

Chapter 6 - Grievances and Filing Complaints

Servicemembers often do not know of methods of redress for wrongs. However, there are many forms of complaint, and one or another may be used for virtually any injustice, wrong, or form of oppression. Servicemembers may make a grievance resulting from:

- Ω mistreatment by a superior;
- Ω failure to act on a request (such as a request for medical attention or a request for hardship discharge);
- Ω unlawfully restricting a servicemember's rights (as discussed in Chapter 5, Military Justice and GI Rights);
- Ω unlawful discrimination or sexual harassment; or,
- Ω damage to, or improper seizure of, personal property.

There are several formal methods for requesting redress of grievances, including:

- Ω Complaints through the chain of command.
- Ω Correspondence with a Member of Congress.
- Ω An Inspector General (IG) complaint for instances of fraud, waste, and abuse.
- Ω An Equal Opportunity complaint for instances of discrimination or sexual harassment.
- Ω An Article 138 (UCMJ) complaint, for instances of specific abuse, discriminatory practices of a superior officer, or where the command is not following regulations.
- Ω An Article 139 (UCMJ) complaint, where personal property is taken or destroyed.
- Ω Petition the Board for Correction of Military Records to change adverse items or make other corrections in a member's official record.

In addition to the above actions, any person subject to the Uniform Code of Military Justice may request that criminal charges be brought against anyone who violates the UCMJ, even if he or she is under charges, under arrest, or in confinement. However, the military command will decide whether to proceed with prosecution.

Formal complaint procedures can be supplemented by "raising hell": using the media, instigating political pressure from civil rights groups or other outside political groups, and generating support in the local civilian community. (Contact CCCO for help in identifying helpful groups to work with.)

The measures for requesting a redress of grievances are limited in their effectiveness. Servicemembers are hampered by two restrictions civilians do not face:

1. The "Feres Doctrine" prevents members from suing their employer (the military) for monetary damages.
2. No matter how intolerable the situation becomes, servicemembers can not legally quit their jobs.

In addition, members often feel intimidated into not taking action for fear of reprisals. Such reprisals can take the form of personnel actions taken directly by the commander or more informal retaliation by supervisors and peers, including verbal and physical abuse, which may or may not be condoned by the commander. At public hearings in 1992, military personnel recounted to a NAACP delegation “episodes, not only of reprisal actions, but also of harassment for using the chain-of-command and complaint channels to report racial or gender discrimination and unfair treatment.... Few hearing participants reported successful encounters with the [complaints] system.”

Making Complaints

There are a few guidelines for communicating complaints, regardless of the avenues used:

- Ω All complaints using official complaint procedures are best made in writing using standard military memo format.
- Ω The servicemember’s name, rank, Social Security number, and place of assignment must be included, as well as similar information for the offender in the complaint.
- Ω Describe each incident that comprises the grievance, list any witnesses present, and include all available documentation.
- Ω State what actions must be taken to redress the grievance.

The complaint must, in many circumstances, be timely. If specific time limits for the complaint procedure being used (often 60 or 90 days) are not met, the military is normally not required to investigate the claim.

Documentation is of great importance to any complaint. Do not assume the command or investigator will make a thorough and impartial investigation, and, if at all possible, gather documentation before the complaint is made. In particular, witnesses who might be intimidated can be asked for statements before the command is aware of the complaint, and documents which may be destroyed should be copied before the complaint is made. Keep copies of everything.

All formal methods of complaint also share the same drawback. An evaluation of the complaint, even if it is done outside the member’s chain of command and according to established criteria, is ultimately made within the military. According to a 1994 NAACP report, the “personality and disposition of the commander determines how objectively and fairly the [grievance] process is administered, as well as the nature of any corrective action.”

Protected Communication

Complaints made to Members of Congress and the DoD Inspector General, including Equal Opportunity complaints, are “protected communications” under the Whistleblower Protection Act. The complainant is protected to some extent from adverse actions deemed to be taken in “reprisal” for their complaint. However, protection is contingent on the

military's interpretation and enforcement of the regulations. A 1994 DoD report indicated that follow-up "to measure the effectiveness of corrective action taken or to detect and deter reprisal" was documented in only six percent of the equal opportunity cases reviewed.

Whistleblower protection against reprisals is not extended to Article 138 or Article 139 complainants. Protection from reprisals for complainants under these articles can only come from making further complaints. However, if copies of such complaints are sent to a member of Congress, the servicemember may receive protection from reprisals under the Whistleblower Protection Act.

Congressional Assistance

Every member of the military has the right to communicate individually with any member of Congress for any reason. Though servicemembers may be told otherwise, commands cannot limit this right or require prior notice or approval. However, the right to circulate a petition to Congress is heavily limited, particularly if the petition concerns conditions of military service or a war, or if the servicemember is stationed overseas.

There is no formal process for redressing a grievance that must be followed and no definition of what constitutes a grievance. A servicemember can ask that a member of Congress look into the reasons why a discharge request is not being processed in a timely manner or alert the Member to an Inspector General complaint that has been filed.

Congressional inquiries work best when the command's position is weak or embarrassing, especially where available documentary evidence of an error is strong and blame cannot be shifted to the servicemember. Congressional inquiries often make sense as companions to formal military complaint procedures.

The military's response to a Congressional inquiry depends very much on the attitude, experience, and dedication of the Congressional caseworker. Caseworkers contact the military on behalf of a servicemember and ask for an explanation of the military's actions. A standard Congressional inquiry consists of a cover letter and a copy of the servicemember's letter, which is forwarded to the appropriate Service's legislative liaison office. The legislative liaison forwards the letter to the proper command, who respond with a justification of their actions. The command's response is forwarded to the caseworker by the legislative liaison.

Often, the caseworker simply forwards the military's explanation to the member, assumes that this concludes the inquiry, and takes no further action. Such a standard inquiry simply signals the local command that there is Congressional interest in the case. This can be helpful; noting on correspondence with the military that a copy is going to a Congressional office can further highlight this.

Ideally, the caseworker will write a more detailed letter in place of the standard inquiry letter to argue specific points or convey that the Member of Congress has a special interest in a case. A caseworker may recommend special consideration in a case, demand

further justification of actions, initiate investigations, and obtain information on the status of, and official intentions in, a case. Such a letter can result in a more thorough investigation by the military. The caseworker can also call a unit or base commander, base legal officer, or a Pentagon contact to express urgency or special interest in the case. However, a Member's only direct power over the military is through votes on legislation and, although a Congressional office's active involvement can be invaluable, caseworkers cannot order the military to take certain actions.

Requesting Assistance

To receive assistance from a Congressional caseworker, the servicemember should send a written request with their full name, Social Security number, assignment and rank, address, and a phone number where the servicemember (or counselor) can be contacted.

Members of Congress generally assist only their own constituents and require a home or permanent address that falls within their district. Some caseworkers will take cases out-of-district if:

- Ω A servicemember complains that his or her own Congress member has not helped.
- Ω The case is of such political significance that many Congress members may work together.
- Ω The issue is one that the Congress member is especially interested in (racism, sexual harassment, or military prisons, for example).

Explain the problem and state what remedy is desired. Include copies of documentation provided to the command and any correspondence with the command. Beware of including incriminating evidence, as the letter will probably be forwarded to the military. Servicemembers may decide to provide sensitive information if the caseworker agrees not to forward that information to the military, or agrees to wait until a later date.

The caseworker may be convinced to take more extraordinary steps than the standard inquiry if convinced, by the servicemember or a counselor, that the grievance is strong, that the military is violating its own regulations, or that the military has not been honest in its response to the original inquiry. It helps a great deal if the member or counselor works closely with the caseworker, keeping the caseworker up-to-date and pointing out any erroneous or false information the military provides to the caseworker.

Members of the House of Representatives are more suited to handling constituent complaints. The Capitol switchboard, at (202) 224-3121 or (800) 972-3524, can identify a servicemember's Member of Congress and connect callers to the Member's office. Servicemembers with access to the World Wide Web can find out who their Member of Congress is, using their zip code, at <www.visi.com/juan/congress> or, for members of the House of Representatives only, <www.house.gov/writerep>. Many caseworkers work at local district offices. District office telephone numbers can be obtained from the Washington, DC, office or through the local phone book government pages.

Inspector General Complaints

An Inspector General (IG) investigates fraud, waste, and abuse, as well as threats to public safety and morale. An IG conducts administrative reviews, inquiries, or investigations to resolve complaints. Inspector General investigations are “leadership tools that indicate where command involvement needs to correct systematic, programmatic, or procedural weaknesses.” An IG, instructed to evaluate morale and mission performance, may feel more allegiance to the command than to the complainant.

Many counselors dislike IG complaints because the client has virtually no control, is generally ignored, and often finds the investigator hostile. However, IG complaints may be useful to ensure whistleblower protection. Inspectors General may delegate the actual work of investigating and making findings and recommendations downwards, and the officer assigned to investigate the complaint might be in the member’s command or an immediately superior command. Inspectors General can only make findings and recommendations. The member’s command, a superior command, or Service headquarters will decide whether or not to take action.

All complaints made to the DoD Inspector General are protected communications under the Whistleblower Protection Act. Complainants are protected from reprisals, including unwarranted referrals for mental health evaluations. The DoD IG Hotline can be reached at (800) 424-9098.

Equal Opportunity Complaints

Every base maintains an Equal Opportunity (EO) office with an advisor who handles complaints of discrimination or sexual harassment. Equal Opportunity complaints are Inspector General complaints that are first screened and evaluated by a designated Equal Opportunity officer or office. Complaints can also be made to sexual harassment hotlines run by each Service.

Policies vary from Service to Service, and it’s important to review the specific regulations before preparing a case. In general, the EO office has a greater responsibility to the military than to the individual complainant and is not intended primarily to serve as an advocate for victims of discrimination or harassment. Equal Opportunity personnel frequently encourage complainants to try to resolve the issues informally through their chain of command before filing a complaint. Confidentiality is not guaranteed during EO proceedings; in some cases, EO personnel will inform the command and the specific person complained against about the complaint.

Until recently, servicemembers often had to file Article 138 complaints for instances of discrimination or harassment. While the methods for handling Equal Opportunity complaints have been recently revised, the “consensus” among participants at the 1992 NAACP hearings was that “local commanders control [Equal Opportunity] personnel by writing or influencing their performance reports.” Despite such problems, these

complaints can be useful, and well-prepared complaints or those handled by committed EO personnel may have a strong impact.

Complaints may be filed for discrimination or sexual harassment. The DoD considers that “unlawful discrimination against persons or groups based on race, color, religion, sex, or national origin is contrary to good order and discipline.” Unlawful discrimination is that “not otherwise authorized by law or regulation.”

Sexual harassment, considered “a form of sex discrimination,” is defined as conduct of a sexual nature that either involves a threat or promise of career consequences, or creates “an intimidating, hostile or offensive working environment.” The definition of a servicemember’s workplace “may include conduct on or off duty, 24 hours a day.”

Article 138

Under Article 138, “any member of the armed forces who believes himself [or herself] wronged by his [or her] commanding officer” may request redress. If such redress is refused, a complaint may be made and a superior officer must “examine into the complaint.”

An Article 138 complaint has two stages: a request for redress, and the actual complaint. When servicemembers believe they are wronged by their commanding officer, they must request a redress of that wrong before they can file an Article 138 complaint. If the servicemember is refused redress, they may “complain to any superior commissioned officer, who shall forward the complaint to the officer exercising general court-martial jurisdiction over the officer against whom [the complaint] is made.” The general court-martial convening authority will “examine into the complaint and take proper measures for redressing the wrong complained of.” In addition, the general court-martial convening authority must send to the Secretary of the Service “a true statement of that complaint.”

Article 138 complaints are often resolved against the complainant. However, counselors and attorneys report that many complaints that are denied are resolved informally. A compromise is offered to satisfy the complainant, while the official denial documents for the record that the complaint was without merit. Article 138 complaints have a bigger impact than many other complaint forms because of the requirement that the results be forwarded to the Secretary of the Service.

Service regulations further define some of the definitions of the article and provide procedures for acting on Article 138 complaints. Base legal offices have copies of the pertinent regulations and a military attorney may even be available to review a complaint for sufficiency before it is submitted.

The wrong “may consist of either action or inaction” that “affects the complainant directly and personally” and that, for example, is:

- Ω in violation of law or regulation;
- Ω beyond the legitimate authority of that commander;

- Ω arbitrary, capricious, or an abuse of discretion;
- Ω clearly or materially unfair.

An Article 138 complaint may only be made by an individual complainant against a single superior. Article 138 complaints can not be made for:

- Ω general policies of the Service or the DoD;
- Ω seeking disciplinary action against another;
- Ω decisions of the general court-martial convening authority involving an Article 138 complaint, except for failure to forward the complaint;
- Ω acts not “ratified by” the commanding officer named in the complaint;
- Ω acts that are not final;
- Ω situations where procedures exist that provide “the individual notice of an action, a right to rebut, or a hearing” and “review by an authority superior to the officer originating the action.” (This includes nonjudicial punishment and actions of a court-martial or administrative board.)

A complaint made more than 90 days (or, in the Air Force, 180 days) after discovery of the alleged wrong may be denied solely because of untimely filing.

The Army is the only Service to instruct commanders not to “restrict the submission” of a complaint or “retaliate against a soldier for submitting a complaint.” However, in any of the Services, reprisals or mishandling of an Article 138 complaint can be the basis of other complaint procedures, or an additional Article 138 complaint.

Complaints may only be filed for actions of a complainant’s commanding officer. However, a wrong may consist of inaction by the commanding officer when the officer was aware, or was made aware, of others’ actions and did not stop or correct the actions. “Commanding officer” is defined as an officer authorized to impose nonjudicial punishment on the complainant, or a commissioned or warrant officer commanding an installation or organization to which the complainant is assigned or attached. The Navy provides for an avenue of complaint similar to Article 138 for offenders outside the member’s command, discussed in Article 1150 of the Navy Regulations, which may be filed against “a person who is superior in rank or command.”

Making an Article 138 Complaint

Address the initial request for redress of wrongs to the officer who has the authority to act on the situation. Describe the problem and specific actions that can be taken to resolve the problem, along with all available documentation, including statements from witnesses. The initial request must state that the complaint is made in accordance with Article 138 of the

UCMJ

If the wrong is not redressed after the initial request, submit the formal complaint. (The Army gives officers 15 days to respond, the Navy gives 30 days, and the Air Force specifies no time-frame.) Restate the grievance and the officer's response to the initial request, or lack of response, as well as what actions must be taken to redress the grievance. Again, the complainant must state that the complaint is being submitted under Article 138, UCMJ, after failure to redress the grievance following the initial request.

Article 138 clearly states that complaints may be addressed to any superior commissioned officer. However, only the Air Force regulations allow the complainant to bypass their chain of command when filing a complaint. The Army requires that the complaint be filed with the "complainant's immediate superior commissioned officer." A complaint in the Navy or Marine Corps must be submitted "via the chain of command, including the respondent." Before reaching the general court-martial convening authority, an intermediate officer "to whom a complaint is forwarded" may "comment on the merits of the complaint, add pertinent evidentiary material to the file, and, if empowered to do so, grant redress." In the Air Force, the complainant may "submit the claim directly, or through any superior commissioned officer" to the general court-martial convening authority.

The general court-martial convening authority will look into the complaint, determine whether the complaint is appropriate under Article 138, and whether it has been made in a timely manner. The general court-martial convening authority may grant or deny redress.

A copy of the complaint and a record of actions taken is forwarded to the Secretary of the Service. The Article 138 process can serve as important documentation in later dealings with military authorities.

Article 139

Article 139 complaints are very rare. Under Article 139, a commanding officer who receives a complaint of "willful damage" to a person's property or of property "wrongfully taken" can convene a board "to investigate the complaint." The board of officers can assess the damages sustained and, subject to the approval of the commander, have the amount "charged against the pay of the offenders." A person can recover damages suffered as a result of military personnel engaging in "riotous conduct, willful conduct, or acts showing such reckless or wanton disregard of the property rights of others that willful damage or destruction is implied."

Article 139 claims can not be made for:

- Ω simple negligence,
- Ω personal injury or death,
- Ω acts or omissions "within the scope of employment of the offender."

Damages will be assessed only for direct physical damages, and indirect, remote or inconsequential damage will not be considered. Claims must be made within 90 days of the incident.

Submit a written claim to the commanding officer. The commanding officer convenes an investigation to assess damages and identify responsible parties. The general court-martial convening authority will review the investigation, determine whether the claim is properly handled under Article 139, and whether the facts indicate that the offenders identified were responsible for the damage. If the convening authority finds the claim in order, he or she fixes the amount to be assessed against the offenders and docks their pay.

Board for Correction of Military Records

Each Service maintains a board that makes recommendations to the Secretary of the Service to correct the military record of a servicemember or veteran. Complainants who allege that an action has been taken in reprisal for a complaint may ask that the Board for Correction of Military (or Naval) Records (BCMR) review their case. Applicants may also ask the BCMR to correct aspects of their records which constitute the original wrong. Any error or injustice that results in an adverse personnel or medical entry can be a basis for BCMR action. (For more information on the BCMR and discharge upgrading, see Chapter 3, Understanding the Discharge Process, under “Further Appeals” on page 3.11.)

Types of Grievances

Some of the reasons members request redress of grievances include:

- Ω race or sex discrimination,
- Ω religious discrimination,
- Ω improper medical attention,
- Ω punitive transfers,
- Ω violations of regulations or general orders,
- Ω physical or psychological brutality,
- Ω illegal imposition of extra duties,
- Ω denial of leave,
- Ω abusive language,
- Ω superior drunk on duty,
- Ω denial of transfer or discharge request,
- Ω improper activation from the reserves,
- Ω failure to follow regulations or policies, and
- Ω failure to grant certain privileges.

Definition of Terms

Whistleblower Protection Act

By Act of Congress, complaints made to a Member of Congress or the DoD Inspector General are “protected communications.” Acts of reprisal for making or preparing a protected communication are prohibited.

Protected Communication under Whistleblower Protection Act

Any “lawful communication” to a Member of Congress or an Inspector General. In addition, a communication in which a servicemember reports information the member reasonably believes evidences a violation of law or regulation, including sexual harassment or unlawful discrimination, mismanagement, a gross waste of funds or other resources, an abuse of authority, or a substantial and specific danger to public health or safety.

Such a communication must be made to:

- Ω “A member of Congress, an [Inspector General], or a member of a DoD audit, inspection, investigation, or law enforcement organization.”
- Ω “Any other person or organization (including any person or organization in the chain of command) designated...to receive such communications.”

Reprisal under Whistleblower Protection Act

Taking, or threatening to take, an unfavorable personnel action or withholding, or threatening to withhold, favorable personnel action.

Unlawful Discrimination

Includes discrimination on the basis of color, national origin, race, religion or sex that is not otherwise authorized by law or regulation.

Equal Opportunity

The right of all persons to participate in, and benefit from, programs and activities for which they are qualified. These activities and programs shall be free from social, personal, or institutional barriers that prevent people from rising to the highest level of responsibility possible. Persons shall be evaluated on individual merit, fitness, and capability, regardless of race, color, sex, national origin, or religion.

Sexual Harassment

A “form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature” when:

- Ω “Submission to such conduct is made either explicitly or implicitly a term or condition of one’s job, pay, or career”; or,
- Ω “Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person”; or,
- Ω “Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creates an intimidating, hostile, or offensive working environment.”

Wrong (under Article 138)

A “discretionary act or omission by a commanding officer” that “adversely affects” the member personally, and that, for example, is:

- Ω “In violation of law or regulation;”
- Ω “Beyond the legitimate authority of that commanding officer;”

- Ω “Arbitrary, capricious, or an abuse of discretion;” or
- Ω “Materially unfair.”

Redress (under Article 138)

Any lawful action which restores to the member any rights, privileges, property, or status to which the member would have been entitled had the wrong not occurred.

Counseling Tips

Congressional pressure is most effective when military regulations and established procedures are not being followed.

It is better to ask a Congressional caseworker to make inquiries for specific information or to redress a particular violation of regulations than to make general requests for help.

Congressional military caseworkers have varying degrees of GI rights advocacy experience and have other responsibilities. It is important to stay in touch with them.

STAMP

Survivors Take Action Against Abuse by Military Personnel’s (STAMP) mission is to provide support to, and struggle for justice for, those who have survived abuse or mistreatment at the hands of military personnel.

Contact STAMP for more information about equal opportunity complaints, sexual harassment hotlines, and any other questions regarding cases of sexual assault in the military. For contact information, see “References” on page 6.12.

Counseling Tips

An Article 138 very commonly begins with mistreatment by a chief, a division officer, etc., under the commanding officer’s authority, and the initial request for redress may be against a member of the command, not just against the commanding officer. The complaint portion may therefore be for the commanding officer’s failure to control a subordinate.

Relief can include a request for an apology, a training or briefing about policy, etc.

The Army and Navy provide sample formats for Article 138 complaints in their regulations, and sample letters of complaint can also be found in Appendix 5, Sample Article 138 Complaint.

Be sure to date all correspondence.

References

Manual for Courts-Martial, 1995

Department of Defense

DoD Directive 1350.2, Department of Defense Military Equal Opportunity (MEO) Program [August 18, 1995]

DoD Directive 6490.1, Mental Health Evaluations of Members of the Armed Forces [September 14, 1993]

DoD Directive 7050.6, Military Whistleblower Protection [August 3, 1995]

Army

AR 20-1, Inspector General Activities and Procedures [March 15, 1994]

AR 600-20, Personnel-General; Army Command Policy and Procedures [March 30, 1988]

Navy

JAGMAN (JAGINST 5800.7 C), Manual of the Judge Advocate General [October 3, 1990 through Change 1, August 6, 1992]

OPNAVINST 5354.1 D, Navy Equal Opportunity Manual [June 21, 1996]

SECNAVINST 5300.26 B, Department of the Navy Policy on Sexual Harassment [January 6, 1993]

SECNAVINST 5430.57, Mission and Functions of the Naval Inspector General [January 15, 1993]

Marine Corps

LEGADMINMAN (MCO P5800.8 C), Marine Corps Manual For Legal Administration [June 30, 1992]

MCO 5300.10 A, Sexual Harassment [July 17, 1989]

Air Force

AFI 90-301, Inspector General Complaints [February 1, 1997]

AFR 51-904, Complaints of Wrongs Under Article 138, Uniform Code of Military Justice [June 30, 1994]

AFPAM 36-2705, Discrimination and Sexual Harassment [February 28, 1995]

AFI 36-2701, Social Actions Program [August 15, 1994]

AFI 36-2706, Military Equal Opportunity And Treatment Program [December 1, 1996]

Other Resources

Survivors Take Action Against Abuse by Military Personnel (STAMP), 500 Greene Tree Place, Fairborn, OH 45324, (937) 879-9304 or (888) 231-2226. STAMP can also be contacted through the GI Rights Hotline.

Military Law Task Force of the National Lawyers Guild, 1168 Union Street, Suite 200, San Diego, CA 92101, (619) 233-1701.

To find out about revisions to regulations, see Appendix 1, Regulations, for instructions.

Sample Article 138 Complaint

Initial Request

FROM: X. Y. Zee, SN, USN, 123-34-4566

TO: Commanding Officer, My Unit

SUBJ: Request for redress of grievances under Article 138

1. Two months ago I put in a chit to get leave to go home this week. I was told that it would be no problem, and that no one else had requested this date.
2. Last week I went to the Personnel Office to see if they were typing up my leave papers and was told that no one had authorized it. My Division Officer and my Department Head both then told me that they wanted me here for the inspection next week and would not let me go.

3. My parents have been notified that I'll be home and I have written to other people whom I haven't seen and told them I'd be there. I have not been home in a year and this is a hardship for which there is no excuse. My division does not rely on me alone to pass inspections, and I was told two months ago that the leave would be granted.

4. Please order the Personnel Office to prepare my leave papers for tomorrow as originally scheduled. Please instruct my Department Head and Division Officer not to prevent me from going home.

5. This request is being made in accordance with Article 138, UCMJ. I understand that if you do not comply with my request I may submit my complaint to the officer holding general court-martial convening authority over you, and that officer must perform an investigation and submit a report to the Secretary of the Service.

6. Thank you very much for your attention to this problem.

Very respectfully,

X. Y. Zee

Formal Complaint

FROM: X. Y. Zee, SN, USN, 123-34-4566

TO: COMCRUDLANT 4, Norfolk

VIA: Commanding Officer, My Unit

SUBJ: Request for redress of grievances

ENCL: (1) My request to Commanding Officer, My Unit, of [date]

REF: Article 138, Uniform Code of Military Justice

1. Yesterday I requested that my commanding officer grant me the leave which I had requested and which had been approved over two months ago. I told him how I was being kept on board for no good reason and that it was a great hardship to disrupt plans which had been made so far in advance. See enclosure (1).

2. Instead of granting my request, my commanding officer cursed me and angrily told me that I cannot force him to do anything. He then told me that I will be written up for disrespect because I slouched while he was addressing me. My compartment mate, A. B. Cee, SA, USN, was there and can testify to this.

3. I hereby request that you correct my original problem by ordering that my leave be granted at once. Further, I request that you order my commanding officer to apologize for cursing me and that you order him to drop the charges against me, as they clearly stem from my attempts to enjoy the benefits of my rights under the UCMJ.

4. This complaint is submitted in accordance with reference (a). I understand that the law requires you to order a complete investigation into this matter and that you must send a true copy of my complaint along with the results of your investigation to the Secretary of the Navy. I request that I be permitted to testify before the investigating officer.

5. Thank you very much for your help in this distressing situation.

Very respectfully,

X. Y. Zee

cc: Member of Congress; Advance Copy: Secretary of the Navy