



UNITED STATES MARINE CORPS
HEADQUARTERS AND EQUAL OPPORTUNITY SUPPORT BATTALION
PSC BOX 20004
PATRICK AIR FORCE BASE, FL 32945-0004

IN REPLY REFER TO:
5354
EOA
10 Sep 12

From: Major Sherlock Holmes 1243/0202 USMC
To: Commanding Officer, Headquarters and Equal Opportunity Support Branch
Subj: COMMAND INVESTIGATION REGARDING THE EQUAL OPPORTUNITY COMPLAINT THAT
ORIGINATED ON OR ABOUT 22 July 2012

Ref: (a) JAGINST 5800.7E
(b) MCO P5354.1D w/ch1

Encl: (1) General Court Martial Convening Authority Notification dtd 23 Jul 12
(2) Investigating Officer Appointment ltr dtd 26 Jul 2012
(3) Request Mast Application ICO Cpl Peterson
(4) Narrative Sworn Statement of Cpl Peterson's Interview
(5) Equal Opportunity Complaint by Cpl Peterson
(6) E-mail from SSgt King to Cpl Peterson dtd 14 Jul 12
(7) Narrative Sworn Statement of Cpl Richardson's Interview
(8) Equal Opportunity Complaint by Cpl Richardson
(9) Narrative Sworn Statement of LCpl Yarmouth Interview
(10) Equal Opportunity Complaint by LCpl Yarmouth
(11) Equal Opportunity Complaint by MSgt Johnson
(12) Article 31 Rights ICO SSgt Thomas
(13) Narrative Sworn Statement of SSgt Thomas
(14) Article 31 Rights ICO SSgt King
(15) Request for Extension dtd 26 Aug 12
(16) Extension Approval dtd 28 Aug 12

PRELIMINARY STATEMENT

1. Pursuant to enclosure (1) and in accordance with the references (a) and (b), a Command Investigation was conducted to inquire into the circumstances surrounding several equal opportunity complaints alleging that Staff Sergeant (SSgt) Robert King and SSgt Jacob Thomas made statement disparaging women in the Marine Corps and inappropriate racist, religious, and sexist comments towards Corporal (Cpl) Brittany Peterson, Cpl Amy Richardson, and Lance Corporal (LCpl) Tammy Yarmouth. A copy of Cpl Peterson's written equal opportunity complaint, as well as, an equal opportunity statement from the unit's Equal Opportunity Representative (EOR), Master Sergeant (MSgt) Ross Johnson was provide. With the exception of SSgt King, interviews were conducted with all witnesses, and alleged offenders with first-hand knowledge of the events. This investigation covered events which began in January 2012 and carried on through 19 July 2012.

2. SSgt Sergeant Robert King exercised his Article 31 rights not to make a statement on 28 July 2012. On 28 July 2012, SSgt Jacob Thomas was advised in writing of his Article 31 rights, and elected to waive his rights and answer my questions. I conducted an interview for approximately four hours while SSgt Thomas was under oath. The following day, 29 July 2012, SSgt Thomas informed me he was invoking his rights to seek legal counsel at which point I cease contact with SSgt Thomas and did not ask him any further questions concerning the allege incident. Enclosure (13) is a summary of my 28 July 2012 interview with SSgt Thomas.

Subj: COMMAND INVESTIGATION REGARDING THE EQUAL OPPORTUNITY COMPLAINT THAT
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3. Due to the unit being heavily engaged in supporting operations in Afghanistan, the investigation has taken longer to complete than originally anticipated. The command also needs this additional time to comply with the requirement under the reference (b) for the investigation to be reviewed by the Staff Judge Advocate for Marine Corps Base Dignity and Respect Command (Forward) and the Equal Opportunity Advisor (EOA) prior to the command endorsement. Given that the EOA is not geographically located the command must send the investigation to the EOA at Patrick Air Force Base, Florida for review.

4. I consulted Colonel Stinger, Staff Judge Advocate for Defense Equal Opportunity Management Institute, and Lieutenant Colonel Miller, Staff Judge Advocate for Headquarters and Equal Opportunity Support Battalion, during the course of this investigation for guidance and legal review.

5. All documentary evidence included herein is either the original or certified true copy.

FINDING OF FACT

1. Cpl Peterson and SSgt Thomas worked together in the supply shop before SSgt King got there. [Encls (4), (13)]

2. Cpl Richardson and SSgt King worked together approximately two months prior to meeting SSgt Thomas. [Encls (7), (13)]

3. Cpl Peterson, who is Caucasian, has a biracial son who is half Caucasian and half African American. [Encls (3), (4), (5), (7), (8), (9), (10), (13)]

4. SSgt Thomas stated SSgt King has a problem with females. [Encls (13)]

5. SSgt Thomas said he's heard SSgt King say "Where are my waitresses", "females are idiots", and "females have smaller brains." [(13)]

6. Cpl Peterson has had a conversation with SSgt King about her personal life. [Encls (4)]

7. SSgt King previously served as an Infantry Marine and participated in direct combat action during the first invasion of Iraq. [Encls (13)]

8. Both males and females Marines would often make jokes about sexually oriented subjects that were not initially direct towards any single person. [Encls (4), (5), (7), (10), (11), (13)]

9. Cpl Peterson did not have an issue with SSgt Thomas's remarks until SSgt King showed up. [Encl (4)]

10. Cpl Peterson did request to not go to the field on Saturday's and Sundays to attend religious services. [Encls (3), (4), (5)]

11. Cpl Peterson stated it is against her religion to engage in combat operation. [Encls (3), (4), (5)]

Subj: COMMAND INVESTIGATION REGARDING THE EQUAL OPPORTUNITY COMPLAINT THAT
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12. Cpl Peterson, Cpl Richardson, LCpl Yarmouth, SSgt Thomas, and SSgt King all worked in the Supply Warehouse. [Encls (4), (5), (7), (8), (9), (10), (11), (13)]
13. Cpl Richardson first met SSgt Thomas in January 2012. [Encls (7), (8)]
14. While working in Supply SSgt Thomas and SSgt King personally directed sexually and racially discriminating remarks in reference to female Marines working in the section. [Encls (3), (4), (5), (6), (7), (8), (9), (10), (13)]
15. Cpl Richardson and SSgt King got into a verbally altercation in which SSgt Thomas had to step between SSgt King after he made an aggressive move towards her. [Encls (7), (8), (13)]
16. While in Supply, SSgt King and SSgt Thomas, who is Caucasian, made disparaging comments about Cpl Peterson preferring African American men, and calling her a whore. [Encls (4), (5), (8)]
17. SSgt Thomas said that Cpl Peterson was incompetent and is using the EO channel to make up for her deficiencies. [Encl (13)]
18. SSgt King and SSgt Thomas continued to make inappropriate sexually discriminatory comments personally directed at Cpl Peterson, and Cpl Richardson. [Encls (3), (4), (5), (7), (8), (9), (10), (11), (13)]
19. While in the Supply bay SSgt King told the Marines to paint an item black and see if it turns on Cpl Peterson. [Encls (8), (10)]
20. SSgt King held a sausage on his leg in the erect position and told others including Cpl Peterson and Cpl Richardson to "sit on it" and "come on Cpl Richardson you know it's not your first time." [Encl (10)]
21. SSgt King told Cpl Richardson "you know you want me" after she stood next to him. [Encl (7)]
22. While in the work section, LCpl Yarmouth said she heard SSgt King say "women are stupid because they have smaller brains, and they are only good for sex." [Encls (9), (10)]
23. While in the shop, LCpl Yarmouth overheard SSgt King and SSgt Thomas making derogatory comments about Cpl Peterson and her biracial son being an abomination, and speculating that he would be in prison before high school. [Encls (9), (10)]
24. While on the dock LCpl Yarmouth heard SSgt King told SSgt Thomas that women are stupid. [Encl (9)]
25. LCpl Yarmouth stated Cpl Peterson had a card on her desk that her son made and it was orange and SSgt King made a racist remark about the color saying he was making his prison jumpsuit. [Encls (9), (10)]
26. SSgt King left a envelope near Cpl Richardson desk with nude picture of his wife, and her referring to his penis size. [Encls (4), (7)]

Subj: COMMAND INVESTIGATION REGARDING THE EQUAL OPPORTUNITY COMPLAINT THAT
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27. SSgt King and SSgt Thomas created an uncomfortable and tense work environment for Marine around them due to the inappropriate remarks. [Encls (4), (5), (6), (7), (8), (9), (10), (11)]
28. Cpl Peterson or Cpl Richardson did not bring up the Equal Opportunity issue with their Chain of Command because SSgt King was their SNCOIC, and they wanted to keep it at the lowest level. [Encls (4), (7), (9)]
29. Captain Taylor had no knowledge of the EO issues within his shop until after they were brought to MSgt Johnson. [Encl (4), (7), (9)]
30. On or about 19 July 2012, LCpl Yarmouth contacted MSgt Johnson the unit's Equal Opportunity Representative about inappropriate sexually and racially discriminatory remarks about Cpl Peterson. [Encls (10), (11)]
31. 19 July 2012, each Marine wrote a statement requesting to handle the situation at the lowest level. [Encls (5), (8), (10)]
32. On 20 July 2012, MSgt Johnson went to the section and spoke to the Marine and asked them to write a statement. [Encl (11)]
33. 20 July 2012, MSgt Johnson informed Colonel Diaz that there is an equal opportunity complaint and that he was collecting statements. [Encl (11)]
34. 21 July 2012, MSgt Johnson initiated a request mast as a third party for Cpl Peterson. [Encls (3), (11)]
35. 21 July 2012, Colonel Bender received an request mast from Cpl Peterson of allege discrimination race, religion, sexual harassment by SSgt King and SSgt Thomas. [Encl (3)]
36. On or about 6 August, Colonel Bender directed SSgt King and SSgt Thomas be removed from the Supply shop. [Encl (13)]
37. On or about 22 July 2012, Major Holmes met with SSgt King and read him Article 31 rights and gave him the opportunity to make a statement regarding the sexual, racist, and discriminatory remarks to Cpl Peterson. [Encl (14)]
38. SSgt King said to Cpl Peterson and Cpl Richardson that he needs to watch is remarks because it could be an EO issue. [Encls (4), (5), (7), (8)]

OPINIONS

1. All accounts of the involved consistently verifying that SSgt King and SSgt Thomas made personally directed sexually and racially discriminating remarks directed primarily towards Cpl Peterson, but also included her biracial son and the other two females in Supply. [FF (8), (14), (16), (19), (20), (23), (25), (30), (37)]
2. Cpl Peterson had and conversation with SSgt King regarding her personal life prior to the development of this situation. Many of the Marines in the work section are joking around about sexually oriented topics although many indications are that nothing was personally directed, sexist or racist, and Cpl

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Peterson took no offense to this initial joking. This is not surprising as Marines in just about any unit will joke around sexually from time to time. [FF (6)]

3. SSgt King and SSgt Thomas joking were clearly racially and sexual in nature, however, I think due to SSgt King's time as a grunt may have played a role in his behavior I do not think he meant any harm to Cpl Peterson. [FF (7)]

4. SSgt King and SSgt Thomas were having leadership struggles at the NCO level with Cpl Peterson and Richardson. It doesn't seem as though these two NCO's are capable of leading Marines at their current grade. [FF (15), (17)]

5. Due to SSgt King and SSgt Thomas not having a prior working relationship may have added to the tension in the workspace. [FF (4)]

6. The leadership struggles, combine with SSgt King's derogatory opinion of women in the military, set the conditions for the increase conflict between SSgt King, SSgt Thomas, and the three female co-workers. [FF (1), (2), (4), (5), (9), (14), (15), (24)]

7. Because these issues were not address previously it escalated from normal joking around to personally degrading sexist and racist comment which negatively impacted the section. [FF (8), (29), (33)]

8. Additionally, it seems clear that SSgt Thomas did not start making inappropriate comments until SSgt King came aboard at which time he choose poorly following SSgt King's lead instead of choosing the opportunity as a peer to correct him before the situation escalated. [FF (9)]

9. SSgt King and SSgt Thomas conduct was unwanted, sexist, racist, and disrupted the good order and discipline that created a hostile work environment. [FF (16), (18), (19), (20), (21), (22), (23), (24), (26), (27), (30)]

10. SSgt King has issues adapting to a different job after serving in the Infantry in combat. It seems he is still dealing with issues and may have Post Traumatic Stress Disorder (PTSD). [FF (7)]

11. LCpl Yarmouth first witness SSgt King and SSgt Thomas making inappropriate sexist and racist remarks. Had she not come forward when she did, the situation would have continued to escalate. [FF (25)]

12. Finally, after reviewing all the facts regarding the allegations of sexist and racist remarks by SSgt King and SSgt Thomas, I believe the allegation of sexual harassment and discrimination is substantiated.

RECOMMENDATIONS

1. There is no need for further investigation as the facts consistently proves SSgt King and SSgt Thomas made inappropriate remarks in violations of reference (b).

2. Recommend appropriated disciplinary and/or administrative action for both SSgt King and SSgt Thomas.

Subj: COMMAND INVESTIGATION REGARDING THE EQUAL OPPORTUNITY COMPLAINT THAT
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3. Recommend appropriate mental health counseling for SSgt King in order to address potential PTSD before he deploys again.
4. Recommend separating the two SNCO's to create a better working environment.
5. Recommend appropriate follow-up counseling for all Marines in Supply to educate them on how to address EO issue and to make them aware of the EO process.
6. Conduct EO training with the unit to be given by the appropriate individual and properly train Officer's and SNCO's on the EO process. In addition, give training on the proper conduct and expectation of Marine in the workplace for all ranks to help identify potential issue before they escalate.

S. HOLMES

Copy to:
SJA, HQ&EO SPT BN
EOA, MCD&RC



UNITED STATES MARINE CORPS
HEADQUARTERS AND EQUAL OPPORTUNITY SUPPORT BATTALION
PSC BOX 20004
PATRICK AIR FORCE BASE, FL 32945-0004

IN REPLY REFER TO:
5354
EOA
23 Jul 12

From: Commanding Officer
To: Commanding General, Marine Corps Dignity and Respect Command
Subj: EQUAL OPPORTUNITY COMPLAINT BY CORPORAL BRITTANY PETERSON XXX-XX-9832/0147 USMC

Ref: (a) MCO P5354.1D w/ch1

Encl: (1) Corporal Peterson's Request Mast of 22 Jul 12

1. Per reference (a), this written report containing a detailed description of the allegation of an equal opportunity complaint is submitted.
2. On 19 July 12, while Corporal Peterson was the subject of inappropriate sexist, racist, religious, and sexual harassing remarks from Staff Sergeant Robert King and Staff Sergeant Jacob Thomas
3. On 21 July 12, Corporal Peterson contacted the Equal Opportunity Representative, Master Sergeant Ross Johnson.
4. On 22 July, Corporal Peterson submitted a formal equal opportunity complaint in the form of request mast.
5. An investigating officer, Major Sherlock Holmes, has been appointed to conduct a command investigation into the allegations.
6. He can be reached at (321) 555-1515.

H. T. BENDER

Copy to:
SJA, HQ&EO SPT BN
EOA, MCD&RC

Enclosure (1)





UNITED STATES MARINE CORPS
HEADQUARTERS AND EQUAL OPPORTUNITY SUPPORT BATTALION
PSC BOX 20004
PATRICK AIR FORCE BASE, FL 32945-0004

IN REPLY REFER TO:
5800
LEGAL
26 Jul 12

From: Commanding Officer
To: Major Sherlock Holmes XXX XX 1243/0202 USMC

Subj: COMMAND INVESTIGATION REGARDING THE EQUAL OPPORTUNITY COMPLAINT THAT
ORIGINATED ON OR ABOUT 22 JULY 2012

Ref: (a) JAGINST 5800.7F

1. This appoints you, per Chapter II of reference (a) to inquire into the facts and circumstances surrounding the equal opportunity complaint that originated on or about 22 July from the Supply section.
2. Investigate the basis of the complaint, and personnel who may have been involved as well as any fault or responsibility therefore, and recommend appropriate administrative or disciplinary action. Report your findings of fact, opinions, and recommendations in letter form by 10 August 2012, unless an extension of time is granted. If you have not previously done so, read Chapter II of reference (a) in its entirety before beginning your investigation.
3. You may seek legal advice from the Defense Equal Opportunity Management Institute Staff Judge Advocate.
4. By copy of this appointing order, Commanding Officer, Headquarters Company, is directed to furnish necessary clerical assistance.

H. T Bender

Copy to:
Legal, HQ&EO SPT BN

Enclosure (2)



THE
OFFICE OF THE
ATTORNEY GENERAL
STATE OF NEW YORK

IN SENATE
JANUARY 10, 1911

REPORT
OF THE
COMMISSIONER OF THE LAND OFFICE
IN RESPONSE TO A RESOLUTION
PASSED BY THE SENATE
JANUARY 10, 1911

ALBANY:
J.B. LIPPINCOTT & CO. PRINTERS
1911

THE
OFFICE OF THE
ATTORNEY GENERAL
STATE OF NEW YORK

MARINE CORPS REQUEST MAST APPLICATION
NAVMC 11296 (Rev. 6-97)
 U/I: EA

PRIVACY ACT STATEMENT

Authority: Title 5, U. S. Code 301; Title 10, USC Section 5013

Principal Purpose: Formal filing of complaints/problems to command personnel.

Routine Uses: To provide a record to facilitate personnel management actions and decisions; to serve as a data source for complaint/problem information and resolution efforts.

Disclosure: Disclosure is voluntary. Failure to complete the requested items could result in delayed command action and/or an inaccurate/incomplete analysis of the complaint/problem.

PART I: TO BE COMPLETED BY THE APPLICANT

1. NAME: Brittany Peterson		2. RANK: Cpl	3. SSN: 784-02-9832
4. UNIT: Headquarters and Equal Opportunity Support Battalion		5. RACE/ETHNIC GROUP: White/German	
6. GENDER: Female		7. DATE:	
8a. I desire to Request Mast with: (Provide the name and billet of the Commanding Officer with whom you desire to communicate.): Colonel Heis N. Charge, Commander Headquarters and Equal Opportunity Support Battalion			
8b. NATURE OF COMPLAINT/PROBLEM: (Give in as much detail as possible the basis of your complaint; describe the incident(s)/behavior(s) and date(s) of the occurrence(s); the names of the individuals involved, witnesses and to whom it may have been previously reported. Include any other information relevant to your complaint/problem. Attach additional sheets, as needed). I have been receiving racist, religious, and sexist comments from within my section and I want it to stop. I have told the SNM's to stop on multiple occasions. When they started to verbally attack my son, and questioning my values this is where I drew the line. I do not like coming to work anymore because I have to see them everyday knowing how they treat me. I requested to be pulled off the upcoming deployment because my religious beliefs don't allow me to engage in combat, or work on Saturdays or Sundays.			
8c. REQUESTED REMEDY/OUTCOME: (Clearly state what assistance or complaint resolution you are seeking from the commanding officer named in 8a above.) I would like to handle this using the Informal Resolution System. I think they should give a class on professionalism and equal opportunity. I do not want an apology because I know it would not be sincere.			
9. AFFIDAVIT I, <u>Cpl Brittany Peterson</u> , have read this statement which begins in Block 8b on this page (page 1) and ends on page <u>2</u> . I fully understand the statement made by me and certify the statement is true. I have initialed all corrections. I make this formal statement without threat of punishment and without coercion, unlawful influence, or unlawful inducement.			
_____ (SIGNATURE OF APPLICANT/DATE)			

NAVMC 11296 (Rev 6-97) PAGE 2

PART II: TO BE COMPLETED BY THE OFFICER CONDUCTING REQUEST MAST

10. DISPOSITION. (Provide a detailed explanation of actions taken or attempted to resolve the complaint/problem, to include any other referrals. If an inquiry/investigation was initiated as a result of this complaint, provide the type conducted and the results. Attach additional sheets as necessary.)

- SSgt King and SSgt Thomas were removed from the work section
- Informal Resolution System request honored:
 - SSgt Thomas to prepare class on professionalism
 - SSgt King already in route back to CONUS for follow-on action in the rear
 - Command EOR MSgt Johnson to administer a class on Equal Opportunity
 - No apology was mandated per Cpl Peterson's Request
- CO directed a Command Investigation of alleged discrimination. Pending results, the CO will consider disciplinary action for SSgt Thomas and forward all recommendation for disciplinary action to LtCol Sheis
- Waiting for actions on SSgt King.

COMMANDING OFFICER SIGNATURE/DATE**PART III: APPLICANT'S ACKNOWLEDGMENT OF REQUEST MAST**

(Applicant should initial/complete the appropriate statement(s))

BP I have had the opportunity to communicate directly with my Commanding Officer named in Block 8a and understand the disposition or probable disposition of my problem/complaint.

_____ I have had the opportunity to communicate directly with _____
(name and billet of commanding officer subordinate to officer named in Block 8a), understand the disposition or probable disposition of my problem/complaint, and voluntarily withdraw this Request Mast.

_____ I have not had the opportunity to communicate directly with my Commanding Officer named in Block 8a.

_____ I have had the opportunity to communicate directly with my Commanding Officer named in Block 8a but have not been informed of the disposition or probable disposition of my problem/complaint.

WITNESS' SIGNATURE/DATE_____
APPLICANT'S SIGNATURE/DATE

EQUAL OPPORTUNITY COMPLAINT INVESTIGATION

Cpl Peterson's – EO COMPLAINT FOLLOW-UP QUESTION

Privacy Act Statement: ☐ Completed ☐ Not Required

Oath: "Do you swear or affirm that the evidence you shall give in the matter now under investigation shall be the truth, the whole truth, and nothing but the truth (so help you God)?"

☐ Completed ☐ Not Completed

Article 31 Rights (As required)

Verified SNM EO statement and signature

☐ Completed ☐ Not Required

☐ Completed ☐ Not Completed

Remind SNM not to discuss their statements or this interview with anyone

☐ Completed ☐ Not Completed

Date time and location of interview: 28 July 12 / 14:25/ G-2

Are you aware of Article 107 of the UCMJ, making a false official statement?

-Cpl Peterson stated she is aware of the article pertaining to making false official statements and understands that she or any other Marine can be held accountable for making such statements.

In your own words, describe the Marine Corps and CO's policy on EO.

-“Everyone has an equal shot no matter race, gender, religion”

-“Looking at someone's personal belief, and not discriminating against them because of their beliefs.”

Have you had unit level EO training? When and Where?

-Cpl Peterson stated she recalls some form of EO training during the “Back in the Saddle” training in January, and prior to leaving for deployment

-Cpl Peterson stated MSgt Johnson of Supply is the Equal Opportunity Representative for the unit and he is also in theatre with the unit.

When did you first met SSgt King? When and where do you recall SSgt King first making these types of racial, sexist, religious, and sexual harassing remarks?

-Cpl Peterson stated she first recalls SSgt King around Aug of 2010. She recalls this because it was around the same time as her son's birthday

-When asked if there was any specific correlation between her son's birthday and meeting SSgt Kings for the first time she stated no, that's just how she remembers it.

-Cpl Peterson stated SSgt King “Always made some comments, but after SSgt Thomas and him became friends they became more frequent and more derogatory from that point forward.”

-Cpl Peterson stated she told SSgt King she can't go on this deployment because it is against her religion to engage in combat. She also stated she requested to not go to the field on Saturday's and Sunday's due to her religious services, and SSgt King told her to suck it up.

When did you first meet SSgt Thomas and tell me about the first time you heard him make these types of comments?

-Cpl Peterson recalls meeting SSgt Thomas when she first checked into HQ&EO Spt Bn in early spring of 2012.

EQUAL OPPORTUNITY COMPLAINT INVESTIGATION

-She said SSgt Thomas was never really like this until SSgt King will come around.

-She felt SSgt Thomas did perceive her a certain way, but never really starting saying anything until SSgt King would come around.

Who is the SNCOIC that you report to? OIC?

-SSgt King is the SNCOIC, and Captain Fillmein Taylor is my OIC

Did you bring up these issues to your SNCOIC/OIC? If so, what did they do about it?

-Cpl Peterson stated because SSgt King is her SNCOIC and the person with whom she has the issue she did not bring it to his attention.

-Cpl Peterson stated her OIC Captain Taylor is usually not around, and she had to get approval from the SSgt's to talk to the Captain.

-Cpl Peterson said she did not contact MSgt Johnson the EOR because she wanted to handle it at the lowest level.

-When ask if MSgt Johnson know about it, she said he did come down and talk to them after LCpl Yarmouth spoke with him, but she said she told him she just wanted them to teach a class on professionalism and EO.

When did you contact MSgt Johnson, your EOR, to make your statement?

-Cpl Peterson stated, when he came to the office after talking to LCpl Yarmouth he had her write a statement. She said that she told MSgt Johnson there was as issue that needed addressing because of the work environment, and it could be resolve by them giving classes on the issue.

Has anyone else in the unit made these kinds of remarks? If so, who?

-Cpl Peterson stated she was not aware of anyone else making these remarks except SSgt Thomas.

Is there anything in your EO statement you would like to add to or clarify?

-Cpl Peterson clarified that she may not have the exact times and dates of each incident, but they happened quite frequently.

-She stated the incident where the writing on the board from the junior Marines may have been a friendly joke, but SSgt King made it sexual with is remarks.

Is there any other pertinent information you'd like to add?

-Cpl Peterson stated SSgt King would constantly ask the females to go get him stuff, but would asked where are his waitresses when referring to females.

What was in the envelope that SSgt King had? Tell me about that.

-SSgt King's wife sent him a care package and it was addressed "Big Daddy" section, and he asked who is all here because it was nude pictures.

--Cpl Peterson felt SSgt Thomas was more professional when SSgt King was not around. SSgt Thomas was recently promoted, whereas, SSgt King has been a SSgt for a while.

-Cpl Peterson stated if SSgt King probably wouldn't care one way or another if he returns to the section, he is set in his ways and only care about himself.

-Cpl Peterson stated SSgt King only apologize once after making a comment to her, but didn't feel like she was sincere. After making comments about her son she no longer respected him, nor wanted to be in her presence.

EQUAL OPPORTUNITY COMPLAINT INVESTIGATION

Follow-up Questions

Did you ever confront SSgt King or SSgt Thomas about inappropriate comments in attempt to make them stop? Have you seen anyone else confront them?

-Cpl Peterson said she did confront them about making comments, especially in front of junior Marines.

-Cpl Peterson said she never witness anyone else confronting them, but was told by SSgt Thomas that she had given a direct order when she told them to cut it out despite her rank.

Have you ever had a conversation with SSgt King or SSgt Thomas about your personal life?

-Cpl Peterson said, no she did not feel comfortable talking to SSgt King because of his views.

-Cpl Peterson said, she did speak with SSgt Thomas on a few occasions before any of this started happening.

Have you ever joked around about your personal life with SSgt King or SSgt Thomas?

-Cpl Peterson said they use to joke around a lot, but then SSgt King started making inappropriate sexual remarks especially in front of junior Marines. She did not like the impression they were having on the Marines because of it.

-Cpl Peterson said SSgt King said if she hooked up with him sexually, he would keep SSgt Thomas from messing with her about her prayers.

-Cpl Peterson stated she confided with SSgt King once about issues in her personal life, but only to seek advice.

I, Cpl Peterson, do swear or affirm that this interview statement summary provided in the matter now under investigation has been truthfully, freely and under oath as indicated at the beginning of this document.

(Member's Signature)

(Witness's Signature)

EQUAL OPPORTUNITY CONTACT SHEET

Authority: Title 5. U.S. Code 301; Title 10. USC Section 5013
Principle Purpose: Informal and Formal filing of complaints to command personnel
Routine uses: To provide a record to facilitate personnel management actions and decisions. To serve as a data source for complaint information and resolution efforts.
Disclosure: Disclosure is voluntary. Failure to complete the requested items could result in delayed command action and/or inaccurate/incomplete analysis of the complaint.

COMPLAINANT INFORMATION

Unit & Unit EOR's Name: HQ&EO Spt Bn, MSgt Ross Johnson		
Rank: Cpl	Full Name: Brittany Peterson	SSN: XXX XX 9832
Gender: Female	Race/Ethnicity: White/French	Unit/Section:
Date: 7/19/12	SgtMaj: SgtMaj Williams	Cmdr: Col Bender

Nature of Complaint / Concern:

I, Cpl Peterson, am writing this statement in regards to the actions and comments made by two Marine SNCO's, in my work section. There has been continuous, completely unprofessional, and inappropriate comments made since SNM was sent into warehouse. This Marine has attacked by sexuality, my faith, my competency, my child, and my reputation.

Both Marines, SSgt King and SSgt Thomas constantly express their opinion about my sexuality. Both Marines will make comments implying that I sleep around and I'm dirty. They make comments like; don't leave anything black lying around Cpl Peterson might get excited. If there is anything in my vicinity that looks anything like a sexual object they'll referred to it sexually and say things like "look Cpl Peterson a dildo". He asked me once if hooked with him sexually he will not let SSgt Thomas mess with me at work, I said "no" and it's been hell every since. I take time throughout the day to pray, and they would come over an interrupt me saying "Allah is not welcome here, don't you believe in God", when I said my faith is not up for debate they went on to say, "Well you spend money in America right, in God We Trust in on your money so you must believe in God, or you confuse?" These are just a few examples that I can recall, but this are said to me daily. I do not want to go to combat because it's against my religion, and SSgt King keeps telling me to suck it up. Based on my religion I cannot kill people, or be in associate in combat. I feel like I'm the subject of jokes and I don't want to be in the Marine Corps anymore because my leadership won't do anything about it. The section is about to go to the field and I have service every Saturday and Sunday and I want to attend, but SSgt told me I'm going and that's that.

The Marines often make comments that degrade my competency as a Marine and a Noncommissioned Office. They always make their remarks in front of junior Marines, which undermine my authority. SSgt King says that I am stupid all the time, but that is because I am a female. It does not say the same to males who make similar leadership decisions. He said that female Marine are only around to be morale boosters. SSgt Thomas would make snickering remarks about the way I would perform my duties. Often stating that my section was all fucked up. There have been times SSgt Thomas would call me a Cpl in training implying that I do not deserve this rank.

Enclosure (5)

The one issue that mostly concerns me about the comment SSgt King has made about my son. My son is biracial, half white and half black. SSgt King has made some derogatory comments due to his ethnicity. A few days ago looked on my desk and saw a birthday card my son made in class, and depicting a orange stocking. He said I can see he understands his future, and I asked him what is he trying to say. He stated, "He is getting to know the color of his prison jumpsuit." SSgt King has no business speaking about my 3 year old son in this manner. I am a great mother, and my son and I are all we got. I work hard to ensure he is well taking care of. I am very disappointed in how Marine SNCO's would indicate how I am as a mother.

Finally, I feel as though my reputation as a Marine Noncommissioned Officer has been destroyed due to their accusations. SSgt King told Cpl Richardson that I have slept with half the unit's black guys, and a few Hispanics. For him to say this to a female Marine one can only imagine what he has said to the male Marines.

In conclusion, I do not know what I did to give these Marines this impression of me; however, I find their actions to be extremely unprofessional. I think as SNCO's that should know better. Everyone is entitled to their opinion, but they should be mindful of it in the workplace. I do not feel comfortable coming to work anymore. I think these Marines should have to give a class on professionalism and equal opportunity. I do not want an apology; because I know it would not be sincere. I would prefer for them to work in another section where maybe some GySgt's or senior SNCO's can monitor their behaviors.

Complainants Signature

Unit's EOR Signature

Narrative of Complaint: Please complete an EOR Contact Sheet every time you are presented with an issue or possible issue involving actual or perceived Discrimination, Sexual Harassment, Hazing or Fraternization. Give as much detail as possible based on the complaint. Describe the incident(s), behavior(s), dates(s), and occurrences. The name(s) of all individuals involved, including witnesses, and to whom this has been previously reported. Include any other information relevant to the complaint. Attach additional sheets/entries to describe the method of resolve (i.e. "leadership issue, Briefed SNCOIC/OIC" or "Forwarded to Bn for action" etc) and complainant satisfaction. Ensure that you maintain a copy for your files and forward hard copy or e-copy to base EOA in order to keep me informed. Be as clear and specific as possible.

Peterson Cpl Brittany (HQ & EO Spt Battalion)

From: King SSgt Robert (HQ & EO Spt Bn, Supply Chief)
Sent: Wednesday, July 14, 2012 3:18 PM
To: Peterson Cpl Brittany (HQ & EO Spt Bn)
Subject: WAKE THE HELL UP

Wake up Marines,

If you idiots don't get it together we are going to be the laughing stocks of the command. I don't know why there is so much immaturity and finger pointing going on in the warehouse. We are falling apart in the section because many of you are whining like little girls. You need to suck it up and act like Marines. If you can't handling God's Marine Corps maybe you should've consider joining the Army or Navy. I'm not here to babysit a bunch of NCO's, if you can't handle your responsibilities let me know and I'll get with the CO to conduct a competency review board. If you're going to be the NCOIC then be the NCOIC, but conduct yourself accordingly.

Part of my job is to take care of Marines, and ensure they are employed correctly. You may not like how I go about it, but I did not solicit your opinion. Your personal opinion MUST be set aside to accomplish the mission. You maybe the NCOI, but the buck stops with me the HEAD SNOIC, I'm sure some of you can read between the line. Don't hinder my progress or I will railroad you like a train. If there is a specific way something has to be done get it done!

I don't want the Captain thinking we are all incompetent because of a select few. You WM's need to pick up the pace this will be the last time I tell you this. If you don't help each other you will fail.

I hope something about what I said make sense to you. If not, let me know, I can either give you further instructions or get you out of this section.

Respectfully,

Robert King, SSgt
Headquarter and Equal Opportunity Support Battalion
366 Tuskegee Airmen Dr.
Patrick AFB FL 32925
(321) 494-1245
visit us at www.deomi.org

Enclosure (6)

ORIGINAL ARTICLES

THE EFFECT OF VITAMIN C ON THE BLOOD SUGAR OF NORMAL SUBJECTS
J. H. HOLLAND, JR., M.D., and J. H. HOLLAND, JR., M.D.

It is well known that the blood sugar of normal subjects is maintained at a constant level by the action of the pancreas. The purpose of this study was to determine the effect of vitamin C on the blood sugar of normal subjects. The subjects were divided into two groups, one receiving vitamin C and the other receiving a placebo. The blood sugar was measured at intervals of 15 minutes during the test. The results showed that the blood sugar of the subjects receiving vitamin C was significantly lower than that of the subjects receiving the placebo.

The results of this study indicate that vitamin C has a hypoglycemic effect on the blood sugar of normal subjects. This effect may be due to the action of vitamin C on the pancreas, which is the organ responsible for the production of insulin. The hypoglycemic effect of vitamin C may be useful in the treatment of diabetes mellitus.

The hypoglycemic effect of vitamin C was observed in all of the subjects who received it. This effect was not observed in the subjects who received the placebo. The hypoglycemic effect of vitamin C was observed in all of the subjects who received it.

The hypoglycemic effect of vitamin C was observed in all of the subjects who received it. This effect was not observed in the subjects who received the placebo. The hypoglycemic effect of vitamin C was observed in all of the subjects who received it.

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EQUAL OPPORTUNITY COMPLAINT INVESTIGATION

Cpl Richardson – EO COMPLAINT FOLLOW-UP QUESTION

Privacy Act Statement: ☐ Completed ☐ Not Required

Oath: "Do you swear or affirm that the evidence you shall give in the matter now under investigation shall be the truth, the whole truth, and nothing but the truth (so help you God)?"

☐ Completed ☐ Not Completed

Article 31 Rights (As required)

Verified SNM EO statement and signature

☐ Completed ☐ Not Required

☐ Completed ☐ Not Completed

Remind SNM not to discuss their statements or this interview with anyone

☐ Completed ☐ Not Completed

Date time and location of interview: 29 July 12 / 0920 G-2

Are you aware of Article 107 of the UCMJ, making a false official statement?

-Cpl Richard's state yes she is aware of article 107

Have you had unit level EO training? When and Where?

-Cpl Richardson stated yes at the Back in the Saddle Training.

When did you first met SSgt King? When and where do you recall SSgt King first making these types of racial, sexist, religious, and sexual harassing remarks?

-Cpl Richardson stated back in February when they had a conversation about the Female Engagement Team (FET), and SSgt King responded in at hateful way stating "waste of government funds."

-Cpl Richardson said she recalls SSgt Kings saying females are the weaker sex.

Has SSgt Thomas made similar type comments? If so, what, when and where?

-Cpl Richardson stated SSgt Thomas comment wasn't as bad as SSgt King's but SSgt Thomas would jump on the bandwagon.

-Cpl Richardson said she don't recall SSgt Thomas calling women stupid.

-Cpl Richardson said SSgt Thomas would only make stupid comments when SSgt King was around.

-Cpl Richardson said when SSgt Thomas would make comments she would give him a look of disapproval, and he would ask it if offended her. When she said yes SSgt Thomas would apologize most of the time.

-Cpl Richardson said she was uncomfortable when both SSgt Thomas and SSgt King were around at the same time.

Who is the SNCOIC that you report to? OIC?

-SSgt King is the SNCOIC, and Captain Fillmein Taylor is my OIC

Did you bring up these issues to your SNCOIC/OIC? If so, what did they do about it?

-Cpl Richardson said initial no, she did not feel comfortable talking to Captain Taylor about it because it was an EO issue and she had already spoken with MSgt Johnson the EOR.

-Cpl Richardson stated she did tell the Captain the next day after filing her EO complaint.

Enclosure (7)

EQUAL OPPORTUNITY COMPLAINT INVESTIGATION

When did you contact MSgt Johnson, your EOR, to make your statement?

-Cpl Richards stated, she asked MSgt Johnson a few days before he came to their shop was he still the EOR for the unit. She said MSgt Johnson responded "yes why" and she said "I was just asking."

-Cpl Richardson stated a few days later when he came to the office after talking to LCpl Yarmouth he had her write a statement.

Has anyone else in the unit made these kinds of remarks? If so, who?

-Cpl Richardson stated she was not aware of anyone else making these remarks in the unit.

Is there anything in your EO statement you would like to add to or clarify?

-Cpl Richardson said her EO complaint was not in chronological order but was what she recalled

Is there any other pertinent information you'd like to add?

-Cpl Richardson stated he EO complaint about SSgt King talking about Cpl Peterson's son being an "abomination" and a "nigglet" happened on more than one occasion.

-Cpl Richardson stated SSgt King and SSgt Thomas constantly made inappropriate comments.

-Cpl Richardson said SSgt King once told her "you know you want me."

-Cpl Richardson said SSgt King said he better watch is mouth before he has an EO issue.

Additional information voluntarily disclosed by Cpl Richardson during my second interview.

-Cpl Richardson stated last week an envelope was left by her computer desk address to "Big Daddy" with nude picture of SSgt Kings wife. "Big Daddy" was referring to his penis.

I, Cpl Richardson, do swear or affirm that this interview statement summary provided in the matter now under investigation has been truthfully, freely and under oath as indicated at the beginning of this document.

(Member's Signature)

(Witness's Signature)

EQUAL OPPORTUNITY CONTACT SHEET

Authority: Title 5. U.S. Code 301; Title 10. USC Section 5013
Principle Purpose: Informal and Formal filing of complaints to command personnel
Routine uses: To provide a record to facilitate personnel management actions and decisions. To serve as a data source for complaint information and resolution efforts.
Disclosure: Disclosure is voluntary. Failure to complete the requested items could result in delayed command action and/or inaccurate/incomplete analysis of the complaint.

COMPLAINANT INFORMATION

Unit & Unit EOR's Name: HQ&EO Spt Bn, MSgt Johnson

Rank: Cpl	Full Name: Amy Richardson	SSN: XXX XX 1234
Gender: Female	Race/Ethnicity: White	Unit/Section: Supply
Date: 7/19/12	SgtMaj: SgtMaj Williams	Cmdr: Col Bender

Nature of Complaint / Concern:

I, Cpl Richardson, make the following statement in regards to certain EO issues that have been going on in my work center. The first time I met SSgt King, LCpl Yarmouth and I were having a conversation about the Lioness Program. SSgt King made a statement about how females should not be allowed to do that because they are weaker than men. The next encounter I had with SSgt King, we were moving containers in the warehouse and he stated, "if you have a vagina, you should know how to move stuff around it is like moving furniture in the house." The next incident I had with him he stated that Cpl Peterson son was an abomination and is a little "nigglet". He states she is constantly on her knees praying to "Allah" because she likes being on her knees. He later pulled me aside when I first got here stating that Cpl Peterson has slept with half the unit. He said in front the entire warehouse that females are all stupid because their brains are all smaller than his. SSgt King would pick up items in the warehouse and refer to them as a dildo and/or if you paint certain items black it would turn on Cpl Peterson. SSgt King has said on several occasions that he needs to watch his mouth because he knew it might be an EO issue. He is been holding acting strange since that conversation he had with Cpl Peterson. She said he tried to hook up with her, but she turned him down.

Complainant Signature

EOA/EOR Signature

Narrative of Complaint: Please complete an EOR Contact Sheet every time you are presented with an issue or possible issue involving actual or perceived Discrimination, Sexual Harassment, Hazing or Fraternization. Give as much detail as possible based on the complaint. Describe the incident(s), behavior(s), dates(s), and occurrences. The name(s) of all individuals involved, including witnesses, and to whom this has been previously reported. Include any other information relevant to the complaint. Attach additional sheets/entries to describe the method of resolve (i.e. "leadership issue, Briefed SNCOIC/OIC" or "Forwarded to Bn for action" etc) and complainant satisfaction. Ensure that you maintain a copy for your files and forward hard copy or e-copy to base EOA in order to keep me informed. Be as clear and specific as possible.

SAMPLE

EQUAL OPPORTUNITY COMPLAINT INVESTIGATION

LCpl Yarmouth's – EO COMPLAINT FOLLOW-UP QUESTION

Privacy Act Statement: ☐ Completed ☐ Not Required

Oath: "Do you swear or affirm that the evidence you shall give in the matter now under investigation shall be the truth, the whole truth, and nothing but the truth (so help you God)?"

☐ Completed ☐ Not Completed

Article 31 Rights (As required)

Verified SNM EO statement and signature

☐ Completed ☐ Not Required

☐ Completed ☐ Not Completed

Remind SNM not to discuss their statements or this interview with anyone

☐ Completed ☐ Not Completed

Date time and location of interview: 27 July 12/ 1505/ G-2

Are you aware of Article 107 of the UCMJ, making a false official statement?

-LCpl Yarmouth stated she is aware of the article pertaining to making false official statements and understands that she or any other Marine can be held accountable for making such statements.

In your own words, describe the Marine Corps and CO's policy on EO.

-“Everyone has an the right to do their jobs without harassment due to sex, race, religion, or rank.”

Have you had unit level EO training? When and Where?

-LCpl Yarmouth stated does recall EO training being done at a safety stand down last year.

When did you first meet SSgt King? When and where do you recall SSgt King first making these types of racial, sexist, religious, and sexual harassing remarks?

-LCpl Yarmouth stated he met SSgt King when he checked into the unit in January 2012, and SSgt King didn't start making those remarks until SSgt Thomas came around. Then he would focus on Cpl Peterson at first because her child was mixed, and she prayed a lot. Shortly after he started to talking about females in general, stating we're his waitresses.

When did you first meet SSgt Thomas and tell me about the first time you heard him make these types of comments?

-LCpl Yarmouth said he met SSgt Thomas in late January 2012 when he came in to see SSgt King. He recall SSgt Thomas making these comments after SSgt King would say he has to learn how to be a SNCO.

-LCpl Yarmouth said SSgt Thomas would only make comments when SSgt King was around.

Who is the NCOIC/SNCOIC that you report to? OIC?

-Cpl Richardson is my NCOIC, SSgt King is the SNCOIC, and Captain Fillmein Taylor is my OIC

Did you bring up these issues to your SNCOIC/OIC? If so, what did they do about it?

-LCpl Yarmouth said, no because they were the ones doing it so she reported it to MSgt Johnson the unit's EOR..

EQUAL OPPORTUNITY COMPLAINT INVESTIGATION

When did you contact MSgt Johnson, your EOR, to make your statement?

-LCpl Yarmouth stated she met with MSgt Johnson a few weeks ago regarding the inappropriate conduct of both SSgt King and SSgt Thomas

-LCpl Yarmouth said she initially went to Cpl Peterson because she could tell her demeanor had changed in the work section.

-LCpl Yarmouth stated the MSgt Johnson said he noticed a difference in the section as well.

Has anyone else in the unit made these kinds of remarks? If so, who?

-LCpl Yarmouth said she has no knowledge of anyone else.

Is there anything in your EO statement you would like to add to or clarify?

-LCpl Yarmouth answered no.

I, LCpl Yarmouth, do swear or affirm that this interview statement summary provided in the matter now under investigation has been truthfully, freely and under oath as indicated at the beginning of this document.

(Member's Signature)

(Witness's Signature)

EQUAL OPPORTUNITY CONTACT SHEET

Authority: Title 5. U.S. Code 301; Title 10. USC Section 5013
Principle Purpose: Informal and Formal filing of complaints to command personnel
Routine uses: To provide a record to facilitate personnel management actions and decisions. To serve as a data source for complaint information and resolution efforts.
Disclosure: Disclosure is voluntary. Failure to complete the requested items could result in delayed command action and/or inaccurate/incomplete analysis of the complaint.

COMPLAINANT INFORMATION

Unit & Unit EOR's Name: HQ&EO Spt Bn, MSgt Johnson

Rank: LCpl	Full Name: Katie Yarmouth	SSN: XXX XX 6789
Gender: Female	Race/Ethnicity: White	Unit/Section: Supply
Date: 7/19/12	SgtMaj: SgtMaj Williams	Cmdr: Col Bender

Nature of Complaint / Concern:

While working in the warehouse, everyday was comments made about women especially about Cpl Peterson. It was usually SSgt King, but every now and then SSgt Thomas would join in. It was mainly about her preference with black men, since her child was mixed, and about how incompetent she was. The would even make these comments when other sections came to the warehouse for supplies.

Since this deployment if there is anything cylindrical around SSgt King would hold it up and say "Paint it black and it would definitely turn on Cpl Peterson." Several times he would point to her baby picture and say he is an abomination. I few weeks ago a package came in with sausages in it, and SSgt King was sitting in the chair holding it in the erect position telling all of us to sit on it because he knew we wanted too. He told me, "Come on LCpl Yarmouth, you know it's not your first time." He also said women has smaller brains than his, and they're only good for blow jobs and anal sex, and if your wife or girlfriend won't do it, you should divorce them or break-up with them. He finish up by saying that's why God made man because he knew better. He said there should be an MCI for Slaves, and started laughing saying "no one heard that." He would consistently say he need to watch himself because he knew there was some snitches in the section, however, if he prayed to "Allah" or "Buddah" then maybe he would be alright since it's working for Cpl Peterson.

Complainant Signature

EOA/EOR Signature

Narrative of Complaint: Please complete an EOR Contact Sheet every time you are presented with an issue or possible issue involving actual or perceived Discrimination, Sexual Harassment, Hazing or Fraternization. Give as much detail as possible based on the complaint. Describe the incident(s), behavior(s), dates(s), and occurrences. The name(s) of all individuals involved, including witnesses, and to whom this has been previously reported. Include any other information relevant to the complaint. Attach additional sheets/entries to describe the method of resolve (i.e. "leadership issue, Briefed SNCOIC/OIC" or "Forwarded to Bn for action" etc) and complainant satisfaction. Ensure that you maintain a copy for your files and forward hard copy or e-copy to base EOA in order to keep me informed. Be as clear and specific as possible.

SAMPLE

EQUAL OPPORTUNITY CONTACT SHEET

Authority: Title 5. U.S. Code 301; Title 10. USC Section 5013
Principle Purpose: Informal and Formal filing of complaints to command personnel
Routine uses: To provide a record to facilitate personnel management actions and decisions. To serve as a data source for complaint information and resolution efforts.
Disclosure: Disclosure is voluntary. Failure to complete the requested items could result in delayed command action and/or inaccurate/incomplete analysis of the complaint.

COMPLAINANT INFORMATION

Unit & Unit EOR's Name: HQ&EO Spt BN, Ross Johnson

Rank: MSgt	Full Name:	SSN:
Gender: M	Race/Ethnicity:	Unit/Section:
Date: 7/19/12	SgtMaj: SgtMaj Williams	Cmdr: Col Bender

Nature of Complaint / Concern: (MEMO FOR RECORD)

On 19 July, LCpl Yarmouth came to speak to me about inappropriate behaviors that were going on in her section. It was mainly towards females Marines, and their work performance. I went down to the section to validate her claim and spoke with Cpl Peterson, Cpl Richardson, and LCpl Yarmouth and ask them to make statements. I have their statements on file. After reviewing the statements, I felt SSgt King and SSgt Thomas clearly violated the EO program. Their sexist and racist comments should not be tolerated. I have initiated a request mast procedure as a third party due to the current circumstances. Cpl Peterson seems to be the main focus of the verbal bashing.

Cpl Peterson would like to have the Marines remove from the section, give a class on professionalism, and the EO program. An apology will not suffice due to it being directed and not sincere.

These Marines have been wrongly treated by their SNCO's. I will speak to the CO about further actions.

Complainant Signature

EOA/EOR Signature

Narrative of Complaint: Please complete an EOR Contact Sheet every time you are presented with an issue or possible issue involving actual or perceived Discrimination, Sexual Harassment, Hazing or Fraternization. Give as much detail as possible based on the complaint. Describe the incident(s), behavior(s), dates(s), and occurrences. The name(s) of all individuals involved, including witnesses, and to whom this has been previously reported. Include any other information relevant to the complaint. Attach additional sheets/entries to describe the method of resolve (i.e. "leadership issue, Briefed SNCOIC/OIC" or "Forwarded to Bn for action" etc) and complainant satisfaction. Ensure that you maintain a copy for your files and forward hard copy or e-copy to base EOA in order to keep me informed. Be as clear and specific as possible.

SAMPLE

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

FULL NAME (ACCUSED/SUSPECT)	SSN	RATE/RANK	SERVICE (BRANCH)
Jacob Thomas	123-45-9878	E-6/SSgt	USMC
ACTIVITY/UNIT			DATE OF BIRTH
Headquarters and Equal Opportunity Support Battalion			5/27/83
NAME (INTERVIEWER)	SSN	RATE/RANK	SERVICE (BRANCH)
Sherlock Holmes	98-76-5432	O-4/Major	USMC
ORGANIZATION	BILLET		
Headquarters and Equal Opportunity Support Battalion	Intelligence Officer		
LOCATION OF INTERVIEW	TIME	DATE	
Patrick Air Force Base, Florida	0900	28 JUL 12	

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): Making sexist, racist religious, sexual harassment, and otherwise prejudice remarks in violation of Marine Corps Order on EO; Article 92: Failure to obey lawful order or regulation

(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; -----

(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)	TIME	DATE
SIGNATURE (INTERVIEWER)	TIME	DATE
SIGNATURE (WITNESS)	TIME	DATE

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)

EQUAL OPPORTUNITY COMPLAINT INVESTIGATION

SSgt Thomas's – EO COMPLAINT FOLLOW-UP QUESTION

Privacy Act Statement: ☐ Completed ☐ Not Required

Oath: "Do you swear or affirm that the evidence you shall give in the matter now under investigation shall be the truth, the whole truth, and nothing but the truth (so help you God)?"

☐ Completed ☐ Not Completed

Article 31 Rights (As required)

Verified SNM EO statement and signature

☐ Completed ☐ Not Required

☐ Completed ☐ Not Completed

Remind SNM not to discuss their statements or this interview with anyone

☐ Completed ☐ Not Completed

Date time and location of interview: 28 July 12 / 0900 / G-2

Are you aware of Article 107 of the UCMJ, making a false official statement?

-SSgt Thomas stated he was not aware of this article of this UCMJ article, so I briefed him on it and cautioned him against making a false official statement. He stated he understood.

How long have you been in HQ&EO Spt Bn? How long have you worked in Supply?

-SSgt Thomas stated he has been in the unit since November 2011. He is the Maintenance Management Chief and is working in the same work space as the Supply Marines.

Tell me about what it has been like working in Supply. How have things been going on in your work section?

-SSgt Thomas said the workplace seems to be going fairly well

-SSgt Thomas stated it has been times where he has to yell at some Marines, but that's normal.

Tell me about some of the people you work with in Supply.

-SSgt Thomas stated Cpl Peterson is inexperienced and she didn't fully understand her job.

-SSgt Thomas stated, SSgt King had pulled Cpl Peterson aside and tried to communicate with her via e-mail with a list of things she does wrong, but she continues to make mistakes.

-SSgt Thomas stated, he felt Cpl Peterson was closed minded and did not accept feedback from him. He said that SSgt King tried to work with her more to improve her knowledge, but she rejected his efforts as well. He stated he thinks Cpl Peterson does not like taking orders from males.

-SSgt Thomas stated, Captain Taylor would constantly question SSgt King and himself about the lack of knowledge the NCO's had in the section. They spoke about recommending a Competency Review Board on each of them because of their deficiencies.

-SSgt Thomas stated Cpl Peterson spends too much time praying and not enough time doing her job.

-SSgt Thomas said a few months ago Cpl Richardson wrecked the forklift and cause the section to have to do a safety class. He believes that Cpl Richardson should be placed in the office with the rest of the females because she can't keep up.

-SSgt Thomas said LCpl Yarmouth is an exception she is hard. She does not need the supervision that the NCO need.

EQUAL OPPORTUNITY COMPLAINT INVESTIGATION

***Have you ever SSgt King say any of the above? (Go down the list)**

-SSgt Thomas said he heard SSgt King say stuff in passing about Cpl Peterson's son, but he was joking. In his opinion what Cpl Peterson did on her own time was her business.

-SSgt Thomas said he over her Cpl Peterson telling SSgt King about her sexual past and how unpleasant it was.

***Have you joke around with SSgt King about any of this? (who, what, when)**

-SSgt Thomas answered "yes" to this question.

***When was the last time you communicated with SSgt King? (talk to, email, ect.)**

-SSgt Thomas stated "this morning" SSgt King sent an e-mail about what was going on because he thought this was ridiculous and females always get their way when they accuse people of something.

-When asked for a copy of the e-mail SSgt Thomas stated he have to seek legal counsel.

***Have you ever apologized to anyone for making these remarks? (who, when, where)**

-SSgt Thomas stated "no" because Cpl Peterson joked all the time and didn't think it offended her.

***Have you had unit level EO training? When and Where?**

-SSgt Thomas stated he would get personal e-mail from the EOR each month.

-SSgt Thomas said it's been awhile since he had annual EO training

***In your own words, describe the Marine Corps and/or CO's policy on Equal Opportunity**

-SSgt Thomas answered "pretty much anything that is offensive, sexual or racist, if you take offense to it, its EO"

***Is there anything additional information you would like to add**

-SSgt Thomas stated "Yes, I have a problem that because Cpl Peterson couldn't do her job she is now using the EO program to get back at me and SSgt King. It is unfair that females are allowed to get away with stuff like this. This is the Marine Corps and if she can't hack it she needs to get out"

-When asked if you have a problem with Cpl Peterson being female he said "no."

**On July 27, the day after the interview, I received an e-mail from Sgt Weddle at 1343 stating he was going to request legal counsel from this point forward at which time I consult the DEOME Staff Judge Advocate who advised me not to ask SSgt Thomas any further questions, or request his signature on any document unless he has indicated he has had the opportunity to speak with an attorney and wishes to proceed. I replied letting SSgt Thomas know I'd consulted with the SJA and that his legal counsel will advise him on what to do next. From this point forward I have ceased all efforts to interview SSgt Thomas. I verified the details contained in this statement are as accurate of a recollection that I have based on the handwritten notes I took during the interview and from which I drafted this summary

(Investigating Officer)

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

FULL NAME (ACCUSED/SUSPECT)	SSN	RATE/RANK	SERVICE (BRANCH)
Robert King	123-45-6789	E-6/SSgt	USMC
ACTIVITY/UNIT			DATE OF BIRTH
Headquarters and Equal Opportunity Support Battalion			9/12/81
NAME (INTERVIEWER)	SSN	RATE/RANK	SERVICE (BRANCH)
Sherlock Holmes	98-76-5432	O-4/Major	USMC
ORGANIZATION	BILLET		
Headquarters and Equal Opportunity Support Battalion	Intelligence Officer		
LOCATION OF INTERVIEW	TIME	DATE	
Patrick Air Force Base, Florida	0900	28 JUL 12	

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): Making sexist, racist religious, sexual harassment, and otherwise prejudice remarks in violation of Marine Corps Order on EO; Article 92: Failure to obey lawful order or regulation

☐

(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; -----

☐

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

☐

Enclosure (14)

(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)	TIME	DATE
SIGNATURE (INTERVIEWER)	TIME	DATE
SIGNATURE (WITNESS)	TIME	DATE

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)



UNITED STATES MARINE CORPS
HEADQUARTERS AND EQUAL OPPORTUNITY SUPPORT BATTALION
PSC BOX 20004
PATRICK AIR FORCE BASE, FL 32945-0004

IN REPLY REFER TO:
5354
EOA
26 Aug 12

From: Commanding Officer
To: Commanding General, Marine Corps Base Dignity and Respect Command
Subj: EXTENSION REQUEST TO FURTHER INVESTIGATE ALLEGATION OF DISCRIMINATION

Ref: (a) JAGINST 5800.7E (JAGMAN)
(b) MCO P5354.1D w/ch1

1. In accordance with the references, I respectfully request a thirty day extension of the deadline to complete the investigation into the allegations that two Staff Sergeants assigned to Alpha Company making discriminatory remarks of a sexual, gender, religion, and racial nature, to several female members of Alpha Company, Headquarters and Equal Opportunity Support Battalion. If this request is approved, the new deadline for completion of the investigation will be 11 September 2012.

4. The investigating officer has completed his finding of fact, opinions, and recommendations. Due to the unit being heavily engaged in supporting operations in Afghanistan, the investigation has taken longer to complete than originally anticipated. The command also needs this additional time to comply with the requirement under the reference (b) for the investigation to be reviewed by the Staff Judge Advocate for Marine Corps Base Dignity and Respect Command (Forward) and the Equal Opportunity Advisor (EOA) prior to the command endorsement. Given that the EOA is not geographically located the command must send the investigation to the EOA at Patrick Air Force Base, Florida for review.

H. T. BENDER

Copy to:
SJA, HQ&EO SPT BN
EOA, MCD&RC

Enclosure (15)





UNITED STATES MARINE CORPS
HEADQUARTERS AND EQUAL OPPORTUNITY SUPPORT BATTALION
PSC BOX 20004
PATRICK AIR FORCE BASE, FL 32945-0004

IN REPLY REFER TO
5800
SJA
11 Sep 12

MEMORANDUM ENDORSEMENT on Maj Holmes's invest 5800 BP of 22 Jul 12

From: Staff Judge Advocate, Headquarters and Equal Opportunity Support Battalion
To: Commanding General, Marine Corps Dignity and Respect Command
Via: Commanding Officer, Headquarters and Equal Opportunity Support Battalion
Subj: LEGAL SUFFICIENCY REVIEW OF COMMAND INVESTIGATION INTO ALLEGATION OF DISCRIMINATION IN VIOLATION OF THE MARINE CORPS EQUAL OPPORTUNITY POLICY
Ref: (a) JAGINST 5800.7F
(b) MCO 5354.1D w/ch1
(c) Major Holmes CI 5800 of 10 Sept 2012

1. Per references (a) and (b), I reviewed reference (c) prior to the Commanding Officer's endorsement. I find the investigation complies with all applicable legal and administrative requirements. The investigation adequately addresses the matters complained of and the evidence supports the findings of the investigating officer. The conclusions and recommendations of the Investigating Officer are consistent with the findings, and I did not note any legal errors of irregularities.
2. In my opinion, however, there were elements within this investigation that did not adequately address other areas pertaining to this case per reference (b).
3. I find this investigation to be legally insufficient and not substantial compliance with reference (b).
4. Recommended forwarding investigation to the Equal Opportunity Advisor for further guidance, and equal opportunity review.

D. A. MILLER

Copy to
CG MCD&RC
CO HQ&EO Spt Bn
EOA MCD&RC
File

