



UNITED STATES MARINE CORPS

MARINE CORPS BASE

PSC BOX 20004

CAMP LEJEUNE, NC 28542-0004

IN REPLY REFER TO:

5354

EOA

MEMORANDUM ENDORSEMENT on CWO3 Goodluck' inves 5800 MAH of 7 Mar 11

From: Equal Opportunity Advisor, Marine Corps Base, Camp Lejeune
To: Commanding Officer, Marine Corps Base, Camp Lejeune

Subj: EQUAL OPPORTUNITY REVIEW OF INVESTIGATION OF ALLEGED SEXUAL
HARASSMENT BY CORPORAL HEATHER DEVILDOG XXX XX 1584/5811 USMC

Ref: (a) MCO P5354.1D w/ch1
(b) MCO 1000.9A
(c) MCO 1700.23F
(d) NAVDIR 1700.23F

1. As directed by the references, and in accordance with Appendix I, of the DoD Equal Opportunity Review Criteria, I have conducted a review of the basic investigation that contains the alleged facts and circumstances surrounding the subject incident.

2. The following information is forwarded for your review, in consideration of the final disposition of the allege sexual harassment by Sergeant I. A. Powers:

a. The investigation did not comply with the timelines per MCO P4354.1D w/ch1.

(1) The commanding officer requested an extension no letter of approval was with the case. Due to an administrative oversight an extension letter was provided on 4 April. (para. 5006.6)

(2) The commanding officer did not forward investigation for Equal Opportunity sufficiency review in the prescribe timeframe. (para. 5006.5)

b. This investigation provides the Commanders with a detailed look into the equal opportunity formal complaint on sexual harassment to support Corporal Heather Devildog, according to reference (a), para. 2009, and reference (b). With regards to the Investigating Officer CWO3 Goodluck, the alleged complaint was adequately addressed for determination of the finding of fact [(1)] see enclosure (3), (4), (6), (7), (8), (10), (12), and opinions (1), (2), (4). The allege complaint did not adequately address other equal opportunity related issue brought forth see enclosure (2), and (3) in reference to discrimination remarks.

(1) Sexual harassment is a form of discrimination that involves unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of sexual nature.

(2) The elements of sexual harassment states for a person's behavior to be considered sexual harassment, it must meet three criteria: (1) it must be unwelcome, (2) it must be sexual in nature, and (3) it must occur in or impact on the work environment.

c. Corporal Devildog felt she was sexually harassed based on comments and physical contact by Sgt Powers. Her allegations and the statement made by

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Sergeant I Sawit [enclosure (4), and letter of admittance (12) support her complaint of sexual harassment. I concur with IO that her allegation of sexual harassment opinion (1), and (2) is founded/substantiated.

3. In response to the recommendations.

a. In enclosures (6), (7), and (8), supporting documentation indicates that the unit has a robust EO training program however, enclosure (10) indicates that Staff Noncommissioned Officers are not part of the command's EO training.

b. Do not concur with recommendation (2), this is not supported by evidence for this investigation.

4. Recommendation:

a. Although the alleged offender, Sgt Powers, has been reprimand by his superiors, the commanding officer should endorse the command investigation and clearly state, as required by the reference, whether the allegations of sexual harassment is **Substantiated** or **Unsubstantiated**.

b. Indicate recommended disposition of the case despite the disposition that has already been rendered.

D. EO ADVISOR