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3 Jul 2014

From: RADM Christopher J. Paul, USNR, 1115
To: Commander, Naval Surface Force, U.S. Pacific Fleet

Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND
LEADERSHIP ICO USS COWPENS (CG 63)

Ref: (a) JAG Manual 5800.7F
(b) U.S. Navy Regulations
(c) OPNAVINST 3120.32D
(d) OPNAVINST 1306.2G
(e) OPNAVINST 5370.2C
(f) COMNAVSURFPAC/COMNAVAIRPAC/COMNAVAIRLANT/
COMNAVSURFLANTINST 3530.4D

Encl: (1) Appointing Letter, COMNAVSURFPAC ltr 5800 SerN00/482
of 10 Jun 2014 (U)
(2) USS COWPENS (CG 63) Chronology (S)
(3) AFLOATRAGRU SAN DIEGO CA 261855ZDEC12 (U)
(4) COMNAVSURFPAC SAN DIEGO CA 162233ZNOV12 (U)
(5) COMCARSTRKGRU FIVE 100100ZDEC12 (U)
(6) COMCARSTRKGRU FIVE 182200ZMAR13 (U)
(7) E-Mail COWPENS CO, CAPT Robert Tortora/CCSG-3 CoS,
CAPT William Minter of 21 Feb 2013 (U)
(8) Public-Law 113-6, Enacted 26 Mar 2013 (U)
(9) FY13 Feasibility Statement on earliest Deployment
Date (C)
(10) Navy.mil press release of 5 Apr 2013 (U)
(11) E-Mail COWPENS P-CO, CAPT Gregory Gombert/CCSG-3
CoS, CAPT William Minter of 7 Jun 2013 (U/FOUO)
(12) E-Mail PACFLT TSRA Assessment Dir., [REDACTED]
and XO COWPENS of 15 May 2013 (U)
(13) E-Mail COWPENS CO, CAPT Gregory Gombert/ Commander,
CNSP, VADM Copeman of 01 Jul 2013 (U)
(14) E-Mail COWPENS XO, LCDR Jeremy Aujero/CCSG-3 CoS of
26 Jun 2013 (U)
(15) PACFLT HONOLULU HI 181901ZJUL13 (S)
(16) E-Mail COWPENS CO/CCSG-3 CoS of 19 Jul 2013 (C)

~~Derived from: Multiple Sources~~

~~Declassify on: 18 Jul 2038~~

CNSP Security Review 31Jul2104: UNCLASSIFIED upon removal of encis:(2),(9),(15),(16),(20),(26),(28),(30),(31),(34); Prelim Statement
"Timeline" (pp12-15); FOFs (8),(15),(16),(21),(27),(33),(38),(39),(42),(43). Enclosure Names are not classified.

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- Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND LEADERSHIP ICO USS COWPENS (CG 63)
- (17) E-Mail CCSG-3 N3/ATGSD CO/COWPENS CO of 25 Jul 2013 (U)
 - (18) E-Mail CCSG-3 N4/CCSG-3 CoS of 26 Jul 2013 (with encl) (U)
 - (19) E-Mail CCSG-3 CoS/CNSP CoS of 20 Aug 2013 (U)
 - (20) E-Mail COWPENS CO/CCSG-3 CoS of 27 Aug 2013 (S)
 - (21) E-Mail CCSG-3 N3A/CCSG-3 CoS of 28 Aug 2013 (U)
 - (22) E-Mail COWPENS CO/CCSG-3 CoS of 30 Aug 2013 (U)
 - (23) E-Mail COWPENS CO/CCSG-3 CoS of 10 Sep 2013 (U)
 - (24) E-Mail RDML Smith/RADM Paul of 20 Jun 2014 (with encl) (U)
 - (25) E-Mail CCSG-3 COS/AIO CAPT [REDACTED] of 20 Jun 2014 (with encl) (U)
 - (26) COMNAVSURFPAC SAN DIEGO CA 172331ZSEP13 (S)
 - (27) E-Mail RADM Montgomery/IO RADM Paul of 21 Jun 2014 (with encl) (U)
 - (28) E-Mail COWPENS CO/CCSG-5/CTF-70 of 16 Nov 2013 (C)
 - (29) E-mail RDML Wetherald/IO of 21 Jun 2014 (U)
 - (30) E-Mail COWPENS CO/CAPT [REDACTED] of 5 Dec 2013 (S)
 - (31) E-Mail COWPENS CO/CCSG-5/CTF-70 of 3 Dec 2013 (S)
 - (32) E-Mail COWPENS CO/CCSG-5/CTF-70 of 15 Feb 2014 (U)
 - (33) E-Mail COWPENS CO/CCSG-5/CTF-70 of 15 Feb 2014 (with encl) (U)
 - (34) E-Mail COWPENS [REDACTED] LT [REDACTED] COWPENS CO of 22 Mar 2014 (C)
 - (35) E-Mail COWPENS [REDACTED] LT [REDACTED]/COWPENS CO et al of 15 Apr 2014 (U)
 - (36) E-mail COWPENS PCO/CCSG-3 CoS of 5 Jun 2013 (with encl) (U)
 - (37) E-Mail COWPENS CO/CCSG-3 CoS of 26 Aug 2013 (U)
 - (38) E-Mail CCSG-3 CoS/COWPENS CO of 27 Aug 2013 (U)
 - (39) E-Mail COWPENS CO/CCSG-3 CoS of 10 Sep 2013 (U)
 - (40) COMNAVPERSCOM MILLINGTON TN 301718ZSEP13 (FOUO)
 - (41) E-Mail COWPENS CO/CCSG-3 CoS of 28 Nov 2013 (U)
 - (42) E-Mail COWPENS Acting XO/CHENG, LCDR [REDACTED] [REDACTED]/CDR [REDACTED] COWPENS P-XO OF 16 Dec 2013 (U)
 - (43) E-Mail COWPENS P-XO/COWPENS Acting XO/CHENG of 17 Dec 2013 (U)
 - (44) E-Mail COWPENS CO/CSG-3 N3A of 17 Dec 2013 (U)

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Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND
LEADERSHIP ICO USS COWPENS (CG 63)

- (45) E-Mail COWPENS CO/COWPENS P-XO of 2 Jan 2013 (U)
- (46) COMAVPERSCOM MILLINGTON TN 082256ZJAN14 (FOUO)
- (47) E-mail COWPENS OPS/COWPENS P-XO of 15 Jan 2014 (U)
- (48) Voluntary Statement of COWPENS P-XO CDR [REDACTED]
[REDACTED] of 23 Jun 2014 (U)
- (49) Report of Medical History ICO CDR [REDACTED] dtd
15 Jan 2014 (U)
- (50) E-Mail COWPENS CO/COWPENS P-XO of 3 Feb 2014 (U)
- (51) E-Mail COWPENS CO/PERS-41A of 7 Feb 2014 (U)
- (52) E-Mail COWPENS CO/COWPENS P-XO of 6 Feb 2014 (U)
- (53) COMNAVPERSCOM MILLINGTON TN 101218ZFEB14 (FOUO)
- (54) USS COWPENS 220530ZMAR14 (U)
- (55) Memo CTF70 Force Surgeon, CAPT [REDACTED]
MC/CNSP Force Surgeon, CAPT [REDACTED] CM of
12 Jun 14 (U)
- (56) Voluntary statement of CAPT [REDACTED] of 19 Jun 14 (U)
- (57) Voluntary statement of COWPENS IDC, [REDACTED]
of 13 Jun 14 (U)
- (58) Voluntary Statement of CAPT [REDACTED] of 21 Jun 14 (U)
- (59) E-mail COWPENS CO/CAPT [REDACTED] from 30 Jan to 02 Apr 14
(U)
- (60) Email COWPENS CO/CTF-70 CO, RADM Mark Montgomery
pertaining to the health of COWPENS CO from
13 Jan 14 (U)
- (61) Email [REDACTED]/LCDR [REDACTED] and CAPT [REDACTED]
pertaining to the health of COWPENS CO on 16 Jan 14
(U)
- (62) Email COWPENS CO/COWPENS Department Heads of 9 Jan
14 (U)
- (63) Memorandum from COWPENS CO/RADM Smith of Jun 14
(FOUO)
- (64) Email COWPENS CO/select acquaintances of 24 Feb 14
(U)
- (65) Voluntary statement of COWPENS [REDACTED] LT [REDACTED]
[REDACTED] of 13 Jun 14 (U)
- (66) Voluntary statement of [REDACTED] CM [REDACTED] of
17 Jun 14 (U)
- (67) Voluntary statement of [REDACTED] CM [REDACTED] of
17 Jun 14 (U)

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- (68) Voluntary statement of COWPENS [REDACTED] [REDACTED] of 13 Jun 14 (U)
- (69) Voluntary statement of COWPENS [REDACTED], LTJG [REDACTED] [REDACTED] of 12 Jun 14 (U)
- (70) Voluntary statement of COWPENS [REDACTED], LT [REDACTED] [REDACTED] of 12 Jun 14 (U)
- (71) Voluntary statement of [REDACTED] B [REDACTED] of 13 Jun 2014 (U)
- (72) Voluntary statement of [REDACTED] SN [REDACTED] of 12 Jun 2014 (U)
- (73) Voluntary statement of COWPENS [REDACTED], LT [REDACTED] [REDACTED] of 17 Jun 2014 (U)
- (74) Voluntary statement of COWPENS [REDACTED] ENS [REDACTED] [REDACTED] of 13 Jun 2014 (U)
- (75) Voluntary statement of COWPENS [REDACTED] LT [REDACTED] [REDACTED] of 20 Jun 2014 (U)
- (76) Voluntary statement of Former COWPENS [REDACTED] LT [REDACTED] [REDACTED] of 20 Jun 2014 (U)
- (77) Voluntary Statement of LTJG [REDACTED] [REDACTED] of 13 Jun 2014 (U)
- (78) Voluntary Statement of [REDACTED] C [REDACTED] of 13 Jun 2014 (U)
- (79) farewell.doc retrieved from COWPENS XO's Y Drive (U)
- (80) Voluntary Statement of [REDACTED] C [REDACTED] of 13 Jun 2014 (U)
- (81) Voluntary statement of [REDACTED] CS [REDACTED] of 20 Jun 2014 (U)
- (82) Inventory of COWPENS UCC completed on 19 Jun 2014 (U)
- (83) 31(b) Rights Advisement for COWPENS CMC of 16 Jun 2014 (U)
- (84) 31(b) Rights Advisement for COWPENS XO of 17 Jun 2014 (U)
- (85) 31(b) Rights Advisement for COWPENS CO of 17 Jun 2014 (U)
- (86) Voluntary statement of CCSG-3 CMC of 20 Jun 2014 (U)
- (87) Voluntary statement of CNSP Force Master Chief, FORCM [REDACTED] of 21 Jun 2014 (U)
- (88) CAPT [REDACTED] Memorandum in re logs of 25 Jun 2014 (U)

Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND LEADERSHIP ICO USS COWPENS (CG 63)

(89) Voluntary Statement of [REDACTED] of 19 Jun 2014 (U)

(90) COMCARSTRKGRU THREE Assessment of USS COWPENS (CG 63) 2-6 Jun 2014 (U)

(U) INTRODUCTION

1. (U) This investigation examines the circumstances pertaining to the relief of the third Commanding Officer (CO) of the USS COWPENS (CG 63) in four years. I feel it is important to state upfront that the facts surrounding the relief of these officers were isolated and resulting from their specific misconduct vice stemming from systemic or related problems. It is evident that the poor material condition of the COWPENS received following the hull swap with USS ANTIETAM (CG 54) and the belief that the COWPENS was to be decommissioned negatively impacted the crew. However, these challenges presented surmountable obstacles to the most recent former CO COWPENS, CAPT Gregory Gombert, when he took command in June 2013.

2. (U) The combination of deliberate, conscious misconduct on the part of the CO, along with the unfortunate alignment of other circumstances created the conditions which enabled the problems onboard the COWPENS to go unnoticed for so long. Had the first Executive Officer (XO) not detached prior to the arrival of his designated relief, had the Prospective Executive Officer (P-XO) not been delayed [REDACTED] had the Command Master Chief (CMC) reported the deterioration of Command onboard the COWPENS to the Immediate Superior in Command (ISIC), or had the Acting XO/Engineer Officer (CHENG) not been maintaining an inappropriate relationship with the CO, then the situation described in this report could have been avoided. Lastly, while I feel the conduct of the CO, Acting XO/CHENG, and CMC were not up to the high standards we maintain and expect in the United States Navy, it is a testament to the competency and resilience of her crew that they were able to complete the mission and bring the COWPENS home safely without serious accident or injury.

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Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND
LEADERSHIP ICO USS COWPENS (CG 63)

(U) EXECUTIVE SUMMARY

1. (U) COWPENS was forward deployed to Yokosuka, Japan between Jul 2000 and Feb 2013. In Jan 2013, USS ANTIETAM (CG 54) arrived in Yokosuka, Japan and conducted a hull swap with COWPENS. The outcome of the hull swap was that the COWPENS crew became the ANTIETAM crew and the ANTIETAM crew became the COWPENS crew. The hull swap was conducted against the backdrop of uncertainty about the future of the SMOSF ships, to include COWPENS, which created anxiety amongst the COWPENS crew. COWPENS returned to San Diego in Apr 2013, expecting to enter a period of pre-decommissioning maintenance.

2. (U) CAPT Gregory Gombert assumed command of COWPENS on 22 Jun 2013. In Jul 2013 a decision was made to deploy COWPENS to the SEVENTH Fleet Area of Responsibility, and the ship completed a truncated but thorough period of preparations and certifications, during which time all mission areas of the ship were evaluated by appropriate and competent authorities (Type Commander, Carrier Strike Group Commander, and Afloat Training Group). COWPENS deployed in Sep 2013. This report examined the certification process in detail.

3. (U) Following the assumption of command during the late summer/early fall of 2013, CO COWPENS indicated displeasure with his XO to the first Flag Officer in his Administrative chain of command, Commander Carrier Strike Group THREE (CCSG-3), and by Nov 2013 had approval to accelerate the departure of that officer prior to the arrival of his designated relief. In correspondence with CCSG-3, CO COWPENS indicated his intention to have CHENG serve as acting XO for a period of three weeks between mid-Dec 2013 and early Jan 2014 until the P-XO reported. In part as a result of a delay in completing the medical portion of the sea duty screening by the P-XO, and in part due to actions taken by CO COWPENS, that three week gap turned into four months, and despite clear direction from CCSG-3, CO COWPENS failed to communicate the extended delay, the outcome being- COWPENS did not have a qualified XO between 15 Dec 2013 and return to homeport in San Diego on 17 Apr 2014. This report examined in detail the communications between CO COWPENS and

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UNCLASSIFIED

Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND LEADERSHIP ICO USS COWPENS (CG 63)

both his operational and administrative chains of command and determined that CO COWPENS failed to report the delay of the P-XO as directed.

4. (U) CO COWPENS became ill in early Jan 2014 and sought and received competent and appropriate medical treatment [REDACTED] [REDACTED] over the remainder of the deployment. As a result of his illness in Jan, CO COWPENS retreated for an extended period of time to the Unit Commanders Cabin (UCC - also known as the 'In-port Cabin'). Witness statements vary as to the exact length, however the consensus amongst Department Heads and senior enlisted leaders on COWPENS indicates a range of three weeks to two months when CO COWPENS would rarely venture from the UCC for more than a few minutes per day. In examining correspondence between CO COWPENS and his operational and administrative chains of command on this subject, investigators did not uncover any indications that he reported an inability to perform the full range of his duties as CO to a senior Commander. Further, statements from the Commander Task Force SEVEN ZERO (CTF-70) Senior Medical Officer and an independent review conducted by the Commander Naval Surface Force, U.S. Pacific Fleet (CSNF) Force Medical Officer determined that CO COWPENS' condition would not have ordinarily been physically debilitating to the point where he was unable to perform the full range of command functions, nor would his cognition have been unduly (negatively) influenced by either his condition or the treatment. CO COWPENS' medical condition did not justify his inattention to his duties as Commanding Officer.

5. (U) A central portion of this investigation included a comprehensive examination of deck-logs, daily reports, and briefing records in order to fully understand the impact of the CO's illness on COWPENS. During this review of legal records evidence emerged that he was absent from required navigation and special evolution briefings, and more alarmingly, was not present on the bridge during numerous special evolutions including Sea and Anchor detail and underway replenishments. Investigators were surprised to find clear and convincing evidence of this lack of command focus which pre-dated his illness. Further, review of the deck log suggests that the CO's

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Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND
LEADERSHIP ICO USS COWPENS (CG 63)

illness did not restrict his ability to go on liberty during COWPENS port visits in the same way it kept him from the bridge during special evolutions.

6. (U) During the interviews of witnesses, reports of an unduly familiar relationship with the Acting XO/CHENG began to emerge. This report examined in depth allegations made by several COWPENS officers and senior enlisted personnel and found significant and credible evidence of an unduly familiar relationship between the CO and Acting XO/CHENG. This report also found credible evidence of multiple and repeated attempts by subordinates to bring the appearance of an inappropriate relationship to the attention of CO COWPENS, the Acting XO/CHENG, and the CMC, all of which were unsuccessful in stopping the relationship. Particularly troublesome is evidence that the CMC never notified higher authority of the threat to good order and discipline, and worse prevaricated to the CPO Mess, who had brought this to his attention. This is a fundamental breach of trust between the CMC and the CPO Mess.

7. (U) The breakdown of leadership, the erosion of standards, and the loss of focus on the basic elements of standard shipboard routine resulted in the poor performance by COWPENS during a post-deployment Safety Survey which served to bring in to sharp focus the failure of CO COWPENS' command.

8. (U) This report reveals the extent to which operational and administrative Immediate Superiors in Command rely on timely and truthful information from direct reporting COs. The near complete breakdown of the command function in COWPENS simultaneously highlights the difficulty and necessity of a system for oversight of ships operating independently at great range for extended period. Improvements in key areas as they relate to oversight, personnel, training, command climate, and material readiness are recommended as a result of this investigation.

Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND LEADERSHIP ICO USS COWPENS (CG 63)

(U) PRELIMINARY STATEMENT

1. (U) In accordance with reference (a), this reports the Command Investigation convened pursuant to enclosure (1) to inquire into the facts and circumstances concerning the apparent deficiencies in overall readiness and leadership of COWPENS as identified by the post-deployment safety assessment conducted on 14 May 2014 and the ensuing ISIC Assessment conducted 2-6 Jun 2014. This report looked into the oversight, command and control, operations, compliance with maintenance and safety standards, and management of training and qualification programs. In the course of the investigation, evidence of violations of the Uniform Code of Military Justice emerged and these are dealt with as well. Most salient of these violations was overwhelming evidence of an unduly familiar relationship between CO COWPENS and the Acting XO/CHENG.

2. (U) The investigation team included the Investigating Officer (IO), Assistant IO CAPT [REDACTED] USN (1110), and LCDR [REDACTED] USN (1110). The designated Legal Advisor was CDR [REDACTED], JAGC, USN, with legal support provided by LT [REDACTED] USN, and LT [REDACTED] JAGC, USN.

3. (U) The current CO (CAPT Robert Chadwick), XO (CDR Amando Ramirez), and CMDCM (CMC Putnam) of COWPENS were extremely helpful and forthcoming in the course of this investigation.

4. (U) The investigation began by attempting to establish certain baseline facts: ship's schedule, dates of key events, and a review of the material condition of the ship as reported in the Immediate Superior in Command (ISIC) Assessment/Command Readiness Assessment Visit (CRAV) conducted by the Commander, Carrier Strike Group THREE between 2-6 Jun 2014. In-person interviews of key leaders, including the COWPENS' Department Heads, senior enlisted leaders, and a representative sample of junior officers and crewmembers were conducted. Since the deployed operational oversight of COWPENS occurred by two forward deployed staffs, the Commanders and other key leaders of CTF-70, CTF-76 responded in writing to questions from investigators, as did the Commander CSG-3 and staff. Overall,

Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND LEADERSHIP ICO USS COWPENS (CG 63)

35 witnesses were interviewed and/or provided written statements.

5. (U) CAPT Gombert (most recent former Commanding Officer), LCDR [REDACTED] (former Engineer Officer), and CMDCM Keeton (former Command Master Chief) were read their UCMJ Article 31(b) rights by appointed legal advisors before being questioned by the investigating team, [REDACTED]

[REDACTED] Their Rights Advisements Forms are included in enclosures (85-87). [REDACTED]

[REDACTED]

The available documentary evidence, e-mails, and witness testimony provided more than sufficient material.

6. (U) Investigation Process. The investigation began by ordering the email accounts of the CO, CMC, and Acting XO/CHENG locked in order to preserve evidence. The team then embarked in COWPENS and began interviewing relevant witnesses at the departmental level, and collected relevant documentary and electronic evidence. Of note, LCDR [REDACTED] emails prior to 2 Apr 2014 were not available on her PST. It was unclear whether this was due to deliberate deletion or because of file corruption/failure, which she did report in Apr 2014. After multiple trips to COWPENS and several iterations of witness interviews, email questions, and telephonic interviews were conducted with members of the CCSG-5/CTF-70, CESG-7/CTF-76, and CCSG-3 staffs. All relevant medical documents pertaining to the most recent former CO COWPENS were collected and reviewed by the CNSP Force Surgeon. CNSP Force Surgeon then provided a written memorandum of his relevant findings. While relevant emails sent from government accounts pertaining to CO COWPENS' health are included in this investigation, none of his actual medical records are enclosed. CAPT Gombert's previous Fitness Reports (FITREPS) were also reviewed. CAPT Gombert had [REDACTED] [REDACTED] prior to assuming command of the COWPENS and was fully qualified for the position.

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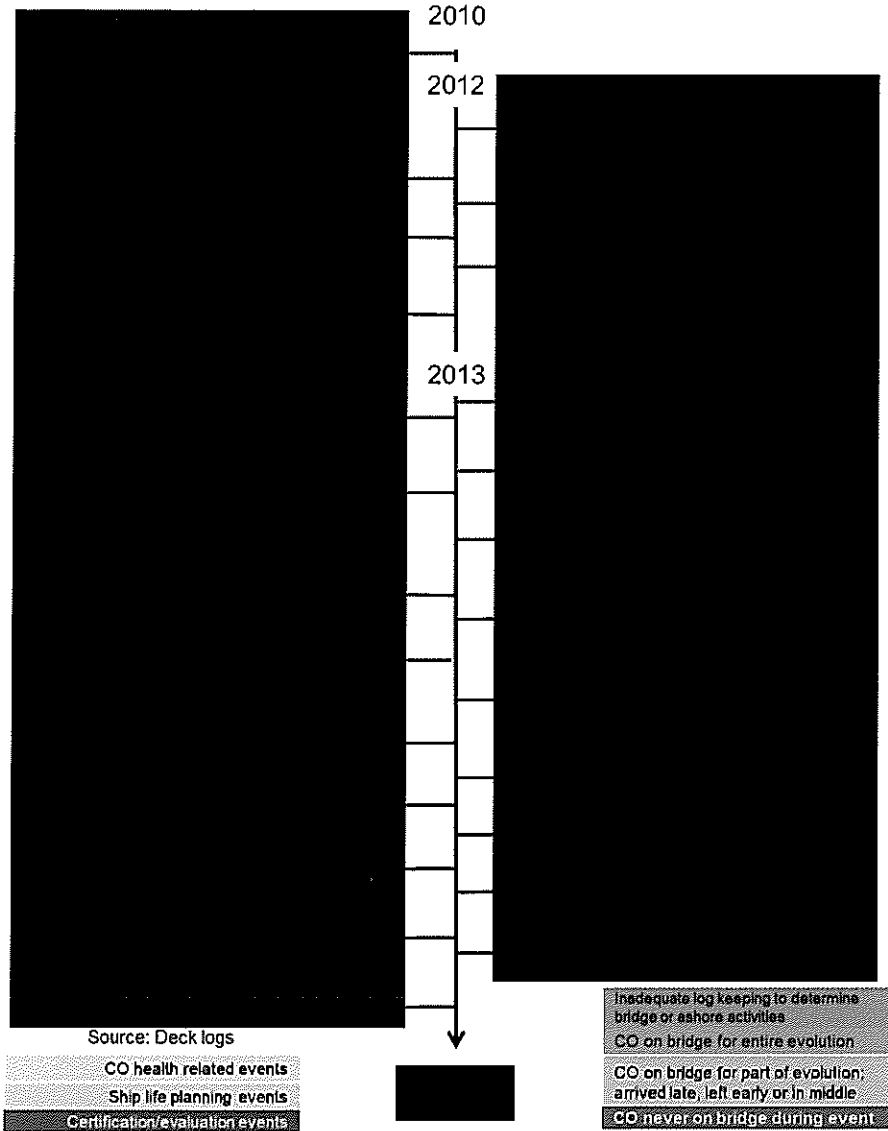
Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND
LEADERSHIP ICO USS COWPENS (CG 63)

7. (U) This investigation considered and addressed the material status of the COWPENS after hull swap and the initial certifications for deployment (including personnel, training, and material readiness). Several operational issues that occurred during the COWPENS deployment were examined, and only those deemed relevant to the findings, opinions, and conclusions are included in this investigation.

8. (~~S~~) A timeline of relevant matters was created for this investigation and is included as enclosure (2). The bases for this chronology are included as enclosures to this report.

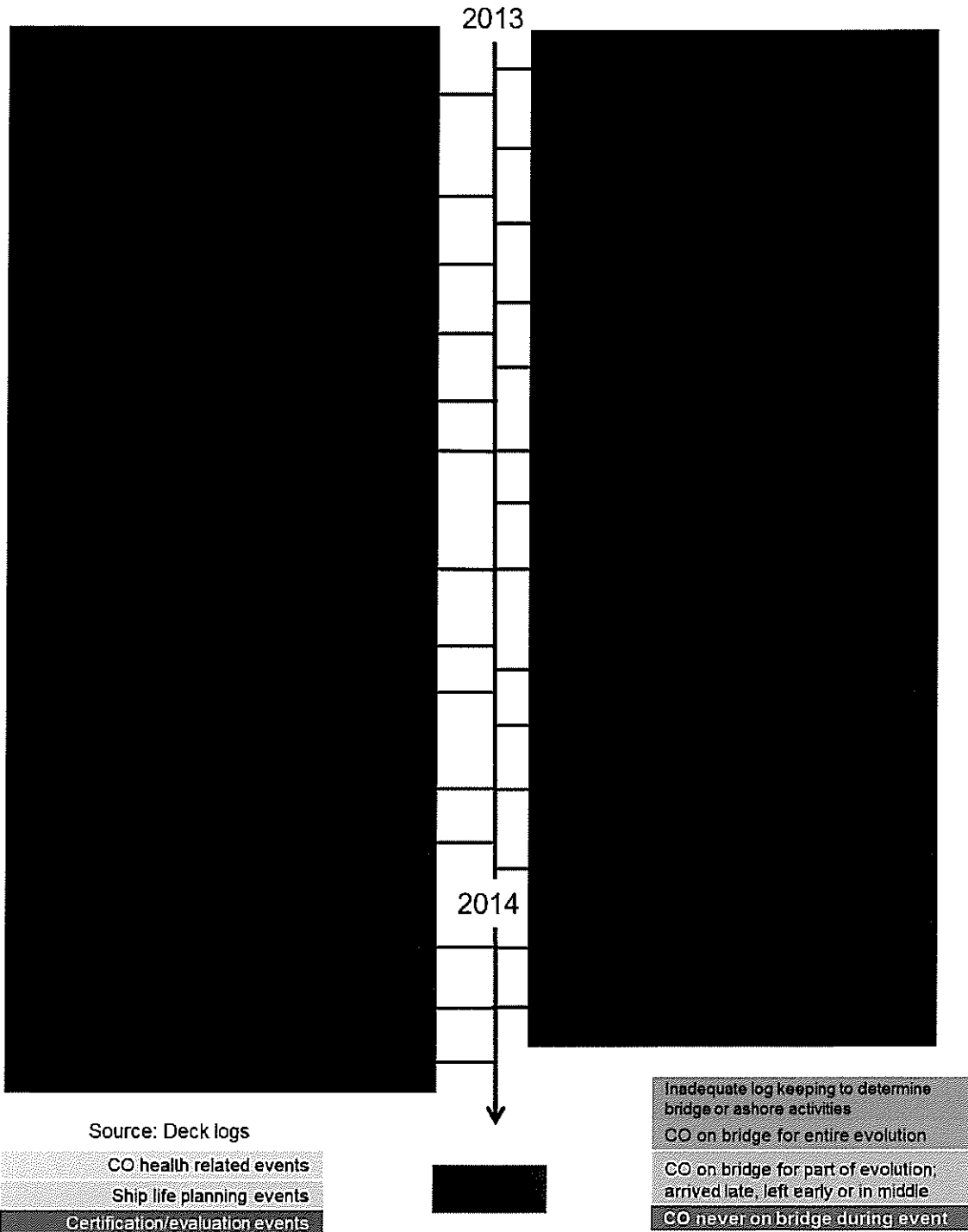
Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND LEADERSHIP ICO USS COWPENS (CG 63)

USS COWPENS (CG 63) Chronology



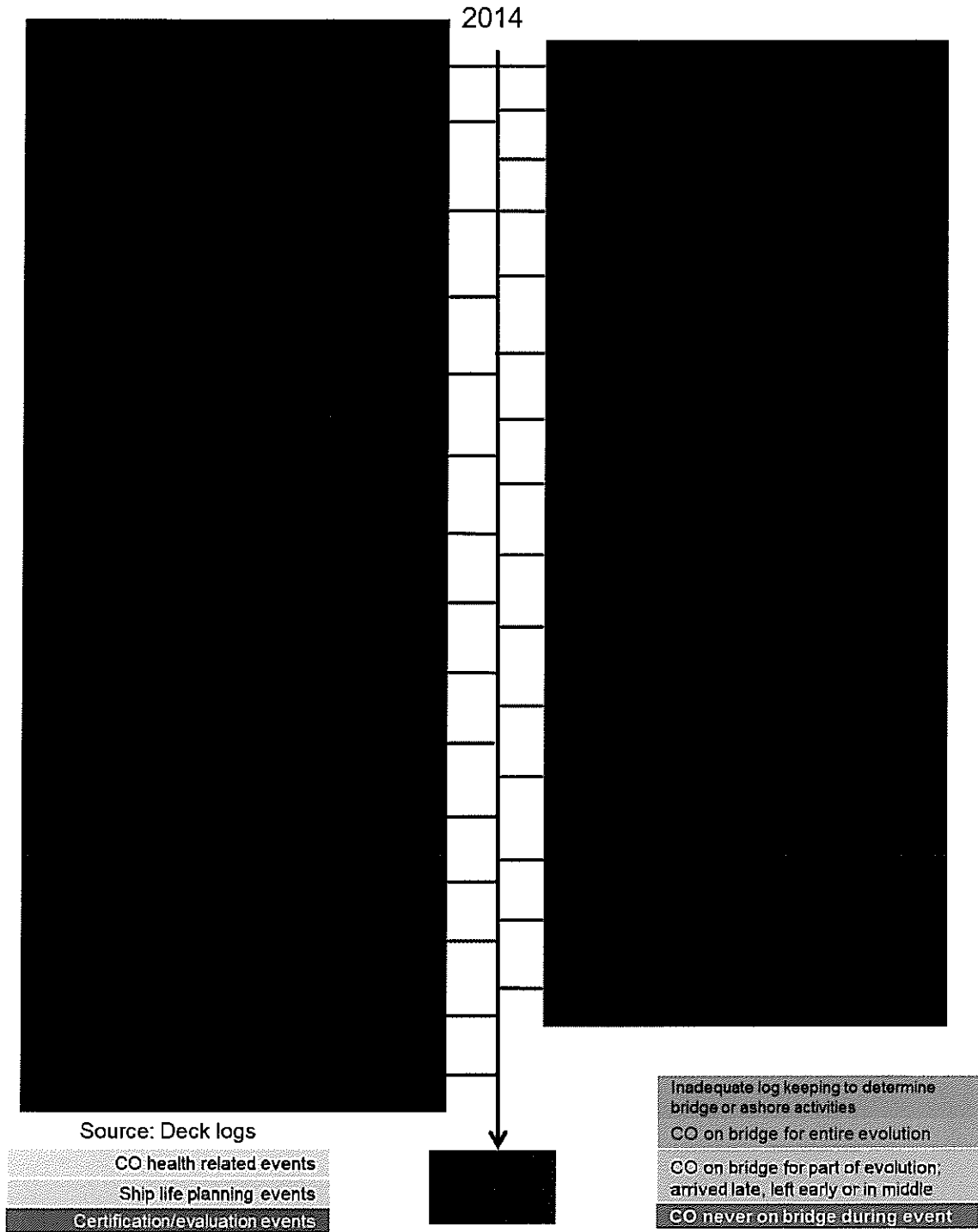
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USS COWPENS (CG 63) Chronology



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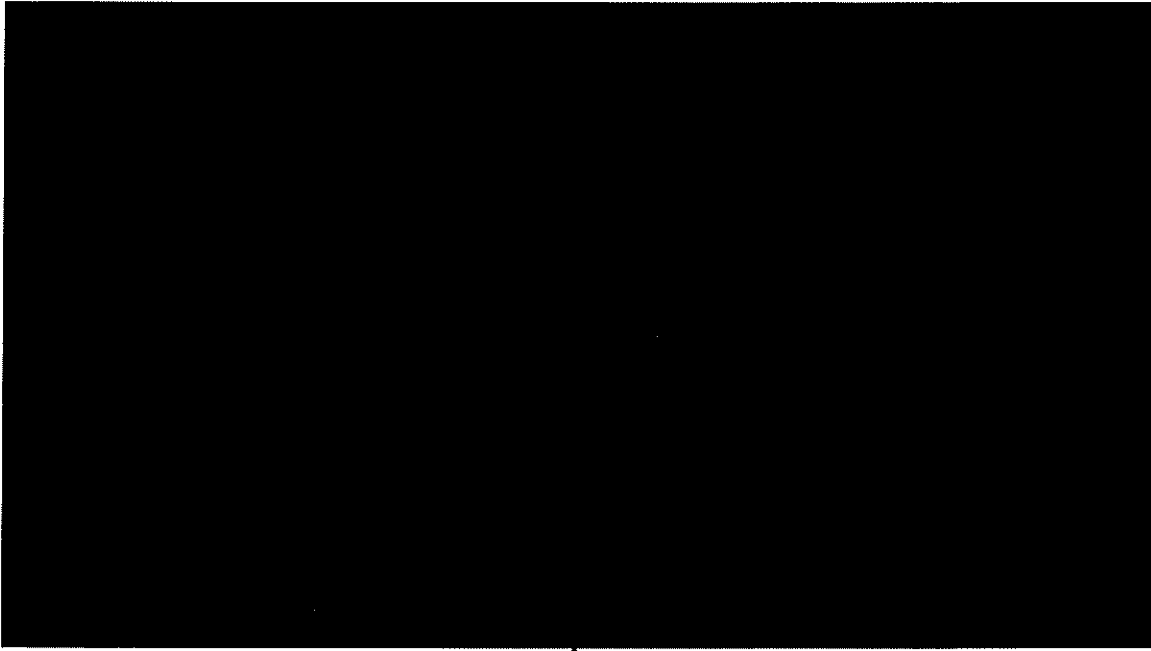
USS COWPENS (CG 63) Chronology



Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND LEADERSHIP ICO USS COWPENS (CG 63)

USS COWPENS (CG 63) Chronology

2014



Glossary

CHOP-	Change of OPCON (Operational Control)
CMAV-	Continuous Maintenance Availability
COMPTUEX-	Composite Training Unit Exercise
RON-	Remain Ashore Overnight
SMOSF-	Ship Modernization, Operations, and Sustainment Fund
TSRA-	Total Ship Readiness Assessment
UNREP-	Underway Replenishment

Source: Deck logs

CO health related events

Ship life planning events

Certification/evaluation events



Inadequate log keeping to determine bridge or ashore activities

CO on bridge for entire evolution

CO on bridge for part of evolution; arrived late, left early or in middle

CO never on bridge during event

Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND
LEADERSHIP ICO USS COWPENS (CG 63)

9. (U) This Investigation is organized as follows:

Executive Summary	p. 6
Preliminary Statement	p. 9
Standards of Review (SOR)	p. 17
Findings of Fact (FOF)	p. 27
-Command & ISIC Actions and Reporting	p. 27
-XO Transfer	p. 35
-Seamanship & Navigation and Command Oversight Lapses	p. 39
-Medical Condition of CO COWPENS	p. 41
-Fraternization between CO and Acting XO/CHENG	p. 49
-Reports of Fraternalization Communicated to COWPENS Chain of Command	p. 53
Opinions	p. 57
Recommendations	p. 62

~~SECRET~~

Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND
LEADERSHIP ICO USS COWPENS (CG 63)

(U) Standards of Review

(U) U.S. Navy Standards of Command and Conduct

1. (U) The Charge of Command from the Chief of Naval Operations dated 9 Jun 2011 lays out the responsibilities and governing principles of a Commanding Officer. Commanding Officers will "be held accountable to the highest standards of personal and professional conduct." These standards are to be met at all times. It also highlights the importance of inspiring and building the trust of subordinates. It states, "you build trust through your character and in your actions which demonstrate professional competence, judgment, good sense, and respect for those you lead." A command's success is dependent upon the Commanding Officer's ability to carry out these responsibilities and uphold these principles.

2. (U) Article 1131 of reference (b) is entitled the "Requirement of Exemplary Conduct" and states: "all Commanding Officers and others in authority in the naval service are required to show in themselves a good example of virtue, honor, patriotism, and subordination;... and to take all necessary and proper measures, under the laws, regulations, and customs of the Naval service, to promote and safeguard the morale, the physical well-being and the general welfare of the Officers and enlisted persons under their command or charge."

3. (U) Article 0702 of reference (b) states that commanders "shall be responsible for the satisfactory accomplishment of mission and duties assigned to their commands" and "shall exercise positive leadership and actively develop the highest qualities of leadership in persons with positions of authority and responsibility throughout their commands."

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Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND LEADERSHIP ICO USS COWPENS (CG 63)

4. (U) Article 04 of reference (b) states that the responsibility of the Commanding Officer for his command is "absolute," except when the Commanding Officer has been relieved by competent authority, or as provided otherwise in U.S. Navy Regulations. It further states "(T)he Commanding Officer and his or her subordinates shall exercise leadership through personal example, moral responsibility and judicious attention to the welfare of the persons under their control or supervision."

5. (U) Reference (c), Standard Organization and Regulations of the U.S. Navy, dated 16 Jun 2012 (NAVY SORM), Chapter 1, paragraph 1.3.A states that "the principles of accountability include," in part, that "each individual, regardless of rank or position, is fully accountable for his or her own actions, or failure to act when required."

6. (U) Article 3.1.1 of reference (c) states that "(T)he Commanding Officer is charged with the absolute responsibility for the safety, well-being and efficiency of the ship and crew until properly relieved." It further states; "(T)he duties and responsibilities of the Commanding Officer are established by the U.S. Navy Regulations, general orders, customs and tradition. The authority of the Commanding Officer is commensurate with their responsibility, subject to the limitations prescribed by constitutional, statutory, international and regulatory law including Navy Regulations."

7. (U) Failure to comply with reference (b) may be punished under the UCMJ.

8. (U) Conduct unbecoming an Officer and a Gentleman is punishable under Article 133 of the UCMJ.

9. (U) Failure to carry out any of the duties prescribed in references (b) and (c) may be punishable under the UCMJ.

(U) Good Order and Discipline - The Executive Officer

10. (U) Reference (c) Chapter 3 section 3.1.2 states: "The Executive Officer is directly responsible to the Commanding Officer and executes the policies of the Commanding Officer assisted by subordinates. His/her orders will have the same

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Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND LEADERSHIP ICO USS COWPENS (CG 63)

force and effect as if issued by the Commanding Officer. The Executive Officer assumes command, should the need arise, as defined by NAVREGS. The Executive Officer subject to the orders of the Commanding Officer assisted by subordinates will:

a. Make frequent inspections in company, when practicable, with the subordinates concerned; and to correct defects;

b. Supervise and coordinate the work, exercises, training, and education of the personnel of the command;

c. Supervise and coordinate the operational plans and schedules of the command;

d. Prepare and issue a daily schedule of employment and such other advance schedules as may aid subordinates in planning their work;

e. Ensure that all prescribed or necessary security measures and safety precautions are understood and strictly observed;

f. Evaluate the performance of officers and enlisted and personnel and make recommendations to the Commanding Officer concerning their promotion and advancement;

g. Regulate liberty and leave;

h. Oversee all boards and committees unless otherwise identified;

i. Supervise the organization and operation of the unit's Maintenance and Material Management System (3M) Program."

11. (U) Reference (b) section 0803 states: "in the absence of the Commanding Officer or the Executive Officer, or both, their duties shall devolve upon the Officer next in rank and eligible to succeed to command who is attached to and present in the command."

12. (U) Failure to carry out any of the duties prescribed in references (b) and (c) may be punishable under the UCMJ.

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Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND LEADERSHIP ICO USS COWPENS (CG 63)

(U) Good Order and Discipline - The Command Master Chief

13. (U) Reference (d) paragraph 2 states: "(T)he Command Master Chief Program is intended to ensure Sailors are effectively led and professionally developed. Senior enlisted Sailors selected for these programs are responsible for leading the alignment efforts of the Chief's Mess with the Navy ethos, Navy core values, and the Master Chief Petty Officer of the Navy's (MCPON's) mission, vision, and guiding principles. They are also charged with ensuring active communication throughout the chain of command."

14. (U) Reference (d) Chapter 2 section 1, states in part: "to qualify for selection as a CMC or CSC, candidates must be, first and foremost, strong leaders capable of leading a Chief's Mess. They must also possess, maintain, and demonstrate the following qualities:

a. Adherence to and promotion of Navy ethos, Navy core values, and the MCPON's mission, vision, and guiding principles;

b. Ability to lead Chief Petty Officers (CPOs);

c. Loyalty to the U.S. Navy, their seniors, peers, and subordinates;

d. Committed to developing and leading Sailors and enforcing standards throughout the chain of command;

e. Skill in developing junior officers and enlisted Sailors;

f. Skill in developing well-trained enlisted and officer teams;

g. A demeanor of approachability, as well as possess an understanding of Sailor concerns, challenges, personal and professional needs;

h. Strong moral, ethical and professional behavior, and possess unquestionable integrity;

i. Presence which sets the tone for the total force;

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Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND LEADERSHIP ICO USS COWPENS (CG 63)

j. Institutional and technical expertise;

k. Ability to initiate active communication up and down the chain of command; and

l. Leadership in physical fitness."

15. (U) Reference (c) Chapter 3 section 3.1.3 states: "(T)he Command Master Chief (CMC) is the enlisted advisor to the command on the formulation and implementation of policies pertinent to morale, welfare, job satisfaction, discipline, utilization and training of all enlisted personnel. The CMC is superior to all other enlisted members."

CMC reports directly to the Commanding Officer and works closely with the XO. The CMC ensures sailors are effectively led and developed. Specific duties and authorities are identified in OPNAVINST 201306.2 (series).

16. (U) Reference (d) Chapter 4 states in part: "CMCs report directly to CO. They will also work closely with the XO, in the dissemination and promotion of command policy. These leaders will foster and build upon the notion that a strong and effective triad will be the key to a successful leadership team. They will function as an integral element of the chain of command and are responsible for providing leadership to the enlisted force and advice to Navy leadership to create combat ready naval forces. CMCs are, first and foremost, leaders committed to developing Sailors and enforcing standards. They must remain responsive, aligned, and well-connected to both leadership and Sailors, and conduct themselves in a consistently professional, ethical, and traditional manner.

a. Authority and responsibilities of CMCs, shall include, but are not limited to, the following:

b. Must set the tone for the command through active involvement in the professional and personal development of Sailors;

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Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND LEADERSHIP ICO USS COWPENS (CG 63)

c. Provide solicited and unsolicited advice and enlisted perspectives to the chain of command as well as to their respective ISIC CMCs, FORCMs, and or FLTCMs;

d. Demonstrate institutional and technical expertise and hold the CPO Mess to the highest possible standards of professional excellence;

e. Actively teach, uphold, and enforce standards;

f. Provide leadership to enlisted Sailors and assist in the growth and development of junior officers;

g. Provide sound guidance to junior officers and advice to command leadership;

h. Promote the internalization of the Navy ethos and Navy core values in all Sailors. Inspire and motivate CPO Messes to embrace and teach mission, vision, and guiding principles;

i. Assist Commanders and COs in all matters pertaining to welfare, health, job satisfaction, morale, utilization, and training of Sailors in order to promote traditional standards of good order and discipline;

j. Actively promote and ensure ceremonies honoring command Sailors and or related to heritage and tradition are embraced and executed;

k. Ensure basic and traditional communication practices (Sailor-led general military training, quarters for muster, instruction, and inspection, etc.) are executed within the command."

17. (U) Failure to carry out any of the duties prescribed in references (c) and (d) may be punishable under the UCMJ.

(U) Fraternization

18. (U) The U.S. Navy has historically relied upon custom and tradition to define the bounds of acceptable personal

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Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND LEADERSHIP ICO USS COWPENS (CG 63)

relationships among its members. Experience demonstrates that seniors must maintain thoroughly professional relationships with juniors at all times. This custom recognizes the need to prevent use of a senior grade or position in such a way where it results in (or gives the appearance of) favoritism, preferential treatment, personal gain, or involves actions which otherwise may reasonably be expected to undermine good order, discipline, authority, or high unit morale. Likewise, custom requires that junior personnel recognize and respect the authority inherent in a senior's grade, rank, or position. This recognition of authority is evidenced by observance and enforcement of the military courtesies and customs which have traditionally defined proper senior-subordinate relationships. "Fraternization" is the term traditionally used to identify relationships that contravene these customary bounds of acceptable senior-subordinate relationships. Although commonly applied to officer-enlisted relationships, fraternization also applies to improper relationships and social interactions between officers. These traditions have been codified in references (b) and (e).

19. (U) Article 1165 paragraph (2) of reference (b) is entitled "Fraternization Prohibited" and states:

"When prejudicial to good order and discipline or of a nature to bring discredit on the naval service, personal relationships between officer Members or between enlisted members which are unduly familiar and that do not respect differences in grade or rank are prohibited. Prejudice to good order and discipline or discredit to the naval service may result from, but are not limited to, circumstances which--

- a. call into question a senior's objectivity;
- b. result in actual or apparent preferential treatment;
- c. undermine the authority of a senior; or
- d. compromise the chain of command."

20. (U) Reference (e) OPNAV Instruction 5370.2C, NAVY FRATERNIZATION POLICY, paragraph 5(c) "Prohibited Relationships" contains virtually identical language to Article 1165 of reference (b) and states:

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Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND
LEADERSHIP ICO USS COWPENS (CG 63)

"When prejudicial to good order or of a nature to bring discredit on the naval service, personal relationships between officer members or between enlisted members which are unduly familiar and that do not respect differences in grade or rank are prohibited. Prejudice to good order and discipline or discredit to the naval service may result from, but are not limited to, circumstances which:

- a. call into question a senior's objectivity;
- b. result in actual or apparent preferential treatment;
- c. undermine the authority of a senior; or
- d. compromise the chain of command."

21. (U) Circumstances will indicate whether a given social interaction or personal relationship is inappropriate and thus prohibited. However, examples of improper conduct include but are not limited to dating, shared living accommodations, intimate or sexual relations, commercial solicitations, private business partnerships, gambling and borrowing money.

22. (U) Prejudice to good order and discipline and discredit to the naval service may occur when the degree of familiarity between a senior and a junior in grade or rank is such that the senior's objectivity is called into question. This loss of objectivity by the senior may result in actual or apparent preferential treatment of the junior, and use of the senior's position for the private gain of either the senior or junior member. The actual or apparent loss of objectivity by a senior may result in the perception in which the senior is no longer capable or willing to exercise fairness and make judgments on the basis of merit. An unduly familiar relationship that so undermines the leadership authority of a senior or that compromises the chain of command (i.e., where there is a direct senior-subordinate relationship) is inappropriate and prohibited. Fraternalization is a gender-neutral concept. Its focus is on the detriment to good order and discipline resulting from the erosion of respect for authority inherent in an unduly familiar senior subordinate relationship, not the sex of the members involved. Sexual contact or an intimate relationship

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Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND LEADERSHIP ICO USS COWPENS (CG 63)

between members is not required for fraternization to have occurred.

23. (U) Seniors throughout the chain of command must be especially attentive to their personal associations such that their actions and the actions of their subordinates are supportive of the military chain of command and good order and discipline. The responsibility for preventing inappropriate relationships rests primarily with the senior. While the senior party is expected to control and preclude the development of inappropriate relationships, this policy is applicable to both members and both are personally and legally accountable for their own conduct.

24. (U) Fraternization as defined and prohibited in references (b) and (e) is punishable as an offense under the UCMJ.

(U) Seamanship and Navigation Standards

25. (U) Reference (c), chapter 5, paragraph 5.1.51 (Safe Navigation) enumerates the myriad responsibilities of the Commanding Officer to personally be aware of navigation circumstances of the ship.

26. (U) Reference (f), chapter 2, paragraph 1 states: "(T)he CO is responsible for the safe navigation of the ship. As stated in [U.S. Navy Regulations], '(T)he presence of a pilot on board will not relieve the CO or any subordinates from his or her responsibility for the proper performance of the duties with which he or she may be charged concerning the navigation and handling of the ship.' COs must be especially dutiful in maintaining the safety of the ship when evaluating the recommendations of an embarked pilot, especially when the pilot recommends deviating from the planned track. COs will use all available means of fixing and/or establishing the ship's position. Individual ship's Navigation Bills will delineate the primary, secondary and tertiary means of fixing the ship's position... The CO must also establish the proper role of the use of any Situational Awareness (SA) Systems installed on the ship and ensure that the SA system meets the requirements of this instruction."

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Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND
LEADERSHIP ICO USS COWPENS (CG 63)

27. (U) Appendix B of reference (f) states: "(T)he Commanding Officer is required to attend navigation briefs."

28. (U) The above cited standards form the basis of the evaluation of the conduct of those named in this report.


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Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND LEADERSHIP ICO USS COWPENS (CG 63)

(U) FINDINGS OF FACT (FOF)

(U) Command and ISIC Actions and Reporting

1. (U) USS ANTIETAM (CG 54) completed all Basic Phase requirements between 9 Jul 2012 and 26 Nov 2012. [Encl: (3)]
2. (U) Commander, Surface Force, U.S. Pacific Fleet (CNSP) provided hull swap guidance for ANTIETAM and USS COWPENS (CG 63) in Nov 2012. [Encl: (4)]
3. (U) Commander, Carrier Strike Group FIVE (CCSG-5) provided a plan for the crew certification of COWPENS in Dec 2012. [Encl: (5)]
4. (U) COWPENS and ANTIETAM completed hull-swap in Yokosuka, Japan between Jan 2013 and Feb 2013. [Encl: (6)]
5. (U) An Engineering Readiness Assist Team [ERAT] visit was conducted in COWPENS between 11-22 Feb 2013, and the previous Commanding Officer (CO) COWPENS (CAPT Robert Tortora) reports to Chief of Staff (COS) and Material Officer (N4), Commander Carrier Group THREE (CCSG-3), and "*There are significant deficiencies in the material condition of this ship and also in material self-assessment as noted by the differences between 2-Kilo discrepancies and the 805 non-documented discrepancies they listed.*" [Encl: (7)]
6. (U) Ship's Modernization, Operations, and Sustainment Fund (SMOSF) was authorized in public law (P.L. 113-6) in late Mar 2013, and funding becomes available to fund operations in designated guided-missile cruisers, including COWPENS. [Encl: (8)]
7. (U) COWPENS was certified by CCSG-5 as safe to commence operations at sea in Mar 2013. [Encl: (6)]
8. (C) 

Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND LEADERSHIP ICO USS COWPENS (CG 63)

[Redacted]

[Encl: (9)]

9. (U) On 8 Apr 2013 COWPENS returned to San Diego. [Encl: (10)]

10. ~~(FOUO)~~ CO COWPENS indicated awareness of pending independent deployment to the SEVENTH Fleet area of responsibility. [Encl: (11)]

11. (U) Between 22 Apr and 10 May 2014, COWPENS completed Total Ship Readiness Availability 1, 2, and 5 consisting of over 1300 tests of various ships systems, and parts cost of slightly more than \$1.25M. [Encl: (12)]

12. (U) On 21 Jun 2013, CAPT Gregory Gombert relieved CAPT Robert Tortora as CO COWPENS. [Encl: (13)]

13. (U) On 21 Jun 2013, CDR Jeremy Aujero, Executive Officer (XO) COWPENS reported to Chief of Staff (COS) CCSG-3, that *"CNSP has provided over \$7M for an on-going Consolidated Maintenance Availability (CMAV), as well as additional funding to buy down the new and existing parts requirements,"* and *"COWPENS completion of: Mid-Cycle Inspection, Gas Turbine Readiness Review, USW Recertification, Explosive Safety Review 1.1 and 1.2, Passive Countermeasures Inspection, and a replacement of the port shaft seal."* [Encl: (14)]

14. (U) On 1 Jul 2013, in his initial report as CO COWPENS to Commander CNSP (CC: COS CNSP, COS CCSG-3), CAPT Gombert reported that *"COWPENS has been fully funded for all requirements; raising the bar on the ship's condition;"* *"the Crew is fully committed and eager to turn all of their hard work into a meaningful deployment;"* and *"that CSG-3 support has been superb."* [Encl: (13)]

15. ~~(S)~~ [Redacted]

~~SECRET~~

Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND LEADERSHIP ICO USS COWPENS (CG 63)

16. ~~(C)~~ [REDACTED]

17. (U) Operations Officer (N3) CCSG-3 informs CO COWPENS that a decision is made by the ISIC (CCSG-3) to perform a "Safe-to-Steam Assessment" and a "Limited LOA" (Light Off Assessment). [Encl: (17)]

18. (U) Between 12-14 Aug 2013, N4 CSG-3 (augmented by qualified Engineering Assessors from Afloat Training Group San Diego) conducted an "ISIC Led" LOA which observed: *"USS COWPENS engineering department is working to improve the overall condition of the plant following an extended forward deployed period and previously scheduled decommissioning. Though challenged by fiscal constraints and material problems associated with a decommission mindset, COWPENS' Engineers are successfully restoring the Engineering Plant to full operational status. The overall material condition of the plant is not below CG class average and the Engineering Management Programs are in place and will support a successful deployment."* [Encl: (18)]

19. (U) On 14 Aug 2013, CO COWPENS did not attend the LOA outbrief. [Encl: (18)]

20. (U) On 20 Aug 2013, COS CCSG-3 sent a note to COS CNSP detailing CO COWPENS assessment of readiness. [Encl: (19)]

21. ~~(S)~~ On 27 Aug 2103, CO COWPENS provided a "HOWGOSIT" (monthly update) to Commander CCSG-3 which reported the following accomplishments: [REDACTED]

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Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND LEADERSHIP ICO USS COWPENS (CG 63)

[REDACTED] along with a summary of material issues and their associated status. [Encl: (20)]

22. (U) On 28 Aug 2013, the Surface Operations Officer (N3A) CCSG-3 provided a list of "significant issues" to COS CSG-3 (and other Staff) being closely watched by the ISIC Staff. [Encl: (21)]

23. (U) On 30 Aug 2103, CO COWPENS provided an e-mail with attached slides to COS CSG-3 that indicated a 20 Sept 2013 expected date of deployment. [Encl: (22)]

24. (U) Commander CSG-3 visited COWPENS on 10 Sept 2013. [Encl: (23)]

25. (U) Commander CSG-3 recalled his impressions from that visit: "*Absent a slight challenge with TLAM proficiency at the beginning of her deployment that was immediately corrected with oversight from the CO, I had no concerns with her training and readiness.*" [Encl: (24)]

26. (U) COS CSG-3 stated that CCSG-3 staff continuously monitored the material condition of COWPENS leading up to and during deployment: "*Minimum readiness levels were achieved by a training regimen tailored to the needs identified for COWPENS. Based on the pre-deployment training and assessments conducted, as well confidence in the energized new leadership, COWPENS was recommended to be certified for deployment and designated as an Independent Unit Ready for Tasking (IURFT).*" [Encl: (25)]

27. (S) [REDACTED]

28. (U) Commander, Strike Group FIVE/Battle Force SEVENTH Fleet (CCSG-5/CTF-70) reviewed the readiness of COWPENS as she CHOP (change operational control) to the SEVENTH Fleet AOR: "*My N3/N3A/N37 and I all reviewed the COWPENS initial readiness reports as they in-chopped on 3 Oct 2013. In addition we were able to review the C3F 'USS COWPENS CERTIFICATION TO DEPLOY'*

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Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND LEADERSHIP ICO USS COWPENS (CG 63)

message. We noted the report of 4 readiness affecting casualties at in-chop (two comms gear, one GTM engine, one AEGIS affecting) but no mission areas were "red." From the C3F message we could see that the ship was qualified 'at standards' in all respects except for NSFS." (Naval Surface Fire Support). [Encl: (27)]

29. (U) During deployment, CO COWPENS communicated with CCSG-3, CCSG-5/CTF-70 about the material status of the ship at regular and predictable intervals. [Encl: (24-27)]

30. (U) While deployed between Sep 2013 and Apr 2014 CO COWPENS provided the following e-mail cadence to the COS CSG-3 detailed in the chart below: [Encl: (25)]

Month	Emails from CO COWPENS (NIPR/SIPR/tot)
Sep 2013	58 / 5 / 63
Oct 2013	23 / 11 / 44
Nov 2013	07 / 22 / 29
Dec 2013	11 / 19 / 30
Jan 2014	15 / 14 / 29
Feb 2014	42 / 15 / 57
Mar 2014	27 / 14 / 41
Apr 2014	40 / 11 / 51

31. (U) Commander CSG-5/CTF-70 described CO COWPENS communications cadence as: *"CO COWPENS and I had approximately 240 email exchanges over the 6 months COWPENS was in AOR (~95 from me/~145 from him). These varied between detailed weekly emails from him about his readiness to simple exchanges back and forth about the repair of an engine. This was about 50% more emails than I received from another CG CO rotationally deployed about the same time. I would say that the "other" CG CO's had fewer, but more detailed, emails but in total I received a great deal of timely information from CO COWPENS."* [Encl: (27)]

32. (U) There was no notable change in CO COWPENS' information reporting during the duration of deployment to Commander CSG-3, or Commander CSG-5/CTF-70. [Encl: (24-25), (27)]

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Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND LEADERSHIP ICO USS COWPENS (CG 63)

33. (C) [REDACTED]

34. (U) Commander Expeditionary Strike Group SEVEN/Task Force 76 (CESG-7/CTF-76) was embarked in COWPENS during Operation Damayan (Humanitarian Assistance/Disaster Relief operations in the vicinity of the Philippines) between 20 Nov 2013 and 1 Dec 2013. [Encl: (29)]

35. (U) Commander CTF-76 provided the following observations of his embarkation: "[I] did not see any direct safety issues or unsafe procedures." "I noted at the time that I felt the ship was loose and lacked discipline...I have a clear impression of the cruiser Navy and COWPENS was not at that standard." [Encl: (29)]

36. (U) At a later date shortly after disembarking COWPENS (likely in Dec 2013), Commander ESG-7/CTF-76 spoke with Commander CSG-5/CTF-70 that he (CSG-5/CTF-70) "might want to keep an eye on her (COWPENS), that she was a bit loose and discipline was not where I was used to." [Encl: (29)]

37. (U) Commander CSG-5/CTF-70 acknowledged "RDML Wetherald (Commander ESG-7/CTF-76) did discuss with me that he was not impressed with CO COWPENS' performance as his flag ship during Operation Damayan - he did this when he visited me on GW (USS GEORGE WASHINGTON) during the first few days of Operation Damayan. RDML Wetherald mentioned two specific issues. First, CO COWPENS was utilizing the inport cabin (vice at-sea cabin where he would have normally expected a CG CO to be while at sea) and had not made preparations to leave the cabin and make it available for RDML Wetherald (as he should have as RDML was embarking). Second, CO COWPENS used only one Officer on the bridge during the lily pad operations (this involved maneuvering the ship to achieve winds during anchored ops) and this seemed unusual to [ESG-7/CTF-76] (I agreed). At the time I was focused on the conduct of my responsibilities as JFMCC for Operation Damayan and C2 of the ships I was responsible for, and did not feel the need to take any action based on this specific

Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND LEADERSHIP ICO USS COWPENS (CG 63)

conversation. [ESG-7/CTF-76] maintained COWPENS as his flag ship for Operation Damayan and I departed to conduct exercise ANNUALEX about 1000 miles away so I did not have an opportunity to embark or visit COWPENS after RDML transferred TACON back to me." [Encl: (27)]

38. ~~(S)~~ [REDACTED]

39. ~~(S)~~ [REDACTED]

40. (U) CO COWPENS reported that he would have to abort assigned operational tasking and return to port in Spring 2014. [Encl: (32)]

41. (U) CO COWPENS provided regular updates to Commander CCSG-5/CTF-70 as to repairs being accomplished to equipment that forced COWPENS to return to port. [Encl: (33)]

42. ~~(C)~~ [REDACTED]

43. (C) [REDACTED]

44. (U) COWPENS OPS arranged with the Safety Center to conduct a Safety Survey starting 14 May 2014. [Encl: (35)]

45. (U) CO COWPENS did not inform Commander CSG-3 that the Safety Survey was scheduled during post-deployment leave and stand-down. [Encl: (24)]

Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND LEADERSHIP ICO USS COWPENS (CG 63)

46. (U) CO COWPENS did not inform Commander CSG-3 that the Safety Survey was in progress while he (Commander CSG-3) was aboard the ship receiving the post-deployment brief. [Encl: (24)]

47. (U) The results of the Safety Survey were communicated to Commander CSG-3 and an ISIC assessment was ordered. [Encl: (24)]

48. (U) The poor results of the ISIC Assessment formed the basis of grounds for the loss of confidence in CO COWPENS' ability to command COWPENS. [Encl: (24), (90)]

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UNCLASSIFIED

Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND LEADERSHIP ICO USS COWPENS (CG 63)

(U) XO Transfer

49. (U) On 5 Jun 2103, prior to taking command of COWPENS, following a visit to the ship as the Prospective CO, CO COWPENS informed COS CCSG-3 that XO COWPENS was categorized as a "significant leadership team weakness." [Encl: (36)]

50. (U) On 26 Aug 2013 CO COWPENS informed COS CCSG-3 of concerns he had with the performance of XO COWPENS and his intention to work with the Bureau of Navy Personnel "to secure a relief by 15 Dec 2013." [Encl: (37)]

51. (U) On 26 Aug 2013 COS CCSG-3 informed CO COWPENS that he concurs with "proposed XO swap in Dec 2013," and to "please let me know how the discussion goes with PERS 41, I fully expect Commander CSG-3 to weigh in as necessary." [Encl: (38)]

52. (U) On 27 Aug 2013, CO COWPENS informed COS CCSG-3 that "PERS-41 saying that this is a reasonable plan and we are working on options for his relief to meet this timeline. More to follow soon." [Encl: (38)]

53. (U) On 10 Sep 2013 CO COWPENS made the statement to COS CCSG-3 that he (CO) had told Commander CCSG-3 "(M)y Wardroom Team is solid." [Encl: (39)]

54. (U) On 30 Sep 2013, Prospective Executive Officer (P-XO), CDR [REDACTED] was ordered in as the relief for XO with a report date of "not later than Jan 2014." [Encl: (40)]

55. (U) On 28 Nov 2013, CO COWPENS stated to COS CCSG-3: "I think it's time to pull the trigger on the XO and let him go earlier than expected. I'd gap the position from mid-Dec thru Jan." [Encl: (41)]

56. (U) On 29 Nov 2013, COS CCSG-3 told CO COWPENS "I spoke with (Commander CSG-3), and he is supportive of your decision." [Encl: (41)]

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Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND LEADERSHIP ICO USS COWPENS (CG 63)

57. (U) On 30 Nov 2013, CO COWPENS directly informed Commander CSG-3 *"I'm comfortable letting [XO] go - and equally comfortable subjecting the Crew to a premature departure. CHENG will relieve him (XO) NLT 11 Dec. My P-XO will relieve CHENG NLT 1 Mar."* [Encl: (24)]

58. (U) On 30 Nov 2013, Commander CSG-3 replied to CO COWPENS *"OK, Mar is a surprise - thought the gap was until Jan."* [Encl: (24)]

59. (U) On 29 Nov 2013 (Investigation Officer Comment: time stamp on e-mail reflects differences in location of COWPENS and CCSG-3 Staff) CO COWPENS replied to Commander CSG-3 *"P-XO is indicating Singapore so 4-15 Jan. That 1 Mar is NLT Date."* CO COWPENS offered no explanation, and there are no e-mails, evincing his motive or decision for extending the gap. [Encl: (24)]

60. (U) On 30 Nov 2013, Commander CSG-3 replied to CO COWPENS *"Please let us know if the "system" comes up with something that might impact the Jan arrival date."* [Encl: (25)]

61. (U) On 15 Dec 2013, [XO] detached COWPENS, and [CHENG] assumed duties as Acting XO in addition to duties CHENG and Senior Watch Officer. [Encl: (42)]

62. (U) CO COWPENS did not inform his operational chain of command (CCSG-5/CTF-70) that he had detached his XO and gapped the billet. [Encl: (27)]

63. (U) On 17 Dec 2013, P-XO informed Acting XO/CHENG *"(R)ight now I'm trying to set up HHG (household goods) around 21 Jan, and working on an I-Stop in San Diego. So any time the last week in Jan or first week in Feb would work best, but I'm willing to do just about anything after 15 Jan."* [Encl: (43)]

64. (U) On 16 Dec 2013, Acting XO/CHENG replied to P-XO *"Sir, I talked to the CO and he is completely fine with you not coming till the beginning of Feb."* [Encl: (43)]

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Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND LEADERSHIP ICO USS COWPENS (CG 63)

65. (U) On 17 Dec 2013, CO COWPENS stated to N3A CCSG-3 "I have to say I might not need a replacement XO. I teased N00 (Commander CSG-3) with the idea." [Encl: (44)]

66. (U) On 2 Jan 2014, CO COWPENS informed P-XO "I'm thinking you can lash up with our OPS via e-mail so he can prepare you for attendance at 3F's (THIRD Fleet) Feb Scheduling Conference." [Encl: (45)]

67. ~~(FOUO)~~ On 6 Jan 2014, Order Modification (01) was issued to P-XO directing "an Intermediate Stop in San Diego, and a No Later Than Report Date to COWPENS of Feb 2014." [Encl: (46)]

68. (U) On 15 Jan 2014, P-XO was informed by OPS that the date for the THIRD Fleet scheduling conference had shifted, and that the conference would now take place 19-21 Feb 2014 vice 11-13 Feb 2014. [Encl: (47)]

69. (U) On or about 15 Jan 2014, P-XO failed his Sea Duty Screening for [REDACTED] [Encl: (48-49)]

70. (U) P-XO immediately informed CO COWPENS of his failure to screen for sea duty on 15 Jan 14. [Encl: (48)]

71. (U) On 3 Feb 2014, P-XO informed CO COWPENS that his [REDACTED] [REDACTED] as under control and that he would be able to execute his orders as written. [Encl: (48), (50)]

72. (U) On 3 Feb 2014, CO COWPENS directs P-XO to "Take your time, Join us in San Diego 17 Apr. I'm serious." [Encl: (50)]

73. (U) On 5 Feb 2014, CO COWPENS stated to the Bureau of Naval Personnel (PERS 41A) "My P-XO can't screen for sea duty. He's close but I'm not sure. [REDACTED] I told him to chill and join us 17 Apr when we get back." [Encl: (51)]

74. (U) On 6 Feb 2014, PERS 41A informed CO COWPENS, "We're hearing the same." (referring to the status of P-XO sea duty screening status). [Encl: (51)]

Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND LEADERSHIP ICO USS COWPENS (CG 63)

75. (U) On 7 Feb 2014, an orders modification for P-XO was proposed by PERS-41, making a 17 Apr 2014 report date to COWPENS for the P-XO. [Encl: (51)]

76. (U) On 6 Feb 2014, CO COWPENS told P-XO COWPENS *"Well, I don't want to rush you...I'm not really worried but I think that acting XO, CMC, and the Wardroom are nervous nellies...Remember now, I've essentially been acting XO since I took command unlike while in command of GRIDLEY I've got my fingers in everything and this is more my ship that GRIDLEY was..."* [Encl: (52)]

77. (U) On 10 Feb 2014, P-XO received the orders modification with an Apr 2014 report date. [Encl: (53)]

78. (U) CO COWPENS did not inform Commander CSG-3 of this additional delay in the P-XO's report date, nor was CSG3 included or infoed in the message itself. [Encl: (24), (53)]

79. (U) On 22 Mar 2014, COWPENS released a message stating that the P-XO was cleared for sea duty. However evidence uncovered suggests he was actually medically cleared before then. [Encl: (54)]

80. (U) On 27 Mar 2014, buried in the text of a lengthy, routine monthly report rather than a more timely voice (or other) report, CO COWPENS informed Commander, CSG-3 and CoS CCSG-3, *"XO reports in Apr upon return to homeport."* [Encl: (24), (25)]

81. (U) COS CCSG-3 asserted responsibility for the supervisory error by not more closely following the delay of the P-XO and making a report to CCSG-3. [Encl: (25)]

Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND LEADERSHIP ICO USS COWPENS (CG 63)

(U) Seamanship and Navigation and Command Oversight Lapses

82. (U) CO COWPENS did not attend all required navigation briefs, as was required. [SOR: (25-26); Encl: (65), (68), (88)]

83. (U) CO COWPENS did not review and approve navigation plans, as was required. [SOR (25-26); Encl: (77)]

84. (U) Of the 48 special evolutions between deployment (Sep 2013) and arriving in Pearl Harbor en route to San Diego (Apr 2014), CO COWPENS was not present on the bridge for 7 evolutions, and arrived late or departed early for 14 evolutions. CO COWPENS was fully present for the entire evolution for only 27 of the 48 (56%). (Special evolutions include: underway replenishment details and Sea and Anchor details). [SOR: (25-27); Encl: (65), (88); See preliminary statement para 8]

85. (U) CO COWPENS frequently arrived late or departed early from the bridge during special evolutions. [Encl: (74), (75), (88)]

86. (U) CO COWPENS did not receive routine or situational reports from the Officer of the Deck (OOD) (and other supervisory watches) over 50% of the time while the ship was underway between 19 Jan and 17 Apr 2014. [Encl: (88)]

87. (U) Commander ESG-7/CTF-76's impression while embarked in COWPENS in Dec 2013 was that COWPENS was, "*loose and lacked discipline*" and "*did not execute in a sharp and precise manner.*" [Encl: (29)]

88. (U) CO COWPENS' frequent absences from the bridge during special evolutions caused great concern amongst Officers of the Deck, Conning Officers, and Department Heads [Encl: (65), (68), (75)]

89. (U) LT [REDACTED] addressed CO COWPENS' absence from the bridge with the Acting XO/Engineer Officer. [Encl: (65)]

Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND LEADERSHIP ICO USS COWPENS (CG 63)

90. (U) On at least one occasion, when conning alongside an oiler in heavy seas, the OOD asked the Acting XO/CHENG why the CO was not on the bridge and was told *"it's all good, you've got this! He trusts you and knows you'll do a good job."* [Encl: (65)]

91. (U) CO COWPENS' pattern of absence from briefs and the bridge pre-dated any complaints of illness by the Captain. [Encl: (68)]

92. (U) COWPENS did not have an assigned/designated PQS Coordinator until Mar 2014, as they were required to have. [SOR: (6), (10), Encl: (89)]

93. (U) CO COWPENS did not complete required 3M spot checks and no evidence was found to indicate any required follow-up by the Acting XO/CHENG (3M Program Manager), as was required. [Ref (b) and (c); SOR: (1-6), (10), (13-16); Encl: (80)]

94. (U) CO COWPENS delegated two required quarterly Electronic Key Mat System (EKMS) spot checks acting XO/CHENG in calendar year 2014. [Ref (b) and (c); SOR: (1-6), (10); Encl: (74)]

95. (U) CO COWPENS did not convene or conduct regular meetings with Department Heads, as was required. [Ref (b) and (c); SOR: (1-8); Encl: (68), (70)]

96. (U) The Acting XO/CHENG did not convene regular meetings of the Planning Board for Training, as was required. [SOR: (2), (4-5), (7), (10-12); Encl: (65)]

97. (U) CO COWPENS did not conduct or attend qualification boards for Officer of the Deck or Tactical Action Officer, as was required. [Ref (b) and (c); SOR: (1-8); Encl: (73), (77)]

Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND LEADERSHIP ICO USS COWPENS (CG 63)

(U) Medical Condition of CO COWPENS

98. (U) At the request of the CNSP Force Surgeon, the Senior Medical Officer (SMO) CTF 70 reviewed the medical record of CO COWPENS, emails pertaining to his health that they exchanged, and the notes/emails of the Independent Duty Corpsman (IDC), as well as his own recollections and notes pertaining to conversations with CO COWPENS, CO COWPENS' wife, and the IDC. Based on this review, CTF-70 SMO provided a memorandum to the CNSP Force Surgeon with a statement of facts and timeline pertaining to the medical condition, treatment, and medical status of CO COWPENS during the Jan-Mar 2014 timeframe. [Encl: (55)]

99. (U) At the request of the Investigating Officer, the CNSP Force Surgeon reviewed the medical record of CO COWPENS, notes taken by a Navy Neurologist, emails pertaining to CO COWPENS' health, and the notes/emails of the IDC. He gave a statement summarizing the timeline and his assessment of the medical condition, treatment, and status of CO COWPENS during the Jan-Mar 2014 timeframe. [Encl: (56)]

100. (U) CO COWPENS became ill during the deployment around 9 Jan 2014 with complaints of [REDACTED] [Encl: (55), (56-58), (62)]

101. (U) CO COWPENS was evaluated by his IDC a total of 5 times between 9 Jan and 16 Jan 2014. [Encl: (55-56)]

102. (U) CO COWPENS is believed to have contracted [REDACTED] [Encl: (55-56)]

103. (U) CO COWPENS received a course of [REDACTED] on 9 Jan 2014 and a liter of [REDACTED] on 12 Jan 2014. [Encl: (55-56), (60)]

104. (U) CO COWPENS was seen at Gleneagles Hospital in Singapore on 10 Jan 2014. [Encl: (55), (58)]

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Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND LEADERSHIP ICO USS COWPENS (CG 63)

105. (U) CO COWPENS was referred to one of the International SOS contracted hospitals in Singapore on 15 Jan 2014 due to persistent symptoms. [Encl: (55-56), (58), (60)]

106. (U) CO COWPENS received [REDACTED] in the Emergency department at the Singapore hospital and was released with a prescription for [REDACTED] on 15 Jan 2014. [Encl: (55-56)]

107. (U) On 16 Jan 2014, the IDC recommended that CO COWPENS reach out to the SMO CTF-70 for "*recommendations and guidance due to possible continued sickness of the CO.*" [Encl: (55-57)]

108. (U) On 16 Jan 2014, the IDC also sent an email to the SMO CTF-70 that stated CO COWPENS was feeling better than he was the day before, and [REDACTED] had gone from [REDACTED] on scale of [REDACTED] on 14 Jan to [REDACTED] on 16 Jan 2014. [Encl: (61)]

109. (U) On 17 Jan 2014, the SMO CTF-70 was notified of CO COWPENS' medical condition by COS CTF-70, who emailed him stating: "*SMO, looking for a medical recommendation regarding the CO's condition for duty. i.e, will he be ok at sea to command his ship w/ or w/o a doctor embarked... If determined to be too sick in command, we need to know this as well so we can find a temporary relief to support the operational schedule. The ship is supposed to be underway soon, so please feel free to provide your advice directly to [Commander CSG-5/CTF-70] so he can determine the best course of action. r/COS.*" [Encl: (55-56), (58)]

110. (U) In order to answer the question regarding CO COWPENS' medical fitness, SMO CTF-70 contacted CO COWPENS and spoke to him via telephone on 17 Jan 2014. He also spoke to Acting XO/CHENG and IDC. SMO CTF-70 reviewed the medical record sent to him by the IDC and the lab work done at Gleneagles Hospital. CO COWPENS was taking [REDACTED] but was concerned about the lack of progress. [Encl: (55), (58)]

111. (U) SMO CTF-70 working diagnosis on 17 Jan 2014 was a [REDACTED] SMO CTF-70's advice to CO COWPENS was to [REDACTED] [REDACTED] [Encl: (55), (58)]

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Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND LEADERSHIP ICO USS COWPENS (CG 63)

112. (U) During the 17 Jan 2014 conversation with SMO CTF-70, CO COWPENS expressed that on 9-10 Jan 2014 he felt [REDACTED] and profound fatigue and slept in his cabin. He also intimated that had he concerns about his ability to command on those days. However at the time of the 17 Jan 2014 phone conversation, CO COWPENS and his IDC were finally noticing improvement. CO COWPENS therefore expressed that despite his initial condition, his symptoms were not interfering with his command responsibilities. [Encl: (55), (58)]

113. (U) Based on his review of the record and working diagnosis, SMO CTF-70 informed COS CTF-70 via phone conversation on 17 Jan 2014 that CO COWPENS, [REDACTED], was expected to fully recover and could still carry out his responsibilities as CO. [Encl: (55), (58)]

114. (U) SMO CTF-70 specifically emailed COS CTF-70 on 17 Jan 2014 and stated, "CO COWPENS and I spoke early this morning. He is headed to ER for his follow up visit with his treating physician in 30 minutes...He reports that since Wednesday he has had slow but incremental improvement..." [REDACTED]

[REDACTED] At this point I would not advise sending a Medical Officer to accompany him as there is not much that the person can offer. Operationally, I think that he could safely execute his responsibilities. We should start seeing progressive and more rapid clinical improvement now at day 9." [Encl: (59)]

115. (U) COS CTF-70 informed Commander CSG-5/CTF-70 about CO COWPENS' medical status, and both worked to delay COWPENS impending underway by two or three days. [Encl: (27)]

116. (U) COWPENS departed for Brunei two days late (delayed from 16 to 18 Jan 2014). [Encl: (24), (27)]

117. (U) On 21 Jan 2014, CO COWPENS emailed SMO CTF-70 to report they were underway and that he was "getting [REDACTED] and [REDACTED]" [Encl: (55)]

118. (U) On 27 Jan 2014, CO COWPENS reported to IDC that he was having some [REDACTED] such as [REDACTED] [REDACTED] [Encl: (57)]

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Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND LEADERSHIP ICO USS COWPENS (CG 63)

119. (U) Based on these symptoms, IDC arranged for an ER visit in Brunei on 27 Jan 2014. There, CO COWPENS was treated for [REDACTED] and was prescribed [REDACTED] [Encl: (57)]

120. (U) On 28 Jan 2014, CO COWPENS reported near resolution of [REDACTED] symptoms to SMO CTF-70, but reported new onset of [REDACTED] the night before. [Encl: (55), (58)]

121. (U) On 28 Jan 2014, SMO CTF-70 emailed COS CTF-70 and stated: "COS, I just got off the phone with CO COWPENS. His [REDACTED] is much improved however he has apparently developed [REDACTED] on the [REDACTED]. This is most likely the result of a [REDACTED]... These usually resolve after 3 to 8 weeks. Very rarely do they last longer or become a permanent [REDACTED]. I will arrange to speak to his physician tomorrow morning. I do not anticipate this having any effect on his ability to carry out his responsibilities. His speech was very clear and he is taking steps to [REDACTED] [REDACTED] I will keep you posted." [Encl: (58)]

122. (U) On 28 Jan 2014, CO COWPENS did not attend an official Brunei function allegedly due to his [REDACTED] [Encl: (55)]

123. (U) CO COWPENS exchanged emails with SMO CTF-70 on 28, 29, 30, and 31 Jan 2014 and again on 3 and 4 Feb 2014. All correspondence reflected improvement in his symptoms. [Encl: (55-56)]

124. (U) CO COWPENS emailed COS CTF-70 on 29 Jan and discussed the possibility of request for convalescence but stated he was "not ready to pull that trigger." [Encl: (55)]

125. (U) At the request of CO COWPENS, SMO CTF-70 contacted CO COWPENS' [REDACTED] on 30 Jan 2014 and she expressed her opinion that [REDACTED] finally [REDACTED] on the phone. [Encl: (55)]

126. (U) CO COWPENS reported feeling good on 3 Feb to SMO CTF-70 and stated [REDACTED] has slightly improved. SMO CTF-70 Force

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Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND LEADERSHIP ICO USS COWPENS (CG 63)

Surgeon arranged for CO COWPENS to be seen by Navy [REDACTED] in Sasebo on 7 Feb 2014. [Encl: (55)]

127. (U) On 7 Feb 2014, CO COWPENS' evaluation by a certified Navy [REDACTED] confirmed a mild case of [REDACTED]. No further [REDACTED] was recommended other than [REDACTED] follow-up after the deployment. [Encl: (55-56)]

128. (U) Following this 7 Feb 2014 appointment, CO COWPENS' [REDACTED] symptoms subsided. [Encl: (57)]

129. (U) On 11 Feb 2014, CO COWPENS wrote SMO CTF-70 "[REDACTED] I'll take it easy underway. We're back at sea on Thursday through 5 Mar." [Encl: (58)]

130. (U) On 11 Feb 2014, CO COWPENS emailed SMO CTF-70 again and stated "*feeling good this morning. I'll jog tomorrow, again.*" This was the last email communication CO COWPENS had with SMO CTF-70 regarding the [REDACTED]. [Encl: (55)]

131. (U) On 14 Feb 2014, CO COWPENS visited the medical homeport clinic in Sasebo with a complaint unrelated to [REDACTED] that was not physically or mentally debilitating in its nature. [Encl: (56)]

132. (U) COWPENS' IDC concluded that CO COWPENS was sick from at least 10 Jan 2014 until the end of the month (31 Jan 2014). IDC's opinion was that CO COWPENS was medically competent to perform his duties throughout the deployment. [Encl: (57)]

133. (U) SMO CTF-70 concluded that CO COWPENS was honest and candid in his interactions regarding his health, and that CO COWPENS was most affected by his [REDACTED] for 10 days in Jan 2014 requiring bed rest. He further opines that the subsequent [REDACTED] did not interfere with his functional ability or ability to command. SMO CTF-70 also stated that his medical advice to Commander CSG-5/CTF-70 was continually re-evaluated and based on most up-to-date status and data available. [Encl: (55)]

134. (U) Based on his review of the relevant materials, Force Surgeon CNSP believes that "*CO COWPENS had a self-limiting illness, adequately treated in Jan 2014*" [REDACTED]

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Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND LEADERSHIP ICO USS COWPENS (CG 63)

[REDACTED] that was likely [REDACTED] in origin and was subsequently complicated by a [REDACTED] that was properly treated with a complete or near complete resolution... His prescribed medications were all taken appropriately and there is no evidence that (CO COWPENS) sustained any adverse reactions to any of the medications taken. I believe (CO COWPENS) received proper medical advice for his chief complaints from both the IDC and CTF70 Surgeon." [Encl: (56)]

135. (U) Commander CSG-5/CTF-70 stated that he agreed with both SMO CTF-70 and COS CTF-70 that CO COWPENS was medically fit for command. In addition, he stated: the "two medical issues were communicated to C7F staff by me, the COS, and (I believe) [SMO CTF-70]. Similar to us, I believe C7F found the [REDACTED] report, CO COWPENS' declaration of fitness, and the Force Medical Officer's positive assessment as adequate risk mitigation. I have found SMO CTF-70 to be a superbly engaged, professional, and insightful medical Officer- and I have dozens of other cases that validate this assessment." [Encl: (27)]

136. (U) Commander CSG-3 was briefed by COS CCSG-3, on 14 Jan 2014 that CO COWPENS was on [REDACTED] treatment for [REDACTED] and that CTF-70 had delayed COWPENS planned underway by two days to allow CO COWPENS time to recuperate. COS CCSG-3 did not receive any additional updates until Jun 2014. [Encl: (24)]

137. (U) COS CCSG-3 stated that he was aware of CO COWPENS' [REDACTED] treatment, but believed that he had completely recuperated from his illness [REDACTED] following [REDACTED] treatment while in port in Singapore. [Encl: (25)]

138. ~~(FOUO)~~ Commander CSG-3 received no additional updates until after the deployment, when discussing the ISIC Assessment of 4 Jun 2014. At that time, CO COWPENS said [REDACTED] significantly limited his ability to participate in day to day operations while underway for two and half months, including two UNREPs in heavy seas. CO COWPENS drafted a memorandum entitled "Deployment Illness" which he sent to Commander CSG-3 via email. [Encl: (24), (63)]

139. ~~(FOUO)~~ In the "Deployment Illness" memorandum, CO COWPENS stated that he was "sick for 2.75 months from 6 Jan - 30 Mar

Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND LEADERSHIP ICO USS COWPENS (CG 63)

2014." He stated he "was pretty much confined to the UCC because his [REDACTED] was compromised." [Encl: (63)]

140. (U) CO COWPENS was not told to stay in his UCC for 2.75 months due to his compromised [REDACTED] by any medical professional interviewed. [Encl: (55-58)]

141. (FOUO) CO COWPENS did not communicate to Commander CSG-5/CTF-70, Commander CSG-3, or their respective staffs that he was not leaving his state room due to his belief that his [REDACTED] was compromised. [Encl: (55-60), (27), (24), (63)]

142. (FOUO) CO COWPENS stated when his [REDACTED] began, "fearing that I may have had [REDACTED] I went to the ER. [REDACTED] they discovered a [REDACTED] in my [REDACTED] which was most likely generated by the [REDACTED] which in turn gave me [REDACTED]" [Encl: (63)]

143. (FOUO) CO COWPENS also stated in this memo that "Sasebo [REDACTED] confirmed [REDACTED] and [REDACTED] and ordered continuing rest." [Encl: (63)]

144. (U) CO COWPENS sent a series of emails on 24 Feb 2014 from his government account to select acquaintances that all started with the same paragraph: "Sorry I checked out for ~6-weeks. At sea operations, several port visits, and I got really sick (4 ER visits in 2 foreign hospitals)... [REDACTED] + some underlying [REDACTED] that went after my [REDACTED] gave me [REDACTED].. and gave me a [REDACTED] (I'll need another [REDACTED] in late Apr). [REDACTED]" [Encl: (64)]

145. (U) There is nothing in CO COWPENS' medical record that indicated he was ever diagnosed with a [REDACTED] told he may have [REDACTED] or tested for [REDACTED] is a [REDACTED] usually referring to the [REDACTED] variety. [Encl: (55-58)]

146. (U) IDC stated [REDACTED] had never used the term [REDACTED] either in conversations with CO COWPENS or in discussions with others regarding CO COWPENS' health. [Encl: (57)]

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Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND
LEADERSHIP ICO USS COWPENS (CG 63)

147. (U) There is nothing in CO COWPENS' medical record,
including the notes of the Navy [REDACTED] seen by CO COWPENS,
and review of [REDACTED] that suggested CO COWPENS had a [REDACTED]
[REDACTED] [Encl: (55-58)]

148. (U) There is nothing in CO COWPENS' medical record,
including the Navy [REDACTED] notes and review of [REDACTED] that
suggested CO COWPENS had lost his memory [REDACTED]
[REDACTED] [Encl: (55-58)]

Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND LEADERSHIP ICO USS COWPENS (CG 63)

(U) Fraternization between CO COWPENS and Acting XO/CHENG
(Unless otherwise noted, all reported instances occurred between Jan-Jun 2014)

149. (U) Rumors of alleged inappropriate relationship between the CO and CHENG began as early as Dec 2013. [Encl: (65)]

150. (U) The perception that the relationship between the CO and Acting XO/CHENG was inappropriate and was wide-spread among the crew, particularly in the Wardroom and CPO Mess. [Encl: (65-75), (78), (80) (81)]

151. (U) Numerous COWPENS crew members, including [REDACTED] the [REDACTED], the [REDACTED], the [REDACTED], the [REDACTED], as well as senior enlisted leadership reported in statements that their perception was the CO COWPENS and Acting XO/CHENG spent a great deal of time together in the UCC. [Encl: (65-75)]

152. (U) Several crew members commented that CO COWPENS spent significantly more time with the Acting XO/CHENG than the previous XO. [Encl: (69), (73)]

153. (U) CO COWPENS and Acting XO/CHENG spent almost every night together behind closed doors. [Encl: (73-74)]

154. (U) When they were together in the UCC, both CO COWPENS and Acting XO/CHENG would wear civilian attire. [Encl: (68-69), (71-72), (75), (77), (81)]

155. (U) The Acting XO/CHENG's civilian attire often consisted of workout shorts and a tank top [REDACTED] [Encl: (66-67), (71), (81)]

156. (U) On one occasion, the Wardroom Supervising Culinary Specialist (CS) knocked on the UCC door while CO COWPENS and Acting XO/CHENG were inside, and CO COWPENS answered the door wearing his boxers (underwear) and a T-shirt. The CS asked the CO if he needed his garbage taken out, which the CS noticed was

Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND LEADERSHIP ICO USS COWPENS (CG 63)

full, and CO COWPENS responded "Nope, we're good" and shut the door. [Encl: (71)]

157. (U) The Acting XO/CHENG kept some of her toiletries, specifically [REDACTED] in the UCC head medicine cabinet. [Encl: (72), (82)]

158. (U) CO COWPENS and Acting XO/CHENG frequently ate meals together after mid Jan 2014, with some crew members describing the frequency as "occasionally" while others, including the [REDACTED] described it as "always." [Encl: (68-69), (71-72), (75)]

159. (U) The Acting XO/CHENG personally prepared meals for CO COWPENS in the UCC pantry at least 5-6 times per week. [Encl: (69), (71-72)]

160. (U) In early Feb 2014, WEPS observed the Acting XO/CHENG go into CO COWPENS' drawers in the UCC to put away his food when they (CO COWPENS and Acting XO/CHENG) returned from the commissary. [REDACTED] felt she (Acting XO/CHENG) clearly knew where everything belonged, and this made [REDACTED] uncomfortable. [Encl: (75)]

161. (U) On 29 Jan 2014, the Ship's [REDACTED] saw CO COWPENS and Acting XO/CHENG holding hands with interlocked fingers at the hospital in Brunei. [REDACTED] felt they were holding hands in a romantic fashion. As soon as CO COWPENS and Acting XO/CHENG saw [REDACTED] their hands immediately parted. [Encl: (66)]

162. (U) On multiple occasions, when leaving the ship in port, CO COWPENS and Acting XO/CHENG would depart the ship together, be gone for several days at a time, and return together. [Encl: (71), (88)]

163. (U) Members of the COWPENS Wardroom, including CO COWPENS, would get "admin rooms" at hotels and would all split the costs between themselves. The rooms were a place to store belongings, and because of duty requirements, rarely would everyone who

Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND
LEADERSHIP ICO USS COWPENS (CG 63)

contributed to the room be there. Members of both sexes would sleep in the admin room at the same time. [Encl: (76)]

164. (U) CO COWPENS and Acting XO/CHENG were often on liberty together while in port visits. [Encl: (68)]

165. (U) CO COWPENS and Acting XO/CHENG did not sign out on the liberty log in Brunei. [Encl: (73)]

166. (U) Acting XO/CHENG told crew members that she and CO COWPENS would go to hotel rooms with just themselves to relax. [Encl: (76), (74)]

167. (U) While on a port visit in Subic Bay, Philippines, CO COWPENS and Acting XO/CHENG rented a car and drove two hours to Manila and rented a hotel room along with [REDACTED] on 23 Dec 2013. [REDACTED] departed for [REDACTED] flight via taxi approximately six hours after arriving at the hotel, and CO COWPENS and Acting XO/CHENG remained at the hotel. CO COWPENS and Acting XO/CHENG did not return to the ship until after the Christmas Holiday. [Encl: (73), (75-76) (88)]

168. (U) [REDACTED] found CO COWPENS and Acting XO/CHENG being together on liberty convenient when [REDACTED] was the Command Duty Officer (CDO) because [REDACTED] (CDO) could complete [REDACTED] required daily and situational reporting with only one phone call. [Encl: (73)]

169. (U) On 7 Apr 2014, Acting XO/CHENG requested to [REDACTED] [REDACTED] OC Division (OC [REDACTED] that technicians help her locate her .pst file. When one of the technicians was unable to find the file, OC [REDACTED] ordered [REDACTED] to ensure all the file extensions were correct to see if the file was accidentally renamed. [Encl: (78)]

170. (U) While working to fix this issue, the technician opened a file named "Farewell.doc" located on Acting XO/CHENG's Y drive (Y: [REDACTED]). [Encl: (78-79)]

171. (U) The "farewell.doc" file was a Word document which was a letter addressed to "Greg" expressing deep affection and

Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND LEADERSHIP ICO USS COWPENS (CG 63)

[REDACTED] Specific lines include: [REDACTED]

[REDACTED] " [Encl: (78-79)]

172. (U) It is unknown whether the farewell.doc was ever sent or given to [REDACTED] by the Acting XO/CHENG. [Encl: (78)]

173. (U) A screen shot of the "farewell.doc" file was saved by the OC [REDACTED] and turned over to the Investigation when the OC [REDACTED] was interviewed. [Encl: (78-79)]

174. (U) In May 2014, CO COWPENS and CHENG (Note: P-XO had reported to COWPENS and assumed duties as XO by this time, so Acting XO/CHENG title reverted to CHENG) were absent from ship for three to four days for speaking engagement at the UCLA NROTC Unit. After the event, CO COWPENS called the CDO and directed him to come pick him up at the NEX parking lot in Seal Beach. [Encl: (65)]

175. (U) The CDO reported to CO COWPENS that he was the CDO and therefore couldn't leave the ship. CO COWPENS told him to get some relief and come pick him up. [Encl: (65)]

176. (U) When the [REDACTED] (the CDO) arrived at the NEX parking lot, there was a car parked in the lot with its light on. [REDACTED] saw CO COWPENS in the lot, however, instead of CO, CHENG got out of the car and put her belongings in [REDACTED] vehicle. [REDACTED] objected and told CHENG he was ordered to pick up CO COWPENS and that he did not want to be part of something that furthered the existing perception of an inappropriate relationship. CHENG told [REDACTED] it was fine and to take her to the ship. The CO arrived to the ship separately. [Encl: (65)]

Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND LEADERSHIP ICO USS COWPENS (CG 63)

177. (U) The following morning, [REDACTED] approached CHENG and said he never wanted to do something like that again. [Encl: (65)]

(U) Reports/Concerns of Fraternization Communicated to Chain of Command

178. (U) Multiple attempts were made by members of the crew to stop the perceived inappropriate relationship between CO COWPENS and Acting XO/CHENG by bringing it to the attention of one or more members of the Ship's Acting Command Triad (CO, XO, CMC). [Encl: (65-68), (70), (75), (78), (81)]

179. (U) [REDACTED] CM [REDACTED] reported seeing CO COWPENS and Acting XO/CHENG holding hands to the CMC on the evening it happened (29 Jan 2014). [Encl: (66-67)]

180. (U) CMC asked [REDACTED] CM if anyone else saw, to which [REDACTED] CM reported that he didn't know. [Encl: (66)]

181. (U) CMC told [REDACTED] CM that he was going to talk to CO COWPENS and Acting XO/CHENG, and [REDACTED] CM left the matter in the hands of the CMC. [Encl: (66)]

182. (U) On occasions where [REDACTED] M saw Acting XO/CHENG in civilian clothing in the UCC with CO COWPENS and the door closed, he reported it to CMC. They ([REDACTED] CM and CMC) had numerous conversations about the perceived fraternization. [Encl: (66)]

183. (U) CMC told [REDACTED] CM that he had confronted CO COWPENS and Acting XO/CHENG, asked point blank if they (CO COWPENS and Acting XO/CHENG) were having sex to which CO COWPENS reportedly told CMC "no, we are not." [Encl: (66)]

184. (U) [REDACTED] ([REDACTED] CM) privately addressed the perceived inappropriate relationship with CMC. [REDACTED] CM told the CMC that it didn't matter if they were doing anything wrong, that the perception of an unduly familiar relationship existed among the crew, CPO Mess, and Wardroom. [Encl: (67)]

Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND
LEADERSHIP ICO USS COWPENS (CG 63)

185. (U) CMC told [REDACTED] CM that he had addressed the issue with CO COWPENS. CMC reported to [REDACTED] CM that CO COWPENS had said he was not sleeping with the Acting XO/CHENG, to which the CMC responded that the perception existed nonetheless. The CMC told [REDACTED] CM that CO COWPENS then said he would reduce the amount of time he spent with the Acting XO/CHENG. [Encl: (67)]

186. (U) [REDACTED] CM then asked the CMC if he had shared with or sought advice from the ISIC CMC regarding the appearance of fraternization between CO COWPENS and the Acting XO/CHENG. CMC replied, "Yes." [Encl: (67)]

187. (U) [REDACTED] CM was relieved to hear that the issue of the perceived fraternization between CO COWPENS and Acting XO/CHENG was known outside the COWPENS. [Encl: (67)]

188. (U) OC [REDACTED] took a copy of the "farewell.doc" letter to the CMC the day it was discovered. The CMC told him that he would bring it to CO COWPENS' attention. [Encl: (78)]

189. (U) The day after OC [REDACTED] gave the letter to the CMC, he approached him again to follow-up and find out what the outcome was. [Encl: (78)]

190. (U) The CMC told OC [REDACTED] that "[CO COWPENS] called the Admiral (Investigator Comment: Admiral's name was indeterminable) and had him (the Admiral) on speaker phone while I was in the room." [Encl: (78)]

191. (U) The OC [REDACTED] believed based on this communication, the situation involving the letter and the implied fraternization between CO COWPENS the Acting XO/CHENG was known to the ISIC and being handled. [Encl: (78)]

192. (U) The perceived relationship between CO COWPENS and Acting XO/CHENG was brought up at CPO Mess meetings. When the issue came up, the CMC took it for action. [Encl: (80)]

193. (U) [REDACTED] Coordinator [REDACTED] was told that the CMC had approached CO COWPENS about the perceived inappropriate

Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND LEADERSHIP ICO USS COWPENS (CG 63)

relationship in addition to raising the issue off the ship. [Encl: (80)]

194. (U) Despite representations made to the COWPENS crew to the contrary, there is no evidence that the CMC ever raised the issue of alleged fraternization with anyone outside the chain of command. [Encl: (24), (25), (27), (67), (86-87)]

195. (U) CMC COWPENS did not raise the issue of the alleged fraternization with Commander CSG-5/CTF-70, COS CTF-70, CMC CTF-70, Commander, CSG-3, CoS CSG-3 or CMC CSG-3. [Encl: (25, 27)]

196. (U) CMC COWPENS did not raise the issue of the alleged frat with Force Master Chief CNSP (FORCM). [Encl: (87)]

197. (U) Despite representations made to the COWPENS crew to the contrary, it is unclear whether CMC ever actually raised the issue of the alleged fraternization with CO COWPENS or Acting XO/CHENG, [REDACTED] [Encl: (83-85)]

198. (U) In addition to the incident at the NEX parking lot in May 2014 described previously, [REDACTED] approached the Acting XO/CHENG on the flight deck in late Jan 2014 and confronted her directly about the perception of an inappropriate relationship between her and CO COWPENS. [Encl: (65)]

199. (U) [REDACTED] told Acting XO/CHENG that he had heard multiple rumors and that regardless of what was going on, he recommended she distance herself from CO COWPENS to eliminate the perception of impropriety. [Encl: (65)]

200. (U) Acting XO/CHENG appeared incredulous of this statement by [REDACTED] and replied that she had a "professional relationship that any CO/XO would have" and that "there was absolutely nothing going on between them." [Encl: (65)]

201. (U) [REDACTED] discussed the issue with the Acting XO/CHENG at least once more during the deployment. [Encl: (65)]

Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND LEADERSHIP ICO USS COWPENS (CG 63)

202. (U) [REDACTED] on one occasion, approached the Acting XO/CHENG and relayed remarks that CO COWPENS had made to him ([REDACTED]) regarding her (Acting XO/CHENG) making the bed in the UCC and that such a comment could be misconstrued. Acting XO/CHENG said she would relay his concern to CO COWPENS. [Encl: (70)]

203. (U) [REDACTED] and [REDACTED] discussed approaching CO COWPENS and Acting XO/CHENG at same time to address the growing perception of an inappropriate relationship in late Feb 2014. The plan was for [REDACTED] to discuss with Acting XO/CHENG, and [REDACTED] to approach CO COWPENS. [Encl: (68), (75)]

204. (U) Before they [REDACTED] and [REDACTED] were able to execute this plan, [REDACTED] was approached by the Acting XO/CHENG and told that he ([REDACTED]) looked bothered. [REDACTED] put her off, but believes that she eventually discovered his intentions and she approached him again in early Mar 2014. [Encl: (75)]

205. (U) At this point, [REDACTED] spoke to the Acting XO/CHENG about the perception being given by the interaction between her and CO COWPENS. She (Acting XO/CHENG) was immediately "pissed off" and said "if she was a man, this would not be an issue." [REDACTED] countered that he had never seen an XO feed dessert to a CO or go through their (CO's) drawers. Acting XO/CHENG was incredulous and confrontational in her response. [REDACTED] said he was not accusing her (Acting XO/CHENG) of sleeping with CO COWPENS, but the perception was out there. [Encl: (75)]

206. (U) After this conversation, which [REDACTED] shared with [REDACTED] [REDACTED] states that the meals and movie nights ceased, but that the perception of inappropriate relationship persisted. [Encl: (68), (75)]

Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND LEADERSHIP ICO USS COWPENS (CG 63)

OPINIONS

1. (U) COWPENS' material condition at the time of hull-swap was improperly documented, and the number of discrepancies was significantly under-reported. [FOF (5)]
2. (U) The material condition of COWPENS following hull-swap was subsequently assessed and thoroughly understood by the Commanding Officer, the Carrier Strike Group Commander, and the Type Commander. [FOF (5), (7), (8), (11), (13-14), (17-18), (20), (22-24), (26), (28), (30-31)]
3. (U) Appropriate certifications of COWPENS' readiness were conducted prior to the ship departing Yokosuka, Japan, en route San Diego. [FOF (5), (7)]
4. (U) Adequate resources were devoted to the operations, maintenance, and repair of COWPENS to address the identified material condition issues following return to San Diego in Apr 2013. [FOF (5-6), (11), (13-14), (17-18), (20), (26), (28)]
5. (U) COWPENS was properly certified to deploy. [FOF (7), (11), (13), (14), (22-24)]
6. (U) CO COWPENS began to demonstrate a pattern of neglect to his command responsibilities immediately following departure from Naval Base San Diego. [FOF (19), (34-36), (38), (88)]
7. (U) Commander CSG-3 understood CO COWPENS rationale and intention to accelerate the departure of the XO, and concurred with that decision. [FOF (49-52), (54-57)]
8. (U) CO COWPENS failed to abide by the direction of his administrative immediate superior (CCSG-3) following receipt of concurrence, in that he failed to report the delay in arrival of the prospective Executive Officer. [FOF (58-79)]
9. (U) CO COWPENS was derelict in failing to inform his operational commander (CCSG-5) of the absence of an ordinarily qualified Executive Officer for a period of more than three

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Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND LEADERSHIP ICO USS COWPENS (CG 63)

months while operating in the SEVENTH Fleet area of responsibility. [SOR (1-8)], FOF (62)]

10. (U) ISIC and TYCOM Staffs were overly dependent on reporting from CO COWPENS, and were not independently tracking personnel issues. [FOF (29-32), (41), (46), (62), (78), (135), (138), (141)]

11. (U) The daily routine in COWPENS was adversely affected by the absence of a qualified Executive Officer. [SOR (10-12), FOF (44-46), (82-86), (89-97)]

12. (U) The Acting XO/CHENG became overwhelmed by the range of responsibility she faced. For instance, the PQS program failed due to lack of leadership focus and oversight. [SOR (10-12), FOF (92), (96)]

13. (U) CO COWPENS placed the safety of the ship and crew at risk by failing to: properly review and approve navigation plans for transits in and out of ports; attend navigation briefs; be present on the bridge during Sea and Anchor detail; be present on the bridge during underway replacements. [SOR (1-8), (25-7), FOF (82-91)]

14. (U) The Acting XO/CHENG and CMC failed to forcefully support CO COWPENS, by not recognizing or acting on the seriousness of the lapses in judgment evident in CO COWPENS' inattention to duties. [SOR (10-12), (13-17), FOF (19), (62), (72), (78), (82-86), (92-97), (138-142)]

15. (U) CO COWPENS received appropriate, sufficient, and effective treatment for his medical conditions. [FOF (98-99) (100-138), (145-148)]

16. (U) CO COWPENS' [REDACTED] and associated treatment [REDACTED] [REDACTED] in Jan 2014 did not physiologically limit his ability to perform his duties as Commanding Officer. [FOF (98-99), (112-113), (117), (121), (124), (132-134)]

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Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND LEADERSHIP ICO USS COWPENS (CG 63)

17. (U) CO COWPENS' decision to confine himself to the UCC for extended periods was not medically directed or necessary. [FOF (132-134)]

18. (U) CO COWPENS' diagnosis of [REDACTED], possible [REDACTED] and a mild [REDACTED] did not mentally impair his ability to command the ship. [FOF (132-134)]

19. (U) There was a fundamental disconnect between CO COWPENS' actual medical diagnosis and his representation of his condition to the crew of COWPENS, and others. [FOF (139-140), (144-148)]

20. (U) CO COWPENS representation of his medical condition in the document provided to Commander CSG-3 following deployment contains gross factual inaccuracies. [FOF (132-134), (139-140)]

21. (U) The decision not to remove CO COWPENS from command during the time of his illness was appropriate based on the opinions of medical officers, and the information available to the decision makers at the time. [FOF (132-135), (145-148)]

22. (U) The effect of CO COWPENS' absence from his duties was a gradual breakdown in shipboard routine to include ordinary supervision of the ship (e.g., attendance at navigation briefs, presence on the bridge during special evolutions, Personal Qualification Standards (PQS), Zone Inspections, Planning Board for Training (PB4T). [SOR (1-9), (25-27); FOF (19), (45), (48), (62), (76), (78), (82-88), (91-97), (140), (152-153), (174-176) (178)]

23. (U) CO COWPENS' pattern of external communications with both operational and administrative commanders masked the impact of his detachment from ship's operations. [FOF (30-32), (35-36), (42-43), (45), (62), (78), (87), (139), (144)]

24. (U) CO COWPENS engaged in an unduly familiar relationship with the Acting XO/CHENG. [FOF (153-162), (166-167), (171), (174-176)]

25. (U) There was a clear and pervasive perception amongst the Wardroom, the Chief Petty Officers Mess, and the Crew that the

Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND LEADERSHIP ICO USS COWPENS (CG 63)

relationship between CO COWPENS and the Acting XO/CHENG was unduly familiar. [FOF (149-163), (165-171), (173-177)]

26. (U) The circumstances and frequency of evidence of the unduly familiar relationship (e.g., Acting XO/CHENG's state of dress while in UCC with CO COWPENS, meal preparations, [REDACTED], the hotel arrangements while on liberty) spawned rampant rumors and speculation among the entire crew that undermined the actual authority, credibility, and leadership of CO COWPENS and the Acting XO/CHENG. [SOR (1-8), (10), (18-23); FOF (149-162) (164-185) (191-206)]

27. (U) Numerous and repeated attempts were made by officers and Chief Petty Officers to address this improper relationship with CO COWPENS, Acting XO/CHENG, and CMC. [SOR (1-2), (10), (13-16), (18-23), FOF (150), (177), (178-180), (182), (184), (186), (188-189), (192), (198-199), (201-203), (205)]

28. (U) Efforts to ensure appropriate awareness of this unduly familiar relationship were undermined by multiple misrepresentations by the CMC which implied that both the Strike Group Commander and Force Master Chief were aware. [SOR (13-16), FOF (178), (181), (183), (185-186), (190), (193), (195-196)]

29. (U) The CMC betrayed the trust of the Chief Petty Officers, and the Sailors in COWPENS by failing to recognize and act on the pattern of judgment lapses evinced by CO COWPENS. [SOR (13-16), FOF (19), (82-86), (92-96), (139), (149-154), (167), (178-179), (184), (188), (192), (194)]

30. (U) The unduly familiar relationship between CO COWPENS and the Acting XO/CHENG was prejudicial to good order and discipline, and service discrediting. [SOR (1-8), (10), (18-23); FOF (86), (90-97), (149-185), (191-206)]

31. (U) The combined effects of CO COWPENS' detachment from day-to-day operations, the premature departure of the XO, the extended delay in reporting of the P-XO, the inappropriate relationship with the Acting XO/CHENG, fostered a dysfunctional command climate that was responsible for the failure of COWPENS to conduct routine business (e.g., the administer 3M program,

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UNCLASSIFIED

Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND
LEADERSHIP ICO USS COWPENS (CG 63)

properly track qualifications and certifications, ordinarily plan for operations and maintenance). The ultimate manifestation of the dysfunctional command leadership in COWPENS is best represented in the misplaced emphasis on conducting the May 2014 safety survey during the post-deployment leave and standdown, which starkly revealed the deficiencies which ultimately led to this investigation. (SOR (1-8), (10), (13-16), (18-23), (25-26), FOF (35-36), (44-48), (62), (78), (82-88), (90-97)]

32. (U) CO COWPENS was derelict in the performance of his duties as Commanding Officer, USS COWPENS (CG 63) in that: he failed to properly organize his command; he failed to properly supervise the safe navigation and seamanship of his command; he failed to report damage to ship's equipment; he failed to enforce good order and discipline; and that he engaged in an unduly familiar relationship with Acting XO/CHENG that was prejudicial to good order and discipline and was service discrediting. [SOR (1-8), (25-26), FOF (35-36), (44-48), (62), (78), (82-88), (90-97), (139-141), (149-167), (174-176), (198-205)]

Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND LEADERSHIP ICO USS COWPENS (CG 63)

RECOMMENDATIONS

Accountability

- 1. (U) I recommend that CO COWPENS receive Non-Judicial Punishment, [REDACTED] [OPs: (6), (8-9), (13), (21-27), (30-32)]
- 2. (U) I recommend that Acting XO/CHENG receive Non-Judicial Punishment, [REDACTED] [OPs: (14), (24-28), (30-31)]
- 3. (U) I recommend that CMDCM [REDACTED] [OPs: (14), (25-30)]

Oversight

- 4. (U) Commander, Naval Surface Forces should establish a formal tracking system for key leadership positions (e.g, XO, CMC, IDC, 3MC, and Top Snipe) in all direct report subordinate units. The purpose of this system would be to prevent individual units from unilaterally gapping key positions absent appropriate risk identification and mitigation measure being developed and approved by cognizant and responsible Commanders. [OPs: (7-10), (23)]
- 5. (U) To guard against the potential for deterioration of command climate, loss of focus on procedural compliance, and/or unsafe practices, Commander, Naval Surface Forces should institute a mid-deployment Command Climate Survey at approximately the time when the Voyage Repair Availability (VRAV) is executed (approximately mid-way through deployment). Tailored questions, overseen and approved by the First Flag Officer/staff, would be provided to the crew. Crew responses would be analyzed along with trends identified by other data (e.g., safety/injury reports), and a focused visit by either TYCOM, First Flag Officer, or DESRON Staff during the VRAV would offer an early intervention opportunity, and would mitigate the

Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND LEADERSHIP ICO USS COWPENS (CG 63)

combined effects of risks of prolonged periods without supervision opportunities. [OPs: (8-13), (22), (31)]

6. (U) Naval customs, traditions, and manner have evolved over a period of more than two hundred years, during which time they have been tested and proven through usage. In fact, they are sometimes recognized in legal proceedings as almost having the force of law. Every naval officer should endeavor to know, understand, and follow naval customs, traditions and manners, realizing that they derive from the experience in peace and war of generations of our worthy predecessors, and should be departed from only after the most careful thought and consideration. That said, the gross negligence and casual manner to which CO COWPENS considered his physical presence on the bridge during special evolutions and restricted maneuvering - a basic naval custom and tradition as a good mariner - compels me to recommend that the TYCOM(S) should amend Reference (b) COMNAVSURFPAC/COMNAVAIRPAC/COMNAVAIRLANT/COMNAVSURFLANTINST 3530.4D to specify that the Commanding Officer or Executive Officer if the CO should be elsewhere (e.g., CIC during combat operations) should customarily be on the bridge during certain seamanship and navigation operations. [OPs: (6), (13), (22), (31-32)]

Training

7. (U) Commander, Naval Surface Forces should add an item of training for current and prospective Independent Duty Corpsman about when and how to communicate with supervisory medical authorities regarding fitness for duty issues as they apply to the Commanding Officer, the Executive Officer, and the Command Master Chief. [OPs: (16-20)]

8. (U) Commander, Naval Surface Forces should add an item of training for current and prospective Command Master Chiefs regarding how and when to communicate with immediate superiors about suspicions of misconduct by Commanding Officers. [OPs: (6), (12), (14), (17), (19), (22), (24-31)]

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UNCLASSIFIED

Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND LEADERSHIP ICO USS COWPENS (CG 63)

9. (U) The current CO COWPENS should conduct remedial training with his Wardroom and CPO Mess on the expectations and standards of Naval Officers, and Chief Petty Officers to emphasize the degree to which much of what took place during the deployment was a deviation from those expectations. [OPs: (6), (11-13), (17), (22), (24-29)]

Command Climate

10. (U) Commander, Naval Surface Forces should immediately direct that a Command Climate Survey be conducted on COWPENS. The results, along with a plan of action and milestones, should be delivered to the First Flag (Commander CSG-3) and TYCOM (CNSP) for follow-up. [OPs: (31)]

11. (U) Commander, Naval Surface Forces should direct an Afloat Cultural Workshop on COWPENS to ensure that procedural, qualifications, and supervisory practices are in accordance with policy, instructions, and guidance. [OPs: (14), (22), (31)]

Other

12. (U) I recommend the current CO COWPENS take whatever disciplinary measures, if any, he deems appropriate regarding misconduct uncovered during the course of this investigation regarding current COWPENS crew members, specifically regarding liberty incidents and misconduct. [OPs: (12-13), (22), (31)]


C. J. PAUL



DEPARTMENT OF THE NAVY
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IN REPLY REFER TO
5830
Ser N00/591
11 Jul 14

FINAL ENDORSEMENT on RADM Christopher J. Paul, USN ltr of 3 Jul 2014

From: Commander, Naval Surface Force, U.S. Pacific Fleet
To: File

Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND LEADERSHIP
ICO USS COWPENS (CG 63)

1. (U) I have reviewed the subject investigation and approve the Investigating Officer's (IO) findings of fact, opinions, and recommendations, except as modified below.

2. (U) Executive Summary. Overall, I concur in the facts and findings detailed in the Introduction and Executive Summary of the IO Report. The Investigation Report accurately and thoroughly details the individual and combined failure of Triad leadership in USS COWPENS and resultant impact on ship's readiness and morale. Initially convened to inquire into the facts and circumstances surrounding the deficiencies identified during COWPENS' post-deployment Safety Survey and subsequent ISIC Assessment, the investigation revealed evidence of misconduct, dereliction of duty and overall failure of the ship's leadership Triad. As a result, I have no confidence in the decision-making and leadership of the Commanding Officer (CO), Acting Executive Officer/Chief Engineer (A-XO/CHENG) or the Command Master Chief (CMDCM). The investigation shows each of them incapable of discharging their respective duties as managers and as members of the command Triad, and unsuitability for positions of leadership or responsibility.

3. Discussion.

a. (U) Readiness. COWPENS has had a difficult recent history including relief of two prior CO's, schedule uncertainty and a hull swap, but in no way do those demanding circumstances explain or mitigate the actions of the current Triad or the post-deployment material condition of the ship, the failure to maintain even basic maintenance, training and safety programs. COWPENS was certified as Independent Unit Ready for Tasking prior to deploying, and had received extensive maintenance availability prior to setting sail. The investigation revealed routine ISIC oversight of the ship's health

Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND LEADERSHIP
ICO USS COWPENS (CG 63)

and welfare throughout the deployment through regular emails and VTCs, as well as periodic operational reports (e.g., OPREP-5). However, it is difficult to account for systematic deception and obfuscation by the CO and compounding failure of the Triad team, which impeded respective OPCON and ADCON ISICs from ascertaining the ship's true status, either operationally or from a command climate perspective.

b. (U) Failed Leadership and Personal Accountability. The investigation revealed a complete breakdown of the ship's leadership Triad along three major lines: (1) dereliction in the performance of their prescribed duties; (2) fraternization between the CO and A-XO/CHENG; and, (3) willful deception of their superiors and the chain of command. The failure of the command Triad, especially the CO, to properly discharge their duties is the principal and nearly singular reason for the ship's poor performance on the post-deployment Safety Survey. All other underlying causes identified by the investigation stem from this failure in leadership. Notably, the Triad's poor example and violation of established regulations were observed by and known to many members of the crew, who on several occasions confronted A-XO/CHENG or the CMDCM with their concerns. On several occasions crew members were led to believe concerns about the fraternization had been directly addressed with the CO, leaving the crew ultimately unsuccessful in bringing to light the Triad's misconduct or its effects on good order and discipline.

4. (U) Findings of Fact (FOF). I concur with IO FOFs without modification.

5. (U) Opinions (OP). I concur with the IO OPs, subject to the following:

a. (U) **IO OP #31: Concur as amplified**. Safety Surveys are a simple assessment tool of ship safety program compliance with NAVOSH requirements. Properly led and well-functioning ships can, with even modest preparation, easily do well on a Safety Survey at any time in the ship's lifecycle.

6. (U) Recommendations and Action. Overall, I concur with the IO Recommendations, subject to modifications below. Further, I will take and direct actions be taken, as noted:

a. (U) IO REC #1 and #2. **Concur** with the IO recommendations regarding conduct and performance of COWPENs CO and A-XO/CHENG. I will take appropriate action regarding disposition of offenses, [REDACTED]

Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND LEADERSHIP
ICO USS COWPENS (CG 63)

b. (U) IO REC #3. **Concur** with the IO recommendation regarding the performance of Command Master Chief COWPENS. [REDACTED]

[REDACTED] I will take action regarding disposition of offenses.

c. (U) IO REC #4. **Concur in principle** with the need for ISIC oversight of changes in key leadership positions (e.g., XO, CMC, IDC, 3MC, Top Snipe) to avoid personnel gaps, and a requirement for ISIC approval of those actions. **However, I do not concur in the IO proposal** to establish a new personnel tracking system toward that end. For instance, TYCOM oversight and tracking of IDC's already occurs as directed by OPNAVINST 6400.1C "*Training, Certification, Supervision Program, and Employment of Independent Duty Corpsman*" and through CNSP/CNSLINST 6400.1 "*Training, Certification, Supervision Program, and Employment of Independent Duty Corpsman in Commander Naval Surface Forces Pacific (CNSP) and Atlantic (CNSL).*"

Action: I will recommend the Bureau of Naval Personnel codify a requirement across all TYCOMs that any personnel actions affecting the Triad (i.e., CO, XO, CMDCM), to include dismissal, early rotation and any gaps, be authorized by the Unit's ISIC in coordination with the TYCOM Chief of Staff and N1. ISIC (ADCON and OPCON) engagement will prevent unilateral gapping of key leadership positions, and ensure potential risks from changes or gaps in leadership are properly identified and mitigated to avoid personnel actions detrimental to the Unit or individuals involved. **CNSP N1 shall take for action.**

d. (U) IO REC #5. **Do not concur and no action will be taken on either issue recommended**, to establish an additional mid-deployment command climate survey at near or at the time of Voyage Repair Availability (VRAV), or to establish a formal requirement that the TYCOM, First Flag Officer, or DESRON Staff visit ships during VRAV.

Explanation. Command Climate surveys play a pivotal role in evaluating Readiness and crew morale, and provide invaluable information for the Command and ISIC to assess the need for intervention or other action. Existing requirements and procedures for Command Climate assessments are sufficient to identify and guard against the potential for deterioration of command climate, loss of focus on procedural compliance, and/or unsafe practices. Imposing a strict, event-based requirement to conduct a climate surveys would impose an additional and unnecessary administrative burden while a ship is deployed. Secondly, there is no support from the circumstances of this matter to require a formal visit during VRAV by the TYCOM, First Flag Officer, or DESRON Staff.

Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND LEADERSHIP
ICO USS COWPENS (CG 63)

e. (U) IO REC #6. **Do not concur and no action will be taken** to amend Reference (f) NAVDORM [COMNAVSURFORINST/COMNAVAIRFORINST 3520.4B], to specify that the CO or XO should "customarily" be on the Bridge during certain seamanship and navigation operations. The roles, duties and responsibilities of the CO and XO, and all assigned officers/personnel, are firmly rooted in Navy Regulations, the Navy SORM, Navy Customs and Traditions, and other regulations such as the NAVDORM. The circumstances and poor example set by the COWPENS Triad are sufficiently unique, and do not represent a systemic problem with CO or XO presence or availability on the Bridge or elsewhere during critical evolutions that would warrant further delineation of what is already known and properly practiced.

For instance, Navy Regulations and the NAVDORM already state that the CO is responsible for the safe navigation of the ship. Further, Navy Regulations state the CO shall pilot the ship under all ordinary circumstances. Beyond this, CO must retain the latitude to be positioned wherever he/she deems best to safely navigate or fight the ship given the circumstance.

f. (U) IO REC #7. **Do not concur and no action will be taken** to, "add an item of training for current and prospective Independent Duty Corpsman (IDC) about when and how to communicate with supervisory medical authorities regarding fitness for duty issues as they apply to command Triad personnel."

Explanation. IDCs receive formal Ethics training in their initial and refresher training IDC programs taught by the Surface Warfare Medical Institute. A component of this training focuses on the need for timely and effective communication with supervisory medical professionals whenever the health of a patient or general conditions raise concerns about individual or unit readiness or safety. Fitness for duty assessments by an IDC occur at every medical visit, regardless of rank or position of the patient. With regard to CO COWPENS, the IDC appropriately referred the CO's fitness for duty to the CTF-70 Surgeon, who subsequently found the CO fit for duty.

g. (U) IO REC #8. **Concur in part**, in the value of ensuring prospective Command Master Chief's clearly understand their role as an advisor and member of Triad leadership, and know they will be supported by superiors in the chain of command when taking appropriate action to report misconduct by the chain of command. By copy of this endorsement, I direct the COMNAVSURFPAC Force Master Chief to communicate my concerns with the Master Chief Petty Officer of the

Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND LEADERSHIP
ICO USS COWPENS (CG 63)

Navy (MCPON), and to incorporate my expectations for enlisted Triad leadership into training regimes for incoming Command Master Chiefs.

h. (U) IO REC #9. **Concur** with the IO recommendation that current CO COWPENS shall conduct remedial training with his wardroom and CPO Mess to reinforce Navy Core Values, Standards of Conduct and Rights and Responsibilities, and expectations of naval officers and Chief Petty Officers. The emphasis should focus on the degree to which much of what took place during the COWPENS deployment and failure of the Triad deviated from those time-honored standards. By copy of this endorsement, I direct CO COWPENS to accomplish this action.

i. (U) IO RECS #10 and 11. **Concur** with the IO recommendation that current CO COWPENS shall a command climate survey and host an Afloat Cultural Workshop. By copy of this endorsement, I direct CO COWPENS to complete both these action items.

j. (U) IO REC #12. **Concur in part**, that current CO COWPENS should take whatever action he deems appropriate to address potential liberty incidents and other misconduct involving COWPENS crew that were uncovered during the course of this investigation. This may or may not involve disciplinary action as the CO, in his discretion, deems warranted. By copy of this endorsement, I direct CO COWPENS to complete this action.

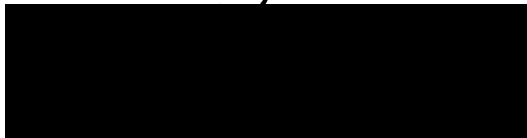
7. (U) Additional Action. By copy of this endorsement, I will recommend the Navy Education and Training Command (**NETC**) consider using this event at the Surface Warfare Officers School, Leadership School and Senior Enlisted Academy as a Case Study in failed Triad leadership. COMNAVSURFPAC N7 shall take action.

8. (U) Conclusion. COWPENS' poor post-deployment Safety Survey inspection resulted from a severely dysfunctional command climate -- lax discipline, low standards, violations of known regulations, indifference to established customs and traditions, and general unprofessionalism -- that was itself attributable, almost entirely, to the complete breakdown of all three legs of the command Triad. The violations revealed by the investigation, especially the blatant abdication of command responsibility on the part of the CO, are among the most egregious I have encountered in my 32 year career. In my experience they are beyond rare; they are unprecedented and wholly unrepresentative of the supremely talented and dedicated men and women filling positions of leadership throughout the Surface Force today who serve with extraordinary integrity, professionalism, and skill.

Subj: (U) COMMAND INVESTIGATION INTO SHIP'S READINESS AND LEADERSHIP
ICO USS COWPENS (CG 63)

The Triad leadership model aboard ships serves not only to provide mutual reinforcement to those in leadership positions, but also to provide mutual oversight. Each member of the Triad is empowered -- indeed is required -- to notify their chain of command in the event they believe another Triad member is routinely violating established rules and regulations or is behaving unethically. To the extent that this requirement is not fully understood, I have directed that it be reemphasized-using this specific case--in the command training pipeline and at the leadership school.

We entrust and Navy Regulations require those in command to "*show themselves a good example of virtue, honor, patriotism, and subordination,*" and to "*safeguard the morale, physical well-being, and general welfare*" of those in their charge while operating independently, at great lengths from their immediate superior and without intensive oversight. Frequently independent, essentially autonomous operations are hallmarks of Command at Sea. The COWPENS Triad, especially and inexcusably the CO, violated this trust and in so doing placed their ship and crew at increased risk. It is a tribute to the crew's resilience and fortitude that the ship was able to accomplish its mission and return to homeport safely.



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