

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 7 SEP 94	b. TERM INDEFINITE
7. PAY PER MONTH			8. NATURE OF RESTRAINT OF ACCUSED N/A	9. DATE(S) IMPOSED N/A	
a. BASIC 7,195.00	b. SEA/FOREIGN DUTY 0.00	c. TOTAL 7,195.00			

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 his duties as the Surface Warfare Coordinator on board USS FITZGERALD (DDG 62), on or about 17 June 2017, was derelict in the performance of those duties in that he negligently failed to comply with the USS FITZGERALD Commanding Officer's Standing Orders, and to effectively supervise personnel on watch in the USS FITZGERALD Combat Information Center, as it was his duty to maintain surface contact situational awareness; provide ship operational recommendations to the Tactical Action Officer and the Bridge; ensure proper watchstanding practices were carried out; and, properly stand his assigned station, 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 Surface Warfare Coordinator 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 Commanding Officer's Standing Orders and to effectively supervise personnel on watch 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

CAPT, JAGC USN
Grade

[REDACTED]
Signature

CONSOLIDATED DISPOSITION AUTHORITY
Organization of Immediate Commander
Legal Advisor

13. The sworn charges were received at 1745 hours, 17 JANUARY, 2018 at OFFICE OF NAVAL REACTORS, WASHINGTON NAVY YARD, DC
Designation of Command or Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)

J. F. CALDWELL, JR.
Typed Name of Officer
ADMIRAL

FOR THE 1

CONSOLIDATED DISPOSITION AUTHORITY
Official Capacity of Officer Signing

[REDACTED]
Signature

V. REFERRAL; SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OR CONVENING AUTHORITY	b. PLACE	c. DATE (YYYYMMDD)
<u>Referred for trial to the _____ court-martial convened by _____</u> <u>_____</u> , <u>_____</u> , subject to the following instructions: ² <u>_____</u>		
By <u>_____</u> of <u>_____</u> Command or Order		
<u>_____</u> Typed Name of Officer	<u>_____</u> Official Capacity of Officer Signing	
<u>_____</u> Grade		
<u>_____</u> 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, on board 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 effectively supervise personnel on watch in the USS FITZGERALD (DDG 62) Combat Information Center, as it was his duty as the Surface Warfare Coordinator to maintain surface contact situational awareness; provide operational recommendations to the Tactical Action Officer and the Bridge; ensure proper watchstanding practices were carried out; and, properly stand his assigned station, 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.