



DEPARTMENT OF THE NAVY
COMMANDER, U.S. NAVAL FORCES CENTRAL COMMAND
PSC 901, FPO AE 09805-0001

IN REPLY TO:

5720
Ser N013/030
March 2, 2012

4 Jackson Road
Newport, RI 02840

Dear Mr Junge:

SUBJECT: FREEDOM OF INFORMATION ACT REQUESTS OF FEBRUARY 28 AND
MARCH 1, 2012

This responds to your Freedom of Information Act (FOIA) request dated February 28, 2012, submitted to the Navy's FOIA website, and your letter dated March 1, 2012, both of which received by this office March 1, 2012, wherein you requested the following information: the investigation that led to the relief of CAPT David A. Schnell, commanding officer of USS PELELIU, while deployed to the FIFTH Fleet region. Your requests were assigned file number: CUSNC-FY12-007.

The enclosed report is responsive to your requests. Throughout the report and its enclosures we redacted the names, ranks, duty assignments and official titles of military personnel assigned to a routinely deploying unit pursuant to FOIA Exemption b(3) and 10 U.S. Code Section 130(b). Additionally, we redacted other personally-identifying information, the disclosure of which would constitute a clearly unwarranted invasion of the personal privacy of the subject individuals, pursuant to FOIA Exemption b(6).

Fees associated with processing your request are waived in this instance.

Because your request has been denied in part, you are advised of your right to appeal this determination, in writing, to the Office of the Judge Advocate General (OJAG Code 14), 1322 Patterson Ave SE, Suite 3000, Building 33, Washington Navy Yard, Washington, DC 20374-5066. Your appeal must be postmarked within 60 calendar days from the date of this letter to be considered. A statement of why your appeal should be granted should be included along with a copy of this letter. Both the letter and the envelope should bear the notation "Freedom of Information Act Appeal."

I am the official responsible for the denial of your request. If you have any questions regarding your request, please contact Commander Patrick Gibbons via phone at 011-973-1785-3705, or email at patrick.gibbons@me.navy.mil.

Sincerely,

A handwritten signature in black ink, appearing to read "L. D. Hill". The signature is stylized with a large initial "L" and a long horizontal stroke.

L. D. HILL

Captain

Judge Advocate General's Corps

U.S. Navy

Force Judge Advocate

U.S. Naval Forces Central Command

By direction of the Commander

Enclosure:

(1) Report of Investigation

From: Captain [redacted], USN
To: Commander, U. S. Naval Forces Central Command

10 August 2010

Subj: COMMAND INVESTIGATION INTO THE ALLEGATIONS OF SEXUAL HARASSMENT AND INAPPROPRIATE PHYSICAL CONTACT MADE AGAINST CAPTAIN DAVID SCHNELL, USN

Ref: (a) OPNAVINST 5354.1F
(b) JAGMAN, Chapter II, Part D

- B(3)
- Encl: (1) Appointing order
(2) Copy of written complaint of 23 Jul 10
(3) Summary of key personnel
(4) Summary of key events
(5) Statement of [redacted], USN (a reported victim)
(6) Summary of Statements of [redacted], USN (a reported victim)
(7) Statement of [redacted] (recipient of report from [redacted])
(8) Summary of Statement of [redacted] (recipient of report from [redacted])
(9) Summary of interview with CAPT J. T. Cox, USN (Executive Officer)
(10) Statement of CAPT D. A. Schnell, USN (accused)
(11) Summary of Statement of CAPT D. A. Schnell, USN (accused)
(12) Rights advisement for CAPT D. A. Schnell, USN
(13) Statement of [redacted], USN (a reported victim)
(14) Summary of Statement of first interview with [redacted], USN (a reported victim)
(15) Summary of Statement of second interview with [redacted], USN (reported victim)
(16) Summary of Statement of [redacted], USN (a witness, complainant)
(17) Statement of [redacted], USN (a witness, complainant)
(18) Summary of statement of [redacted], USN (a witness, complainant)
(19) First statement of [redacted], USN (a reported victim)
(20) Second statement of [redacted], USN (a reported victim)
(21) Summary of statement of [redacted], USN (a reported victim)
(22) Statement of [redacted], USN (a reported victim)
(23) Summary of statement of [redacted], USN (a reported victim)
(24) Summary of statement of [redacted], USN (a witness, complainant)
(25) Statement of [redacted], USN (a reported witness)
(26) Summary of statement of [redacted], USN (a reported witness)
(27) Statement of [redacted], USN (a reported witness)
(28) Summary of statement of [redacted], USN
(29) Summary of statement of [redacted], USN (a reported victim)
(30) Statement of [redacted], USN (a reported victim)
(31) Summary of statement of [redacted], USN (a reported victim)
(32) Statement of [redacted], USN (a witness)
(33) Summary of statement of [redacted], USN (a witness)
(34) Statement of [redacted], JSN
(35) Summary of statement of [redacted], USN

Subj: COMMAND INVESTIGATION INTO THE ALLEGATIONS OF SEXUAL HARASSMENT AND INAPPROPRIATE PHYSICAL CONTACT MADE AGAINST CAPTAIN DAVID SCHNELL, USN

- | | |
|--|------------------------------|
| (36) Statement of | |
| (37) Summary of statement of | z, USN (a possible witness) |
| (38) Summary of statement of | USN (a possible witness) |
| (39) Summary of statement of | (a possible witness) |
| (40) Summary of statement of | JSN (a witness, complainant) |
| (41) Summary of statement of | USN (a possible victim) |
| (42) Acknowledgements of Rights Advisement regarding assignment of an Advocate | USN (a possible witness) |

Preliminary Statement

1. The purpose of this investigation is to inquire into the facts and circumstances surrounding allegations of sexual harassment and inappropriate physical contact made against Captain David Schnell, USN.
2. A formal complaint as defined by reference (a) was submitted 23 July 2010 via e-mail to the COMUSNAVCENT hotline system by USN. The complaint indicated it was signed by B(3)
3. The nature of the investigation consisted of a review of the complaint filed via the NAVCENT Inspector General Hotline e-mail account [encl (1)], personal interviews of alleged victims, complainants, CAPT Schnell and sailors whose names were included in the complaint or whose names emerged as a result of the investigation. [encls (5)-(41)]
4. The complaint was entered into the Naval Inspector General Hotline Tracking System (NIGHTS) on 1 August 2010, and referred to the Pacific FLEET Inspector General. As the complaint was an alleged equal opportunity issue and did not involve a Flag Officer or Senior Executive Service (SES), the matter was returned to NAVCENT for a Command Investigation IAW reference (a).
5. Within the complaint, there were four incidents deemed significant and were a major focus of this investigation:
 - Approximately 18 July 2010: Captain Schnell's alleged touching of during a watch evolution on the bridge.
 - 30 June 2010: Captain Schnell's alleged moving of zipper on his coveralls during a watch evolution on the bridge.
 - Approximately 16 July 2010: Captain Schnell's alleged grabbing of buttocks while climbing a ladder.
 - On or about 23 July 2010: Captain Schnell's alleged inappropriate touching of side while watching a movie.

Subj: COMMAND INVESTIGATION INTO THE ALLEGATIONS OF SEXUAL HARASSMENT AND INAPPROPRIATE PHYSICAL CONTACT MADE AGAINST CAPTAIN DAVID SCHNELL, USN

6. There were no significant difficulties in identifying or interviewing witnesses during the course of this investigation. However, the veracity of three of the four alleged victims (and) was difficult to ascertain.

Findings of Fact

1. While standing watch as , was asked by the CO to come to Captain's chair on the bridge [encl (5), (6), (7), (8), (10), and (11)].
2. provides the following description of events, "He (the CO) asked questions regarding security, and gun mounts manned for certain SCAT scenarios. During his questioning he placed his hand on my arm and ran it down to my watch looping his finger into my watch band. He let go while asking questions, and I stepped back ever so slightly. He then placed his hand at my waist and grabbed my belt, then put a couple fingers into my pocket. Slightly shaking my pocket. The questions he was asking were information he already knew, I felt as if it was his way of having me stand there" [encl (5) and (6)].
3. perceived the touching as sexual in nature [encl (5), (6), (7), (8), and (9)].
4. Shortly after the event, reported the incident to [encl (5), (6), (7), (8), and (9)].
5. met with the ship's Executive Officer, CAPT Cox as soon as practicable thereafter to report the incident [encl (7), (8), and (9)].
6. CAPT Cox reported the incident regarding to CAPT Schnell [encl (7), (8), (9), (10) and (11)].
7. CAPT Cox stated to CAPT Schnell that the weapons officer had approached him with a request from to be removed from the watch bill because CAPT Schnell had touched him in a manner that felt was inappropriate and he did not feel comfortable standing watch in close proximity to CAPT Schnell [encl (9), (10) and (11)].
8. CAPT Cox stated CAPT Schnell seemed surprised by the allegation and did not question the decision to remove from the watch bill [encl (9)].
9. was removed from the watch bill, at his request, to ensure he was not placed in a position of close proximity with CAPT Schnell [encl (5), (6), (7), (8), (9), (10) and (11)].
10. CAPT Schnell recalled CAPT Cox informing him that wanted to be removed from the watch bill because's belief he had been touched inappropriately by CAPT Schnell. [encl (10) and (11)]

B(3)

B(6)

Subj: COMMAND INVESTIGATION INTO THE ALLEGATIONS OF SEXUAL HARASSMENT AND INAPPROPRIATE PHYSICAL CONTACT MADE AGAINST CAPTAIN DAVID SCHNELL, USN

11. CAPT Schnell stated [redacted] could have been upset about the decision to deny a request for early discharge which had been denied [encl (10) and (11)].
12. CAPT Schnell had known [redacted] for some time and had attended [redacted] wedding and an event at [redacted] s church. [encl (6), (10), (11), and (21)].
13. [redacted] was perceived to be among the "favorites" of CAPT Schnell [encl (32) and (33)]
14. CAPT Schnell stated that "it is very possible that while standing next to me on the bridge, I could have touched his arm to stress a point about the gun stations and rules of engagement, as well as to show some friendliness towards him." [encl (10)]
15. CAPT Cox stated that [redacted] made it clear that he did not want to file a formal complaint [encl (9)]
16. The Chief's Mess, Boatswain Mates and Quartermasters joke that the CO prefers young men or male junior officers [encl (32), (33), (40) and (41)].
17. [redacted] had stated and acted out to a group of officers on several occasions how CAPT Schnell had unzipped [redacted] s coveralls, inserted his hand into the coveralls, and slid his hand across [redacted] s stomach and chest and possibly touched bare skin near the waistline [encls (2), (13), (14), (15), (16), (17), (18), (23), (25), (26), (34), (35), (37), and (39)].
18. [redacted] had stated to a group of officers on several occasions that he had felt uncomfortable with CAPT Schnell touching him [encls (2), (16), (17), and (18)].
19. [redacted] provided written and oral statements that he embellished the story of CAPT Schnell's touching in order to entertain his peers and he was not observed being touched by fellow bridge watch standers [encls (13), (14), (15), (36) and (41)].
20. CAPT Schnell was observed touching members of the bridge team by: running his hands across an individual's back and down their spine; squeezing them on the side; grabbing their belt and rubbing his thumb on the top of a person's buttocks; swiping his hand across an individual's butt; pinching/grabbing them in any given area, or a combination of any/all of them [encls (2), (13), (14), (15), (16), (17), (18), (23), (25), (26), (34), (35), (37), and (39)].
21. [redacted] seemed to be touched more frequently than other members of the watch team and did not resist or attempt to stop the touches [encl (17) and (18)].
22. [redacted] and his watch team consisting of [redacted] and [redacted] discussed how CAPT Schnell touched them and would discuss not "if" it would happen but how, when, or, who it would happen [encl (17) and (18)].

B(3)

Subj: COMMAND INVESTIGATION INTO THE ALLEGATIONS OF SEXUAL HARASSMENT AND INAPPROPRIATE PHYSICAL CONTACT MADE AGAINST CAPTAIN DAVID SCHNELL, USN

23. had stated to a group of officers that CAPT Schnell had grabbed at 's buttocks while ascending a ladder [encls (2), (16), (17), (18), (21), (23), (34), and (35)].
24. provided an oral statement that CAPT Schnell had not grabbed at 's buttocks while ascending the ladder, but that CAPT Schnell's hand may have grazed l 's leg while going up the ladder. He stated he embellished his story for laughs[encl (20) and (21)].
25. provided a written statement that stated "in no way have I viewed any of it (touching) as inappropriate and in no way have I ever felt uncomfortable in the presence of the Captain" [encl (19)].
26. CAPT Schnell seated himself beside during the showing of a movie in the Captain's Inport Cabin [encls (2), (23), (27), (28), (37), and (39)].
27. CAPT Schnell stated came in and sat next to him [encl (10)].
28. stated that CAPT Schnell touched him during the movie in the Captain's Inport Cabin [encls (2), (23), and (39)].
29. stated he did not feel uncomfortable about the way CAPT Schnell had touched him during the movie [encl (23)].
30. CAPT Schnell offered use of his Inport Cabin to a select group of junior officers for the purpose of watching movies. [encl (23), (24), (26), (27), (28), (37) and (39)].
31. CAPT Schnell stated he may have reached over and touched as part of laughing at a particularly funny scene in a movie, but added that any such contact was not of a sexual nature [encl (10) and (11)].
32. stated he did not "see anything out of the ordinary while watching the movie" [encl (27) and (28)].
33. observed CAPT Schnell rubbing his hand across the front of uniform and grabbing his upper arm as the Captain left the Bridge [encl (2)].
34. stated the Captain did grab him by the arm, held his arm, and slid his hand to 's elbow, however, stated he did not feel the arm grab and slide was inappropriate [encl (29)].
35. reported to that CAPT Schnell had grabbed him around the mid-section [encls (2), (30), and (31)].

B(3)

Subj: COMMAND INVESTIGATION INTO THE ALLEGATIONS OF SEXUAL HARASSMENT AND INAPPROPRIATE PHYSICAL CONTACT MADE AGAINST CAPTAIN DAVID SCHNELL, USN

36. _____ stated he did not feel the touching was out of line or inappropriate [encls (30) and (31)].
37. Several individuals to include _____ and _____ observed CAPT Schnell grabbing _____ on the forearm when departing Captain's Mast [encl (2), (7), (32) and (33)].
38. CAPT Cox indicated he never personally observed any inappropriate physical contact between CAPT Schnell and any member of the crew [encl (22)].
39. CAPT Cox stated he was aware of a perception that CAPT Schnell had favorites among the junior officers but that any perceived favoritism was strictly merit based [encl (22)].
40. It has been reported by numerous individuals that CAPT Schnell frequently touched male crew members in various manners alternately described as pats on the back, shoulder, ribs, upper arm, forearm, [encl (2), (12), (10), (17), (18), and (20)]
41. CAPT Schnell stated he was much friendlier with Sailors and more frequently patted them on the back or shook hands after a crewmember committed suicide right before deployment. This was a deliberate effort on his part to be more engaged with the crew and was not intended to be sexual in nature [encl (10) and (11)].
42. CAPT Schnell indicated he was aware of the perception that he had favorites and that perhaps he had lavished too much praise on _____ but that this praise and decision to qualify _____ without a formal Officer of the Deck (OOD) board was based strictly on merit [encl (10) and (11)].
43. CAPT Schnell stated that he deliberately avoided any physical contact with female sailors out of fear that such contact could be misinterpreted. [encl (10), (11) and (38)]

Opinions

1. Though I cannot be sure of the real intent behind the touching of select junior officers and members of the crew, I am certain that the frequency and types of touches surpassed what a reasonable person would consider to be fatherly pats on the back or expressions of a job well done. The touching created a climate that led to the hostile work environment in the case of [FF 2, 3, 13, 18, '9, 20, 21, 22, 28, 31, 32, 33, 34 and 38]
2. CAPT Schnell and _____ were well-known to one another and appeared to have had a long-term friendly relationship prior to the incident in question. [FF 12 and 13]
3. _____ described physical contact by the Captain that increased over time and culminated in the touching that occurred on the bridge on or about the early morning hours of 18 July. _____ found this conduct disturbing and possibly indicative of flirting with sexual intent.

Subj: COMMAND INVESTIGATION INTO THE ALLEGATIONS OF SEXUAL HARASSMENT AND INAPPROPRIATE PHYSICAL CONTACT MADE AGAINST CAPTAIN DAVID SCHNELL, USN

Regardless of the Captain's intent, a reasonable person would be disturbed with the touching described by _____ and, to some degree corroborated by Captain Schnell's own statement. In essence, Captain Schnell created a hostile work environment. [FF 2, 3, 7, 9, 10 and 14]

4. _____ attempt to resolve his complaint informally and his unwillingness to file a formal complaint makes CAPT Schnell's suggestion that _____ may have been motivated by resentment over CAPT Schnell's denial of _____ "early-out" request unlikely. [FF 4, 5, 6, 11 and 15]
5. _____, _____, and _____ are not credible witnesses. The fact that these three witnesses initially made allegations that CAPT Schnell initiated physical contact that could only be interpreted as a sexual advance and then recanted to investigators claiming that nothing improper had occurred, makes it impossible to rely on any of their statements that cannot be independently verified. [FF 17, 18, 19, 24, 25, 26 and 29]
6. The fact that _____, _____, and _____ all initially spread stories of sexually suggestive physical contact initiated by Captain Schnell, combined with the fact that the CO's propensity for physical contact with certain crewmembers had become a running joke among the crew, may have influenced the perceptions of _____. [FF 16, 17, 18, 19, 24, 25, 28 and 29, 40]
7. The fact that _____, _____, and _____ all made allegations of serious misconduct against the Commanding Officer to the complainants and then recanted when interviewed undermines their credibility and makes it impossible to substantiate any allegations based on their testimony. [FF 19, 24, and 25]
8. If, as reported by _____, _____, and _____, they exaggerated or embellished the type of contact by CAPT Schnell, they adversely affected command climate and lied to fellow officers (_____ and _____) resulting in these officers drawing potentially flawed conclusions about CAPT Schnell. [FF 16, 18, 19, 24, 25, 28 and 29]
9. CAPT Schnell cultivated a relationship with his junior officers that bordered on unduly familiar behavior and may have contributed to the perception that physical contact initiated by CAPT Schnell was inappropriate. [FF 28 and 30]
10. CAPT Schnell frequently touched crew members and a perception developed that certain touching was sexual or at least unduly familiar in nature. [FF 2, 3, 13, 16, 17, 18, 20, 21, 22, 23, 26, 27, 28, 29, 33, 34, 35, 37, 39, 40, 41 and 42]
11. CAPT Schnell's familiarity with a small group of junior officers may have contributed to the perception that he had a group of favorite junior officers and that the favoritism was based on personal relationships rather than professional merit, leading to a perception that his touching was improper. [FF 16, 17, 18, 20, 21, 22, 23, 26, 27, 28, 29, 33, 34, 35, 39, 40, 41 and 42]

B(3)

Subj: COMMAND INVESTIGATION INTO THE ALLEGATIONS OF SEXUAL HARASSMENT AND INAPPROPRIATE PHYSICAL CONTACT MADE AGAINST CAPTAIN DAVID SCHNELL, USN

12. CAPT Schnell did not limit his identification of "favorites" to the wardroom or junior officers and had singled out _____ and _____ as well, creating an atmosphere that could be interpreted as bordering on fraternization. [FF 2, 3, 13, 33, 34, 35, and 37]
13. CAPT Schnell's propensity to touch crewmembers on a regular basis contributed to an environment in which those touches may have been perceived as improper regardless of CAPT Schnell's intention. [FF 2, 3, 7, 13, 14, 16, 17, 18, 20, 21, 22, 23, 26, 27, 28, 29, 31, 33, 34, 35, 37, 39, 40, 41 and 42]
14. Captain Schnell's decision to never touch female crewmembers, while regularly touching male crewmembers, even if only innocent pats on the back and shoulder grabs, contributed to the speculative nature that some members of his crew had towards his touching. [FF 16, 42]

B(3)

Recommendations

1. In the case of Captain Schnell, I recommend a formal reprimand, as well as an assessment of Captain Schnell's ability to remain in command. Additionally, Captain Schnell could benefit from Equal Opportunity training.
2. I recommend that the USS PELELIU undertake focused training in the areas of equal opportunity and fraternization. Though the vast majority of the officers and crew are doing things right, there were events and overly familiar relationships brought to light during this investigation that suggest there are those in both the wardroom and among the crew who could benefit from training in the areas of equal opportunity and fraternization.

CAPTAIN USN



DEPARTMENT OF THE NAVY
COMMANDER, U.S. NAVAL FORCES CENTRAL COMMAND
PSC 901, FPO AE 09805-0001

IN REPLY TO:

5830
Ser N013/064
04 Aug 10

From: Commander, U.S. Naval Forces Central Command
To: CAPT
, USN

Subj: PRELIMINARY INQUIRY INTO THE ALLEGATIONS OF
SEXUAL HARASSMENT AND INAPPROPRIATE PHYSICAL CONTACT
MADE AGAINST CAPTAIN DAVID SCHNELL, USN

Ref: (a) JAG Manual, Chapter 2
(b) OPNAVINST 5354.1F

Encl: (1) Copy of written complaint of 23 Jul 10

1. This appoints you to inquire into the facts and circumstances surrounding the allegations of sexual harassment and inappropriate physical contact made against Captain Schnell as described in enclosure (1). You are directed to interview all witnesses and collect all evidence relevant to this investigation. Recommend appropriate corrective action and appropriate administrative or disciplinary action.
2. Report your findings of fact, opinions, and recommendations in a letter form by 16 August 2010, unless an extension of time is granted. If you have not previously done so, read reference (a) before beginning your investigation.
3. Prior to commencing your investigation, you will consult with JAGC, USN, at me.navy.mil or DSN: , for assistance and legal advice concerning the conduct of the investigation.

B(3)

By direction

Copy to:
File

ENCLOSURE (/)

July 23, 2010

To whom it may concern:

This Inspector General complaint is being filed due to the high profile of its instigator and frequency of the infractions. The following incidents are cited as acts of sexual harassment and sexual assault:

- 1) On or about the night of 30 Jun between the hours of 2000 and 2400, _____ was standing OOD anchor watch on the bridge while the USS Peleliu was anchored off the coast of Timor-Leste. CAPT Schnell spent approximately 2 hours on the bridge talking with _____. During the conversation, CAPT Schnell unsnapped his coveralls and began playing with his zipper. He pulled the zipper of _____'s coveralls down far enough to then insert his hand into his coveralls to touch his chest and stomach. After watch ended he shared his story with multiple Junior Officers on the Peleliu to include: _____ and _____. _____ appeared very upset from the incident but was unwilling to report it. B(3)
- 2) On or about 16 July 2010, _____ was standing watch on the bridge with _____. _____ and _____ During one of the Captain's visits to the bridge he walked by _____ and grabbed his belt and began caressing his butt with his thumb. _____ watched this happen and _____ told the other watch standers that he felt very uncomfortable afterwards from being physically harassed by the CO.
- 3) On or about 16 July 2010, _____ was climbing the ladder from the 02 level to the 03 level in front of CAPT Schnell. CAPT Schnell proceeded to grab _____'s butt multiple times on the way up the ladder. _____ told his watch team on the bridge on 17 July 2010 about the incident. He said the situation "made him feel very uncomfortable."
- 4) On or about 15 July 2010, _____ was standing _____. Around 0600. CAPT Schnell walked by and rubbed his hand across the front of his uniform and grabbed his upper arm. _____ watched this incident and made eye contact with _____ who looked "mildly disturbed". B(6)
- 5) On or about 23 July 2010 during a movie viewing in the CO's cabin; _____ was sitting next to the CAPT Schnell. CAPT Schnell positioned his chair close to _____ so that he could swivel his chair and touch _____. It was noticed that _____ kept moving around in his seat to reposition himself away from the Captain. This was witnessed by _____ and _____. Afterwards _____ reported that CAPT Schnell had put his hand under his shirt and touched his stomach.
- 6) Around April 2010, _____ reported to his Division Officer, _____ that the Captain had grabbed him on the stomach. He remarked that he thought this action was "kind of funny, the Captain does weird things like this sometimes".

ENCLOSURE (2)

- 7) On or about 26 June 2010, _____, and _____ were standing in the foc'sle at the conclusion of Captain's Mast. CAPT Schnell walked by the group and proceeded to grab _____ on his side. This was noticed by the group and _____ was visibly uncomfortable with this situation.
- 8) On or about 18 July 2010, _____ was informed by _____ that _____ talked to him about a situation that occurred around 2200 on the bridge, on an unknown date. _____ expressed to _____ that he has been 'touched' by the Captain before, but this time it had crossed the line. _____ specifically requested to be taken off the _____ watch bill so that he wouldn't be on the bridge with the Captain anymore. _____ relayed this information to the Executive Officer.

It is recommended that the following personnel be interviewed concerning these matters:

B(3)

These occurrences are just those either witnessed first hand by those submitting this complaint, or told by the victim to those submitting the complaint. It is strongly believed not all incidents have been witnessed or spoken about because of the known frequency of the occurrences.

The "Captain Touches" are so commonplace that they have become a punch line among the crew. It has been noted by those submitting this report that Department Heads, Junior Officers, the Chief's Mess, and the enlisted junior personnel all joke about these uncomfortable and highly unprofessional sexual touches. Junior Officers compare stories on where and how many times they were touched while standing watch on the bridge, e.g. getting four aggressive pats from the wrist all the way up the arm to the shoulder, a hard squeeze of the oblique, being leaned against during conversations, a hand graze across the butt when being passed, all of which are daily experiences for many of the junior officers and enlisted Sailors that stand watch on the bridge. There is an evident disparity between the treatment toward male and female watch standers.

ENCLOSURE (2)

Female officers are never touched. The females joke about "playing defense", which involves inserting themselves between the Captain and the male JOs they stand watch with.

Such frequent and outright blatant disregard for good order and discipline has left the wardroom callous to the indiscretions of its leadership. It has created a climate of distrust throughout the crew, especially in the wardroom, where consistent favoritism is creating an unprofessional atmosphere. Many members of the wardroom have remarked that the personnel the Captain touches the most frequently also receive preferential treatment in professional matters.

Personnel have been turning a blind eye to this situation for many months now. However the frequency and aggressiveness of the contact are exponentially increasing and we feel we can no longer overlook these indiscretions. The Commanding Officer abuses the power that the Navy has bestowed upon him to take advantage of young officers and Sailors, and his actions are beginning to affect the ship's ability to carry out her mission. A prime case in point is a requesting to not stand watch in the C5F AOR as a result of this situation, as cited above.

The sexual contact made by the Captain has created an uncomfortable and unprofessional atmosphere onboard his ship and we believe this will continue to disrupt good order and discipline unless further action is taken. We firmly believe that the only way to resolve this situation is with outside intervention.

Very Respectfully,

B(3)

ENCLOSURE (2)

Persons Touched:

Favorites:

B(3)
B(6)

Eye Witnesses to "Improper Contact":

*

Had Knowledge of Events:

**

**

**

**

* is only person to maintain physical contact was improper.

**Original Complainants

B (3)

Knowledge of event	Persons Touched	Event
		30 JUN, approx. 2000-2200; while on OOD watch. Facts in para 1
Entire Watch team on 17 JUL		16 JUL; while standing watch. Facts in para 2
		16 JUL; climbing ladder from 02 to 03; Facts in para 3
		15 JUL, approx 0600; standing BMOW Facts in para 4
		23 JUL; movie viewing in CO's cabin Facts in para 5
		Sometime in APR Facts in para 6
		26 JUN; standing at the Fos'cle after NJP Facts in para 7
XO (informed by JUL)	on or about 18	UNK date, approx 2200; requested to be removed from watch bill Facts in para 8.

ENCLOSURE (4)

Witness or told about incident	Specific incident
Entire Watch team on 17 JUL	informed XO on or about 18 JUL
XO	

B(3)

WITNESS STATEMENT

FULL NAME _____ SSN _____ RATE/RANK _____
USS PELELIU
COMMAND _____ DIVISION _____

I, _____, hereby make the following statement to _____ who has been identified as an Investigating Officer at _____

B(3)

This statement concerns my knowledge regarding a situation that happened to me on the bridge. While standing _____ I was asked by the CO to come up to his chair. While there he asked questions regarding security, and gun mounts for certain SCAT scenarios. During his questioning he placed his hand on my arm and ran it down to my watch looping his finger into my watch band. He let go, while still asking questions, and I stepped back ever so slightly. He then placed his hand at my waist and grabbed my belt, then put a couple fingers into my pocket. Slightly shaking my pocket. The questions he was asking were information he already knew, I felt as if it was his way of having me stand there. After, I said nothing and just walked back to the corner on the bridge. Stood my watch. Few days later while on watch I talked again briefly with the CO and shook his hand as though nothing happened. When he walked behind me he brushed his hand down to my back and across the top of my buttox. I spoke to only _____ about it and also my wife. No one else knew anything. I had trouble saying anything because I have taken example off the CO by his ability to handle himself accordingly. During many situations on the bridge he has shown myself and the rest of the bridge team he is a confident leader.

The information in the statement above and on the _____ attached page(s) is true to the best of my knowledge and belief.

SIGNATURE OF WITNESS _____ DATE 1 OCT 2010

SIGNATURE OF INVESTIGATOR _____ DATE 17 AUG 10

(USE ADDITIONAL PAGES AS NECESSARY)

ENCLOSURE (5)

FIRST & SECOND INTERVIEWS OF

DATE: 7 Aug 2010 (both first and second interviews on same day)
PLACE: USS PELELIU
RELEVANCE: Alleged Victim
ORDER: Investigating officer ordered _____ not to discuss the meeting or conversations during the meeting with anyone.

INTERVIEW SUMMARY:

1. _____ said that he did not want to discuss an incident with the Commanding Officer (CO) touching him. B(3)
2. _____ felt loyalty to the CO and could not share what occurred with the CO and that he could not do that to an O6.
3. _____ said that the CO had shaken his hand, patted him on the back, and touched him on his shoulder previous to the incident and that he did not want to discuss the incident with the Investigators.
4. Approximately a year ago, _____ B(6)
5. _____ shared with _____ what occurred with the CO, and he asked to take him off the watch list. He said that _____ had removed him from the watch bill.
6. _____ repeatedly refused to share the incident with the CO to the investigators. He made it clear he did not want or need to speak with anyone.
7. Investigators asked _____ to think about providing testimony and that they would check back with him. About an hour later, _____ returned and asked if could speak with the Chaplain, even though Investigator (military) directed _____ not to discuss the meeting with anyone. Investigator ensured _____ that he was authorized to discuss the CO incident with Chaplain. A couple of hours later, _____ returned and said that he would discuss the CO incident with the Investigators. B(3)

SECOND TESTIMONY OF

8. On or about 23 Jul 2010, _____ stated that he was standing watch at night and the CO asked that he come to his chair. He was standing in front of the CO and the CO proceeded to ask questions the CO knew the answers to, e.g., position of gun mounts and how many. _____ stated that he believed that the CO was asking the questions to keep him by his chair.

ENCLOSURE (6)

said that the CO grabbed his arm (uncovered by his uniform) and the CO rubbed his hand down ... arm and to his watch. The CO placed his fingers under watch. ... said he stepped back and the CO grabbed him by the pocket.

9. ... said the CO was friendly and, before this incident, the CO had not crossed the line. However, thinking back, ... believed the CO was on a slow movement to the incident of 23 Jul 2010.

10. The Investigators asked ... to provide a written state and ... did provide a written statement on 7 Aug 2010.

B(3)

ENCLOSURE (6)

06 AUG 10

From: [redacted], USN
To: Inspector General, Fifth Fleet
Subj: REQUEST FOR STATEMENT REGARDING EQUAL OPPORTUNITY CLAIM

B(3)

1. I hereby make the following statement, it is the best of my recollection of conversations I had with those mentioned. I did not maintain log or any electronic mail of stated conversations or interactions with those mentioned.

On or about 18 July while having lunch in the wardroom I received a call on my portable phone from [redacted]. He stated that he wanted to speak to me in private. Believing that it had to do with an early out request we had discussed in the recent past I asked if wished his LPO and Division Officer to be present, he stated that he did not, he only wanted to speak to me.

Shortly after lunch I contacted [redacted] via phone and let him know that I was available to speak with him in my office located at [redacted]. Shortly thereafter he reported to my office and with only he and I present he stated that he no longer wanted to stand the [redacted] watch on the bridge and requested that I have him removed from the watch bill. When I inquired as to why he wanted to be removed from the watch bill, [redacted] stated that while on watch the Captain had touched him inappropriately. To better understand what [redacted] meant by his statement I asked him to describe how he was touched. He stated that the Captain ran his finger down his arm and into the inside his watchband. He also stated that the Captain had run his hand down his back toward and on top of his buttocks. B(6)

I asked [redacted] if he could have misconstrued or misinterpreted what the Captain had done and he abruptly stated that he did not, that the Captain knew exactly what he was doing. [redacted] then stated that he felt the Captain was flirting with him or making a sexual advance towards him. I do not recollect his exact words but I do distinctly remember his point being that he interpreted the touching to be sexual in nature. He also stated that he felt the Captain was making a point to talk to him, making up excuses to come and visit him at his station. [redacted] based this on the questions the Captain was asking him about his watch station, very basic

ENCLOSURE (7)

Subj: REQUEST FOR STATEMENT REGARDING EQUAL OPPORTUNITY CLAIM

in nature and information that the Captain would know because he had been the XO and was now the Captain of the ship.

then gave examples of questions the Captain was asking like where the gun mounts were located and which gun mounts were manned for our current weapons posture.

I asked what the lighting conditions were on the bridge at the time and he stated that it was dark. This led me to believe that the incident occurred between 2000 and 0400. I also asked if anyone has witnessed the incident and he said yes but did not mention names.

I asked if he wished to file a complaint against the Captain or speak to the CMEO or anyone else about the incident. He stated that he did not wish to file a complaint or speak to anyone else. He stated that he liked the Captain and just did not want to stand watch on the bridge any longer. He asked that our conversation be held in confidence and did not want anyone else to know. I stated that I not only had an obligation to him but also to the other Sailors on the ship and I would have to at least speak with the XO and let him know that an incident had occurred. My conversation with ended at that point.

My first action after speaking with was to call his Division Officer, and informed her that I was removing from the watch bill. I then contacted his LPO, and directed him to remove from the watch bill and place him on the watch bill.

I was unable to speak with the XO that afternoon because he had flown off the ship to Djibouti earlier in the day. It was rather late in the evening -2100 to 2300- when he returned and I was able to contact him to let him know that I needed to speak with him. Because of the time he asked if it could wait until the morning. I stated that I needed to discuss a sensitive issue of a personal nature and he immediately directed me to come and see him.

I reported to the XO's office and I passed to him that I had an issue that involved the Captain, that a Sailor had come to me in confidence to inform me that the Captain had touched him inappropriately. I passed to the XO pretty much verbatim what I

ENCLOSURE (7)

B(3)

B(6)

Subj: REQUEST FOR STATEMENT REGARDING EQUAL OPPORTUNITY CLAIM

have provided in the previous paragraphs. The XO took the information very seriously and asked if this was the first incident of this nature that I was aware of and I stated yes. The XO asked if _____ was okay and if he needed to speak with anyone else. I passed to him that _____ did not wish to speak with anyone else about the incident. The XO asked if _____ wished to file a complaint against the Captain and I passed that _____ did not. He directed me to take _____ off the watch bill and to monitor him closely to make sure that he was okay.

B(3)

In reporting the incident to the XO it was not only my intent to inform my immediate superior, but to also have the XO make the Captain aware of his actions, and whether intentional or not, they had been perceived as inappropriate. The XO thanked me for bringing the issue to his attention, that he was taking this very seriously and he would address the issue with the Captain and get back with me when he had done so.

The following day the XO contacted me and asked that I meet with him. He passed to me that he had spoken with the Captain and that the Captain felt horrible and was very upset -not in an angry but concerned manner- about the incident.

I was scheduled for my mid-term counseling with the Captain that afternoon and the XO stated the Captain may ask me about the incident. The Captain did not ask me any questions about the incident during my counseling and conducted himself in his normal professional manner as he has also done so since the incident.

In the weeks that have passed the XO has asked at least on three or four occasions how _____ was doing and had I heard of anything else occurring. I stated that _____ seemed to be doing fine and that I was not aware of any of issues of the same nature.

Though I have not spoken with _____ specifically about the incident since it occurred, I have interacted with him on multiple occasions, during those interactions he did not express any concerns about the incident nor did he exhibit any behavior that would have indicated he was upset or concerned.

ENCLOSURE (7)

Subj: REQUEST FOR STATEMENT REGARDING EQUAL OPPORTUNITY CLAIM

I would like to add that notwithstanding the incident, I have a great deal of respect for Captain Schnell. Since I reported aboard more than 18 months ago he has been nothing less than professional and I admire the manner in which he commands the PELELIU. He has an honest and sincere concern for Officers, Chiefs, and Sailors. I have not at any time felt that he has treated me any different from any other officer, specifically other Department Heads, who are senior to me by two grades in most cases. When I have brought my issues and concerns to him as the XO and CO he has been more than supportive and provided sage counsel. I feel very fortunate to serve under him and he is one of the best Commanding Officers I have had the pleasure of serving with in my 23 years of service.

2. The information in the statement above is true to the best of my knowledge and belief.

B(3)

INTERVIEW OF
(Division Officer for)

DATE: 6 Aug 2010, 10:45 pm
PLACE: USS PELELIU
RELEVANCE: Recipient of Report from
ORDER: Investigating officer ordered not to discuss the meeting or conversations during the meeting with anyone.

INTERVIEW SUMMARY:

1. said that to the best of his recollection, s called on or about 18 Jul 2010 and said that he needed to speak with him. When received call, he was at lunch with who is Division Officer. met with and requested to be removed from the watch on the bridge because of an interaction with the Commanding Officer (CO).
2. said that the bridge was dark and that the CO called him to his chair. The CO asked questions that knew the CO knew the answers to and while arm to answered the questions, the CO grabbed his arm and ran his hand down watch band. The CO then ran his hand down his watch and placed his fingers under back. said that the CO knew what he was doing and he felt it was a "sexual advance" and "flirting." thought that as "shaken up."
3. wanted the information kept confidential.
4. requested to meet with the Executive Officer (XO) about the incident. met with XO on the same day that shared the CO touching incident. The XO told to make sure that he took care of
5. said that after shared the CO touching incident with him, he recalled another incident-- that at the time it happened-- he thought it as "odd." The CO touched after a Captain's Mast. The CO touched on the arm and only him when (was within a group of people (was part of the group.) attending mast. He said at the time that he observed it; he thought the touching seemed odd.
6. told the Department Leading Chief Petty Officer/Alternate CEMO, and , his Division Officer, about the bridge touching incident. had not heard of anything happening to others.

B(3)

ENCLOSURE (8)

7. said that he was aware that some officers (did not identify which officers) had gone to the Chaplain regarding the CO's touching. He heard that the Chaplain said such behavior by the CO could affect good order and discipline.

B(3)

8. Investigators asked to provide a written statement and he did so on 6 Aug 2010.

ENCLOSURE (8)

INTERVIEW OF CAPT JAMES T. COX

DATE: 7 Aug 2010

PLACE: USS PELELIU (LHA-5)

ORDER: Investigating officer ordered conversations during the meeting with anyone. not to discuss the meeting or

INTERVIEW SUMMARY:

1. Captain James T Cox indicated that he had never personally observed any inappropriate physical contact between the CO and any member of the crew.
2. Captain Cox stated that the _____ : had approached him with a request from to be removed from the _____ watchbill because the CO had touched him in a manner that he felt was inappropriate and he did not feel comfortable standing watch in the close proximity to the CO. The XO further stated that _____ had made it clear that he did not want to file a formal complaint. B(3)
3. Captain Cox told the CO about the allegation and _____ request to be removed from the _____ watch
4. Captain Cox indicated that the CO seemed surprised by the allegation and did not question the decision to remove _____ from the () watchbill. The XO said that he directed that _____ be removed from the () watchbill as requested and has checked on him several times since then via the _____
5. Captain Cox said that he was aware of the perception that the CO had "favorites" among the junior officers, but that any perceived favoritism was strictly merit based in his opinion.
6. Captain Cox indicated that the CO was well liked by the crew, and an excellent ship handler.
7. Other than the informal complaint from _____ the XO indicated he was unaware of other allegations.
8. The XO did acknowledge that the CO would often pat people on the back but indicated that he never saw him do so in a manner that seemed inappropriate.

ENCLOSURE (9)

8 Aug 2010

The following summarizes the discussion I had with interviewers on 8 July 2010 regarding an allegation of Sexual Harassment forwarded by junior members of my wardroom. I have attempted to restate my answers to their questions to the best of my ability.

In mid-July, I was made aware from my XO that one of my Sailors, [redacted], was unhappy with the manner in which I touched him while on the bridge. According to [redacted] I made the physical contact while discussing his duties as [redacted]. While in the FIFTH Fleet area of responsibility, it is common for me to discuss the placement and status of gun stations with my [redacted] on the bridge. I have known [redacted] for nearly 3 years since I joined Peleliu. [redacted]

B(3)

I have always thought it a good, proper, and responsible relationship. We have not seen each other socially. Shortly before deploying in May, [redacted] forwarded a request to get out of the Navy early

B(6)

Because of his responsibilities to Peleliu, and on the advice of his Department Head, I declined to approve the request. Mine was the bottom line on the request and I knew he was unhappy with my decision. Since then, I have felt our relationship was strained the few times I have seen him. It is very possible that while standing next to me on the bridge, I could have touched his arm to stress a point about the gun stations and rules of engagement, as well as show some concern or friendliness towards him. I did not, however, run my hand down his arm or make any other improper contact of a suggestive nature. I think very highly of [redacted] and was shocked when I heard of his concern. I can only ascertain he was still upset with me from the disapproval of his chit and was displeased to have any contact with me whatsoever. I should have used better judgment. Since [redacted] had confided in his Department Head about the incident and did not want to carry his allegation further, nothing else was said or done about the matter by me or the XO. Approximately one week later, I was in the Helicopter Hangar prior to a Cinema-at-Sea. [redacted] approached me, shook my hand, and proceeded to tell me about his plans post-Navy. He was in a very good mood and we had a positive rapport. He asked about my wife and I asked about his likewise. I assumed whatever ill feelings existed were now gone and he knew I had not meant anything suggestive by my action.

On 26 July, several of my junior officers ([redacted], and [redacted]) came to me concerned that several other junior officers were planning to submit a Sexual Harassment complaint against me. They informed me they had argued with these other officers because the complaint alleged I showed favoritism towards [redacted] and [redacted] and had furthermore touched them inappropriately. They wanted nothing to do with the complaint and assured me that I had never touched them in anyway that made them feel the least bit uncomfortable. [redacted] told me that they cited my perceived favoritism of them as a catalyst for the complaint.

B(3)

I sincerely regret that there is a perception of favoritism among my junior officers. I believe I have the most phenomenal wardroom in the Fleet and that is primarily because of the junior officers. The men and women assigned to Peleliu for their first sea duty are the brightest, most motivated officers I have ever served with. I spend a lot of time with each one of them,

ENCLOSURE (10)

from the time they check in, to studying for their qualification boards, to the time they start pursuing follow-on orders. I take my role as their senior SWO and mentor very seriously and have forms that I use to track their progress towards professional and personal goals. I track everyone. While I am disappointed at their perception, I have made some mistakes too that may have helped fix this impression of favoritism.

Prior to deployment, my wife and I attended the wedding of _____, my _____.
At the reception, my wife / _____ was sitting with several of the spouses and girlfriends and initiated a conversation with _____ girlfriend, _____ and _____ are _____.
_____ing. Following the reception, we decided it would be nice to have _____ and his wife over to the house so _____ could get to know _____.
Eventually, a day was selected, they came,

and we had a barbecue together. That is the only social event we ever attended with _____ and _____ has since offered to help my wife with spousal group activities while we are on deployment. I am glad of their friendship as my wife works full time and it is good for her to have help among the wives of the younger officers.

I also had _____ to the house one afternoon. He was new to the ship and my wife and I were hosting a large pre-deployment party the following day for all of my department heads and their wives. _____ offered to help me set up the backyard for the party and my wife cooked us something for dinner. This is the only social activity ever conducted with _____.

While conducting a port call in Darwin, Australia, I had friends who live there that coordinated a day trip for my wardroom to the Corroboree Billabong in the Outback. We were split up among four pontoon boats. One pontoon boat was very large (two story boat with head facilities) and I knew there would be jostling to be on that particular boat. I sent out the invite to the entire wardroom and let them know that it was on a first come, first served basis through RSVPs. The first 20 names I received got assigned to the large pontoon boat. Since many of the individuals perceived as my "favorites" were on that list, I am now told that some assumed I was showing favoritism. In reality, I only went by the RSVPs received.

I believe the event that triggered the most allegations of favoritism involved _____ and his qualification as OOD and SWO. _____ is an exceptional junior officer—I believe any one in the wardroom will attest to that. We have had frequent discussions on the bridge, as I do with all my officers.

_____. I think his is an extraordinary story and I have a lot of respect for _____ and the hardships he has overcome. More than that though, I respect his superb skills as a surface warfare officer. It was clear to me early on in deployment that he was an absolute natural on the bridge. I drilled him with questions repeatedly and his answers were nearly always flawless. I consulted with the Senior Watch Officer and XO and eventually gave _____ his Officer of the Deck qualification—without the benefit of a formal OOD board. I only did this once before for _____, our current _____.

ENCLOSURE (10)

Officer. is also an outstanding officer, and an outstanding officer of the deck. One of his first watches had us navigating the Singapore Strait at night. It was an extremely difficult evolution as we wound our way through hundreds of commercial tankers and he did a terrific job displaying little stress, completely validating my trust in him. A couple weeks later, we had a SWO Qualification Board for and he performed incredibly well as expected. At the pinning ceremony in front of the other officers in the wardroom, I always talk about the officer receiving his pin. I spent quite some time talking about making it clear I thought he was one of the finest OODs and junior officers I had served with. I remember stating “,

B(3)

I know it was perhaps over the top but he deserved the praise. I now believe it made some of the more senior OODs and SWOs a bit jealous and a bit defensive, and helped solidify their perception of favoritism. I regret lavishing such praise on him publicly. When came to see me on 26 July along with and he told me that during his argument with the individuals submitting the complaint, he told them to “come up to the bridge themselves while he was in watch if they didn’t believe he deserved the qualifications I gave him.” I am sorry he has to justify the qualification he so richly earned.

B(6)

B(3)

The complaint also alleges that I touched officers inappropriately. I regret this perception and am shocked my contact could be construed as sexual. We are on a 7-month deployment that everyone believes will be extended soon by up to one month. It is a deployment very short on port calls, and very long on stress. Two days prior to deploying, one of my Sailors (an OS2) committed suicide in San Diego leaving behind a wife and 8-month old baby. At the time, someone (I believe it was but I can’t say for certain) told me that the crew would be going through a lot of stress and to “be sure to look them in the eye when you say hello to them.” “Make sure they’re really doing great, and not just giving you a pre-forma response.” I do that now, and I also shake hands a lot more often. I shake hands when I meet people. I shake hands when they leave. I give folks a pat on the back or their shoulder occasionally in greeting when I pass them. I thought physical contact like this by the Commanding Officer might be good thing during a stressful deployment. I didn’t do it at my previous command; I didn’t even do it as XO on Peleliu or during my fist 9 months during this command tour. I just thought it would help during the stresses of this deployment and I still think it has merit in some cases. I am sorry it has been twisted into something else. I believe I have an incredibly good rapport with this crew of over 1,000 Sailors and with the vast majority of my 80 officers. With the exception of , I do not believe anyone else has ever claimed they thought I was touching them sexually. I was asked in the interview why I didn’t touch females this same way. I had not thought about that before. This is my first ship in the Navy to have a female crew and I guess I am just attuned to the possible reaction that a male touching a female might have. I never thought that my patting a male on the back, touching a shoulder, etc, would be taken offensively.

B(3)

I was told during his interview that mentioned that I once touched his side during the watching of a movie. I do recall taking a seat next to mine but I have no recollection of this situation. It was a funny movie and there was a lot of humor in the room with jokes being made, etc. It’s possible I could have hit his side with my hand at one of his jokes, like a ‘guffaw’. It definitely was not sexual. is another superb officer that I respect greatly.]

B(3)

B(6)

ENCLOSURE (10)

As one of the [redacted], I am [redacted]. I [redacted] B(6)
impressed by his talent on the bridge and in CIC, and by his strong motivation to know he does not believe I touched him sexually. He personally led the group of junior officers that came to me on 26 July, stressing to me that I had never done anything to make him uncomfortable.

I regret the perception some have stemming from my actions. I have always strived to not show favoritism and to be as fair as possible to all my officers. I will continue to work towards that goal. I don't doubt the veracity of [redacted] but I know any physical contact with him on the bridge was only meant to show support and concern, and to drive home a point about ROE. I believe that the two instances involving [redacted] and [redacted] s pinning and early OOD qual were the prime factors motivating my junior officers to lodge their complaint. I believe their concerns are more about my possible favoritism than about any sexual harassment. I will work to ensure that no future instances occur that offer such misinterpretation. I believe I have the finest wardroom in the Fleet, serving on the finest ship in the Fleet. I enjoy a strong working relationship with my officers, and believe any after-effects stemming from this incident and the resulting investigation can be overcome by strong leadership. B(3)

Very respectfully,



D.A. Schnell
CAPT USN

INTERVIEW OF CAPT DAVID SCHNELL

DATE: 8 Aug 2010
PLACE: USS PELELIU (LHA-5)
ORDER: Investigating officer directed CAPT Schnell not to discuss the meeting or conversations during the meeting with anyone.

INTERVIEW SUMMARY:

1. CAPT Schnell stated that several of his Division Officers (), came to him and said that they had been "cited as victims" in a complaint letter submitted to Navy IG alleging improper physical contact. B(3)
2. Earlier, the CO had been informed by the XO that had requested to be removed from the () watch because he believed the CO had touched him inappropriately. CAPT Schnell indicated that he was informed that did not want to file a formal complaint so he never talked to directly about the incident since he didn't want to make him uncomfortable. However CAPT Schnell added that he approached him a couple of weeks after the incident and talked about his family and future plans and did not demonstrate any discomfort. CAPT Schnell didn't dispute that he probably touched ; however, he couldn't remember specific incident in question. However CAPT Schnell was adamant that any touching of arm would have been only to get attention, emphasize a point etc. and would not have been sexual in nature. CAPT Schnell had no recollection of touching pocket and indicated that no such contact took place.
3. CAPT Schnell stated that he had a friendly relationship with prior to the incident in question and had been invited to B(6)
4. CAPT Schnell stated that could have been upset about his decision to deny earlier request to be discharged early in order to attend school. CAPT Schnell indicated the denial of the request was due to manning shortages in rate. B(3)
5. CAPT Schnell indicated that he was much friendlier with sailors and more frequently patted sailors on the back or shook their hands after a crewmember committed suicide right before the deployment. CAPT Schnell indicated that this was a deliberate effort to be more engaged with the crew and was not sexual in nature.
6. CAPT Schnell indicated that he was aware of the perception that he had favorites and that perhaps he had lavished too much public praise on but that this praise and the decision to B(6)

ENCLOSURE (11)

7. CAPT Schnell indicated that the reason he did not "pat females on the back" was awareness that a female might not be comfortable with a pat from a male CO.

8. CAPT Schnell admitted that he may have reached over and touched _____ as part of laughing at a particularly funny scene in a movie, but added that any such contact was not of a sexual nature.

B(3)

9. CAPT Schnell said that he did have an idea of who had submitted the complaint based on which officers treated him differently after the three officers had warned him that a complaint had been filed. CAPT Schnell indicated that he thought highly of the officer he believed submitted the complaint. When receiving a standard warning about avoiding even the appearance of reprisal, CAPT Schnell indicated that he would never hold it against the officers in question and would never consider any act of reprisal.

ENCLOSURE (//)

SUSPECT'S RIGHTS ACKNOWLEDGEMENT/STATEMENT (See JAGMAN 0170)

FULL NAME (ACCUSED/SUSPECT) DAVID A. SCHNELL		SSN	RATE/RANK CAPT/O-6	SERVICE (BRANCH) USN
ACTIVITY/UNIT USS PELELIU (LHA 5)		DATE OF BIRTH		
NAME (INTERVIEWER)		SSN	RATE/RANK CAPT/O-6	SERVICE (BRANCH) USN
ORGANIZATION NAVCENT		BILLET		
LOCATION OF INTERVIEW USS PELELIU		TIME	DATE	

13(13)

RIGHTS

I certify and acknowledge by my signature and initials set forth below that, before the interviewer requested a statement from me, he warned me that:

(1) I am suspected of having committed the following offense(s): Violation of UCMJ Art 92, violation of a lawful general order (OPNAVINST 5354.1F), violation of UCMJ Art 92 Assault consummated by a battery

(2) I have the right to remain silent; -----

(3) Any statement I do make may be used as evidence against me in trial by court-martial, -----

(4) I have the right to consult with lawyer counsel prior to any questioning. This lawyer counsel may be a civilian lawyer retained by me at my own expense, a military lawyer appointed to act as my counsel without cost to me, or both; and -----

(5) I have the right to have such retained civilian lawyer and/or appointed military lawyer present during this interview. -----

WAIVER OF RIGHTS

I further certify and acknowledge that I have read the above statement of my rights and fully understand them, and that, -----

(1) I expressly desire to waive my right to remain silent; -----

(2) I expressly desire to make a statement; -----

(3) I expressly do not desire to consult with either a civilian lawyer retained by me or a military lawyer appointed as my counsel without cost to me prior to any questioning; -----

ENCLOSURE (12)

(4) I expressly do not desire to have such lawyer present with me during this interview; and - - -



(5) This acknowledgment and waiver of rights is made freely and voluntarily by, and without any promises or threats having been made to me or pressure or coercion of any kind having been used against me.

SIGNATURE (ACCUSED/SUSPECT) <i>David A. Schnell</i>	TIME 1243	DATE 8 AUG 10
SIGNATURE (WITNESS)	TIME	DATE 8 AUG 10
SIGNATURE (WITNESS)	TIME	DATE

B(3)

The statement which appears on this page (and the following ___ page(s), all of which are signed by me), is made freely and voluntarily by me, and without any promises or threats having been made to me or pressure or coercion of any kind having been used against me.

SIGNATURE (ACCUSED/SUSPECT)

ENCLOSURE (12)

8AUG10

I believe that CAPT Schnell is a great leader and Commanding Officer. He takes a sincere interest in the daily lives of the PELELIU crew members which I know can be a challenge due to the size of the ship and his busy schedule. CAPT Schnell is one of the most approachable senior officers I have ever met. I feel comfortable going to him for any professional or personal problem no matter how big or how small.

In reference to the "zipper incident" previously discussed during my interview, I never felt uncomfortable before or after that occasion. If I ever felt that there was a problem or issue I would have gone to CAPT Schnell directly and discussed it. I believe that when this "incident" was joked about amongst the other Junior Officers it became misconstrued. My interactions with CAPT Schnell have always been professional and I believe he is a great mentor to the Junior Officers. He shows an immense interest in the career development of Junior Officers and I believe we are at a great advantage having an officer with such experience share his wealth of knowledge. I feel privileged to serve onboard PELELIU under his leadership.

Very Respectfully,

ENS:

B(13)

ENCLOSURE (13)

INITIAL INTERVIEW OF

DATE: 7 Aug 2010
PLACE: USS PELELIU
RELEVANCE: Reported Victim
ORDER: Investigating officer ordered _____ not to discuss the meeting or conversations during the meeting with anyone.

INTERVIEW SUMMARY:

1. _____ said that on 30 JUN 10 while standing the 0400 to 0800 OOD Anchor Watch the Commanding Officer (CO) reached over and either unsnapped his coveralls or the coveralls were already unsnapped and the CO played with the zipper of his coveralls by unzipping and zipping the coveralls approximately 4 inches.
2. Also on watch at the time were _____ and _____.
3. _____ believed the CO to be a "touchy-feely" type of guy and that the touching was a sign of approval for doing a good job.
4. _____ said that some of the guys blew the touching and stories of the touching out of proportion and that the "girls never had a problem with it".
5. _____ stated that once the _____ incident occurred it was no longer a joke and that the girls now had a problem with the CO touching. _____ also had a problem with the touching.
6. _____ said that if people had a problem with anything they should go directly to the CO.
7. _____ stated that he wanted to be a _____ for his next tour. When pressed what he wanted to do after that he stated he wanted to _____ [This conflicted with information previously received from _____ indicating _____ had stated he wanted to get out of the Navy and desired a letter of recommendation from CAPT Schnell and was willing to put up with touching in an effort to ensure such a letter was available to him]. _____ then stated "(
8. _____ old _____ about having his zipper played with.
9. _____ stated he did not feel differently about the CO since _____ zipper had been played with by the CO.

B (3)

B (6)

ENCLOSURE (14)

10. . stated he did not go to the Chaplain, SAVI or anyone else since having his zipper played with.

B(3)

ENCLOSURE (14)

SECOND INTERVIEW OF

DATE: 7 Aug 2010, 1:30 pm
PLACE: USS PELELIU
RELEVANCE: Reported Victim
ORDER: Investigating officer ordered ... not to discuss the meeting or conversations during the meeting with anyone.

B(3)

INTERVIEW SUMMARY:

1. [redacted] said that the junior officers shared embellished descriptions of the touching by the Commanding Officer (CO) for laughs and that he wished he could take back the jokes
2. [redacted] and [redacted] met with the CO after they understood the Hotline complaint had been filed. [redacted] told the CO at the meeting said that if he ever had a problem, he would go directly to the CO. During the meeting with the CO, the CO said that he understood and they needed to let the Navy system work. During the meeting, the three mentioned [redacted] and shared that he was mentioned in the complaint. [redacted] said that since the three met with CO, the CO would shake hands only, no other touching. [redacted] said that he did not share with the CO during the meeting that he had embellished the CO pushing/pulling his zipper to include the CO putting his hand inside his uniform. He also said that none of the three shared with the CO that they had embellished the stories of contact by the CO either.
3. Investigator asked why [redacted] felt he had to alert the CO to the report [Hotline complaint] and [redacted] responded because the CO needed to be informed.
4. [redacted] said that the four complainants who took action [those who filed the Hotline complaint] did not act appropriately.
5. [redacted] had heard about [redacted] incident.
6. Investigators asked [redacted] if he informed the individuals who submitted the Hotline complaint that he had embellished touching incidents and that he had informed the CO that he had embellished touching descriptions with the Hotline complainants. [redacted] said that he had not informed complainants or the CO that he had embellished the touching incidents.
7. Since the meeting with the CO, [redacted] claimed that the CO only shakes hands.
8. [redacted] said that he had learned that one should not joke and that the people's perceptions are different.

ENCLOSURE (15)

INTERVIEW OF

OFFICER

DATE: 7 Aug 2010, 8:04 am

PLACE: USS PELELIU

RELEVANCE: Witness/Complaint

ORDER: Investigating officer ordered not to discuss the meeting or conversations during the meeting with anyone.

B (3)

INTERVIEW SUMMARY:

1. The incidents involving the CO of the ship and the junior officers (JOs) occurred so frequently, that it was normal day-to-day events. Some JOs were considered the CO's favorites. The CO's touches could be as little as pat on the back or an arm grab, but it progressed to holding on longer and grabbing areas of the body that was inappropriate.
2. I was a direct witness to one event involving on the bridge. The CO's chair is portside of the bridge and the door was starboard, so the CO had to walk past all of us to leave the bridge. On this day, on or about 16 JUL, the CO was walking past L grabbed the s belt on his uniform with his fingers and used his thumb to massage the s butt. Although and were there, I had the best view of the touching. later told us, "I just got touched."
3. I talked to about it and he said he was uncomfortable with what the CO did, but that he would not tell anyone. The next day told us (and) that the CO grabbed the butt more than once as climbed the ladder from 02 to 03. At that point, I told the JOs that the CO was over the line.
4. Another incident I heard about involved We had pulled into Darwin when I heard about this third hand, but later told what happened and the group joked about it. It was clear that was embarrassed about it. On 30 JUN, on the bridge with , the CO pulled zipper to his coveralls up and down; the CO eventually put his hand through the zipper to touch the stomach and chest. I understand that on the night of the touching, went back to his room and told ; it spread from there; told and it was who brought up the incident and joked about it. We listened in shock and awe, if you will. then joined in and told us exactly what happened. He was affected by this; I noticed a different behavior from him. He changed. joked about the incident with the group and did not want to talk about it. He was clearly upset.
5. and asked me if we should turn this information in because we all agreed it was over the line. We realized the male JOs were not going to turn this in because they were benefitting from the CO's attention, but the CO was psychologically messing with them. We talked about doing an IG complaint, but I did not want to take that route. I thought about going to the XO; I don't know why I didn't. and went to Chaplain l. The Chaplain told the female JOs that what they described sounded like predatory behavior. Because I

ENCLOSURE (16)

know Chaplain [redacted] from San Diego and consider him a friend and mentor, the Chaplain came to me and asked if I knew about the incident and how it was joked about.

6. I personally have not been touched to the extent the other JOs have. The CO touched my obliques and arms once. The behavior I really remember is when the CO leaned his entire body weight on me, but the boat was not rocking. I never said anything to the CO about it. I regret that, but as an aviator on a boat with SWOs, I did not want to rock the boat or cause problems.

7. I am sure my coming forward will ruin my career. I am [redacted], was at [redacted], and I am currently the [redacted] and a [redacted]. B(6)

8. On the bridge, I noticed that [redacted] is touched most by the CO. The CO massages his arm, back and chest. I approached the JO about the CO's behavior. [redacted] said he will do anything to get a letter of recommendation from the CO to [redacted] agreed the CO was out of line, but he felt it was not worth reporting, that he thought CAPT Schnell was a good CO and he didn't want another CO. [redacted] wants a good letter of recommendation from the CO because he is getting out of the Navy, feels he was partial to favoritism, and did not want anyone to second guess his OOD qualifications. B(3) B(6)

9. When [redacted] and [redacted] realized this behavior was happening to enlisteds, that crossed a line and we had to report. There were other JOs, not part of our group, who wanted to report the CO's touching as well: [redacted] and [redacted]. The incident with [redacted] was the catalyst for this discussion. [redacted] and [redacted] heard about the [redacted] incident and wanted to turn in that event to the XO about a month ago. [redacted] approached me about going to the XO. B(3)

10. While we were in Darwin, the CO invited all the JOs to cruise with him on a pontoon boat. The boat held 20-25 people, mostly JOs.

11. I had heard from [redacted] that [redacted] was invited to the CO's home. He bought his dog so his dog could play with the CO's dog. I think the CO has also invited [redacted] and [redacted] to his home. I know the CO has invited the JOs to watch movies in his in-port cabin 2-3 times. B(3)

12. [redacted] saw the incident in the CO's in-port cabin.

13. I do not know if [redacted] was ever touched by the CO. There is so much joking about it that I'm not sure.

14. The 4 of us who signed the complaint either saw or were privy to the incident: [redacted] and [redacted] thought we should approach the 3 JOs who were the most blatantly touched by the CO about the IG complaint. The 3 JOs in question were [redacted], [redacted], and [redacted]. B(3)

15. I approached [redacted] and asked him to stop by my stateroom. I told him what we (the 4 signatories) were going to do. [redacted] was upset and left. He later called me to say he did not want his name in the report. He is roommates with [redacted] and [redacted] then wanted to [redacted].

ENCLOSURE (16)

07AUG10

MEMORANDUM

From: , USS PELELIU (LHA 5)
To: Whom It May Concern

Subj: STATEMENT

1. While anchored off the coast of East Timor, explained (and re-enacted) to a group of friends () what had previously happened to him while standing OOD on the bridge. It started off with the Captain touching him, and then progressing to the Captain unzipping his coveralls, which led to him being caressed around his chest/oblique area, inside the coveralls. This went on for a prolonged period of time, as he stood there and didn't try to remove himself from the situation or make an attempt to stop it. While describing it to everyone in my stateroom, he was clearly uncomfortable and visibly in shock of what had happened to him. At least two of the people in the room (myself included) were appalled and repeatedly asked why he didn't knock his hand away or do something about it, which he shrugged his shoulders and didn't respond. B(3)
2. During our transit from Darwin to the Gulf of Aden (mid-July), there were multiple instances of inappropriate touching that took place on the bridge. The bridge watch team was comprised of myself (OOD), (OOD U/I), (JOOD), and (Conn). The touching consisted of the Captain running his hand across someone's back and down their spine, squeezing them on the side, grabbing their belt and rubbing, swiping his hand across their butt, pinching/grabbing them in any given area, or a combination of any/all of them. It most frequently happened to , who did not resist or make an attempt to put a stop to it. It also happened to who after a few times decided to distance himself and strategically place his binoculars over his butt to keep it from happening again. These "touchings" always happened as the Captain walked by, usually on his way off the bridge. After he left each time, the officers on the bridge team would all talk about what just happened, all equally uncomfortable about what was going on. It was not a question amongst us as to "if" it had happened, but "how" it happened that particular time. For example, someone might say "I got a handful of the left oblique, full hand across the ass, right butt cheek pinch". At night B(3)

ENCLOSURE (17)

time, it was almost certain for the "touches" to be more physical and intrusive, as it was dark on the bridge. It eventually led to a consistent pattern of the BMOW being touched also, which he would subsequently make eye contact with the Officers to see if they also saw what was happening.

3. During an early evening watch (around mid-July), with the same bridge team listed above, told a story to all of us about how the Captain repeatedly grabbed his butt, while walking behind him up a ladder, as he escorted the CO to a spot-check for his division. While telling the story, he was undoubtedly uncomfortable about what had happened, but didn't feel it was necessary to take action when it happened or report it to anyone. B(3)

Very Respectfully,

USN

ENCLOSURE (17)

INTERVIEW OF

DATE: 7 Aug 2010, 12:33 pm
PLACE: USS PELELIU
RELEVANCE: Complainant
ORDER: Investigating officer ordered not to discuss the meeting or conversations during the meeting with anyone.

INTERVIEW SUMMARY:

1. "Captain Touches" is what we call it when the CO touches the junior officers (JOs). The CO either brushes up against them, grabs, swipes up and down the spine, pinches at the belt, does what's called thumb petting or the hook and rub, or does wrist pats on the back of the JOs' hands or butt. If it were only one of these touches, maybe it would be okay, but in combination and frequency, it's a problem.
2. At the bridge, the question was never if the CO was going to touch someone, but when and who, because the CO always touched someone on the bridge.
3. and talked about the incidents but were not regularly touched, if at all.
4. On the bridge, was the prime target; was also targeted. would have been but he purposefully positions his bins on his butt so that it is inconvenient for the CO to try to touch him and therefore he takes himself out of that equation. When the CO would touch the enlisted on the bridge, they would immediately look at us (officers) and we knew we were all going to joke about it later.
5. was the Senior Watch Officer.
6. I personally never went to the XO, Cheng, or Chaplain about this. The group who eventually sent the letter (myself, reporting it. to the Chaplain about it and felt better for it. They chose to go to the Chaplain because they did not want to jump the chain of command, but were concerned about going to the XO. They thought that going to the XO would either yield nothing or were concerned how the complaint would be received.
7. The JOs did not want to report anything because many had something to gain from it: made it clear he wanted others still had to get their OOD quals and/or SWO pins.
8. and myself decided we were willing to suffer the consequences for reporting the incidents.

B(3)

B(3)

ENCLOSURE (18)

9. _____ is my roommate.

10. I haven't directly witnessed an event where the CO touched someone inappropriately, but I've seen others explain what happened to them. _____ told us about the incident where he was climbing the ladderwell and the CO touched his butt. He was visibly upset by it and did not want others to know about it. I would say he was creeped out by, not scared, but it did bother him. _____ and _____ were on the bridge that day. B(3)

11. Two days after we sent the email to the IG, we met with the male JOs (the JOs did not know that we had already sent the email). _____ thought we should tell those who were victims about the email complaint. I didn't think it was a good idea because I was afraid the JOs would go tell the CO...because they had access the CO anytime, they could go to his stateroom at 11 p.m. if they wanted. The meeting was in the Deck office. It was heated. I was called a narc and a coward for not going to the CO about it vice to the IG.

12. I told them that they were my best friends, but what the CO was doing was wrong. However, the three had something to gain with the CO, incentive to keep the status quo. Everyone loves the CO. They all wanted to overlook something so wrong to keep things smooth.

13. After the meeting, it was awkward with the JOs. We try to keep our friendship, so we don't discuss this anymore. However, with the NAVCENT and IG presence on the ship, it is awkward again. Everyone who is involved with this has putting 2 and 2 together and knows why you are here.

14. The incident with _____ made the difference for me. _____ acted out the incident to the group. He showed how the CO played with this zipper, opened the zipper and put his hand inside his coverall, then put his hands all the way to the other side of waist and then back to his chest, where his hand stayed a long time. _____ was very uncomfortable.

15. _____ is _____'s roommate.

16. I believe the incident with _____ occurred the same night as the reception when we pulled into Darwin. There was alcohol at the reception and we brought back a bottle of wine to my stateroom. I had to leave for watch and relieve _____. She joined the group in my stateroom. At watch, I emailed my girlfriend to tell her about the incident involving _____. She wrote back that "that's what happens when _____ going to the CO's house by himself. My girlfriend is not in the Navy, but all of our girlfriends are friends and they talk to each other. She said that _____ was also invited and went to the CO's house as well." B(6)

17. On the bridge, the CO's touching is the unspoken elephant in the room. The enlisteds get touched every time. _____ and _____ know about it. I'm sure all the quartermasters know about it. Probably every 0-4 and below know about it.

ENCLOSURE (18)

18. I do not believe the XO knows anything. I believe the XO is not as fun as the CO, but he is extremely competent and fair, very in-depth and meticulous; still learning SWO stuff. He is usually on the bridge during unregs with his binoculars.

19. The CO usually eats by himself in his stateroom. Sometimes invited 6-8 people for brunch; invites the sailor of the week and sailor of the quarter, etc. He invited all the JOs once. Nothing happened.

ENCLOSURE (18)

Statement

My name is _____ and I have been asked to provide a written statement concerning my interview this morning as well as the investigation that is ongoing. I understand that a report/EEO Complaint has been submitted concerning the Captain. I have been patted on the back, shoulder, and arm by the Captain, but in no way have I viewed any of it as inappropriate and in no way have I ever felt uncomfortable in the presence of the Captain. I believe he is a very professional, fair, and competent Captain who I trust 100%. He is very aware of the quality of life of the crew and tries to do everything in his power to ensure that the crew has as pleasant of a time on board as possible. I believe that this whole situation/investigation has been blown out of proportion and that the proper course of action for the individual(s) who submitted the complaint should have been to inform the Captain of their feelings instead of immediately filing a report, as I believe that the Captain viewed any touching or patting as a fatherly or friendly action and was not aware that he might possibly be making some members of the crew feel uncomfortable, if that is indeed the case, as I have stated I never felt uncomfortable. I have not been in the Navy for very long but from what I know about leadership I believe that Captain Schnell is an outstanding leader. I have seen him touch/pat other members of the bridge team on the bridge but as I stated in my interview I do not remember exactly who or when as I do not view it as having any significance and as such do not make a point of remembering it. In summary, I do not believe Captain Schnell has done anything inappropriate onboard the Peleliu.

B(3)

Very Respectfully,

07AUG10

USN

ENCLOSURE (19)

Statement #2

My name is _____ and I have been asked to provide a second statement concerning the ongoing investigation. I realize that I have made a very serious mistake in joking about the matter that is being investigated with fellow JO's and I am very regretful for my immaturity. In hindsight I see that matters like this should never be joked about as the jokes can be taken out of context and used in testimonies for serious matters that they were never intended to be used in. My actions have put people in jeopardy of having serious consequences and I feel terrible for what I have done. I assumed that the people I had previously joked with did not consider this a serious issue either as they also joked about it, but I was wrong. I also wrongly assumed that because I felt that this was not a serious issue and that nothing inappropriate was taking place that others would also feel that way, and I was wrong about that also. As I have stated both times that I have been interrogated, I do not recall any exact jokes that were made or who specifically might have joked at certain times, as I did not view this matter as significant and thus did not make a point of remembering specific words, who they were said to, or who said them. When asked about how the situation turned instantly from a joke to a serious issue I discussed with the interviewers the situation I heard about concerning _____ feeling uncomfortable on the bridge and how that seemed to be the turning point. I was told during the interview basically that I should feel angry about this situation because if I had an 18 year old brother who joined the military, would I want him to be the victim of a predator? The answer to that question is obviously no, but I believe that is a very poor analogy as I do not view Captain Schnell's actions as predatory in nature in any way, I view them as fatherly actions. I have nothing further to add about this subject.

B(3)

ENCLOSURE (20)

FIRST INTERVIEW OF

DATE: 8 Aug 2010, 8:10 am
PLACE: USS PELELIU
RELEVANCE: Reported Victim
ORDER: Investigating officer ordered [redacted] not to discuss the meeting or conversations during the meeting with anyone.

B(3)

INTERVIEW SUMMARY:

1. [redacted] arrived for duty on USS PELELIU in [redacted].
2. [redacted] claimed that he never said that he felt uncomfortable with Commanding Officer (CO) touching of him.
3. [redacted] said that the CO "never grabbed" him; however, he and the CO were going up a ladder and CO grazed his leg with his hand. [redacted] said that he did share the CO grazing of his leg with friends but that it was not malicious sharing. He did tell [redacted] of the incident and [redacted] did believe that [redacted] was the driving force for the Hotline complaint.
4. [redacted] said that he was never grabbed by the belt, and later in the interview he said that the CO grabbed him by the belt but thought it was friendly. [redacted] said that he did not remember talking to others about incidents.
5. [redacted] said that no other bridge team members/watch standers had mentioned anything about CO touching him.
6. [redacted] stated that he had never seen the CO touch or grab females.
7. [redacted] informed [redacted] that he submitted a report [Hotline complaint], and did so because of an enlisted sailor. [redacted] was uncomfortable with his name being mentioned in the report.
8. [redacted] did not recall ever talking to others about the incidents.
9. [redacted] said that he was close friends with [redacted] and [redacted] and they were all [redacted].
10. Investigators asked [redacted] why he thought someone would include him a complaint and he responded to build a case or not sure.
11. The investigators requested that [redacted] submit a witness statement and [redacted] did so on 7 Aug 2010.

ENCLOSURE (2/)

SECOND INTERVIEW OF

DATE: 8 Aug 2010, 8:02 a.m.
PLACE: USS PELELIU
RELEVANCE: Reported Victim
ORDER: Investigating officer ordered _____ not to discuss the meeting or conversations during the meeting with anyone.

B(3)

INTERVIEW SUMMARY:

- _____ has been in the Navy for just over one year and onboard the USS PELELIU since _____
- _____ stated he lied about the incident on the ladder with the CO. Specifically, _____ says that CO only brushed up against his leg; the CO did not touch or pinch his butt.
 - When asked as to how the story evolved, _____ said he joked about it and embellished the story.
 - _____ stated he was aware of the perceptions that the jokes created.
 - He also stated that on numerous occasions he was touched by the CO on the belt loop, pats on the back, touching of his back, side, and arm.
 - The incident that caused the 4 complainants to write a formal complaint was the incident with _____ heard about the CO touching _____ and that _____ was uncomfortable and had asked to be removed from the watch. _____ believes that _____ was close to _____ through church.
 - _____ had a separate discussion with _____ about the letter. _____ told _____ about _____ tried to impress upon _____ that it's one thing for the officers to be touched, but not the enlisteds.
 - _____ responded to _____ by saying that there was nothing inappropriate with the CO. The CO has quirks about touches.

ENCLOSURE (2/)

8. _____ said he felt that if the 4 who wrote the complaint thought the CO was inappropriate, they should go to the CO. _____ said going to the CO would not help. _____ requested that _____ remove his name from the letter.

B(3)

9. _____ then went to tell his roommate, _____, about the letter. He, too, did not want his name on the letter, although at that point, neither _____ nor I _____ knew if _____'s name was mentioned in the letter.

10. I _____ spoke with _____ and _____ about it again.

11. He knew there was a meeting on deck about the letter, but he wasn't sure who attended. _____ did not go to that meeting. He stated that he felt that the 4 friends broke his trust.

12. I _____ was aware of the term, "playing defense" where females stand in between the male JOs and the CO.

13. Did not know if other mess jokes about the CO.

14. I _____ knows what "Captain Touches" are – pats on back, arms, side (rib level, obliques).

B(3)

15. _____ insists he has never heard anyone talk about being uncomfortable. He and _____ agreed that if they were uncomfortable they would go to the CO. He is not aware of anyone going to the CO about this.

16. _____ felt that _____'s complaint may be retaliatory because he submitted a request chit for an early out and it was denied. CO put a note on the chit that the reason for the denial was due to manning issues, but that _____ was a good sailor. _____ r.

B(6)

17. I _____ said he never saw any favoritism and that he does not believe CO was being malicious.

B(3)

18. _____ has his SWO board in September; he is getting out of the Navy after 5 year commitment.

ENCLOSURE (2/)

08 August 2010

MEMORANDUM

From: , USS PELELIU (LHA 5)
To: To Whom it my Concern

B (3)

SUBJ: Personal Statement

1. I submit this letter to the investigation board in order to add on to my interview earlier this morning. I feel the best way to help convey my feelings and thoughts towards the current situation and CAPT Schnell is through a write up.
2. Since stepping onboard the USS PELELIU in February 2010, I have been extremely impressed with the sailors, wardroom and the Commanding Officer. He has given me a fair chance as he does with every JO to learn, improve and excel as a hopeful 1110. I had a chance to reflect on our discussion this morning and I wanted add on with this letter. The CO is, in my opinion, the best leader I have had a chance to serve under. I spent four years at the Naval Academy and time and time again I watched a flawed conduct/honor system retain those who did not deserve to stay there and dismiss those who would have made outstanding officers. I wish this not to happen here. I also observed many of different leadership types, in which I have used to shape my own leadership style. Around the Navy there are different methods and philosophies on leadership but who is to say that one is more right or better than another. By this I mean that one leadership which excels at one command may fail at another. Thus the Commanding Officer must find the right balance to inspire the command to excel and improve. CAPT Schnell is a leader that has inspired every Sailor to strive to improve, excel and take pride in what they do day to day. You can easily see it when you walk around the ship and talk to the sailors. I have heard countless remarks from all ranks regarding how fortunate we are to have a CO who genuinely cares about every Sailor as a father would for his own children. Just today I had a stop me to show me the CO's coin he received for being recognized as the sailor of the week and how excited he was to have a chance to sit and eat lunch with the CO that afternoon. In my personal opinion that is hard pressed to find anywhere in the fleet and I'm fortunate to have the chance to serve and observe this type of care and leadership.
3. The ship's welfare and confidence in the CO is nothing short of impressive. It should go without saying that the CO is the sole reason the ship has been able to respond and adapt to our ever changing mission. This ship's pre-deployment schedule was anything less than hectic and extremely demanding on its Sailors and post-deployment doesn't look to be anything but a demanding schedule, yet somehow morale is extremely high. This can only be attributed to the CO's ability to hold the ship together lead in an exemplary manner. Again this shows the extremely high level of trust the crew has in their CO. This trust and confidence has been questioned based on accusations of a few. Unfortunately I feel that in the Navy, one is guilty until proven innocent and this is my reason for writing this letter. The accusations discussed this morning were based largely on my and others over exaggerations of certain events. I formally regret for my over

ENCLOSURE (22)

exaggerations which I feel has led us to where we are now these actions were not professional in any way and I will when the time is right apologize to the CO for this. In addition I fell that the four individuals who assumed the responsibility on writing the formal complaint are just as a fault for the joking to escalate as I am with this since they contributed to the joking around regarding the personal contact between the CO and other JO's. I feel like my trust has been abused and exploited by those who I felt where my friends. My words and personal feelings were taken out of context. Prior to this interview I was never asked by those who submitted the complaint about how I truly felt and if I wanted something done about the personal contact between the CO, myself and others. I feel that if there was a problem then it should have been handled through the XO or the CO directly and if I had a problem with anything involving the CO I would go to him directly to discuss the matter. The CO has always had an open door policy with all JO's and this is a perfect example of an opportunity in which one could have shown true leadership and spoken directly to the CO. I am a firm believer to give every individual a fair chance and in this situation, going to the CO to discuss the issues at hand would be the most respectable thing to do. I regret that it has been taken to such a high level of involvement. My Sailors mean everything to me and their welfare is something I think about constantly. If I ever thought for a second that one of my Sailors was being abused or mistreated I would not hesitate to follow the appropriate methods to correct the issue.

4. I feel that the individuals that wrote this complaint misused my trust and lied to me when I questioned them about myself and others names being involved and used in a formal complaint. I never gave consent to the so called facts used nor did I give them permission to speak on my behalf.

Very Respectfully,

B(3)

ENCLOSURE (22)

FIRST AND SECOND INTERVIEW OF

DATES: 7 Aug 2010, 7:20 am and 8 AUG 2010, 1:34 pm
PLACE: USS PELELIU
RELVANCE: Reported Victim
ORDER: Investigating officer ordered not to discuss the meeting or conversations during the meeting with anyone.

B(3)

INTERVIEW SUMMARY:

as interviewed twice. The first interview occurred on 7 August in the morning at approximately 0720; the second interview occurred on 8 Aug 10 at 1334. reported to the USS PELELIU in .

1. The CO has always touched , but he was never uncomfortable. The touching was usually a pat on the back for a job well done. stated he comes from a touchy-feely family, so the CO's touching did not bother him. B(3)
2. stated he never saw the CO touch females.
3. The witness noted that there are only JOs on the bridge and that they frequently joked about the CO coming to the bridge and "touching" one of them. The CO likes to tug on belts.
4. The had also been to the CO's home, alone, for dinner. He was supposed to go to an earlier weekend with , but he couldn't make it. The CO then invited B(6) to come the following weekend for dinner, and he did. stated that did go to the CO's home alone g the previous weekend.
5. recalled that was touched by the CO when he played with : B(3) s zipper on his uniform. They joked about it. Not aware of any other touching with
6. The CO invited the JOs to watch movies in his stateroom on two occasions. stated that "the group" was just about to start a movie in the Wardroom Lounge when the CO stopped by and offered the privacy of his statement to watch movies. The logic behind the CO's thinking, according to was that other people were in the Wardroom Lounge playing games and that the movie might disrupt or distract the others.
7. After the first movie night in the CO's in-port cabin, the CO gave them an open invitation to watch movies every week in this room
8. The first movie night in the CO's in-port cabin, the CO was not there. The second weekend, the CO joined the group. One that second night, was wearing PT gear that consisted of a tight T-shirt and shorts.

ENCLOSURE (23)

9. stated that the CO sat next to him because there weren't any more seating on the couch. During the course of the movie, admitted the CO grabbed his elbow and touched his hip. There was skin on skin contact.

10. The CO gave OOD certification to without a board. That caused some grumbling on the ship, because it looked like favoritism. J and were concerned about how it looked; however the CO explained to that he does not do that often, but if he thought a sailor was competent, he would give that person their quals.

11. explained that "playing defense" was a term they used when joking that the girls could block the CO from some of the guys because the CO never touched the girls. The girls were , and .

12. became aware of the formal complaint sent by four members of their group: and told those who wrote the letter that he and , and did not feel victimized or uncomfortable, that the complaint was only opinion based, and that we (JOs) don't have an issue.

13. did not know except for the complaint and a gun shoot evolution.

SECOND INTERVIEW ON 8 AUG 2010

14. The CO has tugged on belts, rubbed backs, tug on pockets, and grabbed elbows.

15. reiterates he never felt uncomfortable. If he did, he would have asked for help.

16. never told he was uncomfortable, either.

17. was very angry with the folks who sent the letter. The meeting in the Deck Office got heated. was upset. He asked the 4 friends who wrote the letter to remove his name.

18. stated the incidents with the CO were exaggerated; he and the others all exaggerated. However, when pressed for the exact part of the story that was exaggerated, admitted most of his stories were true. The one story that was exaggerated for laughs was the incident in the CO's stateroom for movie where the CO did touch his waist and squeeze. What was exaggerated was that the CO also touched his stomach/chest area.

19. also stated that S 's story about being touched at the elbow and the CO tugging on his pocket was true.

20. The story with was true that the CO played with his zipper, but the exaggerated part is when said the CO then put his hands inside the uniform, touched his waist, and then moved his hands to 's chest.

B(3)
ENCLOSURE (23)

21. never appeared upset to regarding the story about the zipper incident.
22. 's incident when he climbed the ladder from 02 to 03 was also exaggerated. The story was that the CO grabbed 's butt while he was climbing. said that was climbing the ladder right behind the CO (CO, then). told that the CO pinched 's butt. admitted that was perhaps in a good position to witness any touching by the CO to . Nonetheless, he stated that was exaggerating, but wasn't sure what part of the story was truthful and what was exaggerated. [Note: is mistaken regarding presence at this incident]
23. also had his elbow touched, pocket and belt pulled.
24. Although exaggerated, said the stories they shared were meant to give sexual connotation and for laughs.
25. Any touching by the CO was normal behavior to . He has learned to work under different leadership styles. This CO is just touchy-feely.
26. During the meeting regarding the formal complaint, never asked what happened to when the complainants told him that this situation was no longer about him, but about protecting an enlisted member of the command.
27. When asked whether told the group who wrote the letter that his stories, as well as an , were exaggerations or lies, responded that he did not.
28. reported that after the heated discussion about the formal complaint, he went to play bingo in the Wardroom. and were on watch and couldn't play bingo. Wardroom for bingo. , and (s roommate) were in the
29. Played 4 games which ended at approximately 2230. He then went to sleep, and then had the 0700-1200 watch. The next day, on Sunday, went to work out, then eat lunch. Sometime later in the afternoon, and went to the CO and told the CO about the formal complaint. They wanted to make sure the CO understood that they did not agree to do this letter, that they did not know the contents of the letter, and that they never felt uncomfortable with the CO.
30. stated they did not provide the names of the authors of the complaint letter, but they did tell the CO that name was listed as a victim.
31. After the second movie night, the group thought it would be a good idea to "take a step back." When asked what he meant by that, he said the group decided not to do movie nights in

B(3)

ENCLOSURE (23)

the CO's in-port cabin any more. By this time, the CO had given the group an open invitation to have movie night every week.

32. Everyone was in PT gear in the CO's in-port cabin except _____ who was in uniform.

33. _____ stated that wearing PT gear is approved in the Wardroom Lounge after 2000 is acceptable.

B(3)

34. In response to learning about _____ at the meeting regarding the complaint, asked _____ to inquire if any enlisted members of this department heard anything about the CO's touching. _____ reported back that he had no information.

ENCLOSURE (23)

INTERVIEW OF

DATE: 6 Aug 2010, 11:45 pm
PLACE: USS PELELIU
RELEVANCE: Witness
ORDER: Investigating officer ordered [redacted] not to discuss the meeting or conversations during the meeting with anyone.

B(3)

INTERVIEW SUMMARY:

NOTE: [redacted] stated that she had just finished her watch and was very tired and that the Hotline complaint provided information as she knew it and did not think that she could provide any additional information.

1. In Apr 2010, [redacted] mentioned to [redacted] that the Commanding Officer (CO) touched him on his stomach and it did not seem to sit well with [redacted] aid that [redacted] mentioned the incident, but did believe the incident to be severe, so she did not take any actions.
2. Staff has joked about the CO touching, grabbing obliques, or grab pockets of certain males.
3. The CO's favorites all do good jobs.

ENCLOSURE (24)

Division Officer
USS PELELIU (LHA 5)
08 Aug 2010

WITNESS REPORT

I would like to first start by saying that I have never witnessed anything that I deemed to be inappropriate and all of my statements are based upon hearsay and gossip. If I had ever witnessed anything that I felt was inappropriate, I would have utilized my chain of command because I feel that we have a supportive upper chain of command.

In Darwin, Australia I was on the pontoon boat with the CO, XO,

and saw the CO taking pictures of that I'm not sure if I was aware were being taken of him. The CO had his camera on his knee when these pictures were being taken and I'm not sure the angle of the camera so I am unsure of what the pictures aspect was. The CO took a lot of pictures that day of everyone in the wardroom between the boat trip and the Hail and Farewell we all attended later that evening.

On the evening of the reception in Timor-Leste, I was standing the security boat watch on the RHIB from about 1500 until I came back on board at approximately 2000. When I returned onboard the reception was over and there was a large group of JO's gathered around in 's room; everyone in there had been drinking quite a bit and I believe that they were still drinking so I only stayed for a few minutes because I felt that the situation was inappropriate. When I was in the room, everyone was joking about how the CO had touched 's coveralls zipper. I did not stay to hear the specifics and wasn't the one talking about it, it was the rest of the JO's that were in the room joking about it and playing the situation up.

I consider and to be two of my good friends on board and trust them immensely and they have never indicated to me that they have ever felt uncomfortable but that if they had they would have said something directly to the XO or the CO. None of my Sailors have expressed any concern to me either but I've heard from that one of her sailor's may have felt uncomfortable and brought it up with his department head.

I have heard that some of the group of the JO's that were on the pontoon boat in Darwin have watched movies in the CO's in-port cabin in the past and I felt that was an inappropriate action on both the CO and those who attended part which is why I never participated in anything like that.

That is everything that I have seen or heard. Again, I have not witnessed anything myself and most of the information that I have is what I've heard from other JO's.

08 AUG 10

ENCLOSURE (25)

INTERVIEW OF

DATE: 8 Aug 2010, 12:30 pm
PLACE: USS PELELIU
RELEVANCE: Witness Identified in Complaint
ORDER: Investigating officer ordered [redacted] not to discuss the meeting or conversations during the meeting with anyone.

B(3)

INTERVIEW SUMMARY:

1. [redacted] said that she had not witnessed anything regarding the Commanding Officer (CO) touching crew members.
2. [redacted] had heard of "playing defense" but had never seen it.
3. [redacted] was aware that a Hotline complaint had been filed and had heard talk of it. There is some perception among the junior officers that the CO treats males (specific group of males, e.g., [redacted] and sometimes [redacted] better. She heard that CO favors [redacted] and [redacted]. She stated however this is hearsay.
4. [redacted] said that she was a little shocked when [redacted] became OOD qualified without boards. [redacted] spoke with the CO during her watch and the CO said he could qualify a member without boards.
5. [redacted] is roommates with [redacted] and [redacted]. She said that she could not remember the specifics about the Hotline complaint but that something inappropriate happened.
6. [redacted] had never been invited to CO's in-port cabin and thought it was unusual that the CO invited the group to watch a movie. She thought it was inappropriate for junior officers to watch a movie in the CO's in-port cabin and to be in PT uniform. She said she had never heard of a CO inviting younger officers to his in-port cabin prior to this.
7. Darwin boat trip - attendees were [redacted] and [redacted] Executive Officer; and CO. She remembers CO leaning over [redacted] as the group was sitting in a circle. She also remembered the CO taking pictures and taking a picture of [redacted].
8. Reception on USS PELELIU - She went by a stateroom where some of the attendees of the Darwin boat trip were socializing. They were talking about something that happened on the bridge with the CO and a zipper. She only stayed for five minutes and did not hear or recall any details.

ENCLOSURE (26)

9. The Investigators asked
2010.

to provide a written statement and she did on 8Aug

B(3)

ENCLOSURE (26)

WITNESS STATEMENT

FULL NAME _____ SSN _____ RATE/RANK _____
USS PELELIU (LHA-5) _____
COMMAND _____ DIVISION _____

B(3)

I, _____, hereby make the following statement
to _____ who has been identified as an
Investigating Officer at _____

This statement concerns my knowledge regarding:

The CO, Captain Schnell, is one of the most intelligent, skilled and amazing leaders in the military today. He is a man that I constantly strive to emulate. He also cannot stand incompetence or ignorance from his fellow leaders which I feel is a wonderful quality.

As for this statement, and for the IG investigation, I have had my shoulder patted and squeezed by the CO, CAPT Schnell a few times while he was leaving the bridge. I have never felt uncomfortable with the touching, nor did I ever feel it was inappropriate. I felt that the CO saw us junior officers as his children, since he has no kids, and I took it as that--I never thought deeper about it.

I understand that other junior officers on the ship also get pats on the shoulder and back and that it has never seemed to bother anybody that it happened to. The only exceptions that I ever heard about anyone ever being uncomfortable with anything were those that do not receive such pats and squeezes (this came out later, after the report was filed and a few folks talked about it. I never realized or cared who was or wasn't receiving "pats"). I always took it as something to ignore while those that seemed to not be patted, had a huge problem with it. I have never witnessed the CO touch a female on the ship.

The information in the statement above and on the 1 attached page(s) is true to the best of my knowledge and belief.

WITNESS _____ DATE 8/8/10
SIGNATURE OF INVESTIGATOR _____ DATE 8/8/10

ENCLOSURE (27)

I was in the CO's stateroom one night with [redacted], [redacted], and [redacted]. We were watching a movie. I did not see anything that was out of the ordinary while watching the movie. The CO sat next to [redacted], and I was directly behind them, and never saw anything inappropriate occur as what was declared in the report.

B(3)

On a couple of instances, [redacted] and [redacted] have asked me if an investigation were to get put up, what would I say and would I ever help to put an investigation together. I told them that I would tell investigators the truth and that I never felt uncomfortable or uneasy with situations on the ship and never saw anything inappropriate done to others. I also said that I would 'absolutely' never put in a complaint, since I never felt uncomfortable or had any issues.

I was approached one night by [redacted] and [redacted] and told that they, along with [redacted] and [redacted], had sent up a formal complaint to the Navy IG. I was completely shocked and upset by this. [redacted] told me that this has been 'brewing' for a while and that an enlisted member on the bridge had to be taken off the watch-bill because he was being 'groped' up on the bridge. [redacted] did not tell me the member's name (I found out later it was [redacted]). [redacted] only told me that [redacted] had confided in him [redacted] about being fondled on the bridge. [redacted] stated that he "needed to send up the IG complaint because of the situation" (CO conduct?) "getting out of control" and that he needed to "help those that cannot help themselves." Well, I know that there are avenues to deal with this and asked if this was brought up to the CO at all. [redacted] said that it was tried, and was not successful, as [redacted] still felt too uncomfortable to stand his watches up on the bridge with the Captain for fear of more "groping." I never heard of this or witnessed it, but I am not in a place to call out someone for lying when I had no idea either way. I do not know [redacted] and have no reason to suspect that he would want to lie to

B(3)

B(6)

B(3)

All told, I have never been uncomfortable and I have never witnessed anything inappropriate from the Captain. I am good friends with both parties on this issue (those who put up the IG report and those who are mentioned as being "victims.") I take, and have always taken, a pretty neutral side with this and tried to 'ignore' it as it has happened (the IG report being sent up). I have heard comments from people from time to time about how friendly and comfortable the Captain is with a select few on the ship, but these are just rumors that I hear--rumors never end well. I take them (the rumors) the same as the folks that say we are extending on deployment or our next port call is San Diego (our homeport).

ENCLOSURE (27)

INTERVIEW OF ...

DATE: 8 Aug 2010
PLACE: USS PELELIU
RELEVANCE: Reported Witness
ORDER: Investigating officer ordered [redacted] not to discuss the meeting or conversations during the meeting with anyone.

B(3)

INTERVIEW SUMMARY:

1. [redacted] said that the Commanding Officer (CO) was most professional but that one could tell that the CO could not stand incompetent personnel.
2. [redacted] had witnessed the CO giving pats on the back as he walked on the bridge.
3. Meeting in the CO's in-port cabin - Attendees were [redacted]. Some wore their PT uniform to the CO's in-port cabin.
4. [redacted] was upset that the [Hotline] complaint was filed. He believed that [redacted] were trying to get people on their side. He identified names mentioned in the complaint: [redacted], and [redacted]. [redacted] said that he tried to stay neutral.
5. [redacted] had heard of "playing defense," a way that females came between the CO and male crew member.
6. Investigator asked [redacted] what caused the four to file a Hotline complaint, and he said it was brewing. He knew that the "girls" asked if he was uncomfortable with CO touching. He never saw anything to feel uncomfortable. He had duty with [redacted]; and [redacted] asked him if something was bothering him and he asked "Do you think the CO is gay?" [redacted] said that he honestly did not know, but knew the CO was married.
7. CO does not touch women, but he observed [redacted] and [redacted] being on bridge together and it was intense, and busier than normal. The CO told them that they did well and said, "[redacted] if you weren't a girl, I'd hug you."
8. Investigator asked [redacted] what he thought motivated the four to submit a Hotline complaint, what triggered the filing. [redacted] said that nothing could be done to [redacted] for filing, [redacted] had the orders that he wanted, and [redacted] had recently been promoted to [redacted]. In addition, [redacted] and [redacted] were [redacted] and [redacted] knew [redacted].

B(3)

B(3)

B(3)

B(6)

ENCLOSURE (28)

INTERVIEW OF

DATE: 8 Aug 2010
PLACE: USS PELELIU
RELEVANCE: Reported Victim
ORDER: Investigating officer ordered [redacted] not to discuss the meeting or conversations during the meeting with anyone.

B(3)

INTERVIEW SUMMARY:

1. [redacted] said that he had never been touched inappropriately by the Commanding Officer (CO). However, he described touches by the CO as arm grabs, shoulder rubs, pats on the back/shoulder, or elbow nudges.
2. [redacted] said that CO touched females and males. However, later in his testimony, he said that he had not seen the CO touch any females.
3. [redacted] said there was one incident on the bridge with him and CO that was scrutinized. That incident was when the CO grabbed him by the arm, held his arm and the CO slid his hand to [redacted]'s elbow. [redacted] said that he did not find the arm grab/slide offensive. [redacted] said that [redacted] saw the incident and that he saw her laughing. [redacted] said he thought, "OK, she'll think this is favoritism." The favoritism was that the CO was spending time with him.
4. [redacted] said [redacted] are physical and one of the ways to thank someone is by patting the person on back.
5. [redacted] said that the Executive Officer (XO) had never spoken to him.
6. [redacted] had heard the CO is gay, but he said the CO had a wife and kids.
7. [redacted] did not feel anything inappropriately had happened and he had no problems with CO touching him.

ENCLOSURE (29)

WITNESS STATEMENT

FULL NAME

SSN

RATE/RANK

USS PELELIU LHA-5
COMMAND

DIVISION

B(3)

I, _____, hereby make the following statement
to _____ who has been identified as an
Investigating Officer at NAVCENT

This statement concerns my knowledge regarding

THE INCIDENT OF CAPT. SCHNELL TOUCHING ME. HE PLACED HIS
HAND ON MY RIGHT RIB WHILE HE WAS PASSING BY. THIS
IN NO WAY DID I FEEL IT WAS OUT OF LINE OR INAPPROPRIATE.
CAPT SCHNELL ON OCCASION WOULD GIVE ME A PAT ON THE
SHOULDER OR BACK FOR WORK I HAD DONE.

I DON'T FEEL HE HAS EVER TOUCHED ME INAPPROPRIATELY AND
HE HAS NEVER OFFERED ANY FAVORS OR INCENTIVES.

The information in the statement above and on the 1 attached
page(s) is true to the best of my knowledge and belief.

SIGNATURE OF WITNESS

1 07 AUG 10

DATE

SIC

INVESTIGATOR

1 7 AUG 10

DATE

(USE ADDITIONAL PAGES AS NECESSARY)

ENCLOSURE (30)

INTERVIEW OF

DATE: 7 Aug 2010, 1:34 pm
PLACE: USS PELELIU
RELEVANCE: Reported Victim
ORDER: Investigating officer ordered _____ not to discuss the meeting or conversations during the meeting with anyone.

B(3)

INTERVIEW SUMMARY:

1. _____ has been in the Navy _____ and has been on board the ship for _____. He has a very good LPO (_____) who reported _____.
2. About 4 months ago, I told my DIVO, _____, that the CO grabbed my stomach and that the CO sometimes does stuff like that. I personally did not find that behavior intrusive. The CO is kind of touchy feely, but he's a great guy. I did not report this touching per se. I just told my DIVO.
3. On the occasion of the touching, the CO caught my rib area. It was weird. He usually only touches my shoulders.
4. _____ knew the CO because he v_____. When _____ left, the CO gave him a coin and shook his hand and put his other hand on the sailor's shoulder. No big deal.
5. _____ stated that if he ever felt victimized, he would go to his chain of command, starting with _____.
6. At the _____ shop, everyone joked about the "Captain Touches." _____ are some of the members in _____'s shop. There are too many other members to list them all.
7. The CO does not bother _____. He's just very touchy-feely, even with _____'s family (the CO met the witness's wife and while shaking her hand, he placed his other hand on her shoulder).
8. Whenever anyone from _____'s shop sees him talking to the CO, he get teased about it, the jokes start up.
9. In addition, if anyone in his shop/department had an issue or needed something, they would tease the _____ and then ask, "Why don't you talk to the CO about it?" This was said because, as a favorite, the perception was that _____ could go straight to the CO.
10. The CO has never shown him favoritism, never made any promises. _____ insisted that he's just friendly and touchy-feely.

ENCLOSURE (31)

11. Not sure how the conversation came up with the DIVO where the [redacted] told him the CO touched his rib section, but [redacted] suspects the DIVO believes [redacted] was a favorite of the CO based on all the jokes from the [redacted] shop.

ENCLOSURE (31)

08 Aug, 2010

From: /
To:

B(3)

1. Since checking onboard the USS PELELIU, I heard rumors that XO's (CAPT Schnell) has favorites. In the beginning of my tour, those favorites were _____ and _____. Both Sailors work for me in the _____ Department. I'm not sure if there were other favorites in other departments or not as I did not know who everyone onboard.
2. Within the Chief's mess, I have heard jokes about the current CO's (CAPT Schnell) preference for _____. I have no specifics on why he is _____ the "favorite".
3. I have heard that the CO also has favorites within the wardroom. Those names are: _____ and _____. In relation to that, I have heard that _____ received his OOD qualification after a discussion with the CO where he answered several questions correctly rather than a SWO board which is the normal procedure. I understand that he also got this qualification in a far shorter amount of time than his counterparts.
4. Regarding the CO touching Sailors, I did witness him lightly touch the forearm of _____ after Captains Mast. This was also in view of _____ and _____.
5. In July 2010, _____ told me that he had a conversation with _____ where he (_____) stated that the CO had touched him on his wrist underneath his wristwatch, rubbing the top of his wrist. _____ asked that he not be required to stand anymore watches on the bridge with the CO. _____ was immediately removed from that watchbill and _____ spoke to the XO (Capt Cox) about the situation the following day. I was told by _____ that the XO discussed the situation with the CO. _____ has not mentioned any problems about this situation personally.

V/R

ENCLOSURE (32)

INTERVIEW OF

LCPO

DATE: 6 Aug 2010, 8:02 am
PLACE: USS PELELIU
RELEVANCE: Witness (knowledge of touching events)
ORDER: Investigating officer ordered not to discuss the meeting or conversations during the meeting with anyone.

B(3)

INTERVIEW SUMMARY:

1. _____ is the _____ department LCPO. She is also the _____ The ship recently had a suicide attempt that resulted in serious injury to the sailor. Reason for suicide attempt was that this sailor was teased and harassed by members of the engineering department. He was called gay and homosexual to the point that he wanted to kill himself. The Senior Chief is unaware of any training ordered to address the harassment.
2. The _____ stated that the folks in the chief's mess joke that the CO prefers young men or male junior officers (JOs). One of her sailors in weapons department went to the Department head in private to request assistance. The sailor was _____ and the dept head was _____
3. _____ confided to his DH that the CO gets very close to him; that the CO put his fingers underneath his watch band. The level of discomfort had grown to a point that _____ asked to be removed from watch.
4. _____ did not share with the CMEO because _____ did not come to her for a CMEO complaint. _____ learned of _____'s complaint from _____. She further stated that _____ had no reason to lie; that she had all the confidence that _____ was telling the truth.
5. The fact that the CO has male JOs as favorites extends even to NJP. There are whispers at the command that the CO will punish females more than males. In addition, _____ got his watch qualification when the CO decided to ask him several questions on the bridge and qualified him on the spot. [_____ did not take the board, in fact, it was _____ who qualified without a formal OOD board]
6. _____ mentioned to _____ that _____ did not take a Watch Board. The CO presented _____ with the letter of qualification in front of the entire officer's mess.
7. The incident witnessed by _____ involved _____ was part of the group in the fosc'le immediately after NJP. It is a tight room with people lined around the room waiting for the CO. _____ was standing by the door. When the CO entered the room, the CO touched _____ on the forearm (his sleeves were rolled up). _____ was clearly embarrassed as everyone in the

ENCLOSURE (33)

room knew the rumors about the CO's favorites. After the CO did that, [redacted] looked at [redacted] and said, "Did you see that?" Given the rumors, that touching made an impression.

8. [redacted], [redacted], and [redacted] are viewed as the CO's favorites. He speaks with them, invites them to officer functions that JOs usually do not attend; they get OOD qualified without a board. The word is that the three JOs can get whatever they want.

9. A couple of females were also viewed as favorites: [redacted] and [redacted]

B(3)

10. PT gear is only allowed in the gym unless you have permission to wear for events.

11. In response to Investigators' question regarding [redacted] knowledge of JOs watching movies in the CO's in-port cabin, she said she was aware they did and that she believed it is out of the ordinary to have JOs in the CO's in-port cabin to watch movies; also out of the ordinary to allow them in his in-port cabin in PT gear.

12. The general perception in the officers' and chiefs' messes is that the CO has favorites on the ship and they are mostly young men and includes two females ([redacted] and [redacted]).

13. [redacted] reported for duty on the ship on 10 Jun 2009. The CO was the XO at the time. He fleeted up to CO in September 2009. The CO (then XO) already had "favorites." One was [redacted] and the other was [redacted]. The CO spent a lot of time with them and was very complimentary with them. The Chiefs' mess joked regularly about the CO's favorites, which included [redacted] (although he was [redacted] then). The Chiefs would say stuff like, "Hey, [redacted] why is your photo on the CO's desk?"

ENCLOSURE (34)

WITNESS STATEMENT

FULL NAME _____

SSN _____

RATE/RANK _____

USS PELIUV LHA5
COMMAND

DIVISION _____

B(3)

I, _____, hereby make the following statement to _____ who has been identified as an Investigating Officer at PELIUV.

This statement concerns my knowledge regarding INAPPROPRIATE TOUCHING IR1 COMMANDING OFFICER AND VARIOUS OTHER SENIORS. I HEARD FIRST HAND FROM THAT THE CO TOUCHED HIM WHEN GOING UP A LADDERWELL. WE WERE ON THE BODINE WHEN THIS CONVERSATION TOOK PLACE AND I ASKED IF HE HAD SAID ANYTHING TO THE CO AND HE SAID NO. I HAVE HEARD PREVIOUSLY ABOUT STORIES ABOUT THE CO GRABBING THE ZIPPER OF COVERALLS AND UNZIPPED THEM, THIS WAS A SECOND HAND STORY. THERE HAVE EVEN BEEN STORIES ABOUT ME WEARING MY BINOCULARS ON MY LEFT HIP SO THAT THE CO. WOULD NOT GRAB ON ME. THE ONLY TIME THE CO EVER TOUCHED ME WAS AFTER THE STRAITS TRANSIT, HE TAPPED ME ON THE SHOULDER AND TOLD ME GOOD JOB AS THE COMMANDING OFFICER. THERE ARE 2ND AND 3RD HAND CONVERSATIONS ABOUT MAINE OFFICERS USING FEMALE OFFICERS AS DEFENSE TO THE CO. I HAVE NOT PERSONALLY SEEN THIS BUT I HAVE HEARD STORIES OF THIS. MOST STORIES ARE ABOUT THE CO ARE ABOUT MAGES AND I ONCE ASKED THE QUESTION "I WONDER IF HE WAS A TOUCHY FEELY GUY AT HIS LAST COMMAND." THE CO IS LIKE A FATHER FIGURE TO THESE YOUNG JUNIOR OFFICER SWSO'S.

The information in the statement above and on the CO attached page(s) is true to the best of my knowledge and belief.

SIGNATURE OF WITNESS _____

DATE

1 08 AUG 10

SIGNATURE OF INVESTIGATOR _____

DATE

1 08 AUG 10

(USE ADDITIONAL PAGES AS NECESSARY)

ENCLOSURE (34)

INTERVIEW OF _____, _____

DATE: 8 Aug 2010, 9:04 am

PLACE: USS PELELIU

RELEVANCE: Witness

ORDER: Investigating officer ordered _____, not to discuss the meeting or conversations during the meeting with anyone.

B(3)

INTERVIEW SUMMARY:

_____ has been in the Navy for _____. I arrived on the ship in _____. The CO was the XO at the time.

1. _____ claimed the CO has only touched him with a pat on the back for doing a good job.
2. The witness said he has never heard of "Captain Touches."
3. He was also unsure if the touches at this command are more frequent than anywhere else, since this is his first tour with so much contact with officers.
4. _____ has not noticed anything out of the ordinary on the bridge.
5. Jokes and comments the _____ heard regarding the CO include that the CO will visit the bridge more often if certain officers are on watch. Those officers are _____ and _____.
6. _____ once told this witness and others on the bridge that he was going up the ladder when the CO started to grab him. The _____ asked the _____, "Did you say anything to the CO?"
7. The _____ did mention an incident involving _____ while on watch. It was before the Darwin port visit. The story was that the CO grabbed _____'s zipper on his uniform and zipped it up and down. _____ was the one who told the _____, "Did [_____] tell you about what happened with the CO?" _____ then proceeded to explain what he knew happened to _____. It made _____ wonder out loud if the CO was always so touchy feely. When asked what the catalyst for such a statement was, the _____ replied, "just all the talk about the CO..."
8. The witness claimed he was unaware of any incident involving _____ however, he did say _____ is an outstanding 4.0 sailor.
9. While on the bridge, _____ wears his binoculars on his left hip. That is the way he always wears his binoculars because he is left handed and it is much more comfortable to wear it

ENCLOSURE (3S)

this way. However, the fact that [redacted] was on the bridge during the CO's visit and his binoculars were always on his left hip, it became part of the joke on the bridge that he was protecting himself from the CO.

10. [redacted] knows what the term "playing defense" is. According to the [redacted] the girls would block the CO from certain males, since the CO never bothered or touched females. The [redacted] said that he has never needed the females to "play defense" for him.

11. The [redacted] was there when the CO came to the bridge, grilled [redacted] for approximately 20-25 minutes, and gave [redacted] his qualification and OOD certificate on the spot.

B(3)

INTERVIEW OF

DATE: 8 Aug 2010, 9:15 am

PLACE: USS PELELIU

RELEVANCE: Witness

ORDER: Investigating officer ordered [redacted] not to discuss the meeting or conversations during the meeting with anyone.

B(3)

INTERVIEW SUMMARY:

1. [redacted], stated that she had heard of the Commanding Officer (CO) patting crew members on the shoulder/back but "no one complained." According to [redacted] the CO does not touch females, and she thought if he did that that would be perceived as sexual harassment.
2. [redacted] had heard of the CO playing with [redacted] s uniform zipper and heard of the CO touching [redacted]
3. [redacted] was aware that [redacted] had seen the CO touch a crew member.
4. [redacted] s and [redacted] are roommates, but do not hang out together.
5. During [redacted] 's OOD watch, she had not noticed the CO touching or noted anything inappropriate by the CO. However, she did see him grab a pocket once.
6. [redacted] was not aware of a Hotline complaint being filed.
7. [redacted] said that the CO talks to all of us, but the CO relates more to "a kind of people," e.g. [redacted] and [redacted]
8. There was a reception onboard the USS PELELIU and afterwards she went to stateroom where [redacted] and others were partying. She did not stay long and could not remember what was being discussed.
9. [redacted] stated that she did not know anything about "playing defense."
10. [redacted] attended one movie night in the CO's in-port cabin and had heard that the CO touched the waist of [redacted] during the movie. All attendees at the movie were in their PT uniform. It was dark in the cabin. Although [redacted] did not say anything to I [redacted], she did hear that the CO touched [redacted] during the movie.

ENCLOSURE (37)

11. [redacted] said that she did not like to get involved with gossip. She had not heard anything about anyone being uncomfortable with the CO's touching. She had heard from [redacted] that CO had touched a [redacted] [inappropriately] but she had not spoken with [redacted] about the incident.

12. She did attend a boat trip [Darwin] and she was on the same boat as CO, XO, [redacted] and herself. She did not see anything but heard that the CO was taking pictures of ENS [redacted] and that it was weird. All had been drinking a lot during the boat trip.

B(3)

ENCLOSURE (37)

INTERVIEW OF :

DATE: 7 Aug 2010, 12:30 am
PLACE: USS PELELIU
RELEVANCE: Identified as Possible Witness
ORDER: Investigating officer order not to discuss the meeting or conversations during the meeting with anyone.

B(13)

INTERVIEW SUMMARY:

1. _____ n received the _____ r award. The Commanding Officer (CO) and Executive Officer (XO) nominated him. The CO notified and congratulated him in the CO's in-port cabin.
2. _____ said that the CO had never touched him in any way other than to pat him on the back.
3. _____ was familiar with the allegations (Hotline complaint). He said that the complaint was submitted by _____, _____, and _____. He believed these four individuals' perceptions were the problem. He thought that they should have spoken to the CO before filing. The four used words such as "sexual predator." Their basis was that the CO was inappropriately touching people and based on touches to the oblique area and other parts. The four believed that _____, _____, and _____ had been touched by the CO. However, the four that were supposedly touched said that it was a joke, e.g., "I got an oblique grab." _____ said that he had never been touched "inappropriately."
4. _____ rooms with _____
5. _____ said that he was not involved in the complaint.
6. On the night the junior officers learned that it was known about _____ some of the group talked to _____ about the issue. According to _____, who did not speak to the Chaplain, the Chaplain told them that it was bad idea to go to the CO. If they went, it could put them at risk.
7. I _____ did not know if anyone went to the Command Master Chief about the issue.
8. _____ said that any suggestion of favoritism was absolutely not true, there was no discrimination. He said that if someone was not good at their job the CO would get angry. CO favored people who were good at their jobs.
9. _____ spoke with _____, heart-to-heart, and he said that people were talking about the fact that _____ had been taken off the watch about a month earlier.

ENCLOSURE (38)

10. [redacted] n said about a month ago, all touching stopped by the CO. Females were never touched by the CO.

11. [redacted] thought the [Hotline] complaint was "crazy."

12. Investigator asked what occurred to cause the complaints to take the action they did and break from the group who liked and supported the CO. [redacted] said that he could not point to any thing. B(3)

13. [redacted] said that he had never heard of "playing defense." No one had ever discussed "playing defense" with him.

14. [redacted] said he may have been perceived as part of the group, but he was not part of it. He characterized the group as acting like a sorority/fraternity.

15. CO is great and touching has been misinterpreted 100%.

INTERVIEW OF

DATE: 6 Aug 2010
PLACE: USS PELELIU
RELEVANCE: Complainant
ORDER: Investigating officer ordered not to discuss the meeting or conversations during the meeting with anyone.

INTERVIEW SUMMARY:

B(3)

1. [redacted] serves as the [redacted] on USS PELELIU and reported onboard in [redacted]. [redacted] said that there have been lots of conversations about the Commanding Officer's (CO), CAPT D. A. Schell, behavior or favoritism towards certain young male officers. As the [redacted] had never discussed the CO's behavior with CO or Executive Officer (XO). She identified members of a group that hang together: [redacted], [redacted], and [redacted].
2. Unless otherwise stated as personal observation, [redacted] shared the following incidents as she had heard about regarding the CO's behavior.
3. On 20 June 2010 at approximately 2000 to 2400, [redacted] was the Officer of the Deck (OOD). [redacted] learned that the CO unzipped and unbuttoned [redacted] uniform and touched [redacted]. After the incident, [redacted] would not say anything. On the day that a reception was held on board the ship, [redacted] joined others including [redacted] hanging out in a stateroom. Before this event, [redacted] would not share what happened or say anything. In one of the group's stateroom ([redacted]), [redacted] shared that he was hanging on rope on the bridge and the CO unbuttoned and unzipped his uniform and the CO touched his hand to [redacted]'s skin, had skin on skin (CO and [redacted]).
4. Darwin boat trip - [redacted] emailed the CO that "the group" wanted to go on the boat trip which cost approximately \$25 per person. [redacted] requested that the group be on either one large boat or three smaller boats. [redacted] received notification from CO that "the group" was approved. [redacted] mentioned to the CO that she was surprised that the group got tickets and thanked him. [redacted] stated the CO said, "Oh was it that obvious?"
5. The entire "group" was assigned to a large boat. While on the boat, all were drinking alcohol. At some point, the CO, also on the large boat with the XO and others, came over to [redacted] and rested both arms on [redacted]'s left and right shoulders and bent over showing him pictures.
6. [redacted] also observed the CO taking digital pictures of [redacted] as the CO sat across from him on the Darwin boat trip. The CO had a digital camera resting on his knees and

ENCLOSURE (39)

it appeared he took pictures of _____ was sitting with hands in his lap and was occasionally rubbing his stomach. She did not know what part of _____'s body was photographed when the camera is placed at such an angle.

7. Movie Night at CO's in-port cabin - _____ heard about the movie night from J. The group was sitting in Wardroom Lounge getting ready to watch a movie when the CO suggested that they watch the movie in his in-port cabin. The movie was "Space Balls." Once in the cabin, the ceiling was leaking and CO kept moving his chair closer to J. After the movie, _____ said that the CO had touched him skin on skin near his side under PT uniform. There was no alcohol involved.

B(3)

8. _____ - Happened as described in the complaint. C _____ I spoke with _____ s and _____ had _____ taken off bridge watch. According to _____, the CO crossed the line when CO put his fingers under _____ watch band and that CO rolled his fingers down _____ spine. _____ r said this was a sexual offer and believed it was a sexual assault. She believed that the CO's actions were wrong morally.

9. _____ witnessed CO touching and grabbing the pockets of male officers, his favorites are tall and blue eyed.

10. The CO has invited two of the male junior officers to his home. The first was _____ and his wife and the second invitation was _____

11. _____ r had talked to _____ about the CO's touching.

12. Some junior female officers "play defense" to protect young male officers from the CO and then position themselves between CO and the male officer.

INTERVIEW OF

→, WATCH STANDER

DATE: 8 Aug 2010, 11:35 am
PLACE: USS PELELIU
RELEVANCE: Reported Victim
ORDER: Investigating officer ordered not to discuss the meeting or conversations during the meeting with anyone.

INTERVIEW SUMMARY:

1. [redacted]'s name came up as a witness in the course of the investigation.
2. [redacted] only recalls ever being patted on the back. [redacted] considered it as a friendly gesture from the CO. Stated that the CO pats everyone, male or female.
3. Has never seen the CO grab a sailor by the pocket or belt buckle.
4. The second division jokes about or complains about the CO touchings. [redacted] in [redacted] division.
5. Sometimes, [redacted] gets joked about because he is "friends" with the CO. [redacted] does not believe [redacted] get special treatment.
6. [redacted] mentioned that if he ever saw the CO touch someone on their side, it was to get them out of his way when the CO left the bridge.
7. [redacted] did say he has heard the QMs talk about the CO in a joking manner, such as, "did you get your good morning pat?"

B(3)

ENCLOSURE (1/0)

INTERVIEW OF

, BRIDGE WATCH

DATE: 7 Aug 2010, 3:22 pm
PLACE: USS PELELIU
RELEVANCE: Identified as Possible Witness
ORDER: Investigating officer ordered not to discuss the meeting or conversations during the meeting with anyone.

B(3)

INTERVIEW SUMMARY:

1. I've been in the Navy ' s and on this ship for .
2. I have not personally witnessed any touching incident involving the CO. He does come to the bridge with some frequency, as expected... usually first thing in the morning around 0500, then right after lunch around 1300 and at night after sunset. He usually stays 20 minutes to a 1/2 hour. He also always shows up when there is a contact.
3. There are always 4 officers on the bridge at all times. I do not have much interaction with the officers.
4. I have heard i and () " talk about an incident where a JO was standing next to the CO, who was sitting in the his chair on the bridge. They said the CO pulled the JO toward him by pulling on the JO's pocket. They joked about that. I think they thought it was funny because it looked like the CO was hitting on the JO. I think this happened about a month ago just after the Darwin port visit.
5. The CO likes to touch - on the shoulder, shake hands.
6. I keep to myself at work and off work. I do not have anything else to offer.

ENCLOSURE (4/1)

10 AUG 10
Date

MEMORANDUM FOR THE RECORD:

I _____ have been advised of my right to have an
advocate assigned to me pursuant to OPNAVINST 5354.1F.

I DO DO NOT request the services of an advocate.

Print Name: _____

Signature: _____

B(3)

ENCLOSURE (42)

8 Aug 10
Date

MEMORANDUM FOR THE RECORD:

I _____ have been advised of my right to have an advocate assigned to me pursuant to OPNAVINST 5354.1F.

I DO DO NOT request the services of an advocate.

Print Name: _____

Signature: _____

B(3)

8 AUG 68
Date

MEMORANDUM FOR THE RECORD:

I _____ have been advised of my right to have an advocate assigned to me pursuant to OPNAVINST 5354.1F.

I DO / DO NOT request the services of an advocate.

Print Name: _____
Signature: _____

B(3)

8 Aug 10
Date

MEMORANDUM FOR THE RECORD:

I _____ have been advised of my right to have an
advocate assigned to me pursuant to OPNAVINST 5354.1F.

I DO / DO NOT request the services of an advocate.

Print Name: _____
Signature: _____

B(3)