

02 June 2011

From: (b) (6) USN, Investigating Officer
To: Commander, Naval Air Force Atlantic

Subj: INVESTIGATION INTO AN ALLEGED ADULTEROUS RELATIONSHIP
BETWEEN (b) (6) USA AND (b) (6) USN

- Encl: (1) COMNAVAIRLANT ltr 5830 Ser N01L of 20 May 11
(2) Copies of UCMJ Articles 133 and 134
(3) Summary of Complaint by (b) (6)
(4) Copy of Marriage Certificate ICO (b) (6) and (b) (6)
(5) Copy of (b) (6) Page 2
(6) Various Memoranda for the Record provided by (b) (6)
(7) E-mail printouts provided by (b) (6)
(8) E-mail and photo printouts from (b) (6) government computer
(9) Voice phone records provided by (b) (6)
(10) Matrixed summary of phone records provided by (b) (6)
(11) Text message records provided by (b) (6)
(12) Telephone records from (b) (6) government Blackberry account
(13) Memorandum for the Record provided by (b) (6) USN
(14) E-mail of Questions and Answers from (b) (6) USN
(15) Record of Authorization for Search of (b) (6) government
computers and telephones
(16) Statement provided by (b) (6) USN of 2 Jun 11

1. Enclosure (1) directed me to conduct an investigation into an alleged adulterous relationship between (b) (6) U.S. Army, and (b) (6) U.S. Navy. I completed this investigation and enclosures (2) through (16) pertain. The following information is provided:

- a. Complainant and contact information: (b) (6) ((b) (6))
(b) (6)
(b) (6)
Work Telephone: (b) (6)
Cellular Telephone: (b) (6)

b. Witnesses interviewed: In the course of this investigation, I interviewed the complainant, (b) (6) (b) (6) invoked his right to counsel and his right to remain silent. Later, (b) (6) voluntarily provided a written statement through his attorney, which is attached as Enclosure (16). (b) (6) also invoked her right to counsel and her right to remain silent. She offered, through her attorney, to respond to written questions; however, after discussing the situation with (b) (6) JAGC, USN, Force Judge Advocate for CNAL, I choose not to submit such questions.

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c Evidence gathered: Enclosures (3), (4), (6), (7), (9), (10), and (11) were provided by (b) (6). Enclosures (8) and (12) were obtained pursuant to an authorized search (b) (6) government computer and Blackberry. The search authorization is attached as enclosure (15).

d Findings:

(1) I met with (b) (6) at Fort Monroe on 18 May, 2011. He alleged that (b) (6) (b) (6) USA was having an inappropriate and potentially adulterous relationship with (b) (6) USN. He gave a verbal statement and provided me with the evidence listed in paragraph c above. Enclosure (3) is a summary of his complaint which (b) (6) provided.

(2) Enclosure (6) is a collection of various Memoranda for the Record provided by (b) (6). They detail some of the specific activity that led to (b) (6) suspicion regarding (b) (6) relationship with (b) (6). The highlights of this documentation include:

(a) (b) (6) claimed to participate in organized "group runs" but (b) (6) found these runs were really just (b) (6) and (b) (6).

(b) (6) followed (b) (6) on 2 early morning weekend "group runs" and found that (b) (6) was actually meeting (b) (6) alone, in an empty parking lot, where they then spent 45-60 minutes in one of their vehicles, and then went for a run.

(c) (b) (6) learned from (b) (6) (b) (6) that (b) (6) spent the night at the (b) (6) home on 14 April 2011 while (b) (6) was in Dallas, Texas for (b) (6) volleyball tournament. According to (b) (6) (b) (6) confirmed (b) (6) was at the house for dinner and that a dark SUV matching (b) (6) was parked in front of the house that evening but was gone when (b) (6) awoke.

(d) (b) (6) includes a facebook message from a (b) (6) (b) (6) that describes an incident in which (b) (6) uncharacteristically requested that (b) (6) leave the house for an entire afternoon because a group of people were coming over to work on a paper. When (b) (6) returned to the house unexpectedly to take care of some laundry she found (b) (6) having lunch with only one person who she later identified as (b) (6) (b) (6) says she felt uncomfortable and left the house.

(e) (b) (6) describes an incident where (b) (6) was planning to run in the "Run For The Dream" half marathon in Williamsburg, Virginia on May 22, 2011. She told him that she was running with a team of 3 other people from USS DWIGHT D. EISENHOWER. (b) (6) search of participants on the event's website showed only (b) (6) and (b) (6) registered. (b) (6) also describes the fact that (b) (6) (b) (6) picked up only her own and (b) (6) race packet. (b) (6) saw (b) (6) leaving his housing development's Information Center and (b) (6) car leaving the same parking lot on Saturday, 21 May 2011.

(3) Enclosure (7) is a collection of e-mails which (b) (6) obtained from (b) (6) personal e-mail account. These contain exchanges between (b) (6) and (b) (6) in which they declare their love for one another. As an example, on March 4, 2011 (b) (6) writes to (b) (6)

"There are times when I can't believe how lucky I am...an amazing, articulant(sic), compassionate, caring, sexy man loves me-just as I am-just as much as I love him. It's hard to comprehend that I was willing to accept that as status quo. Like work...taking my orders and executing...thank you for providing me with a future of possibilities. All my love in the world is yours."

(b) (6) replies on March 5, 2011;

"I have never felt so loved. What an amazing feeling. (b) (6) you are an amazing woman and I love you with my whole heart!"

In another example, on April 13, 2011 (b) (6) writes to (b) (6)

"Nothing more than a wonderful long hug from you...that's it...that's what I want followed by YES!"

(b) (6) writes to (b) (6) on April 30, 2011:

"Not sure how your day is going. Just wanted to let you know you are on my mind. YES. Love, (b) (6)

(4) Enclosure (8) is a collection of e-mail printouts obtained from a search of (b) (6) government computer. They are dated between December 16, 2010 and May 24, 2011. They show communication similar in nature to the e-mails in Enclosure (7). In an e-mail dated May 24, 2011, (b) (6) closes by saying "Have fun...looking forward to Friday." That would have been Friday, May 27 2011, a date that (b) (6) had told his wife he would be out of town on business travel in the hopes of catching her and (b) (6) together. (This confrontation never materialized, possibly because (b) (6) was temporarily reassigned on May 24). Additionally, the e-mails from (b) (6) account indicate an unusually familiar relationship between (b) (6) and at least 3, and perhaps more, additional women. For example, one email exchange between (b) (6) and (b) (6) follows:

On March 29, 2011, (b) (6) writes to (b) (6)

"Hey my gorgeous Capt!! I just sent you a text from class...long video and found myself daydreaming...reminiscing...:) wondering if we will ever get a chance to have a real go at things. I know you are crazy busy just know that I'm thinking of you. Like I said in my text...I do believe you promised me a tour of your ship Capt!! L, me"

(b) (6) responds the same day to (b) (6)

"Hey there I know that reminiscing feeling :) We will definitely have to schedule that tour. Attached a little smile for you. Love, (b) (6)

(b) (6) replies on March 30, 2011:

"That is exactly what I needed to start my day!! Thank you my fine Capitol! Is it safe to assume then that you still want me.... Hoping so, (b) (6) "

It was difficult to determine the timing and extent of any of these relationships. Enclosure (13) provides additional information.

(5) Enclosure (9) is the voice call records for (b) (6) cell phone ((b) (6) for the 13-month period running from April 13, 2010 through May 12, 2011. (b) (6) obtained them from the Verizon website and provided them to me. Enclosure (10) is a matrixed summary of the data contained in Enclosure (9), produced by (b) (6) for ease of analysis and provided to me. On the cover page of Enclosure (10) I have listed various phone numbers for (b) (6)

The first sheet of the matrix data in enclosure (10) lists 4 phone numbers that (b) (6) associated with (b) (6). I verified that all of these numbers are connected with (b) (6) however, (b) (6) did not have them all labeled precisely correctly. (b) (6) - (b) (6) is the (b) (6) on USS DWIGHT D. EISENHOWER, ((b) (6) is (b) (6) government issued Blackberry, ((b) (6) is (b) (6) personal cell phone, and (b) (6) is the Quarterdeck of USS DWIGHT D. EISENHOWER. There are approximately 3631 call entries (b) (6) cell phone records and approximately 893, or 25%, of them are to or from numbers associated with (b) (6)

(6) Enclosure (11) is the text message log for (b) (6) cell phone ((b) (6) from mid January 2011 through May 12, 2011. They indicate a similar level of text messaging between (b) (6) and (b) (6) as the voice calls summarized above. Out of a total of approximately 864 text messages, approximately 502, or 58%, of them are to or from numbers associated with (b) (6)

(7) Enclosure (11) is phone logs from (b) (6) government issued Blackberry ((b) (6) from December 16, 2010 through May 15, 2011. The records depict an increasing level of communication, primarily by text message, between (b) (6) and (b) (6). For example, during the billing cycle March 16, 2011 through April 15, 2011, (b) (6) sent and received 215 text messages, of which 183, approximately 85%, of them were to or from (b) (6). For the most recent billing cycle April 16, 2011 through May 15, 2011, (b) (6) sent and received 157 text messages. 150, which is approximately 95%, of them were to (b) (6)

(8) Enclosure (13) is an e-mail statement from (b) (6) responding to questions from the U.S. Army Investigating Officer, (b) (6) (b) (6) answers clearly indicate that he does not know (b) (6) and did not participate in any of the running activities mentioned elsewhere in this investigation.

(9) Enclosure (16) is a statement submitted by (b) (6) through his attorney. In the statement, (b) (6) denies having an inappropriate relationship with (b) (6). He also provides a summary of his personal history and highlights of his Navy service to date.

e. Recommendations:

(1) Based on the evidence collected during this investigation, I believe (b) (6) violated UCMJ Article 133 - Conduct Unbecoming an Officer and Gentlemen. His actions meet the elements in that "the accused did...certain acts; and...these acts or omissions constituted conduct unbecoming an officer and a gentlemen." Such conduct is further explained in section 59.c.(2) of the UCMJ: "There are certain moral attributes common to the ideal officer and the perfect gentlemen, a lack of which is indicated by acts of dishonesty, unfair dealing, indecency, indecorum, lawlessness, injustice or cruelty. Not everyone is or can be expected to meet unrealistically high moral standards, but there is a limit of tolerance based on customs of the service and military necessity below which the personal standards of an officer...cannot fall without seriously compromising the person's standing as an officer...or the person's character as a gentleman. This article prohibits conduct by a commissioned officer...which, taking all the circumstances into consideration is thus compromising." (b) (6) relationship with (b) (6), while both were married to other people, was inappropriate and constituted this type of conduct.

(2) My investigation did not uncover proof that (b) (6) and (b) (6) had sexual intercourse. Accordingly, I do not believe the elements required to prove a violation of Article 134-(Adultery) have been met.

Very Respectfully Submitted,

(b) (6)