



DEPARTMENT OF THE NAVY

USS WASP (LHD 1)  
UNIT 100261 BOX 1  
FPO AP 96692

5830  
Leg/057  
18 Jun 19

FIRST ENDORSEMENT on LCDR (b) (6) ltr 5830 of 12 Jun 19

From: Commanding Officer, USS WASP (LHD 1)  
To: Commander, Expeditionary Strike Group SEVEN

Subj: COMMAND INVESTIGATION REGARDING THE CIRCUMSTANCES BEHIND  
AIRCREW EMBARKED ONBOARD USS WASP WEARING UNAUTHORIZED  
PATCH ON THE UNIFORM

Ref: (a) JAGINST 5800.7F, CH-1, Chapter II  
(b) Memorandum for Chief Management Officer of the Department of Defense (DoD)  
(c) DODD 1344.10, Political Activities by Members of the Armed Forces

1. Forwarded, per reference (a).
2. Per reference (b), policies and tradition limit active duty members from engaging in partisan political activities or actions that could appear to imply DoD sponsorship, approval, or endorsement of a political candidate, campaign, or cause. I have reviewed the command investigation. I concur in part with the findings and recommendations of the investigating officer. Specifically, I concur that the Aircrewman were authorized to attend the event, and that the patches worn did not rise to the level of prohibited partisan political activity. Nevertheless, all personnel are charged with knowledge of the POD, which clearly stated the prescribed uniform for the event. While no intentional disregard of the uniform policy was present, their ignorance of the requirement is not a cognizable excuse. More is expected of Petty Officers and leadership to ensure knowledge of plan of the day (POD) postings and the Command 5050, which detailed information and directed uniform requirements.
3. I have directed my Legal Office to formally draft charges for violation of the UCMJ, Article 92, failure to obey an order or regulation. Additionally, I have directed Page 13s to be issued in accordance with reference (c), paying particularly close attention to paragraph 4.1.5 which states that any activity that may be reasonably viewed as directly or indirectly associating the DoD or any component of these Departments with a partisan political activity or otherwise is contrary to the spirit and intention and should be avoided.
4. My Point of Contact on this matter is CAPT (b) (6), Executive Officer, USS WASP (LHD 1), USN, may be contacted via e-mail: (b) (6) @lhd1.navy.mil, commercial telephone: (b) (6) or DSN (b) (6).

  
C. H. HERR

Copy to:  
LCDR (b) (6)

12 Jun 19

From: LCDR (b) (6), USN

To: Commanding Officer, USS WASP (LHD 1)

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Ref: (a) JAGINST 5800.7E  
(b) Uniform Code of Military Justice, Art. 92  
(c) Uniform Code of Military Justice, Art. 86  
(d) DODD 1344.10  
(e) WASPNOTE 5050 25 May 19  
(f) USS WASP POD dated 23 May 19  
(g) USS WASP POD dated 24 May 19  
(h) USS WASP POD dated 25 May 19  
(i) USS WASP POD dated 28 May 19  
(j) E-mail dated 22 May 19  
(k) E-mail dated 30 May 19  
(l) COMHELSEACOMBATWINGPACINST 3710.7F  
(m) HSC25INST 3710.1H  
(n) NAVADMIN 12/164

Encl: (1) CI appointment ltr 5830 Ser Leg/041 dtd 28 May 19  
(2) Modification of CI appointment ltr 5830 Ser Leg/048 dtd 6 Jun 19  
(3) LCDR (b) (6) interview summary dated 31 May 19  
(4) LT (b) (6) interview summary dated 31 May 19  
(5) LT (b) (6) interview summary dated 31 May 19  
(6) LT (b) (6) interview summary dated 1 Jun 19  
(7) LTJG (b) (6) interview summary dated 1 Jun 19  
(8) ATCS (b) (6) interview summary dated 8 Jun 19  
(9) PR2 (b) (6) interview summary dated 2 Jun 19  
(10) AD2 (b) (6) interview summary dated 2 Jun 19  
(11) AWS1 (b) (6) interview summary dated 1 Jun 19  
(12) AWS1 (b) (6) interview summary dated 1 Jun 19  
(13) AWS2 (b) (6) interview summary dated 1 Jun 19  
(14) AWS2 (b) (6) interview summary dated 1 Jun 19  
(15) AWS2 (b) (6) interview summary dated 2 Jun 19  
(16) AWS2 (b) (6) interview summary dated 1 Jun 19  
(17) AWS2 (b) (6) interview summary dated 1 Jun 19  
(18) AWS3 (b) (6) interview summary dated 2 Jun 19  
(19) AWS3 (b) (6) interview summary dated 2 May 19  
(20) Article 31 rights, signed by LCDR (b) (6)  
(21) Article 31 rights, signed by LT (b) (6)  
(22) Article 31 rights, signed by LT (b) (6)

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- (23) Article 31 rights, signed by LT (b) (6)
- (24) Article 31 rights, signed by LTJG (b) (6)
- (25) Article 31 rights, signed by ATCS (b) (6)
- (26) Article 31 rights, signed by PR2 (b) (6)
- (27) Article 31 rights, signed by AD2 (b) (6)
- (28) Article 31 rights, signed by AWS1 (b) (6)
- (29) Article 31 rights, signed by AWS1 (b) (6)
- (30) Article 31 rights, signed by AWS2 (b) (6)
- (31) Article 31 rights, signed by AWS2 (b) (6)
- (32) Article 31 rights, signed by AWS2 (b) (6)
- (33) Article 31 rights, signed by AWS2 (b) (6)
- (34) Article 31 rights, signed by AWS2 (b) (6)
- (35) Article 31 rights, signed by AWS3 (b) (6)
- (36) Article 31 rights, signed by AWS3 (b) (6)
- (37) WASPNOTE 5050 dated 25 May 19
- (38) USS WASP POD dated 23 May 19
- (39) USS WASP POD dated 24 May 19
- (40) USS WASP POD dated 25 May 19
- (41) USS WASP POD dated 28 May 19
- (42) E-mail dated 22 May 19
- (43) E-mail dated 30 May 19
- (44) Picture of aircrew with patch from Twitter
- (45) Picture of POTUS holding Patch
- (46) Picture of MAGA Patch from Star and Stripes dated 12 Jul 18
- (47) E-mail statement from LCDR (b) (6) dated 16 Jun 19

#### PRELIMINARY STATEMENT

1. As directed by enclosure (1) LCDR (b) (6) started the investigation, but stopped to go on emergency leave. LCDR (b) (6) completed the investigation as directed by enclosure (2) and conducted in accordance with reference (a), this is a command investigation into the facts and circumstances surrounding an unauthorized wearing of a patch on the flight suit uniform which was in the likeness of President Trump that said "Make Aircrew Great Again" during a Presidential visit on 28 May 2019 by HSC-25 aircrewmen violating DODD Instruction 1344.1.
2. The focus of this investigation is on determining the circumstances behind aircrew embarked onboard USS WASP wearing an unauthorized patch on the uniform. [Encl. (1) and (2)]
3. References (a) through (n) were reviewed and enclosures (3) through (47) are submitted to support the finding of facts, opinions, and recommendations reported in this investigation.



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4. All reasonably available evidence required for this investigation was collected and each objective of the appointing order has been met.

5. Legal guidance was provided by CDR (b) (6), JAGC, USN, CPR 11, throughout the course of this investigation.

#### FINDING OF FACTS

1. On 22 May 2019, CDR (b) (6) sent reference (j) to All Hands distribution list on board USS WASP. [Encl. (42)]

2. Not all members of the DET received the All Hands Political Activities e-mail from CDR (b) (6), reference (j), due to their e-mail accounts not being active until after reference (j) was sent. [Encls. (3), (5), (7), (11), (12), (14), (15), (18), (19), and (43)]

3. A summary of the contents of reference (j) were posted in the Plan of the Day (POD) notes from 23 May 19 to 28 May 19. [Encls. (38), (39), (40), and (41)]

4. The prescribed uniform for the POTUS event was Naval Working Uniform (NWU) Type III with eight point covers. [Encl. (37)]

5. HSC-25 DET Six leadership knew that the uniform for the POTUS event was NWU Type III with eight point covers. [Encl. (3), (6) and (8)]

6. The Make Aircrew Great Again (MAGA) patch existed prior to the DET's knowledge of the POTUS event. [Encls. (3), (4), (5), (8), (9), (11), (12), (13), (14), (15), (16), (17), (18), (19), and (46)]

7. The pilots and aircrew of HSC-25 believed that the current squadron's Commanding Officer, CDR Loforti and Executive Officer, CDR (b) (6) allowed or did not restrict the MAGA patch from being worn on flight suits within squadron spaces. [Encls. (3), (4), (5), (6), (11), (12), (13), (14), (15), (16), (17), (18), and (19)]

8. Between Jan 2018 and Apr 2018, LT (b) (6) attended an All Officers Meeting (AOM). During this AOM the Commanding Officer, CDR Eastham discussed the MAGA patch, granted his approval, and stated that the patch was in good taste. [Encl. (5)]

9. The aircrewmen of HSC-25 DET Six stated that the MAGA patch was created to help build esprit de corps amongst the Guam Aircrew Association (GAA). The POTUS slogan was used as a play on words and was not created to show partisan political support. [Encls. (11) - (19)]

10. All members of the DET were instructed to not attend the POTUS event due to not being a part of the 500 personnel from ship's company identified and by direction of ATCS (b) (6)

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(b) (6), USN Detachment Leading Chief Petty Officer (DLCPO) HSC-25 Detachment Six to focus on administrative programs during that time. [Encls. (4) and (8)]

11. The DET's chain of command did not brief the DET on Political Activities guidance sent to the USS WASP All Hands distribution list or the uniform requirements for the POTUS event due to the DET leadership believing that no one from HSC-25 would attend the POTUS event. [Encls. (3), (4), (6), (7) and (8); see Fact 10]

12. USS WASP Command Duty Officer, LCDR (b) (6) informed LT (b) (6) that HSC-25 sailors could attend the POTUS speech and would be required to wear the Naval Working Uniform (NWU) type III with eight point cover and mustered for screening in the upper vehicle storage area (in accordance with reference (e)). [Encl. (6)]

13. LT (b) (6) called the HSC-25 maintenance space and spoke to AD2 (b) (6) and passed the information that HSC-25 Sailors could attend the event. LT (b) (6) stated, during the phone call, that HSC-25 could attend the POTUS event as long as they wore the NWU Type III uniform with eight point cover and mustered for screening in the upper vehicle storage area (in accordance with reference (e)). [Encls. (6) and (10)]

14. AD2 (b) (6) did not remember LT (b) (6) statement, during the phone call, that HSC-25 could attend the POTUS event as long as they wore the NWU Type III uniform with eight point cover and mustered for screening in the upper vehicle storage area (in accordance with reference (e)). [Encl. (10)]

15. LT (b) (6) was aware of and had read reference (e). [Encl. (6)]

16. The aircrewmen and maintenance personnel were informed that they could attend the event the morning of the event, 28 May 2019. [Encls. (7), (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), and (20)]

17. All aircrewmen and one maintainer of HSC-25 DET Six attended the POTUS event. [Encls. (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), and (19)]

18. Aircrewmen from HSC-25 wore the MAGA patch to the POTUS event. [Encls. (3), (4), (5), (7), (8), (9), (11), (12), (13), (14), (15), (16), (17), (18), (19), and (44)]

19. During the screening process multiple secret service agents, Sailors on the quarterdeck and members of the audience made positive comments about the MAGA patch. [Encls. (14) and (19)]

20. POTUS had his picture taken with the patch. [Encls. (12), (14) and (45)]



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21. An unknown Commander told the aircrewmembers to remove the MAGA patches while some of the aircrewmembers were still in the hangar bay after the POTUS event. [Encls. (3), (4), (7), (11), (12), (13), (14), (18), and (19)]

22. Due to the interaction with the unknown CDR, at approximately 1300 on 28 May 2019, AWS1 (b) (6) informed LTJG (b) (6), USN HSC-25 Detachment Six Division Officer (DIVO) that all nine aircrew had attended the POTUS event and had MAGA patches signed by POTUS during his interaction with the crowd. [Encl. (11)]

23. At approximately 1400 on 28 May 2019, LCDR (b) (6), addressed the issue of wearing the patch to all aircrewmembers. The members of the DET that were in attendance are as follows: LT (b) (6), USN Assistant Officer in Charge (AOIC), LTJG (b) (6); USN Detachment Division Officer (DIVO); AWS1 (b) (6), USN; AWS1 (b) (6), USN; AWS2 (b) (6), USN; AWS2 (b) (6), USN; AWS2 (b) (6), USN; AWS2 (b) (6), USN; AWS2 (b) (6), USN; AWS2 (b) (6), USN; AWS3 (b) (6), USN; AWS3 (b) (6), USN, and Detachment Maintenance Senior Chief (b) (6), USN. [Encls. (3), (4), (7), (8), (11), (12), (13), (14), (15), (16), (17), (18), and (19)]

24. In the afternoon of 28 May 2019, when the MAGA patches were collected, AWS1 (b) (6) informed the OIC that the aircrew attendance was his idea. It was also his idea to pass out patches to the aircrew prior to entering the hangar bay. [Encl. (3) and (12)]

25. AWS1 (b) (6), AWS1 (b) (6), AWS2 (b) (6), AWS2 (b) (6), AWS2 (b) (6), AWS2 (b) (6), AWS2 (b) (6), AWS3 (b) (6), and AWS3 (b) (6) were not aware of the Plan of the Day (POD) note pertaining to DOD Directive 1344.1. [Encls. (11), (12), (13), (14), (15), (16), (17), (18), and (19)]

26. Upon entering the Hangar Bay there was only one of the aircrewmembers that were wearing the MAGA patch. The remaining aircrewmembers received their patches and started wearing them once in the crowd inside of the Hangar Bay. [Encls (11), (12), (13), (15), (16), (17), (18), and (19)]

27. USS WASP Command Duty Officer, LCDR (b) (6), was told during the morning department head meetings that the event was open to anyone who wanted to attend needed to be in the upper V at 0630, in type III's and be prepared for screening prior to entrance into the hangar bay. [Encl (47)]

28. There is no flight suit patch guidance in either the HSC-25 Standard Operating Procedures (SOP) or the HSC Wing SOP.

29. Per reference (n), addresses the wear of patches on flight suits. It states, "Insignia/patches shall be worn on flight suits as follows: The US flag patch shall be worn on the left arm shoulder approximately 1 inch below the seam. A weapons school patch (if authorized) shall be

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worn on the right shoulder only, approximately 1 inch below the seam and officer rank on the shoulders.”

OPINIONS

1. The communication between LT (b) (6) and AD2 (b) (6) was not clear with respect to the communication of the uniform requirement for the POTUS event. [FFs (13) and (14)]
2. It didn't cross any of the aircrewmens' minds that the MAGA patch could be seen as a political statement or partisan support until their interaction with the unknown CDR. [FFs (7), (9), (19), and (20)]
3. Most of the audience at that event that saw the MAGA patch did not see a problem with the patch and also interpreted it as a play on words. It is my opinion that this further supported the aircrewmens' thought that the MAGA patch was harmless. [FF (19)]
4. The members of the HSC-25 DET do not pay close attention to the ship's POD. [FFs (3), (17) and (25)]
5. When information is thought to not apply to the DET, the DET's leadership will not pass it down to the members of the DET. It is my opinion that this occurred with absence of discussion of the 5050 and POD notes. The uniforms for the POTUS visit were not briefed by DET leadership or delegated down to be briefed. [FF (10) and (11)]
6. LCDR (b) (6) made the right call to address the patch issue as soon as he heard about it by gathering all aircrewmens, the AOIC, the DIVO, and the DLCPO immediately upon learning of the issue. [FF (22) and (23)]
7. It is my opinion that the HSC-25 DET Six aircrewmens saw the patch as a symbol of the positive trend in moral of the GAA. [FF (9)]
8. The information about the required uniform for the POTUS visit was readily available in the 5050 which was disseminated via e-mail and posted on the USS WASP share point page. [FF (12), (13) and (15)]
9. When the news broke that the DET could attend the POTUS event, there was not much time to discuss or look up the proper uniform for the event. The aircrewmens would have been in flight suits, which are the standard uniform for them while embarked on the ship. [FF (12), (13), and (14)]

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10. Having the change in guidance for POTUS visit created confusion among personnel in the DET. Initially ATCS (b) (6), instructed everyone on the DET to not attend the POTUS visit. On the morning of the POTUS visit, new guidance came from LT (b) (6) stating that Sailors from HSC-25 could attend the event. There was no evidence that shows that LT (b) (6) guidance was communicated to ATCS (b) (6) which could lead to the conclusion that there was conflicting guidance on the appointed place of duty during the POTUS event. [FF (10) and (13)]

#### RECOMMENDATIONS

1. Hold AWS1 (b) (6), AWS1 (b) (6), AWS2 (b) (6), AWS2 (b) (6), AWS2 (b) (6), AWS2 (b) (6), AWS2 (b) (6), AWS3 (b) (6), and AWS3 (b) (6) accountable for violation of UCMJ Art. 92- Failure to Obey an Order, not being in the proper uniform, at Disciplinary Review Board.
2. The aircrewmen of HSC-25 DET Six should be mentored and counseled on the contents of reference (d).
3. As members of the USS WASP while embarked, HSC-25 DET Six should be mentored and counseled on the importance of reading the POD daily.

(b) (6)