



DEPARTMENT OF THE NAVY

NAVY REGION NORTHWEST  
1100 HUNLEY ROAD  
SILVERDALE, WASHINGTON 98315-1100

15 Sep 2010

GENERAL COURT-MARTIAL CONVENING ORDER 02-10

Pursuant to authority contained in paragraph 0120a, Judge Advocate General of the Navy Instruction 5800.7E of 20 June 2007, a general court-martial is hereby convened with the following members:

MEMBERS

Commander Constance E. Hymas, NC, U.S. Navy;  
Commander Lori J. Martinelli, NC, U.S. Navy;  
Lieutenant Commander Brian T. Bialek, U.S. Navy;  
Lieutenant Commander Rix A. Boonyobhas, U.S. Navy;  
Lieutenant Commander Timothy S. Hunt, U.S. Navy;  
Lieutenant Brian F. Breshears, U.S. Navy;  
Lieutenant David M. Chaney, U.S. Navy;  
Lieutenant Benjamin W. Fischer, U.S. Navy;  
Lieutenant Aldebaran K. Imperatore, U.S. Navy;  
Lieutenant Junior Grade Todd M. Beatty, U.S. Navy;  
Ensign Alexsandra T. Reed, U.S. Navy, and  
Chief Warrant Officer Dwight D.N. Baker, U.S. Navy.

D. T. BIESEL  
Rear Admiral, U.S. Navy  
Commander, Navy Region Northwest

CERTIFY TO BE A TRUE COPY

D. O. HILTON

CHARGE SHEET

I. PERSONAL DATA

1. NAME OF ACCUSED (Last, First, MI) WYLIE, Jay D.			2. SSN (b) (6)		3. RANK/RATE CDR	4. PAY GRADE O-5
5. UNIT OR ORGANIZATION USS MOMSEN (DDG 92)					6. CURRENT SERVICE	
					a. INITIAL DATE 8MAY92	b. TERM Indefinite
7. PAY PER MONTH			8. NATURE OF RESTRAINT OF ACCUSED None		9. DATE(S) IMPOSED N/A	
a. BASIC \$7,856.70	b. SEA/FOREIGN DUTY \$0	c. TOTAL \$7,856.70				

II. CHARGES AND SPECIFICATIONS

10. CHARGE I: VIOLATION OF THE UCMJ, ARTICLE 92

Specification 1: In that Commander Jay D. Wylie, U.S. Navy, USS MOMSEN, on active duty, did, at or near Victoria, Seychelles, on or about 1 January 2011, violate a lawful general order to wit: OPNAVINST 5370.2C, Navy Fraternization Policy, dated 26 April 2007, by wrongfully engaging in unduly familiar conduct that did not respect differences in pay grade or rank with Ensign K(b) (6) L. M(b) (6) U.S. Navy, to wit: rubbing her shoulders, leaning against her and pinning her to a bar, requesting that she kiss him, attempting to kiss her, putting his hand up her dress and inside her underwear, rubbing and digitally penetrating her vagina with his hand and fingers.

Specification 2: In that Commander Jay D. Wylie, U.S. Navy, USS MOMSEN, on active duty, did, at or near Victoria, Seychelles, on or about 1 January 2011, violate a lawful general order to wit: SECNAVINST 5300.26D, Navy Sexual Harassment Policy, dated 3 January 2006, by committing sexual harassment as defined therein by wrongfully making unwelcome sexual advances and making unwelcome sexual contact with Ensign K(b) (6) L. M(b) (6) U.S. Navy, to wit: rubbing her shoulders, leaning against her and pinning her to a bar, requesting that she kiss him, attempting to kiss her, putting his hand up her dress and inside her underwear, and rubbing and digitally penetrating her vagina with his hand and fingers.

SEE ATTACHED SHEET

III. PREFERRAL

11a. NAME OF ACCUSER (Last, First, MI) GARRITY, Samantha E.	b. GRADE LN2	c. ORGANIZATION OF ACCUSER Region Legal Service Office Northwest
d. SIGNATURE OF ACCUSER <i>Samantha E. Garrity</i>		e. DATE 15 August 2011

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 15th day of August, 2011, 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.

DAVID C. PECK  
*Typed Name of Officer*

Region Legal Service Office Northwest  
*Organization of Officer*

LCDR, JAGC, USN  
*Grade and Service*

Judge Advocate General  
*Official Capacity to Administer Oaths*  
(See R.C.M. 307(b)--must be commissioned officer)

*[Signature]*  
*Signature*

12. On 22 AUGUST, 20 11, 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.)

MARIO M. CORREA, JR.  
Typed Name of Immediate Commander

COMNAVSURFPAC  
Organization of Immediate Commander

LT, USN, JAGC

M. M. C. Jr.  
Grade  
Signature

IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13. The sworn charges were received at 1116 hours, 16 August 20 11 at COMDESRON NINE  
Designation of Command or

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

FOR THE

CAROL HOTTENROTT  
Typed Name of Officer

Commander  
Official Capacity of Officer Signing

CAPT, USN  
Grade

C. Hottenrott  
Signature

V. REFERRAL; SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY	b. PLACE	c. DATE
<u>NAVY REGION NORTHWEST</u>	<u>Silverdale, Washington</u>	<u>22 AUG 11</u>

Referred for trial to the GENERAL court-martial convened by my General Court-Martial Convening  
Order 02-10

15 September 20 10, subject to the following instructions:<sup>2</sup>

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

G. B. SMITH  
Typed Name of Officer

COMMANDER - ACTING  
Official Capacity of Officer Signing

O-6/CAPT  
Grade

G. B. Smith  
Signature

15. On 31 August, 20 11, I (caused to be) served a copy hereof on (each of) the above named accused.  
P. K. KORODY LT, JAGC, USN

Typed Name of Trial Counsel

Grade or Rank of Trial Counsel

P. K. Korody  
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 ICO CDR JAY D. WYLIE, USN, XXX-XX-(b)

Specification 3: In that Commander Jay D. Wylie, U.S. Navy, USS MOMSEN, on active duty, did, at or near Naval Magazine Indian Island, Washington and on board USS MOMSEN (DDG 92) on or about 25 April 2011, violate a lawful general order to wit: OPNAVINST 5370.2C, Navy Fraternalization Policy, dated 26 April 2007, by wrongfully engaging in unduly familiar conduct that did not respect differences in pay grade or rank with Engineman Fireman K(b) (6) M. D(b) (6) U.S. Navy, to wit: brushing his hand on her shoulder, requesting that she come home with him, placing his hand on the small of her back, escorting her to his cabin, grabbing her shirt, kissing her, placing his mouth on her vagina, placing his finger(s) inside her vagina and anus and telling her "I'm so hard right now" or words to that effect.

Specification 4: In that Commander Jay D. Wylie, U.S. Navy, USS MOMSEN, on active duty, did, at or near Naval Magazine Indian Island, Washington and on board USS MOMSEN, on or about 25 April 2011, violate a lawful general order to wit: SECNAVINST 5300.26D, Navy Sexual Harassment Policy, dated 3 January 2006, by committing sexual harassment as defined therein by wrongfully making unwelcome sexual advances and making unwelcome sexual contact with Engineman Fireman K(b) (6) M. D(b) (6) U.S. Navy, to wit: brushing his hand on her shoulder, requesting that she come home with him, placing his hand on the small of her back, escorting her to his cabin, grabbing her shirt, kissing her, placing his mouth on her vagina, placing his finger(s) inside her vagina and anus and telling her "I'm so hard right now" or words to that effect.

CHARGE II: VIOLATION OF THE UCMJ, ARTICLE 93

Specification 1: In that Commander Jay D. Wylie, U.S. Navy, USS MOMSEN, on active duty, at or near Victoria, Seychelles, on or about 1 January 2011, did maltreat Ensign K(b) (6) L. M(b) (6) U.S. Navy, a person subject to his orders, by rubbing her shoulders, leaning against her and pinning her to a bar, requesting that she kiss him, attempting to kiss her, putting his hand up her dress and inside her underwear, and rubbing and digitally penetrating her vagina with his hand and fingers.

Specification 2: In that Commander Jay D. Wylie, U.S. Navy, USS MOMSEN, on active duty, at or near Naval Magazine Indian Island, Washington and on board USS MOMSEN, on or about 25 April 2011, did maltreat Engineman Fireman K(b) (6) M. D(b) (6), U.S. Navy, a person subject to his orders, by brushing his hand on her shoulder, requesting that she come home with him, placing his hand on the small of her back, escorting her to his cabin, grabbing her shirt, kissing her, placing his mouth on her vagina, placing his finger(s) inside her vagina and anus and telling her "I'm so hard right now" or words to that effect.

DD FORM 458 CONTINUATION SHEET ICO CDR JAY D. WYLIE, USN, XXX-XX-(b)

CHARGE III: VIOLATION OF THE UCMJ, ARTICLE 120

Specification 1: In that Commander Jay D. Wylie, U.S. Navy, USS MOMSEN, on active duty, did, at or near Victoria, Seychelles, on or about 1 January 2011, cause Ensign K(b) (6) L. M(b) (6) U.S. Navy, to engage in a sexual act, to wit: penetration of her vagina with his finger, by using strength sufficient that she could not avoid or escape the sexual conduct.

Specification 2: In that Commander Jay D. Wylie, U.S. Navy, USS MOMSEN, on active duty, did, at or near Victoria, Seychelles, on or about 1 January 2011, cause Ensign K(b) (6) L. M(b) (6) U.S. Navy, to engage in a sexual act, to wit: penetration of her vagina with his finger, by causing bodily harm to wit: pushing her up against a bar so that she could not move.

Specification 3: In that Commander Jay D. Wylie, U.S. Navy, USS MOMSEN, on active duty, did, on board USS MOMSEN, at or near Naval Magazine Indian Island, Washington, on or about 25 April 2011, cause Engineman Fireman K(b) (6) M. D(b) (6) U.S. Navy, to engage in a sexual act, to wit: penetration of her vagina with his finger, through abuse of his military rank, position and authority, creating an implied threat to negatively affect the military career of Engineman Fireman K(b) (6) M. D(b) (6) U.S. Navy, if she did not comply.

Specification 4: In that Commander Jay D. Wylie, U.S. Navy, USS MOMSEN, on active duty, did, on board USS MOMSEN, at or near Naval Magazine Indian Island, Washington, on or about 25 April 2011, cause Engineman Fireman K(b) (6) M. D(b) (6) U.S. Navy, to engage in sexual contact, to wit: penetration of her anus with his finger, through abuse of his military rank, position and authority, creating an implied threat to negatively affect the military career of Engineman Fireman K(b) (6) M. D(b) (6) U.S. Navy, if she did not comply.

Specification 5: In that Commander Jay D. Wylie, U.S. Navy, USS MOMSEN, on active duty, did, on board USS MOMSEN, at or near Naval Magazine Indian Island, Washington, on or about 25 April 2011, cause Engineman Fireman K(b) (6) M. D(b) (6) U.S. Navy, to engage in sexual contact, to wit: placing his mouth on her vagina, through abuse of his military rank, position and authority, creating an implied threat to negatively affect the military career of Engineman Fireman K(b) (6) M. D(b) (6) U.S. Navy, if she did not comply.

CHARGE IV: VIOLATION OF THE UCMJ, ARTICLE 125

Specification: In that Commander Jay D. Wylie, U.S. Navy, USS MOMSEN, on active duty, did, on board USS MOMSEN, at or near Naval Magazine Indian Island, Washington, on or about 25 April 2011, commit sodomy with Engineman Fireman K(b) (6) M. D(b) (6) U.S. Navy, by force and without the consent of the said Engineman Fireman K(b) (6) M. D(b) (6) U.S. Navy.

ORIGINAL

DD FORM 458 CONTINUATION SHEET ICO CDR JAY D. WYLIE, USN, XXX-XX-(b)

CHARGE V: VIOLATION OF THE UCMJ, ARTICLE 133

Specification 1: In that Commander Jay D. Wylie, U.S. Navy, USS MOMSEN, on active duty, did, at or near Victoria, Seychelles, from on or about 31 December 2010 to 1 January 2011, wrongfully and dishonorably become publically intoxicated in front of members of his crew, make unwanted sexual advances and engage in an unwanted sexual contact with Ensign K(b) (6) L. M(b) (6) U.S. Navy, a junior officer under his command, which conduct was unbecoming an officer and a gentleman. R3c 270211

Specification 2: In that Commander Jay D. Wylie, U.S. Navy, USS MOMSEN, on active duty, did, on board USS MOMSEN, at sea, on or about February 2011, wrongfully and dishonorably encourage Ensign K(b) (6) L. M(b) (6) U.S. Navy, a junior officer under his under his command, not to report an incident in which he had sexually assaulted her on or about 1 January 2011 while on liberty at or near Victoria, Seychelles, which conduct was unbecoming an officer and a gentleman. R3c 270211

Specification 3: In that Commander Jay D. Wylie, U.S. Navy, USS MOMSEN, on active duty, did, at or near Naval Magazine Indian Island, Washington and on board USS MOMSEN, on or about 25 April 2011, wrongfully and dishonorably become publically intoxicated in front of members of his crew, make unwanted sexual advances and then, inside his cabin, engage in unwanted sexual conduct with Engineman Fireman K(b) (6) M. D(b) (6) U.S. Navy, a junior enlisted sailor under his command, which conduct was unbecoming an officer and a gentleman. R3c 270211

ORIGINAL

1 NOV 13

**\*\* DNA processing required in accordance with 10 U.S.C. §1565 \*\***

From: Region Legal Service Office Japan

Subj: AMENDED REPORT OF RESULTS OF TRIAL IN THE CASE OF UNITED STATES V. CHIEF HOSPITAL CORPSMAN JOHN C. AVERELL, U.S. NAVY, [REDACTED]

1. Pursuant to R.C.M. 1101(a) and 1304(b) (2) (f) (v), MCM, notification is hereby given in the case of United States v. Chief Hospital Corpsman John C. Averell, U.S. Navy, [REDACTED] trial by General Court-Martial occurring, at Fleet Activities Yokosuka, Japan, convened by Commander, U.S. Naval Forces Japan.

2. Offenses, pleas, findings:

<u>a. Charges and Specifications</u>	<u>DIBRS Code</u>	<u>Pleas</u>	<u>Findings</u>
<b>CHARGE I: VUCMJ Article 92</b>		Guilty	Guilty
Specification 1: In that Hospital Corpsman Chief John C. Averell, U.S. Navy, on active duty, did, at or near Sasebo, Japan, on diverse occasions between on or about 1 July 2012 to on or about 19 October 2012, violate a lawful general order, to wit: SECNAVISNT 5300.26D, dated 3 January 2006, by sexually harassing I.A., to wit: asking her to remove her clothing when in an isolated space.		Not Guilty	Not Guilty
Specification 2: In that Hospital Corpsman Chief John C. Averell, U.S. Navy, on active duty, did, on board the berthing barge of USS GERMANTOWN (LSD 42), on 20 October 2012, violate a lawful general order, to wit: OPNAVINST 5370.2C, dated 26 April 2007, by engaging in sexual acts with I.A.	A-92-A3-C-P	Guilty	Guilty

Subj: REPORT OF RESULTS OF TRIAL IN THE CASE OF  
UNITED STATES V. CHIEF HOSPITAL CORPSMAN JOHN C. AVERELL,  
U.S. NAVY, [REDACTED]

**CHARGE II: VUCMJ Article 120** Not Guilty Guilty

Specification: In that Hospital A-120- Not Guilty Guilty  
 Corpsman Chief John C. Averell, C1-C-P  
 U.S. Navy, on active duty, did, on board the berthing barge of USS GERMANTOWN (LSD 42), on 20 October 2012, engage in a sexual act, to wit: penetrating the vagina of I.A. with his penis, by placing her in fear of abuse of military position.

**CHARGE III: VUCMJ Article 134** Guilty Guilty

Specification: In that Hospital A-134- Guilty Guilty  
 Corpsman Chief John C. Averell, B1-C-P  
 U.S. Navy, on active duty, a married man, did, on board the berthing barge of USS GERMANTOWN (LSD 42), on 20 October 2012, wrongfully have sexual intercourse with I.A., a woman not his wife, conduct of a nature to bring discredit upon the armed forces.

b. Any preferred charge withdrawn before trial:  X  NO  
  YES

c. Partial acquittal based on mental incompetence:  X  NO  
  YES (include a brief description of offenses charge)

3. Forum:  
 Judge alone   Members  X  with Enlisted Members  X

4. Sentence adjudged:

Discharge (Dismissal, DD, BCD)	BCD
Confinement	90 Days
Hard Labor w/out confinement	N/A
Reduction	E-1
Forfeiture	N/A
Reprimand	N/A
Other	N/A

5. Date sentenced adjudged:  29 July 2013.

Subj: REPORT OF RESULTS OF TRIAL IN THE CASE OF  
UNITED STATES V. CHIEF HOSPITAL CORPSMAN JOHN C. AVERELL,  
U.S. NAVY, [REDACTED]

6. Automatic forfeitures apply: YES X NO \_\_\_  
See paragraph 8 below for the specific sentence to be given effect in this case, consistent with paragraph 5, above.

a. GCM X (forfeiture of all pay and allowances while confined)

b. SPCM \_\_\_ (forfeiture of 2/3 pay while confined)

7. Credits to be applied to confinement, if any:

a. Pretrial Confinement: 0 days.

b. Judicially ordered credits: 5 days.

Total Credits: 5 days.

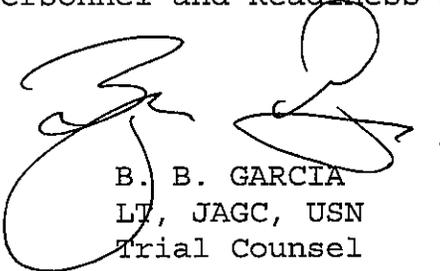
8. Terms of pretrial agreement concerning sentence, if any:

MJ alone: N/A	Punitive Discharge: N/A
Non-capital referral: N/A	Confinement limitation: N/A
Restitution: N/A	Forfeitures: N/A
Referral to lower forum: N/A	Reduction in grade limitation: N/A
Cooperation: N/A	Allotment to family: N/A
Deferment of confinement: N/A	Allotment to victim: N/A
Other: N/A	Fines: N/A

9. Upon convening authority's action in this case, sex offender notifications may be required per 42 U.S.C. § 14071: \_\_\_ NO  
X YES

Subj: REPORT OF RESULTS OF TRIAL IN THE CASE OF  
UNITED STATES V. CHIEF HOSPITAL CORPSMAN JOHN C. AVERELL,  
U.S. NAVY, [REDACTED]

10. Collection of a DNA sample from the accused is required per 10 U.S.C. 1565. If collection is required, collection may be effected before the Convening Authority acts pursuant to Under Secretary of Defense for Personnel and Readiness memo of 18 April 2005.



B. B. GARCIA  
LT, JAGC, USN  
Trial Counsel

Distribution:

Convening Authority  
CO, RLSO Japan  
CO/OIC, Brig  
MJ  
TC  
DC  
PSD  
RECORD OF TRIAL

**CHARGE SHEET**

**I. PERSONAL DATA**

1. NAME OF ACCUSED ( <i>Last, First, MI</i> ) PURINGTON, Matthew A.		2. SSN [REDACTED]	3. RANK/RATE AMEC	4. PAY GRADE E-7
5. UNIT OR ORGANIZATION Naval Reserve Operations Support Center (NOSC) Syracuse, New York			6. CURRENT SERVICE	
DOB: (b) (6)			a. INITIAL DATE 19 May 2008	b. TERM 6 years
7. PAY PER MONTH			8. NATURE OF RESTRAINT OF ACCUSED	
a. BASIC	b. SEA/FOREIGN DUTY	c. TOTAL	9. DATE(S) IMPOSED	
\$4,200.30	N/A	\$4,200.30	N/A	

**II. CHARGES AND SPECIFICATIONS**

10.

**SEE ATTACHED**

**III. PREFERRAL**

11a. NAME OF ACCUSER ( <i>Last, First, MI</i> ) (b) (6)	b. GRADE LN1/E-6	c. ORGANIZATION OF ACCUSER RLSO Mid-Atlantic DET Groton
d. SIGNATURE OF ACCUSER (b) (6)	e. DATE 16 May 2014	

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 16<sup>th</sup> day of May 2014, 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.

(b) (6)  
\_\_\_\_\_  
*Typed Name of Officer*

LCDR, USN  
\_\_\_\_\_  
*Grade and Service*

(b) (6)  
\_\_\_\_\_

RLSO Mid-Atlantic DET Groton  
\_\_\_\_\_  
*Organization of Officer*

Trial Counsel  
\_\_\_\_\_  
*Official Capacity to Administer Oaths*  
*(See R.C.M. 307(b)--must be commissioned officer)*

ORIGINAL

**CONTINUATION OF BLOCK 10, PAGE 1 OF 1  
AMEC MATTHEW A. PURINGTON, USNR**

**CHARGE I: Violation of UCMJ, Article 92**

SPECIFICATION: In that Aviation Mechanic Egress Systems Chief, Matthew A. PURINGTON, U.S. Navy Reserve, Naval Reserve Operations Support Center Syracuse, New York, on active duty, did at or near Naval Air Station Oceana, Dam Neck Annex, Virginia Beach, Virginia, on or about 4 July 2013, fail to obey a lawful general order, to wit: paragraph 5.c of OPNAV Instruction 5370.2C, dated 26 April 2007, by wrongfully engaging in a personal relationship that was unduly familiar and did not respect differences in grade or rank, to wit: wrongfully kissing Seaman (b) (6), U.S. Navy.

**CHARGE II: Violation of UCMJ, Article 120**

SPECIFICATION: In that Aviation Mechanic Egress Systems Chief, Matthew A. PURINGTON, U.S. Navy Reserve, Naval Reserve Operations Support Center Syracuse, New York, on active duty, did at or near Naval Air Station Oceana, Dam Neck Annex, Virginia Beach, Virginia, on or about 4 July 2013, commit a sexual act upon Seaman (b) (6), U.S. Navy, by causing bodily harm to Seaman (b) (6), to wit: penetrating the said Seaman (b) (6) anus with his penis.

**CHARGE III: Violation of UCMJ, Article 125**

SPECIFICATION: In that Aviation Mechanic Egress Systems Chief, Matthew A. PURINGTON, U.S. Navy Reserve, Naval Reserve Operations Support Center Syracuse, New York, on active duty, did at or near Naval Air Station Oceana, Dam Neck Annex, Virginia Beach, Virginia, on or about 4 July 2013, commit sodomy with Seaman (b) (6), U.S. Navy, by force and without consent of the said Seaman (b) (6).

**CHARGE IV: Violation of UCMJ, Article 134**

SPECIFICATION: (Soliciting another to commit an offense): In that Aviation Mechanic Egress Systems Chief, Matthew A. PURINGTON, U.S. Navy Reserve, Naval Reserve Operations Support Center Syracuse, New York, on active duty, did at or near Naval Air Station Oceana, Dam Neck Annex, Virginia Beach, Virginia, and at or near Naval Reserve Operations Support Center Syracuse, Syracuse, New York, on divers occasions between on or about June 2013 and on or about July 2013, wrongfully solicit Seaman (b) (6), U.S. Navy, Intelligence Specialist Seaman Apprentice (b) (6), U.S. Navy, Intelligence Specialist Seaman Apprentice (b) (6), U.S. Navy, Logistics Specialist Seaman (b) (6), U.S. Navy, to disobey a general regulation, to wit: paragraph 6(a) of OPNAV Instruction 5350.4D, dated 4 June 2009, by offering to provide alcohol to Seaman (b) (6), Intelligence Specialist Seaman (b) (6), Intelligence Specialist Seaman Apprentice (b) (6), and Logistics Specialist Seaman (b) (6), who were all under the age of 21 years old at the time, which conduct was to the prejudice of good order and discipline in the armed forces.

12. On 19 May 20 14, the accused was informed of the charges against him 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.)

LCDR (b) (6)

*Typed Name of Immediate Commander Legal Officer*

Navy Region Mid-Atlantic Reserve Component Command

*Organization of Immediate Commander Legal Officer*

O-4

(b) (6)

*Signature*

**IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY**

13. The sworn charges were received at 0800 hours, 19 May 20 14 at Navy Region Mid-Atlantic

*Designation of Command or*

Reserve Component Command

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

FOR THE<sup>1</sup> Commander

LT (b) (6)

*Typed Name of Officer*

Assistant Staff Judge Advocate

*Official Capacity of Officer Signing*

O-3

(b) (6)

*Grade*

*Signature*

**V. REFERRAL; SERVICE OF CHARGES**

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY

b. PLACE

c. DATE

Commander, Navy Region Mid-Atlantic

Norfolk, Virginia

SEP 30 2014

Referred for trial to the General court-martial convened by General Court-Martial  
Convening Order 1-14 dated

dated 9 January 2014, subject to the following instructions:<sup>2</sup> None.

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

(b) (6)

*Typed Name of Officer*

Commander, Navy Region Mid-Atlantic

*Official Capacity of Officer Signing*

Rear Admiral U.S. Navy

(b) (6)

*Signature*

15. On \_\_\_\_\_ 20 \_\_\_\_\_, 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.

**ORIGINAL**

**CHARGE SHEET**

**I. PERSONAL DATA**

1. NAME OF ACCUSED (Last, First, MI) PURINGTON, Matthew A.			2. SSN [REDACTED]	3. RANK/RATE AMEC	4. PAY GRADE E-7
5. UNIT OR ORGANIZATION Navy Region Mid-Atlantic Reserve Component Command, Norfolk, Virginia				6. CURRENT SERVICE	
DOB: (b) (6)				a. INITIAL DATE 19 May 2008	b. TERM 6 years
7. PAY PER MONTH			8. NATURE OF RESTRAINT OF ACCUSED  N/A	9. DATE(S) IMPOSED  N/A	
a. BASIC \$4,200.30	b. SEA/FOREIGN DUTY N/A	c. TOTAL \$4,200.30			

**II. CHARGES AND SPECIFICATIONS**

10

SEE ATTACHED

**III. REFERRAL**

11a. NAME OF ACCUSER (Last, First, MI) (b) (6)	b. GRADE MMCS/E-8	c. ORGANIZATION OF ACCUSER RLSO Mid-Atlantic DET Groton
d. SIGNATURE OF ACCUSER (b) (6)	e. DATE 1 August 2014	

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 1st day of August 2014, 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.

(b) (6)  
\_\_\_\_\_  
Typed Name of Officer

LTJG, USN  
\_\_\_\_\_  
Grade and Service

(b) (6)  
\_\_\_\_\_  
Signature

RLSO Mid-Atlantic DET Groton  
\_\_\_\_\_  
Organization of Officer

Trial Counsel  
\_\_\_\_\_  
Official Capacity to Administer Oaths  
(See R.C.M. 307(b)—must be commissioned officer)

ORIGINAL

**CONTINUATION OF BLOCK 10, PAGE 1 OF 1  
AMEC MATTHEW A. PURINGTON**

**ADDITIONAL CHARGE I: Violation of UCMJ, Article 107**

SPECIFICATION: In that Aviation Mechanic Egress Systems Chief, Matthew A. PURINGTON, U.S. Navy Reserve, Navy Region Mid-Atlantic Reserve Component Command, Norfolk, Virginia, on active duty, did at or near Naval Station Norfolk, Virginia, on or about 20 June 2014, with intent to deceive, make to Personnel Support Senior Chief (b) (6), an official statement, to wit: that upon receipt of his orders, dated 05 May 2014, he and his dependents, Ms. (b) (6) and Ms. (b) (6) were in New York and that both dependents had accompanied him on the move to Norfolk during his permanent change of station, which statement was totally false, and was then known by Aviation Mechanic Egress Systems Chief, Matthew A. PURINGTON to be false.

**ADDITIONAL CHARGE II: Violation of UCMJ, Article 132**

SPECIFICATION: In that Aviation Mechanic Egress Systems Chief, Matthew A. PURINGTON, U.S. Navy Reserve, Navy Region Mid-Atlantic Reserve Component Command, Norfolk, Virginia, on active duty, for the purposes of obtaining the approval and payment of a claim against the United States in the approximate amount of \$1222.00, did, at or near Naval Station Norfolk, Virginia, on or about 20 June 2014, use certain writings, to wit: a Travel Voucher or Subvoucher, DD Form 1351-2, and a dislocation allowance statement, which said writings, as he, the said Aviation Mechanic Egress Systems Chief, Matthew A. PURINGTON, then knew, contained statements that his dependents accompanied him and began travel on 10 May 2014 and ended 11 May 2014 from New York to Virginia, which statements were false and fraudulent in that his dependents, Ms. (b) (6) and Ms. (b) (6) were already present in Virginia since November 2013 and did not travel with him between 10 May 2014 and 11 May 2014, and were then known by the said Aviation Mechanic Egress Systems Chief, Matthew A. PURINGTON to be false and fraudulent.

**AND NO OTHERS**

**ORIGINAL**

12. On 4 August, 20 14, 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.)

(b) (6)

Typed Name of Immediate Commander Legal Officer

Navy Region Mid-Atlantic Reserve Component  
Command, Norfolk

Organization of Immediate Commander

O-4

(b) (6)

Signature

IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13. The sworn charges were received at 15:12 hours, 4 Aug, 20 14 at Navy Region Mid-Atlantic

Reserve Component Command, Norfolk

Designation of Command or

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

FOR THE Commander

LT (b) (6)

Typed Name of Officer

Assistant Staff Judge Advocate

Official Capacity of Officer Signing

O-3

(b) (6)

Signature

V. REFERRAL; SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY

b. PLACE

c. DATE (YYYYMMDD)

Commander, Navy Region Mid-Atlantic

Norfolk, Virginia

SEP 30 2014

Referred for trial to the General court-martial convened by General Court-Martial

( Convening Order 1-14 dated

9 January 20 14, subject to the following instructions:<sup>2</sup> None.

by \_\_\_\_\_ of \_\_\_\_\_  
Command or Order

(b) (6)

Typed Name of Officer

Commander, Navy Region Mid-Atlantic

Official Capacity of Officer Signing

Rear Admiral, U.S. Navy

(b) (6)

Signature

15 On \_\_\_\_\_, 20 \_\_\_\_\_, 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.

CHARGE I: VIOLATION OF THE UCMJ, ARTICLE 80

Specification 1: In that Culinary Specialist Second Class Daniel L. Moss, U.S. Navy, USS MOMSEN (DDG 92), on active duty, did, onboard USS MOMSEN (DDG 92), located at sea, on divers occasions, between in or about May 2013, and in or about July 2013, attempted to commit sexual contact upon Seaman CDM, U.S. Navy, by causing bodily harm to her, to wit: attempting to touch her genitalia with his hand, and such attempted contact was without the consent of the said Seaman CDM, U.S. Navy.

Specification 2: In that Culinary Specialist Second Class Daniel L. Moss, U.S. Navy, USS MOMSEN (DDG 92), on active duty, did, onboard USS MOMSEN (DDG 92), located at sea, in or about July 2013, attempted to commit sexual contact upon Seaman CDM, U.S. Navy, by causing bodily harm to her, to wit: attempting to touch her breast with his hand, and such attempted contact was without the consent of the said Seaman CDM, U.S. Navy.

CHARGE II: VIOLATION OF THE UMCJ, ARTICLE 92

Specification 1: In that Culinary Specialist Second Class Daniel L. Moss, U.S. Navy, USS MOMSEN (DDG 92), on active duty, did, onboard USS MOMSEN (DDG 92), located at sea and at or near Everett, Washington, on divers occasions, between in or about October 2012, and in or about January 2013, violate a lawful general order, to wit: Secretary of the Navy Instruction 5300.26D, DON Policy on Sexual Harassment, dated 3 January 2006, by wrongfully engaging in sexual harassment as defined by the said general order against Gunner's Mate Third Class MLO, U.S. Navy.

Specification 2: In that Culinary Specialist Second Class Daniel L. Moss, U.S. Navy, USS MOMSEN (DDG 92), on active duty, did, onboard USS MOMSEN (DDG 92), located at sea, and at or near Everett, Washington, on divers occasions, between in or about January 2013, and in or about April 2013, violate a lawful general order, to wit: Secretary of the Navy Instruction 5300.26D, DON Policy on Sexual Harassment, dated 3 January 2006, by wrongfully engaging in sexual harassment as defined by the said general order against Information Systems Technician Third Class SKML, U.S. Navy.

Specification 3: In that Culinary Specialist Second Class Daniel L. Moss, U.S. Navy, USS MOMSEN (DDG 92), on active duty, did, onboard USS MOMSEN (DDG 92), located at sea, on divers occasions, between in or about May 2013, and in or about July 2013, violate a lawful general order, to wit: Secretary of the Navy Instruction 5300.26D, DON Policy on Sexual Harassment, dated 3 January 2006, by wrongfully engaging in sexual harassment as defined by the said general order against Seaman CDM, U.S. Navy.

Specification 4: In that Culinary Specialist Second Class Daniel L. Moss, U.S. Navy, USS MOMSEN (DDG 92), on active duty, did, onboard USS MOMSEN (DDG 92), located at sea, and at or near Everett, Washington, on divers occasions, between in or about June 2013, and in or about September 2013, violate a lawful general order, to wit: Secretary of the Navy Instruction 5300.26D, DON Policy on Sexual Harassment, dated 3 January 2006, by wrongfully engaging in sexual harassment as defined by the said general order against Seaman Apprentice AAW, U.S. Navy.

CHARGE III: VIOLATION OF THE UCMJ, ARTICLE 120

Specification 1: In that Culinary Specialist Second Class Daniel L. Moss, U.S. Navy, USS MOMSEN (DDG 92), on active duty, did, onboard USS MOMSEN (DDG 92), located at sea, in or about August 2013, commit sexual contact upon Seaman Apprentice AAW, U.S. Navy, by unlawful force, to wit: pushing her against a shelf and rubbing his penis on her genitalia.

Specification 2: In that Culinary Specialist Second Class Daniel L. Moss, U.S. Navy, USS MOMSEN (DDG 92), on active duty, did, onboard USS MOMSEN (DDG 92), located at sea, and at or near Everett, Washington, on divers occasions, between in or about June 2013, and in or about September 2013, commit sexual contact upon Seaman Apprentice AAW, U.S. Navy, by causing bodily harm to her, to wit: rubbing her buttocks with his groin, and such contact was without the consent of the said Seaman Apprentice AAW, U.S. Navy.

Specification 3: In that Culinary Specialist Second Class Daniel L. Moss, U.S. Navy, USS MOMSEN (DDG 92), on active duty, did, onboard USS MOMSEN (DDG 92), located at sea, in or about

August 2013, intentionally expose, in an indecent manner, his penis to Seaman Apprentice AAW, U.S. Navy.

Specification 4: In that Culinary Specialist Second Class Daniel L. Moss, U.S. Navy, USS MOMSEN (DDG 92), on active duty, did, onboard USS MOMSEN (DDG 92), located at sea and at or near Everett, Washington, on divers occasions, between in or about May 2013, and in or about July 2013, commit sexual contact upon Seaman CDM, U.S. Navy, by causing bodily harm to her, to wit: pressing the front of his body into the back of her body, and such contact was without the consent of the said Seaman CDM, U.S. Navy.

Specification 5: In that Culinary Specialist Second Class Daniel L. Moss, U.S. Navy, USS MOMSEN (DDG 92), on active duty, did, onboard USS MOMSEN (DDG 92), located at sea, on divers occasions, between in or about May 2013, and in or about July 2013, commit sexual contact upon Seaman CDM, U.S. Navy, by causing bodily harm to her, to wit: touching her buttocks with his hand, and such contact was without the consent of the said Seaman CDM, U.S. Navy.

Specification 6: In that Culinary Specialist Second Class Daniel L. Moss, U.S. Navy, USS MOMSEN (DDG 92), on active duty, did, onboard USS MOMSEN (DDG 92), located at sea, between in or about June 2013, commit sexual contact upon Seaman CDM, U.S. Navy, by causing bodily harm to her, to wit: touching her genitalia with his hand, and such contact was without the consent of the said Seaman CDM, U.S. Navy.

Specification 7: In that Culinary Specialist Second Class Daniel L. Moss, U.S. Navy, USS MOMSEN (DDG 92), on active duty, did, onboard USS MOMSEN (DDG 92), located at sea, and at or near Everett, Washington, on divers occasions, between in or about January 2013, and in or about April 2013, commit sexual contact upon Information Systems Technician Third Class SKML, U.S. Navy, by causing bodily harm to her, to wit: touching her buttocks with and object, and such contact was without the consent of the said Information Systems Technician Third Class SKML, U.S. Navy.

CHARGE IV: VIOLATION OF THE UCMJ, ARTICLE 128

Specification: In that Culinary Specialist Second Class Daniel L. Moss, U.S. Navy, USS MOMSEN (DDG 92), on active duty, did, onboard USS MOMSEN (DDG 92), located at sea, and at or near Everett, Washington, on divers occasions, between in or about October 2012, and in or about October 2013, unlawfully touch Culinary Specialist Second Class TNE, U.S. Navy, on her shoulders, back, hips, and arms with his hands.

CHARGE I VIOLATION OF THE UCMJ, ARTICLE 92

Specification 1: In that Aviation Boatswain's Mate (Equipment) First Class Marcelino C. Olivarez, U.S. Navy, USS NIMITZ, on active duty, did, on board USS NIMITZ, located at sea, on divers occasions, between 1 July 2013 and 14 September 2013, violate a lawful general order, to wit: Secretary of the Navy Instruction 5300.26D, DON Policy on Sexual Harassment, dated 3 January 2006, by wrongfully engaging in sexual harassment as defined by the said general order against Aviation Boatswain's Mate (Equipment) Third Class JES, U.S. Navy.

Specification 2: In that Aviation Boatswain's Mate (Equipment) First Class Marcelino C. Olivarez, U.S. Navy, USS NIMITZ, on active duty, did, on board USS NIMITZ, located at sea, on divers occasions, between 15 July 2013 and 14 September 2013, violate a lawful general order, to wit: Secretary of the Navy Instruction 5300.26D, DON Policy on Sexual Harassment, dated 3 January 2006, by wrongfully engaging in sexual harassment as defined by the said general order against Aviation Boatswain's Mate (Equipment) Airman NME-R, U.S. Navy.

Specification 3: In that Aviation Boatswain's Mate (Equipment) First Class Marcelino C. Olivarez, U.S. Navy, USS NIMITZ, on active duty, did, on board USS NIMITZ, located at sea, on divers occasions, between 1 July 2013 and 8 September 2013, violate a lawful general order, to wit: Secretary of the Navy Instruction 5300.26D, DON Policy on Sexual Harassment, dated 3 January 2006, by wrongfully engaging in sexual harassment as defined by the said general order against Aviation Boatswain's Mate (Equipment) Third Class ARC, U.S. Navy.

Specification 4: In that Aviation Boatswain's Mate (Equipment) First Class Marcelino C. Olivarez, U.S. Navy, USS NIMITZ, on active duty, did, on board USS NIMITZ, located at sea, on divers occasions, between 1 July 2013 and 14 September 2013, violate a lawful general order, to wit: Secretary of the Navy Instruction 5300.26D, DON Policy on Sexual Harassment, dated 3 January 2006, by wrongfully engaging in sexual harassment as defined by the said general order against Aviation Boatswain's Mate (Equipment) Airman KES, U.S. Navy.

Specification 5: In that Aviation Boatswain's Mate (Equipment) First Class Marcelino C. Olivarez, U.S. Navy, USS NIMITZ, on active duty, did, on board USS NIMITZ, located at sea, on divers occasions, between 1 July 2013 and 31 August 2013, violate a lawful general order, to wit: Secretary of the Navy Instruction

5300.26D, DON Policy on Sexual Harassment, dated 3 January 2006, by wrongfully engaging in sexual harassment as defined by the said general order against Aviation Boatswain's Mate (Equipment) Third Class MER, U.S. Navy.

Specification 6: In that Aviation Boatswain's Mate (Equipment) First Class Marcelino C. Olivarez, U.S. Navy, USS NIMITZ, on active duty, did, on divers occasions, on board USS NIMITZ, located at or near Jebel Ali, United Arab Emirates, on or about 6 July 2013, violate a lawful general order, to wit: Secretary of the Navy Instruction 5300.26D, DON Policy on Sexual Harassment, dated 3 January 2006, by wrongfully engaging in sexual harassment as defined by the said general order against Aviation Boatswain's Mate (Equipment) Third Class LCG, U.S. Navy.

Specification 7: In that Aviation Boatswain's Mate (Equipment) First Class Marcelino C. Olivarez, U.S. Navy, USS NIMITZ, on active duty, did, on board USS NIMITZ, located at sea, on divers occasions, between 1 July 2013 and 19 September 2013, violate a lawful general order, to wit: Secretary of the Navy Instruction 5300.26D, DON Policy on Sexual Harassment, dated 3 January 2006, by wrongfully engaging in sexual harassment as defined by the said general order against Aviation Boatswain's Mate (Equipment) Airman RJC, U.S. Navy.

Specification 8: In that Aviation Boatswain's Mate (Equipment) First Class Marcelino C. Olivarez, U.S. Navy, USS NIMITZ, on active duty, did, on board USS NIMITZ, located at sea, on divers occasions, between 1 June 2013 and 19 September 2013, violate a lawful general order, to wit: Secretary of the Navy Instruction 5300.26D, DON Policy on Sexual Harassment, dated 3 January 2006, by wrongfully engaging in sexual harassment as defined by the said general order against Aviation Boatswain's Mate (Equipment) Third Class JDK, U.S. Navy.

Specification 9: In that Aviation Boatswain's Mate (Equipment) First Class Marcelino C. Olivarez, U.S. Navy, USS NIMITZ, on active duty, did, on board USS NIMITZ, located at sea, on divers occasions, between 15 June 2013 and 15 July 2013, violate a lawful general order, to wit: Secretary of the Navy Instruction 5300.26D, DON Policy on Sexual Harassment, dated 3 January 2006, by wrongfully engaging in sexual harassment as defined by the said general order against Aviation Boatswain's Mate (Equipment) Third Class CDR, U.S. Navy.

Specification 10: In that Aviation Boatswain's Mate (Equipment) First Class Marcelino C. Olivarez, U.S. Navy, USS NIMITZ, on active duty, did, on board USS NIMITZ, located at sea, on divers occasions, between 1 July 2013 and 19 September 2013, violate a lawful general order, to wit: Secretary of the Navy Instruction 5300.26D, DON Policy on Sexual Harassment, dated 3 January 2006, by wrongfully engaging in sexual harassment as defined by the said general order against Aviation Boatswain's Mate (Equipment) Airman JTA, U.S. Navy.

Specification 11: In that Aviation Boatswain's Mate (Equipment) First Class Marcelino C. Olivarez, U.S. Navy, USS NIMITZ, on active duty, did, on board USS NIMITZ, located at sea, on divers occasions, between May 2013 and September 2013, violate a lawful general order, to wit: Secretary of the Navy Instruction 5300.26D, DON Policy on Sexual Harassment, dated 3 January 2006, by wrongfully engaging in sexual harassment as defined by the said general order against Airman Recruit KLB, U.S. Navy.

Specification 12: In that Aviation Boatswain's Mate (Equipment) First Class Marcelino C. Olivarez, U.S. Navy, USS NIMITZ, on active duty, did, on board USS NIMITZ, located at sea, on divers occasions, between 1 July 2013 and 15 August 2013, violate a lawful general order, to wit: Secretary of the Navy Instruction 5300.26D, DON Policy on Sexual Harassment, dated 3 January 2006, by wrongfully engaging in sexual harassment as defined by the said general order against Airman KJC, U.S. Navy.

Charge II: Violation of the UCMJ, Article 117- Provoking Speeches or Gestures

Specification 1: In that Aviation Boatswain's Mate (Equipment) First Class Marcelino C. Olivarez, U.S. Navy, USS NIMITZ, on active duty, did, on board USS NIMITZ, located at sea, on or about 1 July 2013, wrongfully use provoking words, to wit: "Do I have to hit you over the head with a rhino bar to knock some sense into you," or words to that effect, towards Aviation Boatswain's Mate (Equipment) Airman RJC, U.S. Navy.

Specification 2: In that Aviation Boatswain's Mate (Equipment) First Class Marcelino C. Olivarez, U.S. Navy, USS NIMITZ, on active duty, did, on board USS NIMITZ, located at sea, on divers occasions, between 1 July 2013 and 19 September 2013, wrongfully use provoking words, to wit: "I would rape you so hard if we were in prison," or words to that effect, towards Aviation Boatswain's Mate (Equipment) Airman RJC, U.S. Navy.

Specification 3: In that Aviation Boatswain's Mate (Equipment) First Class Marcelino C. Olivarez, U.S. Navy, USS NIMITZ, on active duty, did, on board USS NIMITZ, located at sea, on or about 15 August 2013, wrongfully use provoking words, to wit: "You know you like it faggot," or words to that effect, towards Aviation Boatswain's Mate (Equipment) Airman JTA, U.S. Navy.

Charge III: Violation of the UCMJ, Article 120-(Abusive sexual Contact; Aggravated Sexual Contact)

Specification 1: In that Aviation Boatswain's Mate (Equipment) First Class Marcelino C. Olivarez, U.S. Navy, USS NIMITZ, on active duty, did, on board USS NIMITZ, located at sea, on or about 1 June 2013, commit sexual contact upon Airman KJC, U.S. Navy, by causing bodily harm to Airman KJC, to wit: touching the said Airman KJC' buttocks with his hand.

Specification 2: In that Aviation Boatswain's Mate (Equipment) First Class Marcelino C. Olivarez, U.S. Navy, USS NIMITZ, on active duty, did, on divers occasions, on board USS NIMITZ, located at or near Jebel Ali, United Arab Emirates, on or about 6 July 2013, commit an act of sexual contact by causing bodily harm upon Aviation Boatswain's Mate (Equipment) Third Class LCG, U.S. Navy, to wit: touching the said Aviation Boatswain's Mate (Equipment) Third Class LCG's genitalia with his hand.

Specification 3: In that Aviation Boatswain's Mate (Equipment) First Class Marcelino C. Olivarez, U.S. Navy, USS NIMITZ, on active duty, did, on divers occasions, on board USS NIMITZ, located at or near Jebel Ali, United Arab Emirates, on or about 6 July 2013, commit an act of sexual contact by causing bodily harm upon Aviation Boatswain's Mate (Equipment) Third Class LCG, U.S. Navy, to wit: touching the said Aviation Boatswain's Mate (Equipment) Third Class LCG's buttocks with his hand.

Specification 4: In that Aviation Boatswain's Mate (Equipment) First Class Marcelino C. Olivarez, U.S. Navy, USS NIMITZ, on active duty, did, on board USS NIMITZ, located at sea, on divers occasions, between 1 July 2013 and 19 September 2013, commit an act of sexual contact by causing bodily harm upon Aviation Boatswain's Mate (Equipment) Airman RJC, U.S. Navy, to wit: touching the said Aviation Boatswain's Mate (Equipment) Airman RJC's buttocks with his hand.

Specification 5: In that Aviation Boatswain's Mate (Equipment) First Class Marcelino C. Olivarez, U.S. Navy, USS NIMITZ, on active duty, did, on board USS NIMITZ, located at sea, on divers

occasions, between 1 June 2013 and 19 September 2013, commit an act of sexual contact by causing bodily harm upon Aviation Boatswain's Mate (Equipment) Third Class JDK, U.S. Navy, to wit: touching the buttocks of said Aviation Boatswain's Mate (Equipment) Third Class JDK with his hand.

Specification 6: In that Aviation Boatswain's Mate (Equipment) First Class Marcelino C. Olivarez, U.S. Navy, USS NIMITZ, on active duty, did, on board USS NIMITZ, located at sea, on divers occasions, between 1 July 2013 and 19 September 2013, commit an act of sexual contact by causing bodily harm upon Aviation Boatswain's Mate (Equipment) Airman JTA,, U.S. Navy, to wit: touching the buttocks of the said Aviation Boatswain's Mate (Equipment) Airman JTA with his hand.

Specification 7: In that Aviation Boatswain's Mate (Equipment) First Class Marcelino C. Olivarez, U.S. Navy, USS NIMITZ, on active duty, did, on board USS NIMITZ, located at sea, on divers occasions, between 15 April 2013 and 19 September 2013, commit an act of sexual contact by causing bodily harm upon Aviation Boatswain's Mate (Equipment) Third Class MB, U.S. Navy, to wit: touching the buttocks of the said Aviation Boatswain's Mate (Equipment) Third Class MB with his hand.

Specification 8: In that Aviation Boatswain's Mate (Equipment) First Class Marcelino C. Olivarez, U.S. Navy, USS NIMITZ, on active duty, did, on board USS NIMITZ, located at sea, on divers occasions, between 15 June 2013 and 15 July 2013, commit an act of sexual contact by causing bodily harm upon Aviation Boatswain's Mate (Equipment) Third Class CDR, U.S. Navy, to wit: touching the buttocks of the said Aviation Boatswain's Mate (Equipment) Third Class CDR with his hand.

Charge IV: Violation of the UCMJ, Article 128-(Assault consummated by battery)

Specification 1: In that Aviation Boatswain's Mate (Equipment) First Class Marcelino C. Olivarez, U.S. Navy, USS NIMITZ, on active duty, did, on board USS NIMITZ, located at sea, on or about 28 May 2013, unlawfully pick up the body of Aviation Boatswain's Mate (Equipment) Third Class MER, U.S. Navy, and throw her body to the floor with his arms.

Specification 2: In that Aviation Boatswain's Mate (Equipment) First Class Marcelino C. Olivarez, U.S. Navy, USS NIMITZ, on active duty, did, on divers occasions, on board USS NIMITZ, located at sea, between 1 May 2013 and 13 September 2013,

unlawfully grab Aviation Boatswain's Mate (Equipment) Third Class ARC, U.S. Navy, by the neck with his hand.

Specification 3: In that Aviation Boatswain's Mate (Equipment) First Class Marcelino C. Olivarez, U.S. Navy, USS NIMITZ, on active duty, did, on divers occasions, on board USS NIMITZ, located at sea, between 13 July 2013 and 9 August 2013, unlawfully grab Aviation Boatswain's Mate (Equipment) Airman KES, U.S. Navy, by the neck with his hand.

Charge V: Violation of the UCMJ, Article 134, Communicating a Threat

Specification 1: In that Aviation Boatswain's Mate (Equipment) First Class Marcelino C. Olivarez, U.S. Navy, USS NIMITZ, on active duty, did, on board USS NIMITZ, located at sea, on or about 1 May 2013, wrongfully communicate to Aviation Boatswain's Mate (Equipment) Third Class MER, U.S. Navy, a threat to injure her by stating, "If you try to ever get me sent up, I will take a holdback bar to you," or words to that effect, which conduct was prejudicial to good order and discipline in the Armed Forces.

Specification 2: In that Aviation Boatswain's Mate (Equipment) First Class Marcelino C. Olivarez, U.S. Navy, USS NIMITZ, on active duty, did, on board USS NIMITZ, located at sea, on or about 1 May 2013, wrongfully communicate to Aviation Boatswain's Mate (Equipment) Third Class ARC, U.S. Navy, a threat to injure her by stating, "If you report me for sexual harassment or get me in trouble for anything I will take you with me," or words to that effect, which conduct was prejudicial to good order and discipline in the Armed Forces.