



THE SECRETARY OF THE NAVY
WASHINGTON, D.C. 20350-1000

January 21, 2010

Mr. Aubrey Sarvis
Executive Director
Servicemembers Legal Defense Network
P.O. Box 65301
Washington, DC 20035-5301

Dear Mr. Sarvis:

Thank you for your letter of November 12, 2009, regarding Mr. Joseph Rocha and hazing in the Military Working Dog (MWD) Division at Naval Support Activity (NSA) Bahrain from 2004 to 2006. I am responding for the Secretary of Defense.

Your letter requests action to ensure accountability for all personnel responsible for hazing and that Senior Chief Master-at-Arms Toussaint be court-martialed prior to his retirement. Your letter also seeks an investigation into why personnel have not been held sufficiently accountable.

Your letter recites the actions taken against Senior Chief Toussaint, including the Secretarial letter of censure I issued and the fact that he will be retired following a Retirement Grade Determination. The Chief of Naval Operations recommended the letter of censure after considering other options, including court-martial. His decision was based on a number of factors, including the time that has elapsed since the hazing incidents, the fact that Senior Chief Toussaint's involvement previously was reviewed by an authorized commander, and Senior Chief Toussaint's proximity to retirement eligibility following return from an overseas deployment. The Chief of Naval Operations reached this decision after careful deliberation, and it is a decision I support.

The Chief of Naval Operations also directed that eight enlisted personnel be counseled by the chain of command. These personnel either participated in or observed hazing or other inappropriate action, but the investigation was not forwarded to their new commands. Given the time that has elapsed and expiration of the two-year statute of limitations for non-judicial punishment, counseling will ensure the people involved understand the Navy's policy against hazing and how their unit in Bahrain fell short of the Navy's standards. In addition, the Chief of Naval Operations counseled one former commanding officer named in the investigation, and one retired flag officer who should have done more to determine the best method to ensure thorough review and consistent disposition actions for everyone implicated in the investigation.

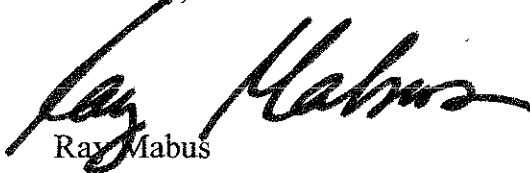
Your letter also states the command investigation targeted Master-at-Arms First Class Jennifer Valdivia but failed to address her suicide. Petty Officer Valdivia's death

was extremely tragic and untimely. However, as the MWD Leading Petty Officer, Petty Officer Valdivia was properly the subject of questioning by the investigating officer, and was implicated in the investigation. She was placed on legal hold, which is standard procedure for personnel pending transfer who are involved in an ongoing investigation. The investigation implicated a number of people, and did not single out or target Petty Officer Valdivia.

Your letter describes the hazing investigation as much delayed, but asserts that it should have been delayed even further to account for Petty Officer Valdivia's suicide. Petty Officer Valdivia's suicide was properly the subject of a separate investigation, which included a specific "line of duty" determination as required by the Manual of the Judge Advocate General. The death/line of duty investigation detailed the questioning of Petty Officer Valdivia, her relief from duties as Leading Petty Officer, and her placement on legal hold. Although there was no reason to delay completion of the hazing investigation, Petty Officer Valdivia's death could have been mentioned in a subsequent endorsement. Both the hazing investigation and the death/line of duty investigation have been released to Mr. Christopher Young, Petty Officer Valdivia's father, with privacy and other information redacted as required by federal law.

I want to assure you that neither I, CNO, nor Navy leadership condones any incident of hazing. I believe the CNO took the strongest actions which could be sustained under the circumstances. The unfortunate incidents that occurred do not define who we are as a Navy. Every service member deserves to be treated with dignity and respect and given a positive working environment. I value your thoughts on this matter and the dedication you display in assisting our service members. If I can be of further assistance, please let me know.

Sincerely,



Ray Mabus