THE SECRETARY OF THE NAVY
WASHINGTON DC 20350-1000

OCT - 6 2017

From: Secretary of the Navy
To: President, FY-18 Active Duty Selection Board for Detail as Assistant Judge Advocate General (Chief Judge) and Assistant Judge Advocate General of the Navy

Subj: ORDER CONVENING THE FY-18 SELECTION AND CONTINUATION BOARD TO RECOMMEND A NAVY JUDGE ADVOCATE ON THE ACTIVE-DUTY LIST IN THE REGULAR GRADE OF CAPTAIN FOR DETAIL AS ASSISTANT JUDGE ADVOCATE GENERAL, CHIEF JUDGE, DEPARTMENT OF THE NAVY AND ASSISTANT JUDGE ADVOCATE GENERAL OF THE NAVY

Ref: (a) FY-19 Active-Duty and Reserve Navy Flag Officer Promotion Selection Board Precept

Encl: (1) Board Membership

1. **Date and Location**

a. The detailing selection board, consisting of you as president and the officers listed in enclosure (1), is ordered to convene at the Navy Personnel Command, Millington, TN, at 0800, Friday, October 13, 2017, or as soon as practicable thereafter.

b. The board(s) shall proceed in accordance with all guidance in this letter and, except when otherwise noted, the FY-19 Active-Duty and Reserve Navy Flag Officer Promotion Selection Board Precept, reference (a).

2. **Function**. The function of the board is to consider eligible Regular Active-Duty List officers of the Navy Judge Advocate General's Corps for detail as Assistant Judge Advocate General, Chief Judge, Department of the Navy (AJAG (CJDON)) and Assistant Judge Advocate General of the Navy (AJAG of the Navy).

a. The officer you select shall serve for three years as AJAG (CJDON). Unless I deem it necessary for the officer to serve earlier, the officer selected will assume the title and duties of AJAG of the Navy for the last 12 months in the billet. Though authority to detail the AJAG of the Navy is contained in a specific statutory provision, the Department of the Navy, by policy, has chosen to follow the selection process provided in chapter 36 of title 10, U.S. Code, to the maximum extent

practicable. Accordingly, the procedures to be employed by this board will closely follow those observed during regular statutory boards.

b. Eligible officers are only those judge advocates in the grade of captain on the Active-Duty List with a date of rank of October 1, 2014, or earlier, excluding any officer who:

(1) submits a written request to the board president for non-consideration of eligibility no later than the day before the date this board convenes;

(2) has an approved voluntary separation or retirement request, submitted by the officer and not required by policy, as of the convening date of the board; or

(3) was recommended by a previous selection board for appointment as AJAG of the Navy, Legal Counsel to the Chairman of the Joint Chiefs of Staff, Chief Defense Counsel for Military Commissions (pursuant to section 156 of title 10, U.S. Code), or Deputy Judge Advocate General of the Navy.

c. From among the officers eligible for consideration, the board may select one judge advocate for detail as AJAG (CJDON) and AJAG of the Navy. This number is the maximum that may be selected. The board need not select to the number provided.

3. <u>Best and Fully Qualified Selection Standard</u>

a. <u>Fully Qualified</u>. The officer recommended for selection must be fully qualified; that is, the officer recommended must be capable of performing the duties as AJAG (CJDON) and duties of the more senior position of the AJAG of the Navy. An officer who does not meet that standard shall not be recommended for selection.

(1) Officers fully qualified for selection demonstrate an appropriate level of leadership, professional skills, integrity, management acumen, grounding in business practices, and resourcefulness in difficult and challenging assignments. Their personal and professional attributes include adaptability, intelligent risk-taking, critical thinking, innovation, adherence to Navy and Department of Defense (DoD) ethical

standards, physical fitness, and loyalty to the Navy core values.

(2) The Navy is composed of men and women representing dozens of different ethnic groups and hundreds of cultural heritages. Fully qualified officers must have shown the ability to successfully lead and mentor a diverse workforce, while executing the Navy's strategic diversity initiatives and effectively retaining the right quality and quantity of performance-proven personnel.

(3) Fully qualified officers must be of the highest integrity and character, with the demonstrated ability to provide legal advice that is accurate, independent, objective, and reflective of the Navy core values.

b. Best Qualified. Among the fully qualified officers, you must recommend for selection the best qualified officer. The following core considerations should guide your recommendation. Members assigned to brief individual records are expected to use these considerations to guide the review and structure of their briefs. Each board member is expected to apply this guidance when deliberating and voting. Considerations are:

(1) Proven and Sustained Performance

(a) You are required to pick the best officer. Proven and sustained superior performance in significant leadership positions (e.g., command, Office of the Judge Advocate General (OJAG) Division Director, staff judge advocate (SJA) on senior-flag officer/general officer staff, etc.), and in difficult and challenging in-service, joint, and overseas contingency operations (OCO) assignments is the ultimate test of fitness for selection. This is the number one factor that should guide your recommendations.

(b) When applying this factor, you must consider that the future Navy and joint force leadership will be composed of a mix of officers who have excelled in both traditional career paths and alternate career paths. You must consider the critical competency/skill sets developed by officers who have excelled in alternate career paths.

(c) Our dynamic Navy requires equal consideration to those who have served in non-traditional, combat-related, nation-building roles. Successful performance and leadership in combat conditions demonstrate exceptional selection potential and should be given special consideration. However, the board is reminded that limited opportunities exist for senior judge advocates to serve in combat conditions. This community-specific limitation may have foreclosed combat leadership opportunities for many judge advocates. Therefore, officers who have not served in such conditions should not be viewed negatively, provided the officers have progressed in billet complexity, professional development, and leadership responsibility.

(d) You should also consider for selection those men and women possessing the education, experience, and language skills that help improve the Navy's gender and cultural awareness and those who demonstrate mentoring skills that enhance the professional development of the Navy's future male and female leaders and the wide and varied diversity of the Navy.

(e) A critical goal of the Navy is to encourage -- to demand -- innovation and efficiency to ensure that we retain an adaptive, flexible, and effective naval force able to anticipate events and win across the spectrum of conflict. In your consideration, recognize that the continued preeminence of the Navy in the future is inextricably linked to its ability to successfully change and to manage for efficiency. Our future depends on male and female leaders who have demonstrated their awareness of this fact. Within the charter of best and fully qualified, seek to select these officers.

1. In this age of limited resources and fiscal constraints, application of energy resource management and technology is of vital importance. Our institution must create energy solutions that make facilities and installations more energy efficient and encourage superior management of energy resources.

2. Likewise, we must not restrict or limit the opportunity of any officer to think creatively, develop new

ideas, take prudent risks, and maximize capabilities through sound management practices. Bear in mind that, in the context of a changing Navy, officers demonstrating innovative thinking, efficient management skills, prudent risk taking, and effective business practices, may reflect a variety of backgrounds.

(2) Education / Personal and Professional Development

(a) You shall favorably consider professional military education (PME), relevant graduate education, and experience in specialized areas. Best and fully qualified candidates seek opportunities to improve performance by increasing their knowledge throughout their careers. The PME Continuum integrates four components of education: Advanced Education, Navy-Specific Professional Military Education (NPME), Joint Professional Military Education (JPME), and Leadership Development.

(b) Applying advanced education in subspecialty tours and achieving specialized skills as reflected in Additional Qualification Designator (AQD) codes are significant career milestones.

(c) Post-Graduate Education. The Judge Advocate General's Corps endeavors to provide all judge advocates with the opportunity to obtain post-graduate education. Of those officers afforded an opportunity to obtain post-graduate education, some will attend civilian educational institutions, while others will attend military institutions such as the Army's Judge Advocate General's Legal Center and School. Accordingly, post-graduate legal education obtained at a military institution shall be given weight equal to post-graduate legal education obtained at a civilian institution.

c. Direct Support of Overseas Contingency Operations (OCO)/Irregular Warfare. The board may give favorable consideration to those officers who, while in the grade of O-6 or above, have displayed superior performance in a leadership role serving in direct support of OCO or in Irregular Warfare assignments, in particular those assignments that are extraordinarily arduous or which involve significantly heightened personal risk. These individuals are developing

valuable combat and nation-building skills under stressful conditions. Such assignments may not be typical of the officer's traditional community career path and the officer may be rated by a reporting senior unfamiliar with the officer's specialty and the Navy fitness report system.

d. Judge Advocate General's Corps Community Considerations. The AJAG (CJDON) and the AJAG of the Navy performs a wide variety of legal duties and have independent responsibilities. But more importantly, the AJAG of the Navy acts as the Judge Advocate General of the Navy in the absence of the Judge Advocate General and the Deputy Judge Advocate General. Consequently, the officer selected must be fully capable of performing the duties of a flag officer. I have developed the following criteria, set out below in order of significance, to which you are to adhere in making your selection. You must ensure that the future AJAG (CJDON) and AJAG of the Navy has, to the greatest extent practicable, the following broad base of qualities and experience:

(1) The selected officer will have flag officer-level responsibility to oversee the most complex and challenging military justice law and policy matters facing the Navy and Marine Corps. Accordingly, the board shall give favorable consideration to those officers who have demonstrated superior performance while holding billets requiring an in-depth knowledge of military justice. Such billets include, but are not limited to, trial counsel, defense counsel, OJAG (Criminal Law Division), Naval Justice School instructor in criminal law or trial advocacy, SJA positions with a heavy military justice component, appellate counsel or judicial clerk, military judge, and appellate judge.

(2) The selected officer will serve in the capstone position of the Navy JAG Corps' Military Justice Litigation Career Track, and must facilitate the development and retention of senior officers with in-depth military justice experience. Accordingly, the board shall give favorable consideration to those officers who have proven performance in leadership positions related to military justice. Such billets include, but are not limited to, Senior Defense Counsel or Senior Trial Counsel, Commanding Officer or Executive Officer, OJAG Division

Director, Chief Circuit Judge (trial level), and Senior Judge or Chief Judge (trial or appellate level).

(3) The selected officer will oversee approximately 70 Navy and Marine Corps judges, active and reserve, who preside over and review more than 2,000 criminal cases annually. The selected officer also will oversee all inquiries into judicial misconduct. Accordingly, the board shall give favorable consideration to those officers who have excelled while serving as trial or appellate judges, and who have demonstrated the ability to make difficult decisions as independent jurists while remaining fully consistent with the ethical rules governing judicial conduct.

(4) The selected officer, while serving as AJAG of the Navy, may be called upon to act for the Judge Advocate General of the Navy in advising the Department of the Navy's senior leaders on a broad range of legal issues. Accordingly, the board shall give favorable consideration to officers with a demonstrated ability to coordinate with colleagues throughout the Department of Defense and to work closely with senior military and civilian leaders in the Department of the Navy.

4. <u>Continuation Selection Board</u>

a. As the officer selected is expected to serve for three years, you should consider the following statutory provisions:

(1) Regular captains are required to retire upon reaching 30 years of active commissioned service.

(2) Captains may be selectively continued for up to five years past 30 years active commissioned service.

(3) Regular commissioned officers shall be retired at age 62. Accordingly, the board is not precluded from recommending an officer whose three-year tour as AJAG (CJDON) and AJAG of the Navy would extend beyond the limits of the current policy regarding retirement upon attaining 30 years of active commissioned service. However, the board is precluded from recommending an officer whose three-year tour would extend the officer's service beyond that officer's 62nd birthday.

b. Upon completion of the selection board, the board president shall review the record of the officer recommended for selection. If the selected officer will have a mandatory retirement date between September 1, 2018, and July 31, 2021, the board shall reconvene as a continuation selection board. The continuation selection board may select for continuation the selected officer who is deemed by a majority of the members of the board to be fully qualified for continuation and whose continuation is in the best interests of the Navy. The officer selected will be continued on active-duty for a period not to exceed: three years of service as the AJAG (CJDON), including 12 months of service as the AJAG of the Navy, or 35 years of active commissioned service, whichever occurs earliest.

5. Board Report. The written report shall be signed by the board president, members, recorder, and assistant recorder and shall contain the name of the officer recommended for selection and the certifications required in reference (a), enclosure (1), appendix (C), except in the following instances:

a. Page headings shall refer to the report as "Report of a selection board to recommend a Navy Judge Advocate on the Active-Duty List in the regular grade of captain for detail as Assistant Judge Advocate General, Chief Judge, Department of the Navy and Assistant Judge Advocate General of the Navy."

b. The certification in paragraph 1(c)(6) shall be replaced with the following:

> The officer recommended for selection is, in the opinion of the majority of the members of the board, fully qualified and best qualified for selection and appointment to meet the needs of the Navy among those officers whose names were furnished to the board.

c. The certification in paragraph 1(c)(7) shall be replaced with the following:

> A majority of the members of the board, after consideration by all members of the board of any adverse information about the officer recommended for selection that is provided to the board, finds that the officer

recommended for selection is best qualified for selection to meet the needs of the Navy consistent with the requirements of exemplary conduct set forth in section 5947 of title 10, U.S. Code, which states:

"All commanding officers and others in authority in the naval service are required to show in themselves a good example of virtue, honor, patriotism, and subordination; to be vigilant in inspecting the conduct of all persons who are placed under their command; to guard against and suppress all dissolute and immoral practices, and to correct, according to the laws and regulations of the Navy, all persons who are guilty of them; and to take all necessary and proper measures, under the laws, regulations, and customs of the naval service, to promote and safeguard the morale, the physical well-being, and the general welfare of the officers and enlisted persons under their command or charge";

d. The certification required in paragraph 1(j) shall be replaced with the following:

"The officers who requested not to be considered in accordance with paragraph three of NAVADMIN 226/17 were not eligible for this board and, therefore, those records were not considered by the board. The following officers were not considered:"

Or, in the case of a negative report, the certification required in paragraph 1(j) shall be replaced with the following:

"No officers requested that they not be considered by the board or otherwise caused their non-consideration through written communication to the board."

e. The certification required in paragraph 1(i) is not applicable.

f. If the selection board reconvenes as a continuation selection board and selects the officer for continuation as described in paragraph 4.b., above, then the board report will include the following certification, as appropriate:

Subj: ORDER CONVENING THE FY-18 SELECTION AND CONTINUATION BOARD TO RECOMMEND A NAVY JUDGE ADVOCATE ON THE ACTIVE-DUTY LIST IN THE REGULAR GRADE OF CAPTAIN FOR DETAIL AS ASSISTANT JUDGE ADVOCATE GENERAL, CHIEF JUDGE, DEPARTMENT OF THE NAVY AND ASSISTANT JUDGE ADVOCATE GENERAL OF THE NAVY

"In the opinion of a majority of the members of the board, the officer recommended for detail is fully qualified for continuation and his/her continuation is in the best interests of the Navy."

g. The report shall be forwarded directly to me via the Chief of Naval Personnel, the Judge Advocate General, and the Chief of Naval Operations.

Richard V. Spencer

BOARD MEMBERSHIP
FY-18 ASSISTANT JUDGE ADVOCATE GENERAL (CHIEF JUDGE DEPARTMENT OF THE NAVY) AND
ASSISTANT JUDGE ADVOCATE GENERAL OF THE NAVY
SELECTION AND CONTINUATION BOARDS

1. The following officers are appointed members of the board to recommend an officer for detail as Assistant Judge Advocate General (Chief Judge, Department of the Navy) and Assistant Judge Advocate General of the Navy:

VADM Philip G. Howe, USN (NSW) - President
RADM John G. Hannink, JAGC, USN (JAGC)
RADM Lisa M. Franchetti, USN (SW)
RADM Daniel H. Fillion, USN (AV)
RADM Randy B. Crites, USN (SS)
RDML Peter J. Clarke, USN (SS)
CAPT Moira Modzelewski, JAGC, USN (JAGC)*

*If a continuation selection board is convened, due to membership seniority requirements for statutory selection boards per 10 U.S.C. § 612, CAPT Modzelewski is not eligible to serve as a member of the continuation selection board. She must not be present for or participate in any voting or deliberations regarding the officer considered by this continuation selection board.

2. CAPT (Sel) Dustin Wallace, JAGC, USN, will act as recorder with the following person acting as the assistant recorder:

CDR Angela Tang, JAGC, USN

3. The following personnel are designated to serve as administrative support personnel to the boards:

CAPT Martin L. Pompeo
CAPT Elisabeth S. Stephens
CDR Howard M. Bryant
CDR John W. Popham
LCDR Shelley E. Branch
LCDR Walter C. Dehner
LCDR David R. Flowers
LCDR Joseph A. Gueary
LCDR Johnny W. Kelley
LCDR Chad C. Kirk
LCDR Stephen P. Milloway
LCDR Timothy D. O'Brien
LCDR Eric A. Polonsky
LCDR Van E. Stewart
LCDR Jeremy S. Yarbrough
LT Cassandra E. Abbott
LT Robert R. Allen
LT Beau J. Blanchard
LT Simon S. Davies

LT Erin T. Janofski
LT Tramayne L. Jenkins
LT Kevin M. Loughman
LT Christopher R. McHenry
LT Vincent N. Perry
LT Mark T. Wilson
LT Robert Van Winter
CWO3 Dawn R. Slayton
PSCM(SW/AW) C. E. Christiansen
PSCM(SW/AW) Matthew A. Lucas
YNCM(SW/AW/EXW) Leo S. Godet
YNCS(EXW/IDW/SCW) Byron J. Capps
YNC(SW/AW) Kari A. Betancourt
PSC(SW/AW) Timothy Connors
PSC (SW/AW) Christopher Greely
YNC(SW/AW) Jeremy R. Griffin
YNC(SW/AW/NAO) Jason W. Massengill
PS1(AW) Alexandria C. Atchinson
LN1 Lauren M. Hauck
LS1(SW) Clinton Cobin
YN1(SW/AW/IW) Vincent D. Marbley
YN1(SW) Raymond J. Owiesny, Jr.
YN1(SW) Benjamin J. Ryser
YN1(SW) Joseph F. Scarlata
LN1(SW) Carlos H. Villareal
LN2 Courtney E. Countiss
YN2(SW/AW) Alexis P. Williams
Mr. Rodger Abernathy
Ms. Jacqueline S. Anderson
Mr. Daryl L. Ballard
Ms. Alison Barnes
Mr. Julion A. Bend
Ms. Wendy Beyer
Mr. Robert C. Black
Ms. Patricia O. Boothe
Mr. David Bord
Mr. Brian D. Bourne
Mr. James W. Bowman
Mr. Doug Burgess
Ms. B. J. Callis
Ms. Tanya D. Campbell
Ms. Pam Carter
Mr. Clarence Carver
Ms. Lakiesha D. Chalmers
Ms. Janice Chambers
Ms. Linda M. Coffield
Mr. Joel Cook
Ms. Sonya Y. Cox
Mr. John R. Crotts
Mr. James Cutter
Ms. Karen Dapsis
Mr. Paul W. Davis
Mr. Richard T. DeRousse
Mr. John T. Dickman

Mr. David L. Dillensnyder
Mr. William C. Eastman
Mr. Charles D. Eaton
Mr. Jeremy L. Fisher
Mr. John Fleenor
Mr. Mike Foldes
Mr. John Frantz
Mr. Christopher Garner
Mr. Cornell D. Gaulmon
Mr. Brett J. Genoble
Mr. Bryan Gillentine
Mr. William H. Green
Mr. Keith Grover
Ms. Andrea Hammer
Mr. Jim Hammerich
Mr. Richard M. Hammer
Mr. Dave Hard
Ms. Dorothy C. Harris
Mr. Max H. Hodge
Ms. Sharon Elise Hoppe
Mr. David L. Howard
Ms. Rosalind Hudson-Phillips
Mr. Juan J. Jimenez
Mr. Douglas E. Johnson
Mr. John Johnson
Ms. Lorraine A. Johnson
Ms. Patricia A. Johnson
Ms. Crystal Jones
Ms. Melissa D. Jones
Mr. Steven P. Jones
Mr. Williams Jones
Mr. Daniel G. Kay
Mr. Charles M. Kellum
Ms. Shu J. King
Mr. Alex Kraus
Ms. Karen M. Kumnick
Ms. Sonia Lewis
Mr. Victor A. Loy
Ms. Nancy P. Lubiani
Mr. Donald P. Marshall
Mr. Paul D. Martin
Mr. Paul L. Martin
Mr. Richard P. Mason
Mr. Anthony L. Matthews
Ms. Karon D. Matthews
Mr. William McClain
Ms. Lynda C. McKinney
Mr. Chris G. McNulty
Mr. Christopher J. Meunier
Mr. Pratap Muratee
Ms. Patricia Moats
Ms. Sharon Moore
Mr. Corey A. Nichols
Mr. Tommy D. Owens

Enclosure (1)

Ms. Keisha R. Parker
Mr. Drew R. Parmley
Mr. Chuck Pennington
Mr. Richard S. Perry
Mr. Lee Peyton
Mr. James A. Price
Mr. Stephen R. Ranne
Ms. Amy Ray
Mr. Stanley Robinson
Mr. Jay A. Rublaitus
Mr. Tony V. Sanders
Ms. Cheryl L. Scott
Ms. Edna M. Shannon
Mr. Antoine Sharp
Mr. Michael P. Simrell
Ms. Angie L. Smith
Mr. Thor Smith
Ms. Ruby D. Snowden
Mr. John J. Sorce
Mr. William A. Stephens
Ms. Lynnette Stinnett
Mr. Tim Suich
Ms. Jennifer M. Summers
Mr. Jim C. Tanner
Mr. Horace Taylor
Mr. Robert J. Thompson
Ms. Tyla Thurston
Mr. David Tidwell
Ms. Elizabeth A. Vaughn
Ms. Martha Uselton
Mr. Shawn Walther
Ms. Davida L. Ward
Mr. Timmy W. West
Ms. Jessica Whitfield
Ms. Carma S. Whorton
Mr. Christopher A. Wiley
Mr. Bob T. Wilkinson
Mr. Ed Willard
Ms. Sharlene Williams
Mr. Charles E. Wilson
Ms. Deborah A. Wilson
Mr. Jason T. Winfield
Mr. Wiley P. Winter
Mr. Darrence A. Wolfe
Ms. Mindee M. Wolven
Ms. Rebecca Yong
Mr. Alan D. Young
Mr. Christopher J. Zaller

Enclosure (1)