



THE SECRETARY OF THE NAVY
WASHINGTON DC 20350-1000

JAN 8 2019

From: Secretary of the Navy
To: President, FY-19 Active-Duty Selection Board for Detail as Assistant Judge Advocates General of the Navy, and for Detail as Assistant Judge Advocate General (Civil Law) or Assistant Judge Advocate General (Operations and Management)
Subj: ORDER CONVENING THE FY-19 SELECTION AND CONTINUATION BOARD TO RECOMMEND NAVY JUDGE ADVOCATES ON THE ACTIVE-DUTY LIST IN THE REGULAR GRADE OF CAPTAIN FOR DETAIL AS ASSISTANT JUDGE ADVOCATES GENERAL OF THE NAVY; AND FOR DETAIL AS ASSISTANT JUDGE ADVOCATE GENERAL (CIVIL LAW) OR ASSISTANT JUDGE ADVOCATE GENERAL (OPERATIONS AND MANAGEMENT)
Ref: (a) FY-20 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) as members, the officers listed in enclosure (1) as recorder and assistant recorder, and the personnel listed in enclosure (1) as administrative support staff, is ordered to convene at the Navy Personnel Command, Millington, TN, at 0800, Tuesday, January 15, 2019, or as soon as practicable thereafter.

b. The board shall proceed in accordance with all guidance in this letter and, except when otherwise noted, the FY-20 Active-Duty and Reserve Navy Flag Officer Promotion Selection Board Precept, reference (a).

2. Function. The function of this board is to consider eligible Regular Active-Duty List officers of the Navy Judge Advocate General's Corps and to select two officers: one for detail as Assistant Judge Advocate General (AJAG) (Civil Law) and subsequent detail as AJAG of the Navy; and one for detail as AJAG (Operations and Management) and subsequent detail as AJAG of the Navy. The maximum number of officers that may be selected is two.

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a. In accordance with 10 U.S.C. § 5149, I will detail the two officers selected by this board to the designated AJAG positions as informed by recommendations from the Judge Advocate General of the Navy. The AJAG of the Navy is a statutory position, whereas the AJAG (Civil Law) and AJAG (Operations and Management) are Departmental positions established by SECNAVINST 1800.3A. The AJAG (Civil Law) and AJAG (Operations and Management) are eligible for detail as AJAG of the Navy pursuant to 10 U.S.C. § 5149. The AJAGs are flag/general officer equivalent positions in the Department of the Navy and, at my discretion, are eligible for retirement in the higher grade of O-7 following performance of qualifying service.

b. The Navy Judge Advocate General's Corps does not have O-7 authorizations in the Active-Duty Navy Flag Plan. Selection for AJAG is commensurate with selection for flag in other communities that have O-7 authorizations. Thus, the officers you select should be of commensurate quality and capable of performing the duties of a flag officer.

c. The officers you select are expected to serve for at least three years as the AJAG (Civil Law) or AJAG (Operations and Management), including at least 12 months as AJAG of the Navy, as detailed by me. 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 board process provided in chapter 36 of title 10, U.S. Code, to the maximum extent practicable. Accordingly, the procedures employed by this board will closely follow those used by regular statutory promotion selection boards.

d. Eligible officers are judge advocates in the grade of captain on the Active-Duty List with a date of rank of 1 January 2016, or earlier, excluding any officer who:

(1) submits a written request to the board president for non-consideration of eligibility that is received no later than 10 days before the date this board convenes;

(2) has an approved voluntary separation or retirement request, submitted by the officer and not required by policy, no later than 10 days before the date this board convenes; or

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(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 (pursuant to section 156 of title 10, U.S. Code), or Deputy Judge Advocate General of the Navy.

3. Best and Fully Qualified Selection Standard

a. Fully Qualified. The officers recommended for selection must be fully qualified; that is, the officers recommended must be capable of performing the duties of the AJAG (Civil Law) or AJAG (Operations and Management), and the statutory position of AJAG of the Navy. An officer who does not meet this 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 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 officers. Select the best qualified officer most ready to serve as AJAG (Civil Law), and the best qualified officer most ready to serve as AJAG (Operations and Management). The following core considerations should guide your recommendation. Members

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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) Proven and sustained superior performance in significant leadership positions and in difficult and challenging in-service, joint, and overseas contingency operations (OCO) assignments is the definitive measure 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 comprised 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 demonstrates exceptional selection potential and should be given special consideration. 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.

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(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. 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) The Navy's ability to support future operational requirements depends on a well-educated and trained officer workforce. The Navy needs officers who have helped create a culture of continuous learning demonstrated by their professional development through education and training. You shall favorably consider professional military education (PME), relevant graduate education, and experience in specialized areas. The PME Continuum integrates four components of education: Advanced Education, Navy-Specific Professional Military Education (NPME), Joint Professional Military Education (JPME), and Leadership Development. Best and fully qualified candidates seek opportunities to improve performance by increasing their knowledge throughout their careers.

(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

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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. Post-graduate legal education obtained at a military institution shall be given weight equal to post-graduate legal education obtained at a civilian institution.

(3) **Demonstration of Core Attributes.** The challenges facing our Navy are growing in scope, scale, and pace. To meet these challenges, the Navy needs male and female leaders who have demonstrated estimable character and are prepared for decentralized operations. You should give careful consideration to officers who demonstrate the four core attributes that guide our decisions and actions: integrity, accountability, initiative, and toughness. Integrity may be demonstrated as an individual or as a team member, when an officer displays conduct that is upright and honorable, and who works to strengthen the resolve of their peers, superiors, and subordinates. Accountability may be demonstrated by achieving and maintaining high standards, honestly assessing progress, and adjusting as required. Officers demonstrate initiative by taking ownership, acting to the limit of their authorities, and looking at new ideas with an open mind. Toughness can mean marshalling all sources of strength and resilience, including rigorous training, encouraging the fighting spirit of our people, and providing steadfast support of our families. Officers who demonstrate these core attributes ensure the U.S. Navy remains the world's finest Navy and deserve your careful consideration when selecting officers who are best and fully qualified.

4. **Competency and Skill Guidelines.** When applying the best and fully qualified selection standard, the board shall give strong consideration to those officers who possess the following competencies and skills necessary to serve as the AJAG of the Navy, and as either the AJAG (Civil Law) or AJAG (Operations and Management).

a. **AJAG of the Navy.** Both officers selected will spend at least one year as AJAG of the Navy. In this role, the officers selected may be called on to act for or represent the Judge Advocate General and Deputy Judge Advocate General of the Navy.

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Accordingly, the officers selected must be fully capable of performing the duties of a flag officer in advising the Department of the Navy's senior leadership on a broad range of complex legal issues, including issues that affect the operating forces of the Navy and Marine Corps. A wide range of legal experience and a proven ability to analyze and manage such issues shall be given favorable consideration.

b. AJAG (Civil Law). The AJAG (Civil Law) serves as Commanding Officer, Naval Civil Law Support Activity, the sole commanding officer position within the Office of the Judge Advocate General. AJAG (Civil Law) oversees important legal practice areas, covering areas such as national security, admiralty, environmental, administrative law, claims and litigation, the Disability Evaluation System Counsel Program, and legal assistance policy. The officer selected must be able to work closely with the Secretariat and OPNAV staffs, and the Office of General Counsel, and should have familiarity with the procedures and practices at the headquarters level of the Department of the Navy. Accordingly, give favorable consideration to experience in challenging Pentagon billets providing direct support to senior civilian or military leadership, including in the Department of the Navy, the Office of the Chairman of the Joint Chiefs of Staff, and the Office of the Secretary of Defense. AJAG (Civil Law) also serves as Rules Counsel for the Judge Advocate General of the Navy, overseeing implementation of attorney Professional Responsibility rules within the Navy JAG Corps. Accordingly, the officer selected must have a demonstrated record of adherence to high standards of personal and professional conduct.

c. AJAG (Operations and Management). The AJAG (Operations and Management) manages the operations of the combined headquarters for the Office of the Judge General (OJAG) and Naval Legal Service Command (NLSC), and also serves as Chief Prosecutor of the Navy and Chief of Staff, Region Legal Service Offices (RLSO). Regarding headquarters operations, this officer supervises resource and support services that reach the entire JAG Community and provide critical fleet support. Specific areas include military personnel management (such as recruiting, retention, mentorship, and billet structure), financial resources, civilian personnel, a centralized administrative

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support unit, and technology and data management. This officer is also expected to integrate work from the OJAG/NLSC Inspector General, the Special Assistant for Strategic Planning, and other Special Assistants to improve planning and policies for the headquarters and the JAG Community. As Chief of Staff, RLSO, this officer directly supervises nine O-6 commanding officers responsible for providing prosecution of courts-martial, command services, and legal assistance support within their AORs. This officer also works closely with the Chief of Staff, Defense Service Offices, and the Chief of Staff, Victims' Legal Counsel, to ensure NLSC fully serves fleet legal needs. Accordingly, the selected officer must have demonstrated sound management and stewardship; have broad experience providing legal services to Sailors, and to fleet and shore commands ranging from the waterfront to senior headquarters; and possess the leadership and supervisory capabilities necessary for leading at the executive level.

d. Additional Core Competencies and Skills

(1) Both officers selected will assist in resolving sensitive personnel accountability matters and in setting behavioral standards and policies. Accordingly, they must have impeccable professional ethics and be of the highest moral character with the finest sense of personal honor.

(2) Both officers selected will lead large headquarters and field organizations with numerous officers, enlisted personnel, and civilians providing legal services throughout the Department of the Navy. Accordingly, give favorable consideration to demonstrated success as a NLSC Chief of Staff; as a commanding officer of a RLSO, DSO, or the Naval Justice School; as an OJAG Division Director or Special Assistant; as an SJA on a senior flag staff; or other commensurate position.

e. Direct Support of Overseas Contingency Operations (OCO)/Irregular Warfare. The board may give favorable consideration to those officers who, while serving in the grade of captain, have displayed superior performance in a leadership role while serving in direct support of OCO or in Irregular Warfare assignments, in particular those assignments that are extraordinarily arduous or which involve significantly

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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.

5. Continuation Board

a. As the officers selected are 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 of active commissioned service.

(3) Regular commissioned officers shall be retired at age 62.

b. Accordingly, the board is not precluded from recommending an officer whose three-year tour as AJAG (Civil Law) or AJAG (Operations and Management) 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 beyond that officer's 62nd birthday.

c. Upon completion of the detailing selection board, the board president shall review the record of the officers recommended for selection. If one or both of the selected officers will have a mandatory retirement date between March 1, 2019, and July 31, 2022, the board shall reconvene as a continuation board.

d. The continuation board may select for continuation the selected officer(s) 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(s) selected will be continued on active duty for a period not to exceed: three years of service as the AJAG (Civil

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Law) or AJAG (Operations and Management), including 12 months of service as the AJAG of the Navy, or 35 years of active commissioned service, whichever occurs earliest.

6. Board Report. The written report shall be signed by the board president, members, recorder, and assistant recorders. The report shall contain the name of the officer recommended for selection as AJAG (Civil Law) and subsequent detail as AJAG of the Navy, the name of the officer recommended for selection as AJAG (Operations and Management) and subsequent detail as AJAG of the Navy, 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 Navy Judge Advocates on the Active-Duty List in the regular grade of captain for detail as Assistant Judge Advocates General of the Navy, and for detail as Assistant Judge Advocate General (Civil Law) or Assistant Judge Advocate General (Operations and Management)."

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

The officers recommended for selection are, in the opinion of the majority of the members of the board, fully qualified and best qualified 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:

The officers recommended for selection, including those who had adverse information provided to the board, are, in the opinion of the majority of the members of the board, fully qualified and among the best qualified to meet the needs of the Navy among those officers whose names were provided to the board, consistent with the exemplary conduct requirements of section 5947 of title 10, U.S. Code, which states:

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"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 NAVADMIN 301/18 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. If the selection board reconvenes as a continuation board and selects the officer(s) for continuation as described in paragraph 5, above, then the board report will include the following certification, as appropriate:

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

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



Richard V. Spencer

BOARD MEMBERSHIP

FY-19 SELECTION AND CONTINUATION BOARD TO RECOMMEND NAVY JUDGE ADVOCATES ON THE ACTIVE-DUTY LIST IN THE REGULAR GRADE OF CAPTAIN FOR DETAIL AS ASSISTANT JUDGE ADVOCATES GENERAL OF THE NAVY; AND FOR DETAIL AS ASSISTANT JUDGE ADVOCATE GENERAL (CIVIL LAW) OR ASSISTANT JUDGE ADVOCATE GENERAL (OPERATIONS AND MANAGEMENT)

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

VADM John D. Alexander, USN (AV/NFO) - President
RADM Darse E. Crandall, JAGC, USN
RDML Alvin Holsey, USN (AV/NFO) - Minority
RDML David A. Welch, USN (SW)
RDML John D. Spencer, USN (SS)
RDML Stephanie T. Keck, USN (CW) - Female
CAPT Gary E. Sharp, JAGC, USN

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

2. CAPT Daniel Cimmino, JAGC, USN, will act as recorder with the following person acting as the assistant recorder:

CDR Maryann M. Stampfli, JAGC, USN

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

Mr. Karon D. Matthews
Ms. Tyla M. Thurston