing burden to the Marine Corps. It is the intent of the Civil Recovery Program to recover a portion of the losses. The program authorizes MCCS, Lejeune-New River organizations to assess a 200 dollar administrative fee, plus actual damages, against all shoplifters or sponsors in the case of un-emancipated minors. This fee may be imposed in cases of theft of money from MCCS, Lejeune-New River as well as shoplifting. Actual damages are the retail value of stolen merchandise if not recovered in saleable condition. If the merchandise is recovered, but damaged, then actual damages are computed by subtracting the reduced salable price from the retail price. If the merchandise is recovered, but not in merchantable condition, then actual damages equal the retail price of the merchandise. If the merchandise is recovered in new condition and can be returned to inventory in a reasonable timeframe for resale, then there are no actual damages.

(1) If the fees are not paid or successfully disputed, MCCS, Lejeune-New River will initiate actions to recover amounts due through the government's Treasury Offset Program (TOP) or salary offset program. The recovery effort extends to all shoplifters, whether or not they are authorized patrons. This is an administrative collection and it is not related to any judicial, non-judicial, or other remedy that may also be pursued by Commanders, Special Assistant United States Attorney, and/or the Command Inspector General. Those subjected to collection efforts will be afforded every opportunity to review the evidence used to determine their culpability and to request a review of the case by the Magistrate's Office.

(2) A parent, guardian, or other person having legal custody of an un-emancipated minor who commits the offense of shoplifting shall be liable to MCCS, Lejeune-New River for the damages and costs specified herein. Absent evidence of complicity, a military sponsor is not responsible for their spouse's shoplifting, and will not be held liable under this program.

b. Concept of Operations. MCCS, Lejeune-New River will begin the collections action using the following procedures:

(1) A First Notice Demand Letter will be sent certified, return receipt requested, to the suspected shoplifter or the sponsor in the case of an un-emancipated minor, no later than seven days after the shoplifting incident. The First Notice Demand Letter will not be given to the suspected shoplifter or the sponsor at the time of the incident. The letter will comply substantially with the sample in enclosure (1).

(2) MCCS, Lejeune-New River will immediately suspend the check cashing and Star Card privileges of the suspected shoplifters or sponsors, in the case of an un-emancipated minor, until the debt is paid or waived. Privileges of shoplifters and/or sponsors who are debarred from the Installation or MCCS, Lejeune-New River facility will be suspended until the debt is paid and the debarment removed. The privileges of a military member who is not liable for a spouse's debt will not be suspended absent unusual circumstances.

(3) The suspected shoplifter or sponsor may dispute the debt to the Magistrate's Office within 15 calendar days of the First Notice Demand Letter.

(a) The Magistrate's Office may waive the debt when the evidence establishes that more than likely there was no "intent" to deprive MCCS, Lejeune-New River of the property. A decision regarding the suspect's "intent" will affect the ability to pursue criminal action; therefore, this decision MAY NOT be made without first obtaining the advice of the Installation Staff Judge Advocate. The Magistrate's Office may also cause the fee to be reduced or eliminated based on the personal circumstance of the shoplifter or sponsor regardless of evidence for good cause, including severe financial hardship to the family.

(b) The Magistrate's Office must notify the Director, Review and Analysis Division (RVAN), MCCS, Lejeune-New River immediately when a request for review is received to preclude MCCS, Lejeune-New River from initiating further administrative action until the review is completed. The Magistrate's Office review and decision shall be made in writing within a reasonable period of time, but not later than 15 days from the debtor's dispute letter.

(4) If the debtor fails to respond within 15 days of the First Notice Demand Letter by either paying the amount owed or disputing the debt with the Magistrate's Office, a second letter will be sent via certified mail and shall comply substantially with the sample in enclosure (2). If the suspected shoplifter is an active duty or an un-emancipated minor family member of such a person, at the same time the Second Notice Demand Letter is sent, MCCS, Lejeune-New River will send a letter to the sponsor's or suspected shoplifter's commanding officer explaining the debt and requesting collection assistance. This letter shall comply substantially with the sample in enclosure (3).

(a) Payments will be made to MCCS, Lejeune-New River, in the form of cash, money order, certified cashier's check, or credit card payment, in accordance with instructions contained in the Demand Letter(s). Personal checks will not be accepted. Payment will not prohibit separate judicial, non-judicial, or administrative action by the command.

(b) If the suspected shoplifter or sponsor, in the case of an un-emancipated minor, does not pay the debt within 15 days of the Second Notice Demand Letter:

1. MCCS, Lejeune-New River will initiate salary offset against liable active duty members (unless salary offset for that commander is being handled by the TOP Office, in which case the file will be forwarded as directed below).

2. If commander-initiated salary offset is not successful or the liable party is not active duty military, MCCS, Lejeune-New River will write-off the debt and transfer it for collection to the TOP Office, Resource Management Branch, Headquarters, U.S. Marine Corps, 3044 Catlin Avenue, Quantico, VA 22134.

3. The forwarded case file must contain copies of the incident report, the Notice Demand Letters, proof of receipt of the Notice Demand Letters, the Commander's Notification Letter (if applicable), any dispute or request for review by the Magistrate's Office, and the Magistrate's Office Decision Letter. The liable party's social security number must be included in the file.

4. In appropriate cases, the Magistrate's Office or the Chief Financial Officer (CFO), MCCS, Lejeune-New River may enter into written repayment agreements with liable parties. If the Magistrate's Office initiates the repayment agreement, the effort must be coordinated with the CFO, MCCS, Lejeune-New River.

5. Under no circumstances may any agency agree to forgo criminal prosecution based on repayment of the debt.

5. Administration and Logistics. Any questions or concerns regarding the provisions of this Order should be referred to the Director, RVAN, MCCS, Lejeune-New River at (910) 451-5077.

6. Command and Signal


a. Command

(1) Non-appropriated Fund Instrumentality heads will ensure all subordinate managers, supervisors (military and civilian), and security personnel are thoroughly familiar with the contents of this Order and this Order is made available to all employees upon request.

(2) Applicability. This Order is applicable to all persons, whether authorized patrons or not, caught shoplifting in any MCCS,

Lejeune-New River managed activity aboard Marine Corps Base Camp
Lejeune or Marine Corps Air Station New River.

- b. Signal. This Order is effective the date signed.


S. A. BALDWIN
Deputy Commander

DISTRIBUTION: A/C (plus MCAS MR. H&S Bn, and WTBn)

Sample First Notice: Demand for Recovery of Shoplifting Costs
and Damages Letter



UNITED STATES MARINE CORPS
MARINE CORPS COMMUNITY SERVICES LEJEUNE-NEW RIVER
MARINE CORPS INSTALLATIONS EAST
1401 WEST ROAD
CAMP LEJEUNE NC 28547

7010
MCCS
Date

CERTIFIED MAIL

From: Chief Financial Officer, Marine Corps Community Services,
Lejeune-New River

To: Grade First M. Last Name EDIPI/MOS USMC

Subj: FIRST NOTICE: DEMAND FOR RECOVERY OF SHOPLIFTING COSTS AND
DAMAGES

Ref: (a) MCIEAST-MCB CAMLEJO 7010.1B
(b) 31 U.S.C. §3701, et Seq., as amended by Pub. L. 107-107
(c) DoD 7000.14-R Volume 7a, Military Pay Policy: Active Duty
and Reserve Pay, April 2017
(d) DoD 7000.14-R Volume 7b, Military Pay Policy: Retired Pay,
March 2018
(e) 5 U.S.C. §5514
(f) 26 U.S.C. §6402(d)
(g) 31 U.S.C. §3720(a)

1. Marine Corps Community Services (MCCS), Lejeune-New River has the following evidence regarding an alleged shoplifting incident on 26 February 2019, involving one Xbox game:

- a. Xbox game
- b. Surveillance Video
- c. Statement by store detective

2. This evidence is available for your review by appointment. To set up an appointment, call (910) 451-5077 between 0730 and 1530, Monday through Friday, prior to the 15-day limitation set in paragraph 4 below.

3. The Assistant Chief of Staff, MCCS, Marine Corps Installations East-Marine Corps Base Camp Lejeune, or the designated representative, examined the above evidence and pursuant to authority contained in the references, believes you are liable for the below enumerated costs; accordingly, demands the same:

Enclosure (1)

Subj: FIRST NOTICE: DEMAND FOR RECOVERY OF SHOPLIFTING COSTS AND
DAMAGES

Actual Value of Merchandise	\$ 59.99
Administrative Costs	\$ 200.00
Total Amount Due	\$ 259.99

4. You, as the liable party, must either pay the total demand or appear at a hearing in front of the Magistrate's Office within 15 days of the date of this letter. By paying the amount demanded and/or not appearing at the hearing within 15 days, you give up your right to that hearing. If you desire a hearing on this matter, you must immediately contact the Magistrate's Office at (910) 451-0810 to ensure a hearing is scheduled for your case within the above-stated period (i.e., 15 days).

5. To repay your debt, please submit a money order or cashier's check no later than 15 days from the date of this letter to the following address:

MARINE CORPS COMMUNITY SERVICES
ATTN: MCFO/ACCOUNTING
1401 WEST ROAD
CAMP LEJEUNE, NC 28547-2539

Ensure your name and Social Security Number appear on the cashier's check or money order. If you would like to make the payment by credit card over the telephone, payments will be accepted by the Shared Services Center in Kansas City at (816) 705-4400. Personal checks will not be accepted, and you are advised not to mail cash.

6. To contest your liability, you must appear in front at the Magistrate's Office. Hearings are scheduled by the Magistrate. At this hearing you may present any relevant evidence or good causes to be considered, including financial hardship. The Magistrate will consider all relevant evidence submitted by you and MCCS, Lejeune-New River. The Magistrate will determine by a preponderance of the evidence (i.e., is it more likely than not?) whether you are liable for the amount listed in paragraph 3 above or any lesser amount. If the Magistrate's Office determines that you are liable, you must pay that amount set by the Magistrate within 15 days of that decision. If the Magistrate's Office determines you are not liable for any amount, the case will be closed, and you will owe nothing.

7. This demand letter serves as notice that if you fail to pay your debt, MCCS, Lejeune-New River will take the following actions as appropriate:

Subj: FIRST NOTICE: DEMAND FOR RECOVERY OF SHOPLIFTING COSTS AND DAMAGES

a. Assess interest and penalties under the provisions of reference (b). Interest shall be applied 60 days from the date of this notice, at the Treasury, Tax, and Loan rate. Penalties shall be applied at the annual rate of six percent.

b. Initiate collection action of this indebtedness through salary offset as authorized by references (c) and (d) for military members, or from any U.S. Government Agency, if applicable, under provisions of reference (e). Various agencies involved in this collection process will impose additional fees to offset their administrative expenses and the total amount collected will be greater than the amount demanded in paragraph 3.

c. Initiate action to offset the amount of your debt against any disbursement of the U.S. Department of Treasury to which you may be entitled, to include offset against Federal income tax refunds. This action is taken pursuant to references (f) and (g). Various agencies involved in this collection process will impose additional fees to offset their administrative expenses and the total amount collected will be greater than the amount demanded in paragraph 3. However, you will still be responsible for payment of any remaining balance on your account if such offset is inadequate to satisfy your debt.

8. Your check cashing and Star Card privileges have been suspended. If you voluntarily pay the amount listed above within 15 days from the date of this letter, these privileges will be reinstated, provided there are no other delinquent debts and provided you have not been debarred by the Installation.

9. Amounts not paid within 15 days from the date of this notice will be reported to your commanding officer.

10. These civil recovery proceedings do not prevent criminal prosecution for the alleged act of shoplifting or further administrative action.

CHIEF FINANCIAL OFFICER

Sample Second Notice: Demand for Recovery of Shoplifting Costs
and Damages Letter



UNITED STATES MARINE CORPS
MARINE CORPS COMMUNITY SERVICES LEJEUNE-NEW RIVER
MARINE CORPS INSTALLATIONS EAST
1401 WEST ROAD
CAMP LEJEUNE NC 28547

7010
MCCS
Date

CERTIFIED MAIL

From: Chief Financial Officer, Marine Corps Community Services,
Lejeune-New River
To: Grade First M. Last Name EDIPI/MOS USMC
Subj: SECOND NOTICE: DEMAND FOR RECOVERY OF SHOPLIFTING COSTS AND
DAMAGES
Ref: (a) MCIEAST-MCB CAMLEJO 7010.1B
(b) 31 U.S.C. §3701
(c) 31 U.S.C. §3717
(d) DoD 7000.14-R Volume 7a, Military Pay Policy: Active Duty
and Reserve Pay, April 2017
(e) DoD 7000.14-R Volume 7b, Military Pay Policy: Retired Pay,
March 2018
(f) 5 U.S.C. §5514
(g) 26 U.S.C. §6402(d)
(h) 31 U.S.C. §3720(a)

1. On 5 March 2019, you were notified by certified mail that you owe \$259.99 to Marine Corps Community Services (MCCS), Lejeune-New River for administrative costs associated with removing the following item from the Main Exchange without paying for it:

Xbox game valued at \$59.99.

2. As previously explained, Federal law authorizes MCCS, Lejeune-New River to recover from the liable party actual and administrative costs relating to this shoplifting incident (references (a) through (c)). You, as the liable party, are required to pay the following costs:

Actual Value of Merchandise	\$ 59.99
Administrative Costs	\$ 200.00
Total Amount Due	\$ 259.99

Enclosure (2)

Subj: SECOND NOTICE: DEMAND FOR RECOVERY OF SHOPLIFTING COSTS AND DAMAGES

3. This demand letter serves as notice that if you fail to pay your debt within 15 days of the date of this notification, MCCS, Lejeune-New River will take the following actions as appropriate:

a. Assess interest and penalties under the provisions of reference (c). Interest shall be applied 60 days from the date of this notice, at the Treasury, Tax, and Loan rate. Penalties shall be Applied at the annual rate of six percent.

b. Initiate collection action to this indebtedness through salary offset as authorized by references (d) and (e) for military members, or from any U.S. Government Agency, if applicable, under provisions of reference (f). Various agencies involved in this collection process will impose additional fees to offset their administrative expenses and the total amount collected will be greater than the amount demanded in paragraph 2.

c. Initiate action to offset the amount of your debt against any disbursement of the U.S. Department of Treasury to which you may be entitled, to include offset against Federal income tax refunds. This action is taken pursuant to references (g) and (h). Various agencies involved in this collection process will impose additional fees to offset their administrative expenses and the total amount collected will be greater than the amount demanded in paragraph 2. However, you will still be responsible for payment of any remaining balance on your account if such offset is inadequate to satisfy your debt.

4. Your check cashing and Star Card privileges have been suspended. If you voluntarily pay the Civil Recovery amount listed above within 15 days from the date of this second notice, these privileges will be reinstated, provided there are no other delinquent debts and provided you have not been debarred by the Installation.

5. Because this debt was not paid within 15 days of the First Notice Demand Letter, this debt has been reported to your commanding officer.

6. To repay your debt, please submit a money order or cashier's check no later than 15 days from the date of this letter to the following address:

MARINE CORPS COMMUNITY SERVICES
ATTN: MCFO/ACCOUNTING
1401 WEST ROAD
CAMP LEJEUNE, NC 28547-2539

Subj: SECOND NOTICE: DEMAND FOR RECOVERY OF SHOPLIFTING COSTS AND
DAMAGES

Ensure your name and Social Security Number appear on the cashier's check or money order. If you would like to make the payment by credit card over the telephone, payments will be accepted by the Shared Services Center at (816) 705-4400. Personal checks will not be accepted, and you are advised not to mail cash.

7. This civil recovery proceeding does not prevent criminal prosecution for the alleged act of shoplifting or further administrative action by the command.

CHIEF FINANCIAL OFFICER

Copy to:
CO, XXXXX, XXXXXX



Sample Command Notification Letter

UNITED STATES MARINE CORPS
MARINE CORPS COMMUNITY SERVICES LEJEUNE-NEW RIVER
MARINE CORPS INSTALLATIONS EAST
1401 WEST ROAD
CAMP LEJEUNE NC 28547

7010
MCCS
Date

From: Chief Financial Officer, Marine Corps Community Services,
Lejeune-New River

To: Commanding Officer

Subj: COMMAND NOTIFICATION LETTER

Ref: (a) Incident Report RVAN of 26 Feb 19
(b) MCIEAST-MCB CAMLEJO 7010.1B
(c) 31 U.S.C. §3701
(d) DoD 7000.14-R Volume 7a, Military Pay Policy: Active Duty
and Reserve Pay, April 2017
(e) DoD 7000.14-R Volume 7b, Military Pay Policy: Retired Pay,
March 2018
(f) 5 U.S.C. §5514
(g) 26 U.S.C. §6402(d)
(h) 31 U.S.C. §3720(a)

Encl: (1) First Notice: Demand for Recovery of Shoplifting Costs and
Damages
(2) Second Notice: Demand for Recovery of Shoplifting Costs
and Damages

1. This is to inform you that one of your Marines, Grade First M. Last Name, was detained by Marine Corps Community Services (MCCS), Lejeune-New River on 26 February 2019, for shoplifting as described in enclosure (1) and substantiated by reference (a). Reference (b) authorizes MCCS, Lejeune-New River to recover from the liable party actual and administrative costs relating to this shoplifting incident. As of 21 March 2019, Grade Last Name has failed to pay the amount owed of \$259.59.

2. Enclosure (2) is being sent to the liable party with a demand for payment within 15 days. If he fails to pay that amount, the following actions will be taken as appropriate:

a. Assess interest and penalties under the provisions of reference (c). Interest shall be applied 60 days from the date of the First Notice Demand Letter, at the Treasury, Tax, and Loan rate. Penalties shall be applied at the annual rate of six percent.

Enclosure (3)

Subj: COMMAND NOTIFICATION LETTER

b. Initiate collection action of this indebtedness through salary offset, as authorized by references (d) and (e) for military members, or from any U.S. Government Agency, if applicable, under provisions of reference (f). Various agencies involved in this collection process will impose additional fees to offset their administrative expenses and the total amount collected will be greater than the amount demanded in paragraph 1.

c. Initiate action to offset the amount of the debt against any disbursement of the U.S. Department of Treasury to which he may be entitled, to include offset against Federal income tax refunds. This action is taken pursuant to references (g) and (h). Various agencies involved in this collection process will impose additional fees to offset their administrative expenses and the total amount collected will be greater than the amount demanded in paragraph 1. However, the liable party will still be responsible for payment of any remaining balance on the account if such offset is inadequate to satisfy the debt.

3. Your assistance is requested in urging this Service Member to pay this debt. Note that this MCCS, Lejeune-New River recovery effort, under reference (c), does not prevent criminal prosecution or further administrative action by you.

4. If you have any questions about this matter, please call the Director, Review and Analysis Division, MCCS, Lejeune-New River at (910) 451-5077.

CHIEF FINANCIAL OFFICER