



DEPARTMENT OF THE NAVY
COMMANDER
U.S. FLEET FORCES COMMAND
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5041
Ser N00/173
19 Jul 11

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From: Commander, U.S. Fleet Forces Command
To: Naval Inspector General

Subj: NAVY HOTLINE COMPLAINT 201101107; ALLEGED ABUSE OF POSITION,
FAILURE TO REPORT HAZING, FAILURE TO REPORT ALCOHOL RELATED
INCIDENTS AND PREFERENTIAL TREATMENT GIVEN TO FEMALE OFFICERS
BY COMMANDER ETTA JONES, COMMANDING OFFICER, USS PONCE (LPD 15)

Ref: (a) NIGHTS Hotline complaint of 14 Apr 11
(b) Legal Sufficiency Review by Assistant Fleet Judge Advocate
of 11 Jul 11

Encl: (1) JAGMAN Investigation dtd 22 Apr 11
(2) USFF IG Report of Investigation 201101107 of 16 May 11

1. This letter is a final response to reference (a).
2. In reference (a) an anonymous complainant alleged Commander Etta Jones, Commanding Officer, USS PONCE (LPD 15) verbally abused subordinates; failed to report a physical confrontation between an E-8 and an E-5; provided preferential treatment to female officers; manipulated underway watch bills to exclude female officers from standing the least desirable watches; made inappropriate comments in the company of several officers relative to her breasts and used terms like "split tail" when referring to women; allegedly told male officers she would "tie their nuts in a knot"; and endangered personnel when she handled her 9MM service weapon in an unsafe condition.
3. Due to PONCE's location and operational employment at the time of the complaint, my Deputy coordinated with Commander, SIXTH Fleet (C6F) to conduct a preliminary inquiry that would determine the validity of the complaint and whether or not immediate action was required. C6F directed initiation of a Judge Advocate General Manual (JAGMAN) investigation that was conducted by [redacted] b7c, Destroyer Squadron SIX ZERO and resulted in the relief of Commander Jones and USS PONCE's Executive Officer, Lieutenant Commander Kurk Boenisch, due to loss of confidence by Commander, SIXTH Fleet.
4. The JAGMAN investigation [enclosure (1)] and subsequent investigation by the USFF Inspector General's Office [enclosure (2)] properly addressed all issues raised in the complaint. The IG investigation considered 11 allegations as follows:

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Subj: NAVY HOTLINE COMPLAINT 201101107; ALLEGED ABUSE OF POSITION, FAILURE TO REPORT HAZING, FAILURE TO REPORT ALCOHOL RELATED INCIDENTS AND PERFERENTIAL TREATMENT GIVEN TO FEMALE OFFICERS BY COMMANDER ETTA JONES, COMMANDING OFFICER, USS PONCE (LPD 15)

a. **Allegation 1:** That between October 2010 and 15 April 2011, Commander Etta C. Jones, Commanding Officer, USS PONCE (LPD 15) verbally abused subordinate officers and enlisted personnel, in violation of 10 U.S.C. § 5947 (Requirement of exemplary conduct), U.S. Navy Regulations 1130 and 1131, and UCMJ, Article 93 (Cruelty and Maltreatment).

b. **Allegation 2:** That on or about 15 March 2010, Commander Etta C. Jones, Commanding Officer, USS PONCE (LPD 15) directed subordinates not to make, or to delay making required reports for reportable incidents aboard USS PONCE, in violation of U.S. Navy Regulations 1130 and 1137 and UCMJ Article 92 (Dereliction of Duty).

c. **Allegation 3:** That between October 2010 and 15 April 2011, Commander Etta C. Jones, Commanding Officer, USS PONCE (LPD 15) gave preferential treatment to her female officers, in violation of SECNAVINST 5350.16A (Equal Opportunity Within the Department Of The Navy).

d. **Allegation 4:** That between October 2010 and 15 April 2011, Commander Etta C. Jones, Commanding Officer, USS PONCE (LPD 15) created a hostile work environment, in violation of SECNAVINST 5300.26D (Department of the Navy Policy on Sexual Harassment).

e. **Allegation 5:** That Commander Etta C. Jones, Commanding Officer, USS PONCE (LPD 15) directed supervisors to bypass safety procedures during well deck and seamanship evolutions, in violation of U.S. Navy Regulations 802 (Responsibility) and 825 (Safety Precautions) and UCMJ, Article 92 (Dereliction of Duty).

f. **Allegation 6:** That on 13 April 2011, Commander Etta C. Jones, Commanding Officer, USS PONCE (LPD 15) endangered personnel when she improperly handled her 9MM service weapon, in violation of NTRP 3-07.2.2 (Force Protection Weapons Handling Standard Procedures and Guidelines).

g. **Allegation 7:** That Commander Etta C. Jones, Commanding Officer, USS PONCE (LPD 15) failed to promote the safety and well-being of personnel under her command by failing to ensure small arms training was properly accomplished, in violation of U.S. Navy Regulation 1131 and NTRP 3-07.2.2 (Force Protection Weapons Handling Standard Procedures and Guidelines).

h. **Allegation 8 (Emerging):** That on or about 15 March 2011, [b7c] participated in hazing incidents onboard USS PONCE, in violation of SECNAVINST 1610.2A (Department of the Navy Policy on Hazing).

i. **Allegation 9 (Emerging):** That on or about 15 March 2011, [b7c] participated in hazing incidents onboard USS PONCE, in violation of SECNAVINST 1610.2A (Department of the Navy Policy on Hazing).

j. **Allegation 10 (Emerging):** That on or about 15 March 2011, [b7c] participated in hazing incidents onboard USS PONCE, in violation of SECNAVINST 1610.2A (Department of the Navy Policy on Hazing).

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Subj: NAVY HOTLINE COMPLAINT 201101107; ALLEGED ABUSE OF POSITION, FAILURE TO REPORT HAZING, FAILURE TO REPORT ALCOHOL RELATED INCIDENTS AND PERFERENTIAL TREATMENT GIVEN TO FEMALE OFFICERS BY COMMANDER ETTA JONES, COMMANDING OFFICER, USS PONCE (LPD 15)

k. **Allegation 11 (Emerging)**: That on or about 15 March 2011, [b7c] [b7c] was derelict in his duties as [b7c] when he failed to report the hazing that was taking place in the Engineering Department, in violation of SECNAVINST 1610.2A (Department of the Navy Policy on Hazing).

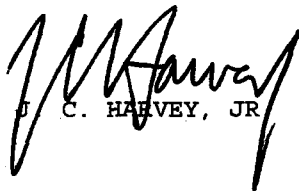
5. The investigation conclusively determined that Allegations 1 through 10 were **SUBSTANTIATED**, while Allegation 11 was **UNSUBSTANTIATED**. The following accountability action was taken:

a. On 23 April 2011, Commander Etta C. Jones was administered non-judicial punishment (NJP) by Commander, SIXTH Fleet and detached as commanding officer due to loss of confidence. Commander Jones is temporarily assigned to Commander, Naval Surface Force Atlantic pending a show cause determination.

b. On 14 May 2011, [b7c], [b7c], and [b7c] received NJP administered by [b7c], Acting Commanding Officer, USS PONCE.

6. The complaint received by the USFF Inspector General did not allege any specific misconduct or wrongdoing by the Executive Officer, nor was any identified during the course of the JAGMAN investigation. However, the JAGMAN determined that the Executive Officer "failed to provide the forceful support to the Commanding Officer necessary for her to succeed in command, and failed to apprise the ISIC of CO misconduct." Lieutenant Commander Boenisch was relieved as Executive Officer, USS PONCE (LPD 15); to date no additional actions have been taken against him.

7. I concur with the investigation findings and accountability actions taken, deem them appropriate, and recommend closing this case as **SUBSTANTIATED**.


J. C. HARVEY, JR.

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11 July 2011

MEMORANDUM FOR COMMANDER, U.S. FLEET FORCES COMMAND, INSPECTOR GENERAL

From: Assistant Fleet Judge Advocate

Subj: LEGAL REVIEW OF NAVY HOTLINE REPORT OF INVESTIGATION,
HOTLINE COMPLAINT NUMBER 201101107

Ref: (a) Navy Hotline Report of Investigation dtd 16 May 2011,
Case Number 201101107
(b) Preliminary Inquiry dtd 22 April 2011

1. Synopsis. U.S. Fleet Forces Command, Inspector General (USFF IG) received a hotline complaint via email on 14 April 2011. The complaint made various allegations against CDR Etta C. Jones, then Commanding Officer, USS PONCE (LPD 15). The subject investigation addressed the CO's verbal abuse of subordinates; failure to report a physical confrontation; preferential treatment of female officers; inappropriate comments based on gender; endangerment of personnel with a firearm; and incidents of hazing.

2. Legal Review. USFF IG prepared a report of investigation of this matter, reference (a). USFF IG divided the complaint into the following specific allegations:

(a) Allegation 1, that between October 2010 and 15 April 2011, CDR Etta C. Jones, Commanding Officer, USS PONCE (LPD 15) verbally abused subordinate officers and enlisted personnel, in violation of 10 U.S.C. § 5947 (Requirement of exemplary conduct), U.S. Navy Regulations 1130 and 1131, and UCMJ, Article 93 (Cruelty and Maltreatment).

(b) Allegation 2, that on or about 15 March 2010, CDR Etta C. Jones, Commanding Officer, USS PONCE (LPD 15) directed subordinates not to make, or to delay, required reports for reportable incidents aboard USS PONCE, in violation of U.S. Navy Regulations 1130 and 1137 and UCMJ Article 92 (Dereliction of Duty).

(c) Allegation 3, that between October 2010 and 15 April 2011, CDR Etta C. Jones, Commanding Officer, USS PONCE (LPD 15) gave preferential treatment to her female officers, in violation

Enclosure (1)

of SECNAVINST 5350.16A (Equal Opportunity Within The Department Of The Navy).

(d) Allegation 4, that between October 2010 and 15 April 2011, CDR Etta C. Jones, Commanding Officer, USS PONCE (LPD 15) created a hostile work environment, in violation of SECNAVINST 5300.26D (Department of the Navy Policy on Sexual Harassment).

(e) Allegation 5, that CDR Etta C. Jones, Commanding Officer, USS PONCE (LPD 15) directed supervisors to bypass safety procedures during well deck and seamanship evolutions, in violation of U.S. Navy Regulations 802 (Responsibility) and 825 (Safety Precautions) and UCMJ, Article 92 (Dereliction of Duty).

(f) Allegation 6, that on 13 April 2011, CDR Etta C. Jones, Commanding Officer, USS PONCE (LPD 15) endangered personnel when she improperly handled her personal 9MM service weapon, in violation of NTRP 3-07.2.2 (Force Protection Weapons Handling Standard Procedures and Guidelines).

(g) Allegation 7, that CDR Etta C. Jones, Commanding Officer, USS PONCE (LPD 15) failed to promote the safety and wellbeing of personnel under her command by failing to ensure small arms training was properly accomplished, in violation of U.S. Navy Regulation 1131 and NTRP 3-07.2.2 (Force Protection Weapons Handling Standard Procedures and Guidelines).

(h) Allegation 8, that on or about 15 March 2011, EN3 Ramon Holloman participated in hazing incidents onboard USS PONCE, in violation of SECNAVINST 1610.2A (Department of the Navy Policy on Hazing).

(i) Allegation 9, that [redacted] b7c participated in hazing incidents onboard USS PONCE, in violation of SECNAVINST 1610.2A (Department of the Navy Policy on Hazing).

(j) Allegation 10, that on or about 15 March 2011, [redacted] b7c participated in hazing incidents onboard USS PONCE, in violation of SECNAVINST 1610.2A (Department of the Navy Policy on Hazing).

(k) Allegation 11, that on or about 15 March 2011, [redacted] b7c was derelict in his duties as the [redacted] b7c [redacted] b7c when he failed to report the hazing that was taking place in the Engineering Department, in violation of SECNAVINST 1610.2A (Department of the Navy Policy on Hazing).

USFF IG substantiated allegations 1 through 10 and found allegation 11 to be unsubstantiated.

I have reviewed the Report of Investigation as well as the Preliminary Inquiry conducted by Commander Sixth Fleet for U.S. Naval Forces Africa. After reviewing these documents, (b)(5)

(b)(5)

3. Conclusion. I find the USFF IG Report of Investigation

(b)(5)

b7c

LCDR, JAGC, USN

Navy Hotline Report of Investigation
Case Number 201101107
16 May 2011

1. Investigator(s) and Identifying Information and Location of Working Papers:

a. Investigator(s) and Identifying Information.

b7c

b7c Investigator, U. S. Fleet Forces Command, (USFF) Office of the Inspector General; Tel: (757) 836-b7c; DSN 836-b7c; E-mail: b7c@navy.mil.

b. Location of working papers. U. S. Fleet Forces Command, Office of the Inspector General, Attn: N00IG, 1562 Mitscher Ave., Norfolk, VA 23551-2487

2. Background and Summary:

a. Hotline Control #, Dates of Receipt, and Tasking Dates

(1) U. S. Fleet Forces Command Inspector General Hotline control number 201101107 received via USFF IG Hotline e-mail on 14 April 11.

b. Summary of Complaints:

(1) An anonymous complainant alleged CDR Etta Jones, Commanding Officer, USS PONCE (LPD 15) verbally abused subordinates; failed to report a physical confrontation between an E-8 and an E-5 on the pier; provided preferential treatment to female officers; manipulated underway watch bills to exclude female officers from standing the least desirable watches; made inappropriate comments in the company of several officers relative to her breasts and used terms like "split tail" when referring to women; allegedly told male officers she would "tie their nuts in a knot"; and endangered personnel when she handled her government issued 9MM weapon in an unsafe condition.

(2) Due to the location of the ship at the time of the complaint, the Deputy Commander, U.S. Fleet Forces Command coordinated with Commander, Sixth Fleet (C6F) resulting in C6F conducting a preliminary inquiry to determine the validity of the complaint and whether or not immediate action was required.

(3) A C6F-directed JAGMAN investigation conducted by b7c b7c Destroyer Squadron 60, resulted in the relief of CDR Etta Jones, Commanding Officer, and LCDR Kurk Boenisch, Executive Officer, USS PONCE due to loss of confidence by Commander, Sixth Fleet.

(4) The information in this report of investigation is based on witness statements from the JAGMAN investigation with the exception of the allegations relative to hazing (Allegations 8 through 11). These allegations were added as emerging allegations based on additional witness statements taken by the investigator and the findings of the JAGMAN investigation.

c. Investigation summary. A review of the complaint determined there were eleven allegations appropriate for investigation. The first ten were substantiated and the eleventh was unsubstantiated. The specific allegations are discussed in the following paragraphs.

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d. List of Allegations.

(1) Allegation 1, that between October 2010 and 15 April 2011, CDR Etta C. Jones, Commanding Officer, USS PONCE (LPD 15) verbally abused subordinate officers and enlisted personnel, in violation of 10 U.S.C. § 5947 (Requirement of exemplary conduct), U.S. Navy Regulations 1130 and 1131, and UCMJ, Article 93 (Cruelty and Maltreatment), is SUBSTANTIATED.

(2) Allegation 2, that on or about 15 March 2010, CDR Etta C. Jones, Commanding Officer, USS PONCE (LPD 15) directed subordinates not to make, or to delay required reports for reportable incidents aboard USS PONCE, in violation of U.S. Navy Regulations 1130 and 1137 and UCMJ Article 92 (Dereliction of Duty), is SUBSTANTIATED.

(3) Allegation 3, that between October 2010 and 15 April 2011, CDR Etta C. Jones, Commanding Officer, USS PONCE (LPD 15) gave preferential treatment to her female officers, in violation of SECNAVINST 5350.16A (Equal Opportunity Within The Department Of The Navy), is SUBSTANTIATED.

(4) Allegation 4, that between October 2010 and 15 April 2011, CDR Etta C. Jones, Commanding Officer, USS PONCE (LPD 15) created a hostile work environment, in violation of SECNAVINST 5300.26D (Department of the Navy Policy on Sexual Harassment), is SUBSTANTIATED.

(5) Allegation 5, that CDR Etta C. Jones, Commanding Officer, USS PONCE (LPD 15) directed supervisors to bypass safety procedures during well deck and seamanship evolutions, in violation of U.S. Navy Regulations 802 (Responsibility) and 825 (Safety Precautions) and UCMJ, Article 92 (Dereliction of Duty), is SUBSTANTIATED.

(6) Allegation 6, that on 13 April 2011, CDR Etta C. Jones, Commanding Officer, USS PONCE (LPD 15) endangered personnel when she improperly handled her personal 9MM service weapon, in violation of NTRP 3-07.2.2 (Force Protection Weapons Handling Standard Procedures and Guidelines), is SUBSTANTIATED.

(7) Allegation 7, that CDR Etta C. Jones, Commanding Officer, USS PONCE (LPD 15) failed to promote the safety and wellbeing of personnel under her command by failing to ensure small arms training was properly accomplished, in violation of U.S. Navy Regulation 1131 and NTRP 3-07.2.2 (Force Protection Weapons Handling Standard Procedures and Guidelines), is SUBSTANTIATED.

(8) Allegation 8 (Emerging), that on or about 15 March 2011, [b7c] participated in hazing incidents onboard USS PONCE, in violation of SECNAVINST 1610.2A (Department of the Navy Policy on Hazing), is SUBSTANTIATED.

(9) Allegation 9 (Emerging), that [b7c] participated in hazing incidents onboard USS PONCE, in violation of SECNAVINST 1610.2A (Department of the Navy Policy on Hazing), is SUBSTANTIATED.

(10) Allegation 10 (Emerging), that on or about 15 March 2011, [b7c] participated in hazing incidents onboard USS PONCE, in violation of SECNAVINST 1610.2A (Department of the Navy Policy on Hazing), is SUBSTANTIATED.

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(11) Allegation 11 (Emerging), that on or about 15 March 2011, [b7c] [b7c] was derelict in his duties as the [b7c] when he failed to report the hazing that was taking place in the Engineering Department, in violation of SECNAVINST 1610.2A (Department of the Navy Policy on Hazing), is UNSUBSTANTIATED.

3. Allegation 1, that between October 2010 and 15 April 2011, CDR Etta C. Jones, Commanding Officer, USS PONCE (LPD 15) verbally abused subordinate officers and enlisted personnel, in violation of 10 U.S.C. § 5947 (Requirement of exemplary conduct), U.S. Navy Regulations 1130 and 1131, and UCMJ, Article 93 (Cruelty and Maltreatment), is SUBSTANTIATED.

a. Facts:

(1) 10 U.S.C. § 5947 (Requirement of exemplary conduct) and U.S. Navy Regulations 1131 state that, "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; to be vigilant in inspecting the conduct of all persons who are placed under their command; to guard against and suppress all dissolute and immoral practices, and to correct, according to the laws and regulations of the Navy, all persons who are guilty of them; 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."

(2) U.S. Navy Regulations 1130 states that, "All officers in the naval service shall acquaint themselves with, obey and, so far as their authority extends, enforce the laws, regulations and orders relating to the Department of the Navy. They will faithfully and truthfully discharge the duties of their offices to the best of their ability in conformance with existing orders and regulations and their solemn profession of the oath of office. In the absence of instructions, they shall act in conformity with the policies and customs of the service to protect the public interest."

(3) Uniform Code of Military Justice, Article 93 (Cruelty and Maltreatment) states that, "Any person subject to this chapter who is guilty of cruelty toward, or oppression or maltreatment of, any person subject to his orders shall be punished as a court-martial may direct." Elements of Article 93: "that a certain person was subject to the orders of the accused; and that the accused was cruel toward, or oppressed, or maltreated that person".

(4) The testimonies of numerous officers included statements made by CDR Jones against and about other PONCE officers including: calling [b7c] a "puddle of shit", [b7c] a "dumb ass", and telling [b7c] "interrupt me again and I will take a gigantic shit on you" (this statement was made on the bridge in front of both Junior Officers and enlisted watch standers). She described other officers onboard as "special", "idiots", or "dumb". Several male officers stated CDR Jones said she would "tie their nuts" in a knot if they continued to mismanage her expectations.

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b. Analysis/Discussion/Conclusion

(1) CDR Jones' abusive language and her personal attacks in calling specific junior officers names like "stupid", "dumb ass", and "puddle of shit" and telling [redacted b7c] that she is going to defecate on him in front of other officers and enlisted personnel embarrassed and belittled them in the eyes of their subordinates. CDR Jones did not demonstrate exemplary conduct, her conduct was such that she showed complete disregard for rules and regulations applicable to the duties of a commanding officer. CDR Jones created an atmosphere of fear to the degree that most officers were afraid to approach or be near her. This created a barrier to effective communication with the CO, possibly resulting in withholding critical information from her out of a fear of her subsequent outbursts and name calling. CDR Jones' abusive behavior meets the elements of a violation under UCMJ Article 93 (Cruelty and Maltreatment). This allegation is SUBSTANTIATED.

c. Recommendation: None.

d. Disposition: Corrective action taken, CDR Jones was removed as Commanding Officer.

4. Allegation 2, that on or about 15 March 2010, CDR Etta C. Jones, Commanding Officer, USS PONCE (LPD 15) directed subordinates not to make, or to delay required reports for reportable incidents aboard USS PONCE, in violation of U.S. Navy Regulations 1130 and 1137 and UCMJ Article 92 (Dereliction of Duty), is SUBSTANTIATED.

a. Facts:

(1) U.S. Navy Regulations 1130 states that, "All officers in the naval service shall acquaint themselves with, obey and, so far as their authority extends, enforce the laws, regulations and orders relating to the Department of the Navy. They will faithfully and truthfully discharge the duties of their offices to the best of their ability in conformance with existing orders and regulations and their solemn profession of the oath of office. In the absence of instructions, they shall act in conformity with the policies and customs of the service to protect the public interest."

(2) U.S. Navy Regulation 1137 states that, "Persons in the naval service shall report as soon as possible to superior authority all offenses under the Uniform Code of Military Justice which come under their observation, except when such persons are themselves already criminally involved in such offenses at the time such offenses first come under their observation. Elements of U.S. Navy Regulation 1137: Violation of or failure to obey a lawful general order or regulation; "that there was in effect a certain lawful general order or regulation; that the accused had a duty to obey it; and that the accused violated or failed to obey the order or regulation".

(3) Uniform Code of Military Justice, Article 107 (False Official Statement) states that, "Any person subject to this chapter who, with intent to deceive, signs any false record, return, regulation, order, or other official document, knowing it to be false, or makes any other false official statement knowing it to be false, shall be punished as a court-martial may direct." Elements of UCMJ, Article 107: Intent to deceive; "the false representation must

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be made with the intent to deceive. It is not necessary that the false statement be material to the issue in inquiry; if, however, the falsity is in respect to a material matter, it may be considered as some evidence of the intent to deceive"

(4) Uniform Code of Military Justice, Article 92 (Dereliction of Duty) any person subject to the Code who is derelict in the performance of her duties, shall be punished as a court-martial may direct. Elements of UCMJ, Article 92: Duty; " a duty may be imposed by treaty, statute, regulation, lawful order, standard operating procedure, or custom of the service"; Knowledge; "actual knowledge of duties may be proved by circumstantial evidence".

(5) There was a fight between [b7c] and [b7c] on the pier during the "Beer on the Pier" night inport Aqaba at approximately 0030, 24 February 2011. The fight resulted in a minor injury to [b7c]. CDR Jones was made aware of the fight prior to lunch on 24 February 2011 but failed to immediately report the incident to her chain of command in accordance with OPNAVINST F3100.6J requirements that incidents should be reported within 24 hours. The Executive Officer (XO) testified it was his belief that this was an alcohol-related incident (ARI) that was also required to be reported via a Drug and Alcohol Abuse Report (DAAR) by OPNAVINST 5350.4D (Navy Alcohol and Drug Abuse Prevention and Control). The XO stated he, the [b7c] [b7c] and the Commanding Officer (CO) discussed this incident and he expressed his opinion that this was an ARI and should be reported. The CO elected not to employ either reporting mechanism and did not advise her chain of command of the incident at the time it occurred.

(6) On 15 March 2011, [b7c] went to the Auxiliaries Division Office (A-Div) to pick up his mail. [b7c] collected his mail and started to walk out the door when he was jumped by [b7c] and [b7c] [b7c]. They put [b7c] on the deck on his stomach and tied his feet with a rope, hung him over a light and struck him with a belt.

(7) On 16 March 2011, [b7c] went into berthing in an attempt to get a haircut and was again attacked by [b7c]. This incident resulted in an injury to [b7c] head that required him to be medically evacuated from the ship to the local overseas hospital where surgery was required under general anesthesia to stop the wound from bleeding. [b7c] admitted this incident was hazing and stated he had been hazing others since May 2010 and did not realize it was a serious offense. CDR Jones downplayed this incident as "horseplay" in a SITREP she released but characterized it as hazing when dealing with those involved.

b. Analysis/Discussion/Conclusion

(1) CDR Jones was aware of the incidents that took place 15 and 16 March 2011; there was a command investigation conducted that identified the behavior as hazing. CDR Jones awarded EMI based on a finding of hazing and ordered the [b7c] to write the hazing instruction ten times in longhand as punishment.

(2) The assault and hazing incidents both required reporting to leadership senior to PONCE. Reports were either sent out late or not at all. The hazing incident was not reported until the JAGMAN investigation determined

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it had not been reported (on 22 April 2011 a NAVY BLUE SITREP reported the hazing incident).

(3) Emerging allegations against the XO and [b7c] for failure to report the incident were considered and dismissed based on the XO's testimony. While all supervisors have the responsibility to report incidents, the acceptable interpretation is that when the CO is present the instruction imposes upon supervisors the duty to alert the CO to the perceived violation and recommend the CO take appropriate action. It is the CO's ultimate responsibility and authority to decide how to handle a given situation.

(4) CDR Jones had the responsibility to report incidents such as the hazing, alcohol-related incidents and fights to her ISIC. Through negligence or design, she failed to report these incidents properly. In the case of hazing it appears she intentionally did not properly report this incident as hazing. In fact, a SITREP was released that reported the incident as horseplay when it had been clearly identified as hazing. Internal to PONCE; however, CDR Jones called the incident hazing and ordered the responsible leading petty officer to write the hazing instruction in longhand ten times as punishment. This allegation is **SUBSTANTIATED**.

c. **Recommendation:** None.

d. **Disposition:** Corrective action taken, CDR Jones was removed as Commanding Officer.

5. **Allegation 3,** that between October 2010 and 15 April 2011, CDR Etta C. Jones, Commanding Officer, USS PONCE (LPD 15) gave preferential treatment to her female officers, in violation of SECNAVINST 5350.16A (Equal Opportunity Within The Department Of The Navy), is **SUBSTANTIATED**.

a. **Facts:**

(1) SECNAVINST 5350.16A (Equal Opportunity within the Department of The Navy) states in paragraph 3. that, "This instruction applies to all DON military personnel, Regular and Reserve; Naval Academy and Reserve Officer Training Corps Midshipmen; and Reservists performing active or inactive duty or engaging in any activity related to the performance of Department of Defense (DOD) Reserve duty or function."

(2) SECNAVINST 5350.16A states in paragraph 7.a. that, "It is DON policy that: Unlawful discrimination based on race, religion, color, gender, or national origin is strictly prohibited and will not be tolerated."

(3) SECNAVINST 5350.16A states in paragraph 7.b. that, "No commander or supervisor may, by act, word, deed, or omission, condone or ignore unlawful discrimination. Commanders, commanding officers (COs) and officers in charge (OICs) are responsible and accountable for enforcing the policy against unlawful discrimination."

(4) SECNAVINST 5350.16A states in enclosure (1) paragraph 3. that, "It is the right of all persons to participate in, and benefit from programs and activities for which they are qualified. These programs and activities shall be

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free from social, personal, or institutional barriers that prevent people from rising to the highest level of responsibility possible. Persons shall be evaluated on individual merit, fitness, and capability, regardless of race, religion, color, gender, or national origin.

(5) CDR Jones personally wrote the various underway watch bills for the officers, giving multiple watches to officers she did not like and none to her "favorites". She usually assigned day watches to her female officers. One of the female officers, [b7c] was often referred to by CDR Jones as "her daughter", "God-child", or "CO's special girl". The perception among the other officers was that if you had an issue with [b7c], you would pay the price with the CO. [b7c] stood few watches and did not show up for many under instruction watches (U/I) with no notice or excuse. No action was taken against her while other officers were reprimanded for being minutes late for U/I watches.

(6) CDR Jones conducted female-only officer meetings in her stateroom, invited female officers to her stateroom for movie and popcorn night, offered female officers the use of the CO's sedan when in port and bought female officers gifts. According to CDR Jones she also offered the use of the sedan to male officers; however, that assertion was disputed by the male officers questioned.

(7) Two female officers, [b7c] and [b7c] were reported to have been intoxicated on the pier during the "Beer on the Pier" night on 23 February 2011 and were seen kissing each other. After this incident, [b7c] sat in a Marine officer's lap and began making out with him. It was additionally reported that [b7c] sat next to an enlisted Sailor and kissed him on the cheek. None of these incidents were investigated and no actions were taken. Many of those interviewed believed no action was taken because CDR Jones favored the female officers.

(8) Many incidents were identified that clearly demonstrated CDR Jones had given preferential treatment to female officers over male officers by her word and deed. Her preferential treatment caused the recipients to be uncomfortable and created a divide in the wardroom between those favored and those who were not.

b. Analysis/Discussion/Conclusion. The testimonial and documentary evidence indicate CDR Jones gave preferential treatment to female officers. Examples such as those outlined above demonstrate males and females were not treated equally by CDR Jones. Her preferential treatment of female officers divided the wardroom between those who were favored and those who were not. The allegation is **SUBSTANTIATED.**

c. Recommendation: None. [b7c] interviewed both [b7c] and [b7c] and determined there was no kiss; he opined that this incident was more perception than reality. The incident with the Marine officer was of very short duration, [b7c] was directed to return to the ship and the Marine officer was counseled by his COC. No witnesses confirmed she kissed an enlisted member. Therefore, no additional action is recommended.

d. Disposition: Corrective action taken, CDR Jones was removed as Commanding Officer.

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6. **Allegation 4**, that between October 2010 and 15 April 2011, CDR Etta C. Jones, Commanding Officer, USS PONCE (LPD 15) created a hostile work environment, in violation of SECNAVINST 5300.26D (Department of the Navy Policy on Sexual Harassment), is **SUBSTANTIATED**.

a. **Facts:**

(1) SECNAVINST 5300.26D (Equal Opportunity within the Department of The Navy) states in paragraph 8.c. that, "All personnel are responsible for treating others with dignity and respect. This means fully and faithfully complying with this instruction. All DON personnel are accountable for their actions."

(2) SECNAVINST 5300.26D states in enclosure (1), paragraph 3.c. that, "Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile or offensive working environment. This definition emphasizes that workplace conduct, to be actionable as "abusive work environment" harassment, need not result in concrete psychological harm to the victim, but rather need only be so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the work environment as hostile or offensive. ("Workplace" is an expansive term for military members and may include conduct on or off duty, 24 hours a day.) Any person in a supervisory or command position who uses or condones any form of sexual behavior to control, influence, or affect the career, pay, or job of a military member or civilian employee is engaging in sexual harassment. Similarly, any military member or civilian employee who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature in the workplace is also engaging in sexual harassment."

(3) Witnesses provided statements that disclosed the terms CDR Jones used to describe herself, other females and derogatory comments directed at other officers. When dealing with male officers, CDR Jones used terms that demonstrated a lack of respect for them and additionally would be considered "red light" behavior. Witnesses stated that CDR Jones used terms like "split tails" when referring to herself and the reason she was being passed over for command. CDR Jones made the comment that the reason the men on board USS PONCE did not respect her was because she has "tits". Several male officers stated CDR Jones said she would "tie their nuts in a knot if they continue to mismanage her expectations". Additionally, CDR Jones told [b7c] "interrupt me again and I will take a gigantic shit on you". This comment was made in front of the entire bridge watch team, both officers and enlisted.

b. **Analysis/Discussion/Conclusion.** CDR Jones did not respect other officers onboard PONCE as evidenced by derogatory comments and descriptions; the terms she used to describe herself and other females created a hostile working environment in violation of SECNAVINST 5300.26D (Equal Opportunity within the Department of The Navy) and U.S. Navy Regulation 1131, 10 U.S.C. § 5947 (Requirement of exemplary conduct). The allegation is **SUBSTANTIATED**.

c. **Recommendation:** None

d. **Disposition:** Corrective action taken, CDR Jones was removed as Commanding Officer.

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7. Allegation 5, that CDR Etta C. Jones, Commanding Officer, USS PONCE (LPD 15) directed supervisors to bypass safety procedures during well deck and seamanship evolutions, in violation of U.S. Navy Regulations 802 (Responsibility) and 825 (Safety Precautions) and UCMJ, Article 92 (Dereliction of Duty), is SUBSTANTIATED.

a. Facts:

(1) U.S. Navy Regulation 802.2 (Responsibility) states that, "A commanding officer who departs from orders or instructions, or takes official action which is not in accordance with such orders or instructions, does so upon his or her own responsibility and shall report immediately the circumstances to the officer from whom the prior orders or instructions were received. Of particular importance is the commanding officer's duty to take all necessary and appropriate action in self-defense of the command."

(2) U.S. Navy Regulation 825 (Safety Precautions) states that, "The commanding officer shall require that persons concerned are instructed and drilled in all applicable safety precautions and procedures that are compiled with, and that applicable safety precautions or extracts there from, are posted in appropriate places. In any instance where safety precautions have not been issued, or are incomplete, the commanding officer shall issue or augment such safety precautions as are deemed necessary, notifying, when appropriate, higher authorities concerned."

(3) CDR Jones directed [b7c] to use right five degree rudder while the sea painter was connected to the seven meter RHIB on the port quarter of the ship during recovery. This could have caused the stern of the ship to swing in the direction of the RHIB. [b7c] made an alternative recommendation but was directed to comply with her order.

(4) CDR Jones directed [b7c] to order green range during a wing mounted 240B machine gun shoot despite his report of a contact within the impact area of the range.

(5) CDR Jones directed PONCE to make the approach with USNS PEARY during preparation for underway replenishment, even though ROMEO was not closed up as required. The XO intervened and the ship was repositioned.

(6) During high intensity evolutions on the bridge, CDR Jones disrupted the watch team and diverted their attention from the operations at hand with non-critical issues. While navigating the Suez Canal at night with heavy shipping traffic, the CO came to the bridge and ordered the OOD to explain why her laptop computer had been closed.

(7) CDR Jones ordered maneuvering the ship while at amber deck¹ during flight operations. When she was advised by the OOD the ship was at amber deck, the OOD was ordered to maneuver anyway.

(8) CDR Jones directed the LCU to launch on one engine even though it violated SOP and was against the craft master's recommendation.

¹ "Amber deck" is a flight deck operating condition set when a helicopter is engaging or disengaging its rotor system. Maneuvering the ship during this condition could result in damage to the aircraft and is to be avoided.

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b. Analysis/Discussion/Conclusion. CDR Jones violated accepted ship handling safety procedures and when advised of her error would ignore the advice and direct that her orders be carried out. In these examples and in other numerous errors in judgment and violations of established SOPs, directives, traditions and rules of the road, CDR Jones exhibited unfamiliarity with operating procedures and damaged her credibility with those who observed her perceived lack of professional expertise. The allegation is SUBSTANTIATED.

c. Recommendation: None

d. Disposition: Corrective action taken, CDR Jones was removed as Commanding Officer.

9. Allegation 6, that on 13 April 2011, CDR Etta C. Jones, Commanding Officer, USS PONCE (LPD 15) endangered personnel when she improperly handled her personal 9MM service weapon, in violation of NTRP 3-07.2.2 (Force Protection Weapons Handling Standard Procedures and Guidelines), is SUBSTANTIATED.

a. Facts:

(1) NTRP 3-07.2.2 (Force Protection Weapons Handling Standard Procedures and Guidelines), paragraph 1.2 (Weapon Safety) states that, "Proper weapons handling is the responsibility of the person in control of the weapon. Pointing or aiming a functional weapon at any person or thing is unlawful except when required in the performance of duty. When armed with any weapon for which chambering a round has been authorized, personnel must ensure that the safety remains in the safe position until immediately prior to firing."

(2) One of the embarked Marines had borrowed three IED training devices from the ship's Master at Arms (MAA). On 13 April 2011 he returned them by leaving them in front of the MAA door. There was a small arms qualification evolution executing at the same time. Two of the training devices were taken to the MAA while he was in the ship's laundry and the other was left in front of his office door. [b7c] saw the IED training device and called the OOD to report it. The OOD notified the CO who directed they call away "Security Alert". [b7c], armed as a result of the qualification evolution, found the IED training aid and called the OOD to report that he had the training aid and that it was a false alarm. The CO stated that she did not care because she did not sign off on any training package. [b7c] brought the training device to the CO on the bridge and told the CO the alert should be stood down because the crew was walking around with Condition 1 weapons (slide forward, magazine inserted, round chambered, safety on) as a result of the concurrent small arms qualification evolution. The CO refused to treat the security alert as a training event. [b7c] offered to escort the CO to her stateroom but she refused, she wanted [b7c] to escort her but eventually stated, "Fuck this, I will get my own gun".

(3) The CO went to her cabin and removed her 9mm from her safe.

(4) [b7c] and [b7c] reported to the CO's stateroom believing the situation was a real security alert. When [b7c] and [b7c] entered the CO's stateroom she had her weapon out and pointed at the door. She did not

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immediately lower the weapon when she saw [b7c] and [b7c] enter. She was talking with her hand and gesturing with the gun. The CO then set the weapon on her desk and told [b7c] and [b7c] that she is "old school" and wanted to keep the gun "locked and ready to go". The CO told [b7c] and [b7c] to take her weapon and clear it in the armory. When [b7c] reached for the CO's weapon, both he and [b7c] realized that the safety was off. The CO did not recognize the gun's safety was in the off position and did not react when [b7c] told her the safety was off. She stated it was in Condition 1.

b. Analysis/Discussion/Conclusion

(1) As a result of inadequate training, Sailors failed to act in accordance with ship's instructions during the underway security alert. They were unaware that PONCE had published procedures for this type of situation. It was discovered during the investigation that even the CO was not aware the ship possessed published procedures for an underway security alert.

(2) CDR Jones unsafely and improperly handled her 9mm sidearm during the security alert contrary to shipboard and Navy directives. When [b7c] [b7c] delivered the training device to her on the bridge and recommended standing down from security alert, CDR Jones should have done so immediately. Understanding that no threat existed, she should not have removed her weapon from the cabin safe, nor should she have placed the weapon in Condition 1. Once in Condition 1, she should have kept the weapon under positive control rather than placing it on her desk. She should not have pointed the weapon toward the open cabin door, regardless the position of the safety. She should not have given the weapon to [b7c] for clearance, but should have cleared the weapon herself. Once she chose to pass the weapon to [b7c] [b7c], she should have specifically confirmed the safety was on prior to handing him the weapon. The allegation is **SUBSTANTIATED**.

c. Recommendation: None

d. Disposition: Corrective action taken, CDR Jones was removed as Commanding Officer.

10. **Allegation 7**, that CDR Etta C. Jones, Commanding Officer, USS PONCE (LPD 15) failed to promote the safety and wellbeing of personnel under her command by failing to ensure small arms training was properly accomplished, in violation of U.S. Navy Regulation 1131 and NTRP 3-07.2.2 (Force Protection Weapons Handling Standard Procedures and Guidelines), is **SUBSTANTIATED**.

a. Facts:

(1) U.S. Navy Regulations 1131 states that, "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; to be vigilant in inspecting the conduct of all persons who are placed under their command; to guard against and suppress all dissolute and immoral practices, and to correct, according to the laws and regulations of the Navy, all persons who are guilty of them; 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."

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(2) NTRP 3-07.2.2 (Force Protection Weapons Handling Standard Procedures and Guidelines), paragraph 1.5 (Procedures and Controls) is a discussion of Operational Risk Management and the accepted range controls/orders to be used in training events. Figure 1.3 lists the standard weapons handling commands.

(3) The CO had not designated a certified Range Safety Officer (RSO) for the scheduled small arms qualification training on 24 March 2011.

(4) The firing area was established as required with 4x4s on the deck to absorb the possible inadvertent discharge of a weapon; however, during the shotgun qualification, a shooter moved across the flight deck to an area that was not prepared as described. The shooter had problems chambering a round and had the shotgun at a 45 degree angle pointed at the deck. When safety observers shouted at the shooter to point his weapon out to sea, he looked around and in doing so inadvertently discharged his weapon into the deck causing a ricochet of buckshot off the deck, striking [b7c] and [b7c].

b. Analysis/Discussion/Conclusion. Had the shooter not moved across the flight deck to shoot the shotgun, the buckshot would have struck the 4x4s placed to absorb the shot, preventing the injuries. While the CO was not present during the small arms qualification, she approved the qualification training. The RSO for the shoot was not properly certified as an RSO and therefore should not have been directing the shoot. A properly certified RSO may have prevented this event from occurring. The allegation is SUBSTANTIATED.

c. Recommendation: None

d. Disposition: Corrective action taken, CDR Jones was removed as Commanding Officer.

11. Allegation 8 (Emerging), that on or about 15 March 2011, [b7c] participated in hazing incidents onboard USS PONCE, in violation of SECNAVINST 1610.2A (Department of the Navy Policy on Hazing), is SUBSTANTIATED.

a. Facts:

(1) SECNAVINST 1610.2A (Department of the Navy Policy on Hazing) states "hazing is contrary to our Core Values of Honor, Courage and Commitment. Adherence to Core Values by our Sailors and Marines is central to DON's ability to meet its global mission. These values have served the sea services well during war and peacetime. They are our guiding principles for treating every Sailor and Marine with dignity and respect, and as a valued member of the Navy and Marine Corps team. Hazing degrades and diminishes the ability of victims to function within their unit. It destroys our members' confidence and trust in their shipmates and is destructive to unit cohesion and combat readiness. Every member of DON must be afforded the opportunity to be a productive and contributing member free of hazing and its ill effects. Hazing is not part of our "time honored traditions" and it has no place in the modern Naval Services. Hazing will not be tolerated by any member of the Navy or Marine Corps".

(2) Definition: Hazing is defined as any conduct whereby a military

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member or members, regardless of service or rank, without proper authority causes another military member or members, regardless of service or rank, to suffer or be exposed to any activity which is cruel, abusive, humiliating, oppressive, demeaning, or harmful. Soliciting or coercing another to perpetrate any such activity is also considered hazing. Hazing need not involve physical contact among or between military members; it can be verbal or psychological in nature. Actual or implied consent to acts of hazing does not eliminate the culpability of the perpetrator.

(3) On 15 March 2011, [b7c] went into A-division to pick up mail. [b7c] collected his mail and started to exit the work center when he was brought back into the space by [b7c]. Once in the space, [b7c] and [b7c] wrestled [b7c] [b7c] down, put both hands behind his back, tied his feet with rope and hung him over the light.

(4) Witnesses to this event stated that all three members were laughing and [b7c] acted as a willing participant of this incident. The investigation found incidents similar to this were common place and the participants thought they were just playing since they intended no harm to anyone.

(5) On 16 March 2011, [b7c] entered Engineering berthing where witnesses stated he and [b7c] started "smack talking". According to witness statements, [b7c] challenged [b7c] [b7c] to a wrestling match. Witnesses stated wrestling matches were common among divisions and there was no intention to hurt anyone. During this wrestling session [b7c] hit his head on the corner of a clothing hamper opening a wound to his head that resulted in his having to be medically evacuated to a hospital in Sigonella where he underwent surgery to stop the bleeding and repair the damage. [b7c] remained hospitalized overnight.

(6) The incident on 15 March 2011 was clearly an incident of hazing. The 16 March 2011 incident, though not as clear cut, was determined by the command to be hazing.

a. **Analysis/Discussion/Conclusion.** According to witness statements, all three members involved in the incidents described above were willing participants. Most of those interviewed did not recognize this behavior as hazing; most were under the mistaken impression you had to intend to "hurt someone" for an incident to be considered hazing. Members who witnessed these incidents stated all involved were laughing and it did not appear anyone was under distress or duress. Regardless the fact that witnesses stated the victim of the hazing was a willing participant and laughing during the incident, the fact remains the acts of 15 and 16 March 2011 incidents meet the definition of hazing and constitute a violation of the applicable instruction. The allegation is **SUBSTANTIATED**.

b. **Recommendation:** None

c. **Disposition:** Corrective action has been taken; [b7c] received NJP on 14 May 2011. The entire division was verbally counseled relative to hazing and for not reporting incidents that appeared to be hazing.

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12. Allegation 9 (Emerging), that [b7c] participated in hazing incidents onboard USS PONCE, in violation of SECNAVINST 1610.2A (Department of the Navy Policy on Hazing), is SUBSTANTIATED.

a. Facts:

(1) The same circumstances discussed above in Allegation 8 are relevant in this allegation. [b7c] pulled [b7c] back into the A-division work center on 15 March 2011 and participated in holding him down, tying his feet with a rope and hanging him from the overhead.

(2) [b7c] admitted he was a willing participant in the incident that took place on 15 March 2011 in the A-division work center. Like [b7c], he did not believe their actions constituted hazing.

b. Analysis/Discussion/Conclusion. Same as discussed in Allegation 8, above. The three participants in these incidents were laughing and joking around and, according to their statements, did not realize their behavior constituted hazing. Regardless their knowledge of the violation, the incidents were hazing and a violation of SECNAVINST 1610.2A (Department of the Navy Policy on Hazing). The allegation is SUBSTANTIATED.

c. Recommendation: None

d. Disposition: Corrective action has been taken; [b7c] received NJP on 14 May 2011.

13. Allegation 10 (Emerging), that on or about 15 and 16 March 2011, [b7c] [b7c] participated in hazing incidents onboard USS PONCE, in violation of SECNAVINST 1610.2A (Department of the Navy Policy on Hazing), is SUBSTANTIATED.

a. Facts:

(1) Same as delineated above in Allegation 8.

(2) According to witness statements [b7c] was a willing participant in the events of 15 and 16 March 2011. Witnesses stated that [b7c] [b7c], [b7c] and [b7c] would "smack talk" about whose division was best and wrestling was commonplace.

b. Analysis/Discussion/Conclusion. Even though [b7c] was the object of hazing, hung from the overhead 15 March 2011 and injured during the wrestling in Engineering berthing on 16 March 2011, he was a willing participant by witness testimony. Witnesses stated he laughed and talked "smack" about the wrestling and "division team building" incidents, events that constituted hazing.

c. Recommendation: None

d. Disposition: Corrective action was taken; [b7c] received NJP on 14 May 2011.

14. Allegation 11 (Emerging), that on or about 15 March 2011, [b7c] [b7c] was derelict in his duties as the [b7c] by failing to report hazing that was taking place in the Engineering Department, in violation

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of SECNAVINST 1610.2A (Department of the Navy Policy on Hazing), is UNSUBSTANTIATED.

a. Facts:

(1) From witness statements it is apparent that most of the Sailors in the Engineering department knew this type of activity was happening; however, they did not consider it hazing and thought they were just "playing" or showing divisional pride. The participants had no intention of hurting anyone which they thought was a necessary element to be classified as hazing.

(2) From interviews with A-division members, it is clear that no complaints were made up the chain of command relative to any of the hazing² or wrestling incidents. Each member interviewed stated they knew different divisions would show their pride in their division with "smack" talk and challenges to wrestle each other. Some members even suggested they be allowed to wrestle as a type of team sport aboard the command. They were advised the Navy has contact sports like wrestling and boxing; however, it is supervised and uses proper equipment to ensure no one is injured as was [redacted] b7c.

(3) [redacted] b7c was not aware of the hazing until the 16 March 2011 incident that injured [redacted] b7c. Once the hazing incident was discovered, [redacted] b7c and the Executive Officer discussed the hazing with the Commanding Officer. Disciplinary Review Boards and Executive Officer inquiries were conducted on individuals involved in the hazing incident but only the [redacted] b7c went to NJP. Following completion of the JAGMAN investigation, [redacted] b7c was instrumental in educating the CPO mess and the entire ship on what constitutes hazing, reiterating all members' duty and responsibility to report suspected violations of rules and regulations.

(4) [redacted] b7c is actively involved in and engaged with all the divisions aboard PONCE. According to witness statements, any issue that is brought to his attention is dealt with appropriately. The investigation was unable to find any similar misconduct or inappropriate behavior and considered this specific incident to be one which those involved did not report up the chain of command. All members questioned stated the [redacted] b7c is very approachable and makes appearances from stem to stern multiple times daily. [redacted] b7c (CDR Jones' relief as Commanding Officer, PONCE) stated [redacted] b7c was one of the best [redacted] b7c he had ever met and is confident in his abilities.

b. Analysis/Discussion/Conclusion. From interviews with crew members, the Commanding Officer, [redacted] b7c, and acting Executive Officer, [redacted] b7c (Officer under CDR Jones), this investigator finds that the [redacted] b7c was not derelict in his duties through failure to report the hazing incidents.

² In the JAGMAN investigation [redacted] b7c stated the hazing had been happening since May 2010, however when questioned, he indicated he reported there was a conspiracy and did not report hazing. [redacted] b7c ([redacted] b7c Chief Petty Officer) also confirmed [redacted] b7c reported a conspiracy but did not provide any specific information, only that the division did not like him.

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(1) No complaints were submitted by anyone aboard PONCE relative to any incident that could be considered hazing, and there were no previous injuries that were elevated up the chain of command.

(2) [redacted b7c] was aware of the "smack talking" but like others in leadership positions did not associate it with the hazing. The "smack talking" was predominantly bragging about one's division and casting it in a highly positive light as compared to other divisions. It consisted of comments relative to the amount of work accomplished by the division, the importance and recognition of the work and its contribution to mission execution. It created an ongoing competitive banter between divisions that cultivated workcenter, divisional, and departmental camaraderie, unity and pride.

(3) Most command leaders were aware of the "smack talk" going on among the Engineering Divisions, and from all appearances it did not rise to the level of hazing. The behavior is common and considered to be normal among members of this age group that does not recognize the concept of "private space" and commonly participates in locker room antics. There was no indication that it was offensive, directed at any individuals personally, offended anyone or that "smack talk" would or could lead to physical manifestations of hazing.

(4) However, the "smack talking" did escalate to physical contact, and this wrestling, shoving and hugging, though good-natured with no malicious intent, risked injury and undeniably bridged the gap to hazing. In retrospect, PONCE leadership should have recognized and anticipated that the behavior could or would escalate to the point where injuries and/or hazing were possible. From the interviews it was apparent the Sailors involved cared about one another, felt they were a team and took pride in their division and PONCE. There was no malice in their actions; however, the behavior became progressively worse, unacceptable and resulted in hazing and injury.

(5) In [redacted b7c] testimony he stated he did not know of any hazing incidents prior to the injury on 16 March 2011. Additionally, there is no testimony or evidence from any other crewmember that [redacted b7c] [redacted b7c] was aware of the hazing prior to the injury that occurred on 16 March 2011 in the berthing area. The allegation is UNSUBSTANTIATED.

c. Recommendation: None³

d. Disposition: Forwarded

15. The complaint received by USFF IG did not allege any specific misconduct or wrongdoing by the Executive Officer, nor was any identified during the course of the JAGMAN investigation. The JAGMAN determined that the Executive Officer "failed to provide the forceful support to the Commanding Officer necessary for

³ Although this allegation was not substantiated [redacted b7c] counseled [redacted b7c] on his responsibilities as the [redacted b7c] and the fact that careful consideration should be given to discussing issues (such as violations of rules and regulations) outside the lifelines of the command once one has provided information and recommendation to the Commanding Officer and realize no (or inappropriate action) has been taken.

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her to succeed in command, and failed to apprise ISIC of CO misconduct." Senior leadership, after reviewing the results of the JAGMAN investigation, lost confidence in LCDR Kurt Boenisch's ability to continue serving as Executive Officer. They concurred that he was ineffective in supporting the chain of command and crew, and removed him from his position as a result.

16. Interviews and Documents:

a. Interviews (in person):

- (1) [redacted] (Witness)
- (2) [redacted] (Witness)
- (3) [redacted] (Witness)
- (4) [redacted] (Witness)
- (5) [redacted] (Witness)
- (6) [redacted] (Witness)
- (7) [redacted] (Subject)
- (8) [redacted] (Subject)
- (9) [redacted] (Subject)
- (10) [redacted] (Witness)
- (11) [redacted] (Witness)
- (12) [redacted] (Division LCPO)
- (13) [redacted] (Subject)
- (14) [redacted] (Witness, Acting [redacted])
- (15) [redacted] (Witness, Acting [redacted])
- (16) LCDR Kurk Boenisch (Witness (former XO))

b. Documents:

- (1) Preliminary Inquiry conducted by [redacted] of 22 Apr 11
- (2) 37 additional interviews conducted during the PI of 22 Apr 11

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