

# CHARGE SHEET

## I. PERSONAL DATA

1. NAME OF ACCUSED (Last, First, Middle Initial) [REDACTED]		2. SSN [REDACTED]	3. GRADE OR RANK LT	4. PAY GRADE O3
5. UNIT OR ORGANIZATION DESTROYER SQUADRON 15			6. CURRENT SERVICE	
			a. INITIAL DATE 12 Dec 08	b. TERM INDEFINITE
7. PAY PER MONTH		8. NATURE OF RESTRAINT OF ACCUSED		9. DATE(S) IMPOSED
a. BASIC 6,083.00	b. SEA/FOREIGN DUTY 0.00	c. TOTAL 6,083.00	N/A	N/A

## II. CHARGES AND SPECIFICATIONS

10. CHARGE: VIOLATION OF THE UCMJ, ARTICLE 92

### SPECIFICATION:

Specification (Dereliction in the performance of duties through neglect resulting in death): In that [REDACTED] DESTROYER SQUADRON 15, Yokosuka, Japan, on active duty, who should have known of her duties as the Tactical Action Officer aboard USS FITZGERALD (DDG 62), at or near Sagami Wan, Honshu, Japan, on or about 17 June 2017, was derelict in the performance of those duties in that she negligently failed to comply with the USS FITZGERALD (DDG 62) Commanding Officer's Standing Orders and Surface Ship Navigation Department Organization and Regulations Manual, as it was her duty to communicate with the Bridge vital contact information and safe speed and maneuvering recommendations; enforce efficient watchstanding principles in the Combat Information Center; and, support the Officer of the Deck, and that such dereliction of duty resulted in the death of Gunner's Mate Seaman D.K.R., U.S. Navy; Yeoman Third Class Petty Officer S.A.D., U.S. Navy, Fire Controlman Second Class Petty Officer C.V.S. U.S. Navy, Personnel Specialist First Class Petty Officer X.A.M., U.S. Navy, Sonar Technician Surface Third Class Petty Officer N.T.H., U.S. Navy, Gunner's Mate Second Class Petty Officer N.H., U.S. Navy, and Fire Controlman First Class Petty Officer G.L.R., U.S. Navy.

Charge II: Violation of the UCMJ, Article 110

Specification (Improper hazarding of vessel - negligence): In that [REDACTED] DESTROYER SQUADRON 15, Yokosuka, Japan, on active duty, on or about 17 June 2017, while serving as the Tactical Action Officer of the USS FITZGERALD (DDG 62), operating near Sagami Wan, Honshu, Japan, did negligently hazard the said vessel by failing and neglecting to comply with the USS FITZGERALD (DDG 62) Commanding Officer's Standing Orders and to ensure her watch team follows proper watch standing principles in the USS FITZGERALD (DDG 62) Combat Information Center, as a result of which neglect the said USS FITZGERALD (DDG 62), at or about 0130 hours on the day aforesaid, collided with ACX CRYSTAL, with resultant damage to both vessels.

\*\*\* SEE CONTINUATION SHEET \*\*\*

## III. PREFERRAL

11a. NAME OF ACCUSER (Last, First, Middle Initial) [REDACTED]	b. GRADE E-7	c. ORGANIZATION OF ACCUSER NAVAL LEGAL SERVICE COMMAND
d. SIGNATURE OF ACCUSER [REDACTED]		e. DATE (YYYYMMDD) 20180115

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oath in cases of this character, personally appeared the above named accuser this 15 day of JANUARY, 2018, and signed the foregoing charges and specifications under oath that he/she is a person subject to the Uniform Code of Military Justice and that he/she either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his/her knowledge and belief.

Typed Name of Officer

CAPT/O-6  
Grade

### CONSOLIDATED DISPOSITION AUTHORITY

Organization of Officer

### JUDGE ADVOCATE

Official Capacity to Administer Oath  
(See R.C.M. 307(b), must be commissioned officer)

Signature

12. On 16 January, 2018, the accused was informed of the charges against him/her and of the name(s) of the accuser(s) known to me (See R.C.M. 308(a)). (See R.C.M. 308 if notification cannot be made.)

[REDACTED]  
Typed Name of Immediate Commander

CONSOLIDATED DISPOSITION AUTHORITY

Organization of Immediate Commander

Legal Advisor

CAPT, JAGC USN

Grade

[REDACTED]  
Signature

IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13. The sworn charges were received at 1745 hours, 17 JANUARY, 2018 at OFFICE OF NAVAL  
Designation of Command or

REACTORS, WASHINGTON NAVY YARD, DC

Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)

FOR THE <sup>1</sup> \_\_\_\_\_

J. F. CALDWELL, JR.

Typed Name of Officer

ADMIRAL

Grade

[REDACTED]  
Signature

CONSOLIDATED DISPOSITION AUTHORITY

Official Capacity of Officer Signing

V. REFERRAL; SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OR CONVENING AUTHORITY

b. PLACE

c. DATE (YYYYMMDD)

Referred for trial to the \_\_\_\_\_ court-martial convened by \_\_\_\_\_

\_\_\_\_\_, \_\_\_\_\_, subject to the following instructions: <sup>2</sup> \_\_\_\_\_

By \_\_\_\_\_ of \_\_\_\_\_  
Command or Order

Typed Name of Officer

Official Capacity of Officer Signing

Grade

Signature

15. On \_\_\_\_\_, \_\_\_\_\_, I (caused to be) served a copy hereof on (each of) the above named accused.

Typed Name of Trial Counsel

Grade or Rank of Trial Counsel

Signature

FOOTNOTES: 1 - When an appropriate commander signs personally, inapplicable words are stricken.

2 - See R.C.M. 601(e) concerning instructions. If none, so state.

**DD FORM 458 CONTINUATION SHEET**

**Charge III – Violation of the UCMJ, Article 134**

Specification (Homicide, negligent): In that [REDACTED] U.S. Navy, DESTROYER SQUADRON 15, Yokosuka, Japan, on active duty, did, aboard USS FITZGERALD (DDG 62), on or about 17 June 2017, unlawfully cause the death of Gunner's Mate Seaman D.K.R., U.S. Navy; Yeoman Third Class Petty Officer S.A.D., U.S. Navy, Fire Controlman Second Class Petty Officer C.V.S, U.S. Navy, Personnel Specialist First Class Petty Officer X.A.M., U.S. Navy, Sonar Technician Surface Third Class Petty Officer N.T.H., U.S. Navy, Gunner's Mate Second Class Petty Officer N.H., U.S. Navy, and Fire Controlman First Class Petty Officer G.L.R., U.S. Navy, by negligently failing to comply with the USS FITZGERALD (DDG 62) Commanding Officer's Standing Orders and to ensure her watch team follows proper watch standing principles in the USS FITZGERALD (DDG 62) Combat Information Center, as a result of which the said USS FITZGERALD collided with ACX CRYSTAL, and that said conduct was to the prejudice of good order and discipline in the armed forces and was of a nature to bring discredit upon the armed forces.