

# NAVAL INSPECTOR GENERAL

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## REPORT OF INVESTIGATION

Subj: SENIOR OFFICIAL CASE 201101133; ALLEGED LEADERSHIP ABUSE  
OF SUBORDINATES AND UNLAWFUL USE OF FORCE OR VIOLENCE BY  
RDML (SEL) GREGORY R. THOMAS, USN



8/31/2011

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**Office of the Naval Inspector General**

**Case Number: 201101133**

**Report of Investigation**

**25 August 2011**

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**Preliminary Statement**

1. In an anonymous hotline complaint dated 4 April 2011, it is alleged that RDML (Sel) Gregory R. Thomas, USN, Commander, Norfolk Naval Shipyard (NNSY), is an abusive leader. The complaint did not identify any victim by name, but generally alleged that RDML (Sel) Thomas's abusive leadership and behavior is manifest in his frequent harassment of subordinates, repeated swearing directed at shipyard senior leadership and employees, repeated belittling of subordinates both in public and in private, undermining of subordinates' authority as managers, continuous threats to fire subordinates, and other unprofessional conduct, e.g., personally collecting trash and throwing it in the duty office.

2. As the complaint offered no specific details in support of the various allegations and because it failed to provide any specific occasions or specific examples of the alleged abusive behavior, NAVINSGEN determined that none of the allegations standing alone or taken together warranted NAVINSGEN investigation. Recognizing that the complaint did, however, raise command climate issues, NAVINSGEN forwarded the complaint to Commander, Naval Sea Systems Command (NAVSEA) for his review and action as deemed appropriate.

3. Commander, NAVSEA directed NAVSEA IG to conduct a command climate survey at the NNSY. The survey was completed in mid-May 2011. Information obtained during the command climate survey provided specifics that had been missing from the 4 April 2011 anonymous hotline complaint. The climate survey at NNSY found that RDML (Sel) Thomas was "widely recognized as a dedicated, capable shipyard commander who is leading NNSY in the right direction." The report further stated:

His leadership style is viewed by many within his leadership team as direct and demanding with the intended purpose of advancing the shipyard. By many others on the leadership team, his leadership is viewed as abusive and lacking in trust, dignity, and respect. More troubling, there were also allegations of two separate

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incidents that might constitute assaults, within the meaning of Article 128, Uniform Code of Military Justice. These allegations are outside the scope of this climate assessment and were not investigated.

4. In light of the additional information and detail about alleged wrongdoing by RDML (Sel) Thomas, NAVINSGEN opened its investigation on 18 May 2011.

5. Two allegations were identified for investigation. The allegations and associated conclusions are listed directly below:

**Allegation #1:** That RDML (Sel) Thomas's use of profanity, yelling, intimidation, and threats of firing while addressing performance issues with subordinates constituted abusive leadership, in violation of U.S. Navy Regulations, Article 1023 (Abuse of Authority).

**Conclusion:** The allegation is substantiated.

**Allegation #2:** That RDML (Sel) Thomas's used unlawful force or violence against [redacted] (b)(7)(c) in violation of the Uniform Code of Military Justice, Article 128.

**Conclusion:** The allegation is substantiated.

### **Background**

6. RDML (Sel) Thomas assumed duties as Commander, NNSY in September 2010. He assumed command at the shipyard from a temporary commander as the previous permanently assigned commander had [redacted] (b)(7)(c) [redacted] (b)(7)(c) by Commander, NAVSEA on 30 June 2010.<sup>1</sup> The relief of the previous shipyard commander came as a result of a NAVSEA review of NNSY's actions to address the underlying causes for the decline in overall shipyard performance. Results of the NAVSEA review were reported out on 30 June 2010. The review found that shipyard leadership did not have a full understanding of the broader problems and underlying causes that had resulted in the continued decline in the shipyard's performance; communication across the shipyard was found lacking and in need of significant improvement; alignment among the leadership team was poor; supervisor selection and training was inadequately provided; workforce development was not well managed; nuclear and non-nuclear engineering groups failed

<sup>1</sup> In his letter of 13 July 2010, Commander, NAVSEA petitioned Commander, Navy Personnel Command to [redacted] (b)(7)(c) [redacted] (b)(7)(c) whom Commander NAVSEA relieved from his position as Commander, NNSY on 30 June 2010 for a [redacted] (b)(7)(c)

to acknowledge their significant contribution to the shipyard's declining performance; and, resource management was dysfunctional.

7. It was under these circumstances that RDML (Sel) Thomas assumed command of NNSY in September 2010. He was selected for this assignment by NAVSEA leadership with the expectation that he would leverage his significant shipyard management expertise and recent successes as commanding officer of the Pearl Harbor Naval Shipyard - his previous assignment - and reverse poor performance trends that had developed over time at NNSY.

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**Allegation #1:** That RDML (Sel) Thomas's use of profanity, yelling, intimidation, and threats of firing while addressing performance issues with subordinates constituted abusive leadership, in violation of U.S. Navy Regulations, Article 1023 (Abuse of Authority).

### **Findings of Fact**

#### **The Alleged Victims of Abusive Behavior**

8. Investigators conducted formal interviews with a large cross-section of military (officer and senior enlisted) and government civilian employees at NNSY. A total of 45 witnesses, currently or previously serving in various leadership and management positions under RDML (Sel) Thomas, were interviewed. Nine of 45 individuals testified that they were personally subjected to demeaning, insulting or profane language, or intimidating behavior (e.g., yelling, threats that they would be "fired") by RDML (Sel) Thomas in private conversations or in public. For these nine individuals, there were multiple objectionable episodes with RDML (Sel) Thomas. Other managers testified to less frequent instances of objectionable leadership behavior being directed at them or about others while in their presence. Still others recalled no specific instances of the shipyard commander acting in a manner they would characterize as abusive.

(b)(7)(c)

9. (b)(7)(c) is a (b)(7)(c) civil service employee with (b)(7)(c) years of service at NNSY. At the time of his interview, he was assigned as the (b)(7)(c) and had been in that position for five years. When interviewed, (b)(7)(c) recounted several occasions when, in one-on-one meetings and private telephone conversations, RDML (Sel) Thomas used profanity to describe his performance as a manager. He testified that on those occasions when profanity was used:

It was personal to the point that it always seemed to be, in our conversations, that ... he was in disbelief that I could be so F'ing stupid. [H]ow could I not see the things that he was seeing? [It was a] demeaning kind of thing.

Expanding his response about how RDML (Sel) Thomas talked to him, (b)(7)(c) said:

I don't recall him ever calling me stupid. I'm trying to think what he did say... [He] repeated over and over and over again that I was in fucking denial on submarine performance.

10. In addition to the foregoing, (b)(7)(c) offered the following testimony:

My personal belief is that [RDML (Sel) Thomas] decided when he came here that I didn't need [my] job. And I actually heard rumors that he tried to get rid of me and got push back from somewhere up in D.C. Don't know that to be a fact. That's just what I heard.

But from day one, it seemed that... his effort was, I don't need this person. I know how to run submarines. I'll run submarines around him.

And the only time that he would deal with me is when something was bad, like him standing up and telling me, when something's not going right, (b)(7)(c) those kinds of things... in a group or a big audience... and you take from that what you think it means. But... I didn't take it to be very well.

[Another] thing was... the way it just seemed like I was fielding questions every day from my people about the way they got treated. And that was the part that hurt the worst because I was not able to do anything about it.

I probably fielded phone calls from (b)(7)(c) (b)(7)(c) from one of them if not both of them, on almost a daily basis... because they would report to me the things that were happening.

[They] would tell me that they were... verbally abused and belittled in front of different people and different acts like that... in front of their COs, in front of other people.

11. In contrast to the forgoing statement that "from day one" RDML (Sel) Thomas tried to run repair submarines work around (b)(7)(c) and only spoke to him when something "was bad... or not going right...", the following email exchange shows at least one occasion when RDML (Sel) Thomas was working collaboratively with (b)(7)(c) to make a leadership change at the Fleet Maintenance Building (FMB), a NNSY subordinate activity at the Norfolk Naval

Station providing Intermediate Level (I-Level) Repair for submarines (and surface ships) outside the shipyard's industrial facility.

-----Original Message-----

From: Thomas, Greg R RDML (Sel) NNSY, C100

Sent: Wednesday, October 20, 2010 16:40

To:

Cc: (b)(7)(c)

Subject: RE: Proposed change at the FMB

He was going to lead a Cop [Community of Practice]. This is not a "no". You have the right caliber person. Other names? Other names for a CoP. r (b)(7)(c)

-----Original Message-----

From: (b)(7)(c)

Sent: Wednesday, October 20, 2010 12:09

To: Thomas, Greg R RDML (Sel) NNSY, C100

Cc: (b)(7)(c)

Subject: Proposed change at the FMB

In an effort to improve our performance at the FMB I propose that I relieve (b)(7)(c) as (b)(7)(c) as soon as I can get (b)(7)(c) back from PMF class (one week left).

(b)(7)(c) is a very experienced (b)(7)(c). He is also a (b)(7)(c) in the (b)(7)(c). His experience as (b)(7)(c) on several CNO projects along with his naval experience will help him transform the FMB to the operation that is expected. He will also be better suited to communicate with the naval leadership at the base. I understand this is a higher pay grade than we would normally put down there but the urgency warrants it until [we] are in line with the expectations. I believe this is the best option to make immediate change. Thoughts?

VR

(b)(7)(c)

The outcome of the foregoing exchange between (b)(7)(c) and RDML (Sel) Thomas was the approval of (b)(7)(c) recommended replacement of (b)(7)(c) (b)(7)(c) by (b)(7)(c)

12. Speaking about submarine repair in general but using the (b)(7)(c) case as a point of departure, RDML (Sel) Thomas explained that when he was making his initial assessment of his command he met with his NAVSEA leaders and the submarine type commander, VADM Donnelly. In those meetings, it was made clear to him that submarine repair was not being accomplished by NNSY in a timely or efficient manner. This was an area he was expected to focus on and fix. RDML (Sel) Thomas said that VADM Donnelly told him during their meeting that: "My number one distraction in command has been your shipyard's performance on my I-level work." Recalling this conversation, RDML (Sel) Thomas further testified:

I did my own root cause analysis and concluded that we had put people in positions that they weren't ready to be in. And one of them was (b)(7)(c) a decent man, but you take someone that's grown up kind of doing depot level work, the pace of submarine overhaul or carrier overhaul is different than when you're doing - repair work for the type commander or the ISIC or the submarine CO or five week CMAV where the expectation is it's in the employment readiness cycle, it starts and stops on time, and the work that needs to get done gets done, the support for readiness. And we had a very poor record.

We were not getting boats underway on time. Our timelines were exceeding any of the other three places where I have been directly responsible for I-level work.

13. Regarding having called him (b)(7)(c) RDML (Sel) Thomas offered the following explanation in a written statement provided to the investigator on 30 June 2011:

Though I do not recall specific meeting(s) or times in which I called (b)(7)(c) I do recall telling him he was the "(b)(7)(c) (b)(7)(c)" and therefore calling him "(b)(7)(c) (b)(7)(c)" is certainly possible. I made a very concerted and disciplined effort to improve our submarine program and improve (b)(7)(c) performance in the execution of his role as the (b)(7)(c) ... I do not deny that I would use those terms, "command's face for submarine program management", and if I did say, "(b)(7)(c)", it was in instructive and corrective conversations with (b)(7)(c) particularly ones in which we were addressing repeat problems for which he was accountable.

(b)(7)(c)

14. At the time of his interview, (b)(7)(c) was assigned as (b)(7)(c), (b)(7)(c). He was wrapping up a (b)(7)(c)-year assignment at the shipyard, his last twelve months as (b)(7)(c). An (b)(7)(c) with more than (b)(7)(c) years of active duty service, he characterized RDML (Sel) Thomas as a "negative leader." He said: "His leadership style and mine did not mesh very well. His took on much more of a negative connotation."

15. (b)(7)(c) testified that it was common for RDML (Sel) Thomas to go down to the project ships and engage with the project superintendant or assistant superintendant and provide direction to them about how he expected them to manage and direct their assigned workforce. In doing so, he bypassed (b)(7)(c) and the (b)(7)(c) level supervisors (b)(7)(c) and (b)(7)(c) that reported to him. This was a regular

source of frustration for [redacted] (b)(7)(c) and his [redacted] (b)(7)(c) Department management team.

16. Questioned about RDML (Sel) Thomas's use of profanity, [redacted] (b)(7)(c) said that the shipyard commander would routinely use profanity when making a general assessment of a situation and at times he would make profane comments to or about individuals that worked for him. Asked if he suffered profanity being directed at him personally by RDML (Sel) Thomas, he said:

I can't recall or don't recall it being directed as personal towards me. If it was, I didn't take it that way or I compartmentalized it and just moved on.

[I]n my dealings with him, I didn't take anything personally because if I did, I wouldn't be able to function.

17. Asked if he ever observed RDML (Sel) Thomas being demeaning towards anyone or directing negative comments at a person [redacted] (b)(7)(c) [redacted] (b)(7)(c) said he observed that behavior "more than a handful of times. Over a nine-month period, I would say enough times to call it regular." Asked to provide specific examples of RDML (Sel) Thomas making remarks about others, he said:

He seemed to be especially hard on [redacted] (b)(7)(c) and [redacted] (b)(7)(c) [redacted] (b)(7)(c), two of our submarine project superintendents. And he would say things to [redacted] (b)(7)(c) like... You're the worst GD [redacted] (b)(7)(c) I've ever seen. Any second-class petty officer could run this avail. Everything down here is F'd up.

[redacted] (b)(7)(c)

18. [redacted] (b)(7)(c) is a [redacted] (b)(7)(c) civil service employee with [redacted] (b)(7)(c) years of service at NNSY. At the time of his interview, he was assigned as the [redacted] (b)(7)(c) for the USS NORFOLK (SSN-714) (NORFOLK) Docking Continuous Maintenance Availability (DCMAV). He had been a [redacted] (b)(7)(c) for [redacted] (b)(7)(c) years. [redacted] (b)(7)(c) testified about several instances when RDML (Sel) Thomas used profanity or made demeaning statements about his performance as superintendant privately and in public. [redacted] (b)(7)(c) said on one occasion, RDML (Sel) Thomas spoke to him privately and said: "I should have sent a fucking second class petty officer to do your job. He could run the NORFOLK better than you're doing." On another occasion, during a tour of the NORFOLK's dry dock, with other people present, he recalled RDML (Sel) Thomas walking up to him holding a cigarette butt in his hand and saying: "You see this fucking cigarette butt? This shit is not coming into my goddamn dry dock."

19. [redacted] (b)(7)(c) further testified about the cigarette incident and explained to investigators:

Because I'd already been warned by other people that, you know, he does not like cigarette butts lying around [we made] a conscious effort to make sure the dry dock was cleaned. So I said, "Sir, did you get that from the dry dock?" And somebody else said, "No, he got it from up topside but it could have blown in the dry dock." So he just kept holding it up... and so finally I was thinking he wants me to take it. So I took my glove off, because it was real cold outside, and he took and he shoved the cigarette butt into my hand. And he just kept going on and on about the cigarette butts in the dry dock and the cleanliness and that's all with cursing.

20. When asked who else was present at the time of the cigarette butt incident in the dry dock, [redacted] (b)(7)(c) stated that he'd "rather not [say] but there were other people present." Later in his interview, asked again to provide a corroborating witness, he named [redacted] (b)(7)(c) USN, the [redacted] (b)(7)(c) representative at NNSY. In his testimony, [redacted] (b)(7)(c) said he did not recall the incident described by [redacted] (b)(7)(c). Asked if he knew of any incidents where one of the [redacted] (b)(7)(c) [redacted] (b)(7)(c) may have reached out his hand to receive a cigarette butt that the RDML (Sel) Thomas had picked up only to have him forcibly push it into his hand, [redacted] (b)(7)(c) responded "No."<sup>2</sup>

21. Recalling another incident where he thought he heard RDML (Sel) Thomas call him a "piece of shit", [redacted] (b)(7)(c) testified:

Last month [April 2011], I don't even remember what he was mad about. [NORFOLK] was still in the dry dock. He was kind of mumbling... to himself a little bit. He looked up at me and then he looked back down and what I think I heard was, "You're a piece of shit." And so he called me up because he had heard, I guess somebody questioned him about it. And he called me up and said, "I don't use those words. Those words aren't even in my vocabulary. If I said them I apologize. I don't think I said them. If I said them I don't mean them towards you. I like you. You're doing a good job." This [apology] was right after we came out of dry dock. And he says, "And I'm telling you, I didn't say it because I don't use those words at home, I don't use them at

<sup>2</sup> The cigarette incident was identified in the NAVSEA climate survey as the second of two possible assaults committed by RDML (Sel) Thomas. Unverified information in that survey described RDML (Sel) Thomas forcefully and with a grinding motion placing the butt into [redacted] (b)(7)(c) hand. The alleged victim did not confirm the grinding motion and did not testify that the force of the placement of the butt caused him any pain. Consequently, only the other identified alleged assault is formally addressed in this report.

work." And I told him, I don't hold any grudges. There are no hard feelings...

22. Later in his testimony, [redacted] (b)(7)(c) stated the following:

I really do think the shipyard commander's intentions are good. I really do. I think he wants to help the shipyard. We need some help right now. We're not the best shipyard [like] we use to be... That iron fist stuff doesn't work anymore on people so you've got to just, you know. It needs a learning organization, which I think is a good idea. But it's hard for everybody to fall in line when the head guy doesn't do anything that he wants you to do.

[redacted] (b)(7)(c)

23. [redacted] (b)(7)(c) is a [redacted] (b)(7)(c) civil service employee with [redacted] (b)(7)(d) and [redacted] (b)(7)(c) of combined military and civilian service employment experience at NNSY. Most recently, she was the [redacted] (b)(7)(c) [redacted] (b)(7)(c), a position she held for [redacted] (b)(7)(c) years. Her last day working for the shipyard was the day of her interview, [redacted] (b)(7)(c). Immediately prior to her employment as NNSY [redacted] (b)(7)(c), she was on active duty at the shipyard as [redacted] (b)(7)(c), which, at the time, functioned as the [redacted] (b)(7)(c) of enlisted personnel. She retired from the Navy as a [redacted] (b)(7)(c) after [redacted] (b)(7)(d) years of service. When interviewed, [redacted] (b)(7)(c) testified that she never met with RDML (Sel) Thomas face-to-face; she only spoke to him on the phone. She recalled her first telephone call with him on 28 December 2010 in great detail. She described that phone call as follows:

He called my personal cell phone, which is the number that I gave him. I noticed that it was him calling me. There were some things going on in the structure of our organization at that time. I honestly believed that the man was calling me to thank me for a good job, for getting this particular project or whatever I was working on at the time completed. When I answered the telephone I noticed it was him. The first thing he said was, "Is this [redacted] (b)(7)(d) [redacted] (b)(7)(c)?" I said, "Yes, sir, it is. How can I help you?"

From that point on the man constantly yelled at the top of his voice, telling me who do I think I am, where do I get off moving billets around in his organization without his approval, yelling at the top of his voice on the telephone. And then he said, "You are not meeting my expectations." He said to me, "I am not happy with your job performance." And I proceeded to ask him, what specifically are you not happy with, sir, so I could fix it? I've always been a stellar performer. I retired with eight MSMs. I've been promotable ever since El, early promote. I didn't get there

overnight. I worked for everything I achieved. And of course if there was something wrong with my performance I wanted to fix it.

So I asked specifically what it was and he told me in a very loud voice, yelling. I had to physically hold the phone away from my ear. Telling me, "You're a retired (b)(7)(c). You know not to interrupt your superiors. Who do you think you are? Don't interrupt me when I'm talking to you. This is a one-sided conversation and I'll be very happy to formalize this in a formal letter of complaint to you on your performance." So I said, yes, sir. So I proceeded to listen to the rest of the conversation and it just went downhill. He ended up hanging up on me.

From that point on it was obvious I wasn't on his list of favorites so I chose to stay under the radar.

24. A witness, (b)(7)(c) testified he overheard a telephone conversation between RDML (Sel) Thomas and (b)(7)(c). He said, while he was waiting outside the shipyard commander's office and with the door to the office open, he could hear RDML (Sel) Thomas speaking to (b)(7)(c) in a "very loud, very abusive, swearing, and very degrading" way. As he recalled the incident:

[The Admiral said], "You work for me. I don't give a shit about any of the other people." And told her that she does not know what she's doing, is the worst administrative person he's ever seen, and a lot of that kind of stuff. It was very disheartening to hear.

(b)(7)(c) further testified that later that same day, (b)(7)(c) came crying to his office. He explained this was not an isolated incident. He told investigators, "I've had that happen numerous times. I was appalled by what I heard him saying to her. I had nothing that I could say to her to make her feel better [when we talked afterwards]. I was personally hurt by it."

25. When interviewed, (b)(7)(c) identified her immediate supervisor to investigators as (b)(7)(c), NNSY (b)(7)(c). The following is a summary of (b)(7)(c) telephone interview about her experience with (b)(7)(c) as an employee:

(b)(7)(c), who (b)(7)(c) had known for several years and who had worked for (b)(7)(c) for the past eight months, was an employee with an integrity issue. (b)(7)(c) explained that in October 2010, (b)(7)(c) presented a draft plan outlining how NNSY military personnel assigned to Fleet Maintenance would be supported subsequent to a proposed reorganization of the Fleet Maintenance effort performed by NNSY at Norfolk Naval Station. The plan was drafted by (b)(7)(c), without the knowledge of (b)(7)(c).

(b)(7)(c) and presented to leadership without (b)(7)(c) being consulted before it was presented to leadership. While this action by (b)(7)(c) showed her initiative, it ignored the existing chain of command and bypassed (b)(7)(c) her first line supervisor.

Subsequently, and as a result of an unrelated incident, (b)(7)(c) was directed by her supervisor, (b)(7)(c) to provide formal counseling to (b)(7)(c). According to (b)(7)(c) (b)(7)(c) she notified (b)(7)(c) of the impending counseling by phone but she did not issue any written counseling to (b)(7)(c) before (b)(7)(c) resigned her position.

Further, (b)(7)(c) explained that when (b)(7)(c) ended her employment with NNSY on (b)(7)(c), she had not provided management with any prior notice of her impending voluntary termination of employment. (b)(7)(c) first became aware that (b)(7)(c) (b)(7)(c) was leaving her position with NNSY when she was contacted by the servicing Human Resource Office about (b)(7)(c) resignation.

26. Regarding the 28 December 2010 phone call to (b)(7)(c), RDML (Sel) Thomas provided the following in his written statement dated 30 June 2011:

I did make a phone call to (b)(7)(c) on 28 December 2010. During that phone call I was very clear that I was dissatisfied with her performance and that she was not meeting my expectations. The areas where her performance was below standards included management of correspondence, FITNESS Reports, military man-power related programs, and military billets. Additionally, I was dissatisfied with her lack of communication with the new Deputy Shipyard Commander.

...

As I recall, my call to (b)(7)(c) on 28 December 2010 may have been one of only one or two calls I ever made to her, before or after learning that the (b)(7)(c) billet change was final, though we did address some questions and issues through routine email. The reason for going to her directly was that the shipyard was in a curtailed mode of operation [for the Christmas and New Year Holiday period], and she was the first person in the chain I could talk with. I also needed to ensure that no further billet changes would be made without proper vetting and formal NAVSEA approval.

(b)(7)(c)

27. (b)(7)(c) is assigned as the (b)(7)(c) (b)(7)(c) at the Norfolk Naval Station, a subordinate repair activity of the NNSY. He is a

[redacted] (b)(7)(c) with more than (b)(7)(c) years active duty service. He reported to his current assignment in [redacted] (b)(7)(c), about (b)(7)(c) weeks before RDML (Sel) Thomas assumed command. He made the following observation about his treatment on those occasions when he spoke with RDML (Sel) Thomas in either a one-on-one, face-to-face, meeting or over the telephone:

There have been times where that interaction has been very amiable and there have been times when it rises to the worst experience of my [30+ year] naval career in terms of dealing with a superior who will not listen, who wants to be very vocal and loud, and who wants to just dress down myself. I don't know that I'm being treated differently in that case. I don't think so, based on my observations in the yard and conversations and things you overhear relative to [other] people that I would consider my peers both in uniform and in civilian clothes: project superintendents, [project] deputies, and in some cases department deputies or department heads.

28. Asked to provide a specific example of a bad experience when speaking to the shipyard commander, [redacted] (b)(7)(c) recounted his first meeting with RDML (Sel) Thomas; a private meeting that he said took place in the shipyard commander's office within weeks of RDML (Sel) Thomas's arrival.

He stood up in his office, 6:30 in the morning, immediately raised his voice. His first comment was, "I am about to fire you." Not knowing how long I'd been there, not knowing any issues, not understanding that I wasn't someone who had been there a long time, that I had just arrived [myself]. Would not allow me to share with him at least my vision of the current state, what was being done to correct the current state, and why some of the work that was behind schedule was the way it was.

I tried to explain to him some of the specifics of some of the things that he was complaining about and all he could say was he considered those excuses, would not listen to a naval officer with 31 years of naval service and very accomplished in that time. And I left that office and was treated very similar on the phone and in other face-to-face meetings for some time.

29. Asked to provide specific examples of the language used by RDML (Sel) Thomas when they spoke, [redacted] (b)(7)(c) testified that he "would never [say] anything beyond damn or shit. There was never any 'F' word. And there was no name-calling to me that I remember."

[redacted] (b)(7)(c)  
30. [redacted] (b)(7)(c) was [redacted] (b)(7)(c) at NNSY, the [redacted] (b)(7)(c) officer and the installation [redacted] (b)(7)(c). She held that position from [redacted] (b)(7)(c) until [redacted] (b)(7)(c) when she transferred from [redacted] (b)(7)(c)

the shipyard to her current assignment with (b)(7)(c) (b)(7)(c). She has served on active duty for (b)(7)(c) years. (b)(7)(c) summarized her interaction with RDML (Sel) Thomas saying her meetings with him "were very confrontational." She said no matter the topic being discussed, there would be an "extreme articulation of his displeasure" regarding her performance of her assigned duties. With respect to her biweekly accountability meetings with him, she said:

[M]any of my accountability meetings, I would say probably 90 percent of them, when I would go in, it was just you know, time of telling me what I wasn't doing, what I wasn't producing, just very verbally, you know, abusive, confrontational, telling me I wasn't performing.

When I would ask, "Sir, what do I need to do to -- what particular areas or concerns do you have, what do I need to do to improve my performance," he would say "I'm not going to play 20 questions with you, (b)(7)(c) and he said that so many times to me that I started to question that. I [asked] all my friends and family, What does it mean? I thought I knew what 20 questions meant, but I'm like, What does that mean? He's always telling me, "I'm not going to play 20 questions with you?"

Or he would say, you know, "I'm not going to tell you how to do your job, (b)(7)(c)" Okay, but you tell me I'm not doing my job. I'm asking you for your input. What do I need to do? And then your response is, "I'm not going to tell you how to do your job, Commander."

31. (b)(7)(c) testified that although RDML (Sel) Thomas would raise his voice and yell at her, he never used any profanity to express himself with her. While there was one accountability session where he got pretty close to her while pointing his finger at her to emphasize a particular point, he never touched her or otherwise violated her personal space.

32. (b)(7)(c) also recalled a union meeting where she was mistakenly addressed as "(b)(7)(c)" as opposed to her actual rank of (b)(7)(c) by one of the civilian participants in attendance. She testified, RDML (Sel) Thomas was present at this particular meeting. When another attendee corrected the individual who had mistakenly addressed her as (b)(7)(c) (b)(7)(c), RDML (Sel) Thomas allegedly said, "Well, she's working on it" a statement that embarrassed (b)(7)(c) and, according to her, resulted in her being approached after the meeting adjourned by some of those in attendance and being asked by them "What was that about?"

(b)(7)(c)

33. (b)(7)(c) has been the (b)(7)(c) for NNSY for nearly (b)(7)(c). When interviewed and asked about the frequency of his interaction with the shipyard commander, he responded:

Well, when he first got here we were meeting once or twice a week and that's kind of dwindled down to we pretty much we don't meet at all right now. We've had some strained relations and haven't been able to work through those yet.

We see things a little differently, I guess. I have 1,200 sailors that work in Norfolk at the Norfolk Naval Base as well as all the responsibilities here. My job role as the (b)(7)(c), as I see it my primary mission is to take care of all my sailors. So I try to split my time between the Norfolk side and over here and he, the shipyard commander really doesn't want me to split my time with the Norfolk side. He wants me to focus all my time here. So we've had a lot of trouble with that and I'm trying to work through that and it hasn't worked so well.

34. Summarizing his interaction with RDML (Sel) Thomas, (b)(7)(c) (b)(7)(c) said the following:

Well..., the relationship between the (b)(7)(c) and a (b)(7)(d) is supposed to be open and you're supposed to be able to say whatever to each other. I accept that. I've had a lot of COs that I've worked for and ... we've said lots of different things. But the professional relationship with myself and the shipyard commander has been basically a one-way conversation since [he] got here. [He says] everything [I] do sucks. Fix it. And that's about all I've really had for conversations with him.

35. RDML (Sel) Thomas offered the following perspective about meetings with subordinates and his private conversations with (b)(7)(c):

The majority of the meetings held in my office were periodic regularly scheduled engagements, and it was rare, if ever, for any of these to be loud or heated. I held bi-weekly ½ hour separate accountability sessions with each of my direct reports. I do not recall any of these being loud... I conducted my meetings in my office to high professional standards...

The (b)(7)(c) meetings with me in my office, on the other hand, and which may be clouding his recollection back to the fall (when discussions concerning military billets with NSSA occurred) were more often than not stressful. These issues included: (b)(7)(c) resistance early in my tour to re-instituting daily colors...; [H]is resistance to improving our Individual Medical Readiness...; resistance to establish a Quality of Work Life Board with the tenant commands and ships in availabilities; and resistance to establishing a program with tenant command (b)(7)(c) to address base

cleanliness problems. Each one of these issues were addressed in my office with him and often ended up very directive in nature.

(b)(7)(c)

36. (b)(7)(c) is a (b)(7)(c) civil service employee with (b)(7)(c) years of service at NNSY. He is currently assigned as the (b)(7)(c) (b)(7)(c) and he has been in his current position for the past (b)(7)(c) years. When interviewed, (b)(7)(c) characterized the atmosphere at the shipyard since RDML (Sel) Thomas showed up as being, at times, adversarial. He stated that he and his fellow managers felt that they were being put into a position to accept responsibility for every failure and acknowledge when their performance was unacceptable. In his opinion, the shipyard "was not working collaboratively towards a solution."

37. (b)(7)(c) offered several examples of times he thought his conversation with RDML (Sel) Thomas put him on the receiving end of a "personal attack." (b)(7)(c) recounted occasions when RDML (Sel) Thomas challenged his commitment to the task at hand or his enforcement of acceptable performance standards. He said on one or more of these occasions RDML (Sel) Thomas would raise his voice to the point of yelling and use profanity. (b)(7)(c) remembered one of his face-to-face encounters as a time he found himself on the receiving end of "red-faced yelling" by the shipyard commander. He further testified that on those occasions when he used profanity, it was limited to "normal references, [to say] this is F'd up, and you don't understand it. You don't get that this is F'd up. Very careful not to say you're F'd up."

38. (b)(7)(c) testified that he received frequent, daily, telephone calls from RDML (Sel) Thomas, some of which came after normal working hours and as late as 9:00PM. He recounted being at a (b)(7)(c) ceremony for his (b)(7)(c) and receiving repeated missed calls from RDML (Sel) Thomas. When they finally talked, the conversation was, in his estimation, not an emergency and certainly something that could have waited until normal business hours. He emphasized to investigators that this was typically the case for after hour phone calls from him. In summation about after hour calls he said:

Now, I am not comfortable with saying it's 8:00 at night, I'm not answering phone calls, because my responsibility goes around the clock, and I accept that. But I do expect that when there are commitments you have made to your family, unless there is a crisis, you should be able to meet those commitments, particularly after hours.

So, that's an example of what I consider extreme, [and] disrespectful. There is no respect for your family time. And you

are expected to be at his beck and call 24/7. And I don't agree with that.

39. When interviewed, RDML (Sel) Thomas recalled the reason for his after hour phone call to (b)(7)(c) the night of his (b)(7)(c) ceremony as follows:

[My] letter is due to Admiral Donald's onsite rep on Thursday by noon. Wednesday night, I get from (b)(7)(c) division head (b)(7)(c) ..., direct input to me [providing] status [of our repair facility in Kings Bay]. [It was] about 1800 or 1700 when I open it up...

...

I open up this document [from (b)(7)(c) division], and I'm looking at it, and between the time we made [our] commitment to Admiral Donald the previous week and me opening up this letter there were 13 commitments that had gone overdue. And I was stunned.

I called my (b)(7)(c) who owned three or four of the over dues. I said, Hey, (b)(7)(c) what is going on? Why are these overdue? She [told me that], "This is the first I am hearing about it, Captain."

[I called (b)(7)(c) and said] Hey, (b)(7)(c) this is not good. I get a report unfiltered from your direct report on something that we have been accountable three times over to the four star to get right, and it's got these over dues in it. And none of us have been given an opportunity as they were becoming overdue to influence the outcome.

...

[This] is an example of where I was extremely frustrated. And within the past two months, it started the discussion [between] (b)(7)(c) (b)(7)(c) - SES and I]. [Do] we think (b)(7)(c) is the right guy? You know, because clearly we haven't developed him, and it was hard to develop him, as an example.

40. During his interview, (b)(7)(c) identified two possible negative consequences of RDML (Sel) Thomas's leadership style:

- First, he expressed concern some project superintendants were starting to openly talk about not wanting to take on the role and additional responsibility of project superintendant under RDML (Sel) Thomas. He made the point that a project superintendant is a key functionality at the shipyard and not something that everyone could do. He said it took years to develop someone that could be successful in that role. He explained that if the best and brightest

employees in the shipyard were going to start shying away from these demanding positions as a result of how they observed or otherwise understood those currently in those positions were being treated by the shipyard commander, it would be devastating for the shipyard's future.

- Second, after the recorded interview was concluded [redacted] (b)(7)(c) expressed concern to investigators about the potential for someone at the shipyard to become violent toward RDML (Sel) Thomas. He believed that at some point someone was going to "snap under the pressure" being applied by RDML (Sel) Thomas to improve shipyard performance. [redacted] (b)(7)(c) said he believed that everyone was working as hard as they could and trying "to do what they think is right." He felt that the level of effort being put forth by many of the senior managers at the shipyard was not appropriately acknowledged or respected by the shipyard commander.

[redacted] (b)(7)(c)

41. [redacted] (b)(7)(c) is a [redacted] (b)(7)(c) civil service employee with [redacted] (b)(7)(c) years of service at NNSY. At the time of her interview, she was assigned as the [redacted] (b)(7)(c) for the NORFOLK DCMAV. This was her first assignment as an assistant superintendant. She had previously been zone manager for a different shipyard shop. [redacted] (b)(7)(c) said RDML (Sel) Thomas acted "very professional" during the many meetings she attended with him present. When asked about any one-on-one interaction she may have had with him, she testified:

He questions me about the job, you know, what's going on. We're just not used to, well, first off we're not used to somebody -- which is good in the one aspect, of the shipyard commander being on the boat all the time, which is a good thing because in the past I couldn't tell you what the shipyard commander even looks like. You know, it's good and bad. And everybody sees that he cares...

42. [redacted] (b)(7)(c) recalled a discussion with RDML (Sel) Thomas about the fact that the NORFOLK's trash disposal unit repair had fallen behind its timeline. She testified that during her discussion with him she felt compelled to defend herself, and her project team, when RDML (Sel) Thomas said to her, "You all suck. I would never hire you guys."

43. Remembering this encounter, RDML (Sel) Thomas testified as follows:

I recall having -- it might have been a Saturday morning discussion with her, and it might have been a periscope job that had gone south or a trash disposal unit. I don't recall - [I was] walking down the pier with her and saying, "Hey, this is nonsense,

you know, BS, we can't do this." We got to be out ahead of these things. These are not complex jobs with the exception of [a] couple... [we] can't let -- can't be surprised, can't let the ones that shouldn't be in control in control.

And [I] got some feedback from [redacted] [that] [redacted] felt like it was a personal attack, to paraphrase him. So I went back to [redacted] and apologized. I said, Hey, [redacted] these aren't personal.

#### Others Observing Alleged Abusive Behavior

44. [redacted] a NNSY [redacted] employee assigned to [redacted] and [redacted] for USS HARRY S TRUMAN (CVN-75) recalled a single incident when RDML (Sel) Thomas used profanity with him while he was reporting a problem that came up moving TRUMAN into dry dock. [redacted] testified:

I will tell you that it hurt me kind of personally, you know, because that kind of caught me off guard.

I don't think it was really directed at me. You know, I will tell you that one of the things that upset me was out of that whole conversation, and there were a lot of f-bombs in that conversation, the one thing that upset me the most was, you know, he told me that the Truman project was "F" up from the get-go, from the start...

[T]hat hurt me..., because [those are] my folks... And I know that they're really working hard, and I really thought they had been doing a good job during the planning phase and really up to that particular point.

[redacted] pointed out that this was the only such occasion in his experience and "all the other encounters that [he] had with him were professional..."

45. Some senior managers, who acknowledged RDML (Sel) Thomas would, on occasion, express his frustration about a particular situation by uttering some profanity, were quick to point out that he did not direct his comments at an individual or group in their experience. Typical of this perspective is the testimony of [redacted], NNSY [redacted] [redacted]. [redacted] testified:

I've never seen him attack somebody verbally or use abusive language, you know, curse at any person. He's cursed in a conversation about a situation and he's probably apologized for that language at some point in time.

46. When interviewed, (b)(7)(c) (b)(7)(q)(b)(7)(c) Department Manager, testified to experiences with the shipyard commander like that expressed by (b)(7)(c). He did not "recall any frequent vulgarity" being used by RDML (Sel) Thomas. He further testified:

I don't think I've ever heard the F bomb, but other words -- another word that may have been used that I probably would not have used was directed towards the situation. I don't recall an instance when it was directed and used toward [or about] an individual.

47. (b)(7)(c), (b)(7)(c) for the USS TENNESSEE (SSBN-734), said he heard situational "yelling and use of profanity [by RDML (Sel) Thomas] but [nothing] directed at anyone in particular." (b)(7)(c) said that RDML (Sel) Thomas "expected us to pull out all the stops all the time and would not accept or did not want to hear an excuse of why we couldn't make it."

48. Other witnesses testified that they did not hear RDML (Sel) Thomas use profanity or speak in a demeaning way when addressing them or others in a group setting. The testimony of (b)(7)(c), (b)(7)(c), the (b)(7)(c) Officer, was typical of those reporting a similar experience. When interviewed and asked how his interactions with the shipyard commander had gone and how he was treated by RDML (Sel) Thomas, (b)(7)(c) testified:

[S]ince the Admiral has been here he has been nothing less than professional with me. He has, as I [explained to NAVSEA IG during their command climate survey], he is a -- he's got a lot of energy, but I have never felt like his energy was directed at me in a group setting or one-on-one in any sort of demeaning or hostile way.

49. (b)(7)(c), (b)(7)(c), (b)(7)(c) and the (b)(7)(c) employee at NNSY, told investigators that he wouldn't call those occasions when RDML (Sel) Thomas raised his voice, yelling. "[W]hen he gets frustrated that something isn't getting done he might, you know, raise his voice, but I wouldn't consider that yelling."

50. When interviewed, (b)(7)(c), (b)(7)(c) said:

I have never personally witnessed any [yelling or screaming or] behavior like that or behavior that I thought was inappropriate. I thought he communicated his requests and challenged senior managers where he felt that their performance was lacking, and

that he was doing a very good job trying to raise the shipyard's standards.

(b)(7)(c) went on to say he "never directly observed some of the behavior [attributed to RDML (Sel) Thomas] that [he] heard about second hand from other people in the shipyard." Summarizing his personal experience and opinion of RDML (Sel) Thomas, (b)(7)(c) further testified:

So, personally, I thought that he was something good for the shipyard. [His] was a new style. He was trying to elevate our standards. There were people who did not appreciate that. And, you know, he obviously would have done even better if he had gotten 100 percent support.

51. Some witnesses testified that they did not experience RDML (Sel) Thomas yelling or screaming at them or at anyone else while he was in their presence. (b)(7)(c), the (b)(7)(c) (b)(7)(c) in (b)(7)(c), had experience which was typical of this group. She testified she was not "witness to any of those situations. He was never that way in [her] presence." When asked a follow-up question about her experience with his reported questioning of people in such a way as to cause them to feel they were being put on the spot, she said:

[All of us have gotten asked questions for the areas that we're responsible, so I don't know that I would feel like somebody was put on the spot. We get asked a lot of questions and sometimes don't necessarily know the answers to all of them so we always take that as a look-up. I can answer a question maybe one, two, [or three levels deep] but if you're going to go four questions deep I'm going to have to come back to you and let you know what the answer to that question is. I don't know that I ever felt like anybody was put on the spot in those meetings... based on the questions that were asked.

#### **Other Witness Testimony Regarding Leadership Behavior**

52. Some senior managers interviewed testified that their interactions with RDML (Sel) Thomas were always professional. (b)(7)(c) of the NNSY Superintendants Association, testified that he "had a good relationship with him" and that there were "no issues" between the two of them. (b)(7)(c) further testified:

He asked me what could he do to help me, so he was very [engaging].

[He] engaged with us to offer... his assistance. He felt like that when things did not progress as he believed [they should] he failed us in doing something to get us where we needed to be. So he always took a, "Hey, it's my fault," [approach to issues.]

He took that ownership [for our failures.] I admired him for that and for what he did.

53. [redacted] (b)(7)(c) from three ships undergoing repairs at NNSY were interviewed: [redacted] (b)(7)(c), USS EISENHOWER (CVN-69), [redacted] (b)(7)(c), USS PHILADELPHIA (SSN-690) and [redacted] (b)(7)(c), USS NORFOLK (SSN-714). Each spoke highly of RDML (Sel) Thomas with regard to his attitude toward them, their ship's crew, and his commitment to their ship's project. [redacted] (b)(7)(c) stated the following when asked if he ever observed the shipyard commander act in an unprofessional manner towards any of the members of his project team, the shipyard workforce, or his crew:

Never. There were instances of him asking the contractors [and] project personnel [about] status of various gear or items that were going to relate to the work. I think, like most things, he understood maybe the details better than they did. And on occasion there were responses that were less than satisfactory to the Admiral's level [of expectation] or any level that I would [find acceptable], and so he did express displeasure, but he was never yelling. It was never expletives... [There were] never any personal attack, but it was clear that some of the answers were not satisfactory that he was being provided.

[redacted] (b)(7)(c) also testified that in anticipation of questions about the interactions his crew had with the RDML (Sel) Thomas, he polled his officers and chief petty officers before meeting with investigators. On their behalf, he stated the following:

As a group, they commented that the shipyard commander was always very professional with them, knew them by name, addressed their issues and seemed to be interested in their feedback on how to make the yard and the project better.

54. [redacted] (b)(7)(c) made the following comparison about his personal experience as [redacted] (b)(7)(c) and that of RDML (Sel) Thomas as the Commander, NNSY:

I find that... RDML (Sel) Thomas and I were put in very similar situations because I got to NORFOLK at a time [redacted] (b)(7)(c) [redacted] (b)(7)(c). And the command was struggling. So you have to find a way to motivate a struggling command into performing. . And then I saw the same thing here, where he was brought in to help fix a shipyard.

The difference..., I didn't have a large group of civilians working for me. I had military personnel that responded. So what I witnessed is, no matter how hard it seemed he tried to get people encouraged to meet deadlines and to do their [job or] meet their

responsibilities, I saw a lot of push back from the civilian workforce that wanted to maintain the status quo.

55. When asked how he would characterize the shipyard commander's leadership style and how he presented himself to the workforce, his crew, and himself, (b)(7)(c) testified RDML (Sel) Thomas always acted:

Very professional, inquisitive on the status of the ship, and energetic to help solve problems that the ship was going through, to resolve problems so that we could continue our availability on track.

About RDML (Sel) Thomas's temporary reassignment to NAVSEA headquarters, (b)(7)(c) said the following:

I would say that I was sorry to see him leave and I hope he comes back. I think that the shipyard has some fundamental problems and I hope that they're able to identify those problems and correct them so that issues that I saw on EISENHOWER are averted in the future. I think it's cultural and I think it will be difficult to change and I think it will take a couple of years. I think somebody like RDML (Sel) Thomas put in place for a few years can, I think, take this shipyard down the road and make those changes.

56. On 3 June 2011, investigators met with senior labor union officials representing the several local labor unions at NNSY. The meeting was held, responsive to their collective request, for an opportunity to meet with NAVINSGEN investigators in order they might represent their opinion of RDML (Sel) Thomas's performance of duties as their shipyard commander. The officials were: (b)(7)(c) American Federation of Government Employees (AFGE), Local 22; (b)(7)(c), (b)(7)(c), Metal Trades Council (b)(7)(c); (b)(7)(c), (b)(7)(c), (b)(7)(c), Radiological Controls Technicians, International Federation of Professional and Technical Engineers (IFPTE); (b)(7)(c), (b)(7)(c), (b)(7)(c), AFGE, Local 4015; and (b)(7)(c), (b)(7)(c), NNSY IFPTE.

57. Presenting a united front, the labor leaders expressed their unqualified approval of RDML (Sel) Thomas as their shipyard commander. Each in turn recounted their individual experience with him during face-to-face encounters and the experience of the rank-and-file shipyard workers they represented. Noteworthy among the many positive things they had to say were the following points:

(b)(7)(c) explained that RDML (Sel) Thomas was the first shipyard commander to hold people accountable in a long time. He further commented that shipyard middle management wasn't accustomed to his level of interest in the details of their individual responsibilities. (b)(7)(c) said he understood RDML (Sel)

Thomas's primary responsibility to be changing the culture at NNSY and to help its workforce win back their confidence as an organization.

(b)(7)(c) said that she first met RDML (Sel) Thomas in his previous command tour at Pearl Harbor Naval Shipyard. She stated she observed the many positive changes he instituted there and as a consequence developed respect for him as an officer and as a man. She said that he displayed honesty that [she] could deal with. There were no hidden agendas. He was an eye-to-eye person, forceful when he needed to be, not degrading, simply you either do your job or you don't.

(b)(7)(c) said he respected and appreciated how he was treated by RDML (Sel) Thomas when he had occasion to bring him a labor issue. He further stated that on those occasions, the Admiral thoroughly researched the issue and didn't act until he understood the issue and his options.

(b)(7)(c) commented that RDML (Sel) Thomas was dedicated to a level beyond anything he'd ever seen in a shipyard commander and he had been at NNSY since 1984. (b)(7)(c) expressed to investigators that RDML (Sel) Thomas only held people accountable to do what they'd agreed to do when they were hired and for the work they regularly cashed a paycheck.

(b)(7)(c) characterized RDML (Sel) Thomas as straight and to the point. He said he appreciated that he was the first commander at the shipyard that union officials had regular access to, unions had a voice that was being heard by management. He also noted that if he was wrong about something, you could tell him and he appreciated the opportunity for course correction based on facts.

58. Four NNSY senior enlisted leaders were interviewed for this investigation.

(b)(7)(c), (b)(7)(c), (b)(7)(c) while (b)(7)(c) was TAD for 12 weeks; (b)(7)(c) (b)(7)(c), (b)(7)(c), (b)(7)(c) Division; (b)(7)(c) (b)(7)(c), (b)(7)(c), (b)(7)(c); and (b)(7)(c) (b)(7)(c), (b)(7)(c), (b)(7)(c) for NSSA in Norfolk.

Each testified that they had no firsthand experience with any of the alleged abusive behaviors attributed to RDML (Sel) Thomas. Further, while some of them could recount anecdotal reports of the shipyard commander putting a shipyard duty officer (an unnamed Lieutenant and Lieutenant Junior Grade) on the spot in the duty office for an unfinished duty section task, they did not represent any complaints from any of the more than 1,200 enlisted sailors assigned at NNSY and NSSA.

RDML (Sel) Gregory R. Thomas, USN

59. In his testimony and separate statements to investigators, RDML (Sel) Thomas said he was out and about in the shipyard at

every opportunity. He met with labor, the mechanics doing the work, his individual ship project managers and union leadership. He visited every project ship in the shipyard, regularly. He attended supervisor's pre-job briefs on Monday and Tuesday mornings as a matter of routine to assess the quality of instruction being provided to his shipyard workforce. He invested heavily of his time to help get things right, often, in his opinion, without the full support of those responsible for providing the management oversight necessary to advance the shipyard. He set a high standard and was unwilling to compromise on his standards or make things easier for those that he expected to execute to his established standard. He testified that he provided immediate course corrections to his staff, shipyard management and the shipyard workforce as he discovered things that were contrary to his expectations for how the shipyard should conduct business. He inferred that his leadership style caused some bruised egos among his management team and there was resentment expressed by some of them about his hands-on, detail oriented approach to command.

60. When questioned about his use of profanity and whether or not he ever made it personal, RDML (Sel) Thomas testified that he "wouldn't do that." In amplification, he said:

I can't recall a situation where I did that. I mean I don't do that.... [I recall] one particular occasion where, again, (b)(7)(c) (b)(7)(c) said, "Hey, (b)(7)(c) thinks you called him a piece of blank", shit. I was like, (b)(7)(c). I don't use that [language].

I called (b)(7)(c) that night or that morning and said, (b)(7)(c) I don't use that phrase, and if that's what you think you heard..., I'm sorry because I -- these aren't personal attacks. These are, the situation is messed up. It's all blanked up. You're the person responsible. You have got to fix it. That's your job. It is messed up.

61. In a written statement to us about the running of his front office, RDML (Sel) Thomas provided significant insight about his approach to get the shipyard back on track. He said:

My approach to command is very hands-on and collaborative. My schedule, my approach to correspondence, and my plan for improving the shipyard, a shipyard that per COMNAVSEA and NAVSEA 08 had been in steady decline for 5-6 years, were geared to getting the leadership team and other key managers committed, accountable, and aligned to executing our mission, i.e., support for our mechanics on the deck plate, developing our people, and being a part of the fabric of our local community.

62. To accomplish the foregoing, RDML (Sel) Thomas maintained an aggressive schedule to address, in his words:

(1) systemic issues with command leadership, specifically: lack of leadership cohesion, organizational commitment, and trust (the three lowest scoring areas in command performance from 2006 to 2010 as reported by the DEOCS results),

(2) ineffective command working relationship with NAVFAC and FISC/DLA,

(3) inadequate support for VADM McCoy's Back to Basics initiatives put in place in 2008,

(4) poor command support for personal development programs, and other command performance problems.

63. In a written statement about his interaction with (b)(7)(c) and (b)(7)(c), he wrote in a 30 June 2011 statement to investigators:

One of the behaviors in our command, and one that I was working on through having the command embrace the Five Disciplines of a Learning Organization, was open discussion amongst managers of counterproductive leadership behaviors. That is, if a leader or manager (including Union leadership) believed they had observed a behavior that was impeding command behavioral improvement, that behavior would be addressed. On two separate occasions (b)(7)(c)

(b)(7)(c) brought to my attention that it was reported to him that I had communicated issues to (b)(7)(c) and (b)(7)(c) (two separate events) in a manner that they took personally. In both cases, I promptly discussed the issue with each individual, assured them that I had no intent to communicate in a manner that should have been taken as personal, and apologized for how I made them feel. In both cases, I felt we left the discussion on respectful and professional terms and based on subsequent engagements, continued to improve both performance and professional relationship.

#### Applicable Standard

64. U.S. Navy Regulations, Article 1023, Abuse of Authority:

Persons in authority are forbidden to injure their subordinates by tyrannical or capricious conduct, or by abusive language.

#### Analysis

65. In order to substantiate an allegation under the abuse-of-authority standard, there must be a finding that the subject (1) injured his subordinates, and (2) such injury was caused by the subject's tyrannical or capricious conduct, or by abusive language. Injury is more than a mere hurting of someone's

feelings and a reasonable man standard is applied to determine the effect of a behavior on an alleged victim.

66. In this case, there is no evidence that RDML (Sel) Thomas injured subordinates by acting in a capricious manner, that is, he was not subject to a tendency to change his mind without motive when dealing with his staff or others under his command. In fact, he was very diligent in his efforts to communicate his standards to his staff and the shipyard workforce and he proactively enforced those standards. He held bi-weekly accountability meetings with all direct reports. He met regularly with labor leaders. He attended morning supervisor pre-job briefings to personally provide quality assurance for those meetings. He was regularly out and about, observing his shipyard and its workforce in action. On these frequent tours of the shipyard, he would stop along the way when he observed a safety violation, a potential hazard or any other situation not in conformance with standards, and direct appropriate attention to have it taken care of immediately.

67. Examples of someone acting in a tyrannical manner, that is, a manner that a reasonable man would find to be unjustly cruel, harsh, or severe; arbitrary or oppressive, might correctly be defined to include the more overt abusive language behaviors of yelling and screaming. Because incidents of yelling and screaming were found in this case, and owing to the aforementioned overlap of these two elements of the standard, we decided to focus our analysis on the abusive language element, incorporating the tyrannical element to complete our examination of how NNSY employees were treated by RDML (Sel) Thomas under the Abuse of Authority standard.

68. To be abusive, language would have to be insulting and cause injury to the sensibilities of a reasonable man. The use of profanity or insulting language directed at or about someone might be considered abusive under certain circumstances. Likewise, under certain circumstances, yelling and screaming might be considered abusive. The isolated use of such language, however, spoken in the heat of the moment, and not a recurring behavior, might not necessarily be judged abusive, especially if not directed at someone in particular. If, however, the use of such language is common when the speaker is angered by failed expectations, and directed at someone in particular, it might correctly be shown as injurious and therefore determined to be abusive. Accordingly, any conclusion must be based on an examination of the language spoken, context and frequency of occurrence of what has been spoken, whether or not what has been spoken was said in public or private, and the effect on the person being spoken to or any third party who heard what was said, is the approach used herein to determine if the abusive language element of this standard has been reached.

69. It is clear from evidence gathered that RDML (Sel) Thomas used profanity regularly. It is equally clear that he spoke sharply to some, and some of those targeted by his remarks reported they felt insulted, embarrassed, or otherwise wronged by him having spoken to them in such fashion. It is noted, that those reporting offense had decades of experience in the Navy. Those alleging wrongdoing in this case were not people new to the Navy or the shipyard. With the foregoing in mind, we determined, under the circumstances many of these events were not reasonable. Evidence also shows that on several occasions RDML (Sel) Thomas directed his offending remark "to" the individual he was speaking with or about. That is, statements by him that "the individual" he was speaking to or about was "messed up" as opposed to "the situation" under discussion was "messed up."

70. (b)(7)(c) testified his management of submarine programs was frequently called into question by the RDML (Sel) Thomas and that his authority as submarine program manager was marginalized by him. He reported being subjected to demeaning statements made by RDML (Sel) Thomas, e.g., being called "(b)(7)(c) (b)(7)(c)" in a sarcastic tone. He said sarcastic references and other statements about his performance were frequently made in public venues and staff meetings but there were also times he received negative comments in private that included profanity, e.g., "... you're in fucking denial..." When interviewed, RDML (Sel) Thomas did not deny that he may have used the term "M (b)(7)(c) (b)(7)(c)" in a public meeting and in reference to (b)(7)(c). (b)(7)(c) found this reference, sarcastically stated, in front of others, to be professionally embarrassing. RDML (Sel) Thomas justified the way he addressed (b)(7)(c) as part of his concerted and disciplined effort to improve NNSY submarine program and raise (b)(7)(c) performance as NNSY's (b)(7)(c). (b)(7)(c) testimony of events is credible. RDML (Sel) Thomas's explanation of events related to (b)(7)(c) failed to show that the manner in which he spoke with him on many occasions could not have been considered sarcastic or insulting. We found his use of profanity and insulting language directed at (b)(7)(c) to be abusive under the circumstances described.

71. (b)(7)(c) felt marginalized by RDML (Sel) Thomas's tendency to regularly bypass the Operations Department chain of command. He said RDML (Sel) Thomas routinely met with and provided direction to his project superintendents and their assistants. These superintendents were several management layers below (b)(7)(c) in his department. (b)(7)(c) characterized RDML (Sel) Thomas as a negative leader. While he did not recall any specific instances of having been the target of profanity or insulting language himself, he said RDML (Sel) Thomas would routinely use profanity and speak in a demeaning way to or about individuals that worked for him but in particular his project superintendents. He said (b)(7)(c) and

(b)(7)(c) were frequent targets of RDML (Sel) Thomas's verbal attacks. (b)(7)(c) testimony of events is credible. RDML (Sel) Thomas's provided rebuttal discussion about his alleged behavior dealing with certain project superintendants, (b)(7)(c) et al, at the time he testified about his interactions with them. Analysis of his treatment of two project superintendants in particular, (b)(7)(c) and (b)(7)(c) is presented below. Regarding RDML (Sel) Thomas's use of profanity and insulting language toward (b)(7)(c) subordinates in (b)(7)(c) presence, we did not find his behavior to be abusive toward (b)(7)(c) under the circumstances described.

72. (b)(7)(c) testimony described several occasions when he was subjected to what a reasonable man would describe as abusive language by RDML (Sel) Thomas. He said the comments made were personal and about him. He testified about two specific incidents, both of which took place in a public venue. He said, on the one occasion RDML (Sel) Thomas confronted him and said "a fucking second class petty officer" could run his project better than he could. In a separate incident RDML (Sel) Thomas called (b)(7)(c) a piece of "shit." (b)(7)(c) testimony of events is credible. Regarding the second incident, RDML (Sel) Thomas testified that he did not talk that way and that (b)(7)(c) must have misunderstood what it was he was trying to say to say to him. He denied having called (b)(7)(c) a piece of shit but later apologized to him after NNSY senior civilian, (b)(7)(c), brought (b)(7)(c) complaint to his attention. We found RDML (Sel) Thomas's use of profanity and insulting language directed at (b)(7)(c) to be abusive under the circumstances described.

73. (b)(7)(c) testified about her first telephone call with RDML (Sel) Thomas. It was a "one-sided" conversation wherein she was subjected to charges of not meeting expectations and allegations of poor performance of her duties without being afforded an opportunity to have any discussion of the facts upon which RDML (Sel) Thomas based his low opinion of her worth to the organization. This conversation resulted in (b)(7)(c) assuming a low profile, in her words she "chose to stay under [his] radar." RDML (Sel) Thomas testified that during the call he expressed his dissatisfaction with her performance and told her she was not meeting his expectations but he denied having spoken to her in the manner she described. The credibility of (b)(7)(c) testimony of events was called into question by her supervisor, (b)(7)(c) who said she had an integrity issue. However, the character and tone of a subsequent telephone conversation between RDML (Sel) Thomas and (b)(7)(c) overheard by (b)(7)(c), a credible witness, lends believability to her recollection of events in her first phone call with him. (b)(7)(c) testified he overheard a telephone conversation between RDML (Sel) Thomas and (b)(7)(c) while

waiting outside the shipyard commander's office. (b)(7)(c) testified RDML (Sel) Thomas spoke to (b)(7)(c) in a "very loud, very abusive, swearing, and very degrading" way. He also testified that later that day, (b)(7)(c) came to his office in tears. He said he was unable to console her in the aftermath of her telephone conversation with RDML (Sel) Thomas. (b)(7)(c) testified she resigned her position with NNSY of her treatment by RDML (Sel) Thomas. We found that RDML (Sel) Thomas's treatment of (b)(7)(c) was abusive under the circumstances described.

74. (b)(7)(c) testified that in his initial meeting with RDML (Sel) Thomas the first words he recalled hearing from him were "I am about to fire you." (b)(7)(c) further testified he was not given any chance to explore what issue had precipitated RDML (Sel) Thomas's threat to fire him. He recalled the meeting with him as a one-way conversation in which he was told he was failing, the repair organization he led was failing, and he was on the verge of being removed from his position unless there was immediate improvement. He described his meetings and telephone calls with the shipyard commander as "... the worst experience of my [30+ year] Naval career in terms of dealing with a superior who will not listen, who wants to be very vocal and loud, and who wants to just dress down myself." (b)(7)(c) testimony is credible. He assumed responsibility for submarine (b)(7)(c) for NNSY just weeks before RDML (Sel) Thomas assumed command of the shipyard. When he arrived, (b)(7)(c) was not being completed as scheduled. This condition, the result of ineffective repair planning, was documented by NAVSEA when they inspected NNSY prior to relieving the previous permanently assigned shipyard commander in June 2010. (b)(7)(c) was a by-name request for the job he currently holds. He was recruited for his job at NNSY to turn things around. Offered no opportunity to explain how little time he had on the job, his awareness of all the pre-existing problems that were at the root of RDML (Sel) Thomas's expressed concern, the changes he already directed to make (b)(7)(c) processes more effective, was a clear demonstration of RDML (Sel) Thomas acting in an arbitrary and oppressive manner. Accordingly, we found that RDML (Sel) Thomas's treatment of (b)(7)(c) was abusive under circumstances described.

75. (b)(7)(c), like (b)(7)(c), testified about one-way conversations she had with RDML (Sel) Thomas. She said these one-way conversations occurred in the context of her bi-weekly accountability sessions with him. She further testified about a specific time when he made a disparaging comment about her in a larger meeting which suggested to her and, by her testimony at least some of those in attendance with her at the meeting, that she was not performing her duties and responsibilities at a level commensurate with her rank. (b)(7)(c) testimony is

credible, however, her experience in accountability sessions with RDML (Sel) Thomas, while likely loud and one-way are not abusive under the circumstances described. Further, (b)(7)(c) testified that RDML (Sel) Thomas did not use profanity when speaking with her. She recalled a single incident, a meeting at which he made what can best be described as a rude comment about her rank. This comment does not by itself rise to a level to be called abuse. Accordingly, we found that RDML (Sel) Thomas's treatment of (b)(7)(c) while rude on at least one occasion was not abusive under circumstances described.

76. (b)(7)(c) testified that he and RDML (Sel) Thomas were not aligned. The Admiral wanted him to work from the NNSY headquarters in Portsmouth but he felt strongly that he should be collocated with the majority of his NNSY constituent sailors in Norfolk. He said most of his face-to-face meetings with the shipyard commander were loud and one-way. He testified that RDML (Sel) Thomas told him: "Everything you do sucks. Fix it." RDML (Sel) Thomas testified that (b)(7)(c) was not a top performer in his experience. He found him to be below standards for both (b)(7)(c) in general and (b)(7)(c) that had worked for him in the past. He found his program management lacking and told him so during their bi-weekly accountability sessions. He recalled that most of their meetings "... ended up very directive in nature." (b)(7)(c) testimony is credible; however his recollection of facts does not establish what a reasonable man would call abusive about his treatment by the shipyard commander. RDML (Sel) Thomas used profanity but apparently in a general sense about the (b)(7)(c) program management. While it is perhaps not the best choice of words, saying that a program an individual is responsible for "sucks" and "fix it" does not under the circumstances described represent abuse.

77. (b)(7)(c) testified that the atmosphere of the shipyard was, at times, adversarial since RDML (Sel) Thomas arrived. He said managers like himself were constantly challenged to accept responsibility for their failures and to acknowledge when their performance was unacceptable. He said some of his conversations with RDML (Sel) Thomas about his area of responsibility resulted in him being on the receiving end of a "personal attack." He said there were times that he was subjected to "red-faced yelling" from the shipyard commander. He said RDML (Sel) Thomas used profanity but that his use of profanity was not directed "at" him, it was always about the situation under discussion. (b)(7)(c) further reported that there were frequent late night and weekend phone calls about topics that, in his opinion, could have been appropriately addressed during regular working hours. He objected to these after hour calls but felt compelled to take them in consideration of his position of responsibility at the shipyard. He remembered one after hour's call, around 2100 on a school night, while he was with family at a (b)(7)(c)

ceremony for his (b)(7)(c). He found the timing and subject matter of his discussion with RDML (Sel) Thomas of no particular urgency. He considered this call an example of RDML (Sel) Thomas being "... extreme, [and] disrespectful" towards him. He said the shipyard commander had "no respect for your family time. And you are expected to be at his beck and call 24/7. And I don't agree with that." (b)(7)(c) testimony is credible. RDML (Sel) Thomas testified and offered a reasonable explanation and purpose for the call in example and his other after hour contacts with (b)(7)(c) as well. He further testified about his concern that (b)(7)(c), like some of the other senior managers he had observed at NNSY, may not have received appropriate training or adequate job experience before they were promoted or reassigned into a position of significant duties and responsibilities at the shipyard. RDML (Sel) Thomas discussed his concerns about (b)(7)(c) and his performance as (b)(7)(c) with (b)(7)(c) NNSY's (b)(7)(c) and lead (b)(7)(c) (b)(7)(c). We also determined that nuclear repair production, (b)(7)(c) responsibility, was a specific area of concern for NAVSEA and NAVSEA 08 leadership and therefore a focus area for RDML (Sel) Thomas's attention. It is not surprising, under the circumstances, RDML (Sel) Thomas would seek out (b)(7)(c) to discuss matters related to his significant responsibilities on a recurring and more frequent basis than might otherwise be the case for other managers. In this context, RDML (Sel) Thomas's frequent contact with (b)(7)(c) during or after normal working hours would not be unreasonable. RDML (Sel) Thomas's use of profanity when speaking to (b)(7)(c) perhaps not the best way to express his concerns, was not directed "at" (b)(7)(c) according to testimony, but directed at the situation under consideration. Accordingly, we found that RDML (Sel) Thomas's treatment of (b)(7)(c) was not abusive under circumstances described.

78. (b)(7)(c) provided testimony about one of her many interactions with RDML (Sel) Thomas at her project ship, NORFOLK. She said she felt compelled to defend herself and her project team when he said: "You all suck. I would never hire you guys." (b)(7)(c) testimony is credible. During his interview, RDML (Sel) Thomas denied having made the statement. He said he was speaking in general terms about the issue he was discussing with (b)(7)(c). He said he was not speaking about (b)(7)(c) or anyone specifically assigned to her project team. He further testified that after (b)(7)(c) complaint was brought to his attention by (b)(7)(c) he went to (b)(7)(c) and apologized to her. We found RDML (Sel) Thomas's use of profanity, made personal to the victim, to be insulting and therefore abusive under the circumstances described.

79. In summary, some of the alleged victims testified that RDML (Sel) Thomas spoke to them in an insulting or unjust manner on a regular basis. (b)(7)(c), (b)(7)(c), (b)(7)(c)

and (b)(7)(c) recalled conversations where RDML (Sel) Thomas used profanity and made it personal about their performance of their respective duties or made such comments about someone else while in their presence. Additionally, some of the alleged victims recalled meetings and/or telephone conversations with RDML (Sel) Thomas during which he raised his voice to the point of yelling. (b)(7)(c), (b)(7)(c), (b)(7)(c), (b)(7)(c) and (b)(7)(c) testified about their respective experiences when they were subjected to or observed the shipyard commander yelling or screaming at them or someone else. (b)(7)(c) testified that throughout her first telephone conversation with him, he was "constantly yelling at the top of his voice" to her. He was so loud, that she "had to physically hold the phone away from [her] ear." (b)(7)(c) testified he was "appalled" by what he heard RDML (Sel) Thomas say to (b)(7)(c) during another phone call. Afterwards, when he met with (b)(7)(c) in his office, he said there was "nothing [he] could say to her to make her feel better." None of these events in isolation would be sufficient for a finding of abusive leadership. However, the various incidents in combination go well beyond simply being rude and show a pattern of unacceptable leadership behavior toward subordinates. The totality of their effect is too much and crosses the boundary from acceptable to unacceptable behavior by a leader.

80. It is clear from the evidence presented, that many of the individuals identified above suffered unwarranted personal or professional embarrassment as a result of some of their many conversations with RDML (Sel) Thomas. His frequent use of profanity, yelling, intimidation, and threats of firing while addressing their performance of assigned duties was injurious to their sensibilities and not what a reasonable man would expect to have to endure from a leader. RDML (Sel) Thomas's word choice and manner of speaking, to or about them or their subordinates, caused them emotional harm; it went beyond the limits of professional conduct expected of persons in authority. Despite his apparent willingness to step back, rethink what he said and offer an apology when challenged by an individual at the time of his comment to them or after a third party intervened on their behalf afterwards, does not absolve him of his wrongful conduct toward those he injured. While there were many examples of appropriate subordinate-senior interaction and a variety of witness statements in support of RDML (Sel) Thomas and the positive change he was championing at NNSY, we found sufficient evidence to find that RDML (Sel) Thomas's behavior towards subordinates, in its totality, constituted abusive leadership in violation of the standard.

### Conclusion

81. The allegation is substantiated.

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**Allegation #2:** That RDML (Sel) Thomas used unlawful force or violence, against [redacted (b)(7)(c)], an [redacted (b)(7)(c)] [redacted (b)(7)(c)], in violation of the Uniform Code of Military Justice, Article 128.

**Findings of Fact**

82. In late February 2011, RDML (Sel) Thomas attended a morning supervisor's pre-job brief<sup>3</sup> for the NORFOLK project. [redacted (b)(7)(c)] [redacted (b)(7)(c)], the [redacted (b)(7)(c)] for the NORFOLK, was present at the meeting. [redacted (b)(7)(c)] recently made aware that the NORFOLK was performing an important inspection of its emergency diesel approximately one month into the availability, RDML (Sel) Thomas wanted to discuss the matter with [redacted (b)(7)(c)]. After the meeting was concluded and as the others in attendance dispersed to start their respective day's work, RDML (Sel) Thomas approached [redacted (b)(7)(c)] to discuss the matter.

The Alleged Victim - [redacted (b)(7)(c)]

83. As [redacted (b)(7)(c)] remembers the events, the others who had been in attendance walked away, headed to work, and she and RDML (Sel) Thomas were lagging "about 10 feet behind" when he approached her. As he came alongside of her, he placed his open right hand, palm down, on her left shoulder. He questioned her about the late inspection. [redacted (b)(7)(c)] stated that she knew from his demeanor and tone that "he was upset." She remembers he used the "F" word to emphasize his point. As he spoke to her, he hit her on her shoulder several times with his open cupped hand, the exact number of times she could not recall, but he hit her sufficiently hard as to cause her to experience some "pain." When interviewed, she described the incident as follows:

[W]e just... finished listening to our brief... [and the Admiral says to me] "Well, I want to know about this diesel." And then he just, do you want me to say what he said?

(By the investigator) Yes.

<sup>3</sup> [redacted (b)(7)(c)] for the USS NORFOLK project, provided clarification about the type of meeting and its location. Although the meeting had been previously described to investigators by both [redacted (b)(7)(c)] and [redacted (b)(7)(c)] as a "storyboard" meeting, in fact, the meeting was a "morning supervisor's pre-job brief." Unlike an actual storyboard, which is a formal meeting for a larger audience held every other Thursday, the morning supervisor's pre-job brief is limited to 10 to 12 individuals, a particular group of mechanics and their supervisor. Each week, on Monday and Tuesday, RDML (Sel) Thomas would attend one of these meetings with a project superintendent or assistant project superintendent to observe and make his own assessment of the particular workforces' readiness to do their day's labor.

"Why are we just now fucking... inspecting the diesel?"

(By the investigator) [Demonstrate on my shoulder the way he hit your shoulder.]

"Why are we just now inspecting the diesel?" And I'm [thinking to myself], really? Get off my shoulder. I said, Sir, we didn't inspect. It's the ship. And I'm trying to explain to him it was the ship that did the inspection, it wasn't me, it [was] the NORFOLK that just did the inspection.

Investigators Note: When [redacted (b)(7)(c)] demonstrated the shoulder slapping to investigators, she struck with an open cupped hand five times. Her blows caused noticeable discomfort for the investigator receiving her demonstration. Subsequently, when she was asked by investigators if she received the same number of blows as she had demonstrated, [redacted (b)(7)(c)] said she couldn't provide an exact number of times she had been struck on the shoulder by RDML (Sel) Thomas, but she was certain it was more than once.

84. [redacted (b)(7)(c)] was asked why she didn't walk away or otherwise register her discomfort after she was slapped on the shoulder by the shipyard commander. She responded that she just continued to speak to him about the timing of the diesel inspection and her belief that it was the ship's responsibility not her team. She further expressed her concern about protecting the project team members she was responsible for as assistant project superintendant. At the time, protecting them seemed more important than her making a complaint to RDML (Sel) Thomas about him having just slapped her on the shoulder.

85. Questioned about the extent of any injury she may have suffered as a result of the shoulder slapping, [redacted (b)(7)(c)] stated: "My shoulder was hurting. It did hurt."

[redacted (b)(7)(c)]

First Line Supervisor - [redacted (b)(7)(c)]

86. Almost immediately after the alleged shoulder slapping incident occurred, [redacted (b)(7)(c)] returned to her office whereupon she encountered her boss, the NORFOLK [redacted (b)(7)(c)]. [redacted (b)(7)(c)]. In a contemporaneous complaint to him, [redacted (b)(7)(c)] described to [redacted (b)(7)(c)] the incident which had just taken place a short time before. When interviewed, [redacted (b)(7)(c)] recalled her telling him about the matter saying:

I didn't witness it but she told me... [A]fter she came back in from doing the storyboard with [RDML (Sel) Thomas] she didn't look, I mean she looked kind of blank, no facial expressions and she was shrugging her shoulder. I asked her, what happened, did

you get hurt? She said, "The Admiral just hit me." I said, What do you mean hit you? And she said, "He hit me in the shoulder..."

(b)(7)(c)

First Line Supervisor -

(b)(7)(c)

87. When interviewed, (b)(7)(c) described receiving the report from (b)(7)(c) about the alleged slapping incident involving (b)(7)(c). He testified:

I didn't ... witness any physical abuse. I did have one of my (b)(7)(c) come to me one day and say that one of his (b)(7)(c) had been poked [in] some fashion on the shoulder to the point that he [told me] she said it hurt. And so I told him to have her come see me that I wanted to talk to her...

When (b)(7)(c) was subsequently notified by (b)(7)(c) that (b)(7)(c) did not want to pursue any action against the shipyard commander responsive to the event, he made reports up his chain of command to (b)(7)(c) and also to (b)(7)(c) (b)(7)(c) (b)(7)(c)

I reported it to my boss, (b)(7)(c), (b)(7)(c), and to (b)(7)(c) (b)(7)(c), (b)(7)(c), and I may have, I'm not positive, but I think I also told (b)(7)(c) (b)(7)(c), but I'm not positive about that. And my description of what was told to me was a physical abuse, and... I saw it as a potential problem. [E]ven though she hadn't [come] forward with a formal complaint, they needed to know about it.

(b)(7)(c)

88. (b)(7)(c) was first interviewed on 19 May 2011. He was contacted again by telephone on 30 June 2011 and asked follow-up questions related to the alleged shoulder slapping incident reported by (b)(7)(c). In response to investigator's questions, he confirmed he received a report of the alleged incident from (b)(7)(c) and decided not to raise the allegation to either (b)(7)(c) or RDML (Sel) Thomas. Asked by the investigator why not, he said that he chose to respect (b)(7)(c) request, relayed to him by (b)(7)(c), that the matter not be pursued further. (b)(7)(c) did not speak to (b)(7)(c) directly about the incident.

(b)(7)(c)

First Line Supervisor -

(b)(7)(c)

89. (b)(7)(c) was the NNSY (b)(7)(c) (b)(7)(c), at the time of the alleged incident. (b)(7)(c) was first interviewed on 31 May 2011. He made no mention of the shoulder slapping incident alleged by (b)(7)(c) during his initial

<sup>4</sup> When questioned on this point, (b)(7)(c) said that no one in the shipyard brought this allegation to his attention.

interview. Accordingly, he was contacted by telephone on 1 July 2011 and asked follow-up questions related to the alleged incident. In response, (b)(7)(c) stated that he received a report of the incident from (b)(7)(c) no more than a day or two after it was alleged to have occurred. Upon hearing the report, he asked to speak with (b)(7)(c). He told the investigator he intended to raise the allegation up the chain of command and confront the shipyard commander with (b)(7)(c) claim that she was slapped on the shoulder by him. In his words, he was "willing to go to bat for her" but only if he could speak with her directly. (b)(7)(c) did not want to move forward on third hand information. When it was also relayed to him that (b)(7)(c) did not want to pursue the matter, (b)(7)(c) like the others that had received her report, let the matter go.

RDML (Sel) Thomas, USN

90. When interviewed, RDML (Sel) Thomas denied hitting (b)(7)(c). He said: "I don't recall hitting anyone on the shoulder..." When asked by the investigator if he recalled touching (b)(7)(c) on the shoulder on this particular occasion, he testified:

Not that specific time, but it would have been at least once or twice in the course of engaging with her, I would have touched her on the shoulder, yes, sir. And that could have been one of those times...

91. In amplification of his prior testimony, RDML (Sel) Thomas provided a separate voluntary statement though his lawyer on 30 June 2011 about the alleged incident. In his statement, he emphatically restated that he did not slap (b)(7)(c) on her shoulder as alleged. He wrote:

I did not harshly pound (b)(7)(c) on the shoulder as I am alleged to have done sometime in February 2011, allegedly the week 14 February, while on the waterfront at Norfolk Naval Shipyard. As I understand the allegation: it was reported that while exiting one of the tents in the North End of the shipyard near the NORFOLK project following a standard pre-shift with a supervisor and his team, I was engaged in a discussion with (b)(7)(c) regarding the timing of the diesel inspection for NORFOLK DCMV and that at some point in the conversation she alleges I "harshly pounded her on the shoulder" four to five times. I adamantly deny the allegation. It did not happen.

...

I do not recall any incident where I would have touched (b)(7)(c) in the manner alleged. If I did touch her shoulder while discussing a matter and any unintentional harm occurred in such a

situation, it was not noticeable to me nor was it brought to my attention. (b)(7)(c) never gave any indication that any aspect of that discussion had offended or harmed her in any way.

As stated above, I adamantly deny the allegation that I harshly pounded (b)(7)(c) on the shoulder. I deny ever having touched her out of anger, frustration, or to communicate or convey displeasure. I deny intentionally using any unlawful force or violence to do bodily harm to (b)(7)(c)

### Applicable Standard

#### 92. Uniform Code of Military Justice, Article 128:

Any person subject to this chapter who attempts or offers with unlawful force or violence to do bodily harm to another person, whether or not the attempt or offer is consummated, is guilty of assault and shall be punished as a court-martial may direct.

### Analysis

93. (b)(7)(c) testified that RDML (Sel) Thomas slapped her on her left shoulder, using his right hand with an open palm, several times, and with sufficient force as to cause her pain. She said, "It hurt." She said at the time the incident took place, RDML (Sel) Thomas appeared by his actions toward her to be upset and he used profanity. He was being very critical in his comments about the performance of her project team in support of the NORFOLK's Docking Continuous Maintenance Availability. She testified that at the time of the incident, she did not believe RDML (Sel) Thomas realized the amount of force he was imparting as he slapped her on the shoulder.

94. Almost immediately after the alleged shoulder slapping incident took place, (b)(7)(c) complained to her immediate supervisor, (b)(7)(c). (b)(7)(c) in turn, notified his supervisor, (b)(7)(c). He in turn reported the incident to (b)(7)(c) and (b)(7)(c). (b)(7)(c) however, had resolved not to pursue a formal complaint of wrongdoing against RDML (Sel) Thomas. She did not speak to anyone other than (b)(7)(c). She insisted that the matter be dropped by those above her who had been notified. She refused offers relayed to her by (b)(7)(c) to go and speak with (b)(7)(c), (b)(7)(c), and (b)(7)(c). She declined victim's counseling.

95. RDML (Sel) Thomas adamantly denies the shoulder slapping incident.

96. [redacted] (b)(7)(c) is a credible and believable witness. Her recollection of the events was clear and she provided a contemporaneous complaint to her supervisor, [redacted] (b)(7)(c). On the other hand, RDML (Sel) Thomas flatly denies the alleged incident. He admits the possibility that he touched her on her shoulder during their conversation about NORFOLK's late diesel inspection, a conversation he described as being potentially "very directive, corrective in nature, loud and one-way."

97. RDML (Sel) Thomas counters any suggestion that he may have hurt [redacted] (b)(7)(c) by observing that she did not show any outward sign of him having done so as they talked together that morning. [redacted] (b)(7)(c) however, testified that while the alleged shoulder slapping was taking place, she did not think he realized what he was doing as he struck her shoulder with his open cupped hand. She said, he was angry about the diesel inspection and completely focused on getting his message across to her. He was standing beside her, his right hand moving up and down on her left shoulder making his point. During and after the alleged incident, [redacted] (b)(7)(c) remained focused on providing her explanation about the timing of the diesel inspection. She was shocked at what had taken place but unwilling to interrupt her conversation with him for any reason, not even to register her discomfort by his hand.

98. By the preponderance of the evidence, I find that RDML (Sel) Thomas did touch [redacted] (b)(7)(c) shoulder with force sufficient to cause her discomfort. Under the totality of the circumstances, this force was unlawful. I further believe RDML (Sel) Thomas was unaware of the amount of force he applied and was not sensitive to the intimidating circumstances surrounding the incident.

#### Conclusion

99. The allegation is substantiated.

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