

United States of America



DEPARTMENT OF THE NAVY

Washington, D.C., 31 July 2000

I hereby certify that the annexed two pages constitute a true and accurate copy of the Response to Letter of Reprimand dated 17 Jul 90 from the special court-martial record of trial in the case of LCDR Walter F. Fitzpatrick, USN, 551-90-4692 on file in the Office of the Judge Advocate General.

D. A. Neesen

LtCol D. A. NEESEN, U.S. Marine Corps
Director, Administrative Support Division
Navy-Marine Corps Appellate Review Activity

OFFICE OF THE SECRETARY

I hereby certify that D. A. Neesen who signed the foregoing certificate, was at the time of signing Director, Administrative Support Division and that full faith and credit should be given his certification as such.

In testimony whereof, I have hereunto set my hand and caused the Seal of the Navy Department to be affixed this First August day of two thousand Zero-zero.

Kenneth R. Bryant signature

KENNETH R. BRYANT
Acting Assistant Judge Advocate General
(Military Justice)



17 July 1990

From: Lieutenant Commander Walter Francis Fitzpatrick, USN
To: Commander, Combat Logistics Group One

Subj: **RESPONSE TO LETTER OF REPRIMAND**

Ref: (a) Ltr of Reprimand, 7 June 1990
(b) Record of Trial ICD US v. LCDR Fitzpatrick

1. In response to the letter of reprimand, reference (a), I would like to point out the following facts. It was the testimony of a government witness, Chief Wagner, the detailed MWR officer on board the USS Mars, that it was his suggestion to use MWR funds for the trip to Hawaii and that he advised me that this was an authorized expenditure. See page 53 of reference (b). The Master Chief of the command, PNMC Poasa Fa 'Aita, also testified that he saw a message about an MWR seminar to be held in Pearl Harbor and that he discussed this seminar with Chief Wagner, page 21 and 25 of reference (b).

2. When I used MWR as an excuse to fund a trip of ship's personnel to Hawaii it was because I was informed by my MWR officer that such a trip was authorized. If the convening authority believes this not to be the case then the convening authority chooses not to believe the testimony of the very witnesses called by the prosecution to testify against me.

3. In paragraph three of reference (a) I am reprimanded for the purchase of electronic equipment that was placed in my stateroom and the stateroom of the commanding officer. I would note that the record of trial, page 30 of reference (b), indicates that the commanding officer, Captain Nordeen, authorized the purchase and placement of this equipment. I would also note that Defense Exhibit "D" of reference (b) also establishes that the majority of ships in LOGGRU One currently place MWR entertainment equipment in officer's staterooms. It seems incongruous that I be reprimanded for an action taken by the commanding officer and which is conformance of the tolerated policy of the entire group. Furthermore, contrary to your statement in paragraph (3) of reference (a), I am not aware of any mention

in reference (b) to my having been "warned" against the distribution of entertainment equipment as was directed by the commanding officer. I would also note that reference (b) demonstrates that a small portion of the total funds was used for equipment placed in my stateroom and that of the commanding officer. Reference (b) also shows that this equipment replaced MWR equipment that was in place even before I arrived on board the ship.

4. I am also informed by my defense counsel that in his discussions with members of the court-martial panel it was disclosed that they did not consider to me guilty of dereliction in reference to the entertainment equipment. I believe this information is also known to your staff judge advocate.

5. I believe that I served the interests of the United States Navy and of the USS Mars well and to the best of my ability. I rely upon testimony of my commanding officer and the command master chief in evaluating my performance on board the USS Mars. Finally I rely upon the performance of the USS Mars while I served as her executive officer. I believe that my judgment, performance and dedication to duty did contribute to the service of the finest ship afloat in LOGGRU I.



Walter Fitzpatrick
LCDR, USN