

08 - 7 - 11

From: First Lieutenant Ariana B. Klay
To: Secretary of the Navy

Subj: PERSONAL STATEMENT REGARDING DISSATISFACTION WITH THE COMMAND INVESTIGATION INTO SEXUAL HARRASSMENT, HAZING ALLEGATIONS, AND OTHER MISCONDUCT

Ref: (a) SECNAVINST 5350.16A
(b) SECNAVINST 5300.26D
(c) MCO 5354.1D
(d) MCO 1000.9A

Encl: (1) Response to appeal of equal opportunity investigation of Complaint of First Lieutenat Ariana B. Klay, USMC from Commanding General, Marine Corps Combat Development Command
(2) Personal statement regarding dissatisfaction with the Command investigation into sexual harassment, hazing allegations, and other misconduct, First Lieutenant Ariana B. Klay
(3) Command investigation into sexual harassment, hazing allegations, and other misconduct, LtCol N. K. Hudspeth

IN THIS APPEAL "MCCDC" REFERS TO MAJOR TORRICO WHO WROTE MCCDC'S RESPONSE

1. I am appealing the response of the Commanding General, Marine Corps Combat Development Command (MCCDC) (Encl (1)) to my appeal to the Command Investigation into Sexual Harassment, Hazing Allegations, and other Misconduct conducted by LtCol Nicole Hudspeth (Encl (2)) and endorsed by Col Paul Montanus. The MCCDC response is a distorted, insufficient document that condones sexual harassment, the blatant distortion of Navy policy, and retaliation for making a sexual harassment complaint. MCCDC's response to my appeal makes MCCDC, and particularly Major W. H. Torrico, the author of MCCDC's response, complicit in the severe climate of sexual harassment and retaliation that has characterized my time at Marine Barracks Washington. During my affiliation with this institution, I was gang raped by a Captain (Captain Jim Rowe) and his civilian friend (Jeremy), sexually assaulted by a Major (Major Drew Warren), assaulted by a corporal (Corporal Gillespie) who had months before assaulted another female LCpl that the Command failed to investigate, worked for a civilian (Ms. Suzanne Brick) who, I believe, was hired and protected due to her sex with her superior officer (Major Quentin Jones) and many other officers and staff noncommissioned officers, hazed by a Captain (Captain Brian Wilson), routinely subjected to sexual insults by Marines throughout the Command, and retaliated against by a Colonel (Colonel Paul Montanus) and lieutenant colonel (Lieutenant Colonel Nicole Hudspeth) for making the official sexual harassment complaint MCCDC ordered me to make, in addition to the attempts to cover up these acts and attempts at reprisal by Colonel Minor who failed to ever appropriately review or understand the situation as revealed by the incompetent, incomplete, and distorted investigations that he supervised and allowed to be signed off on.

2. I ask for nothing for myself as an outcome of this complaint. I only ask that the Department of the Navy acknowledge the existence of sexual harassment at Marine Barracks Washington from the summer of 2009 until I left in the fall of 2010 and hold the officers who conducted it, condoned it, and committed reprisal against me for making an official complaint (which the Commanding General of MCCDC ordered me to make) about it accountable, and assess whether changes to policy would be appropriate given the high level abuse of the Navy's sexual harassment policy, at the home of the Commandant

of the Marine Corps, that this incident is evidence of and that this is a systemic, and significant problem that wastes and destroys tremendous human capital. The ordeal I have suffered has been the most tragic of my life, as has been the tragedy of multiple female Marines from Marine Barracks Washington who have hysterically cried to me about the hostile work environment and sexual harassment they faced at Marine Barracks Washington (two female LCpls, on separate occasions). Additionally, the sentiments, of a former female Barracks Officer who was raped in 2006, whose rape kit was "lost" and who was also ostracized, repeatedly called denunciatory names, teamed up against in investigations against her after she made complaints, in a story all too similar. She told me that she still suffers today from her time there. Although it may not be as bad for all, I think there are some circumstances, where the Navy can do more to protect women from being treated as I have been, and there are too many cases that are never heard for precisely the way these investigations have played out where victims are investigated and reprisal is the norm.

3. A line by line analysis of MCCDC's response is below. This analysis demonstrates the distorted nature of MCCDC's analysis, its blatant use of clearly unfactual and/or illogical statements, and its frequent refusal to even address my analysis, and that of my lawyer, in my appeal to the investigation conducted by LtCol Nicole Hudspeth. Major Torrico's (MCCDC's) response is invalid, as shown below:

4. IO Bias and Reprisal

a. In paragraph 2a, Encl (1) MCCDC states that the IO, LtCol Nicole Hudspeth, refutes the claim that she had told me that decisions on Capt Wilson were made above the Commanding Officer, Marine Barracks Washington. LtCol Hudspeth has thus made a false official statement, as I clearly recall her saying this and it is reflected in the distorted nature of her report.

b. MCCDC begins paragraph 2b, Encl (1) with a blatant distortion. MCCDC implies that because LtCol Hudspeth addresses Suzanne Brick's conduct, I was wrong to complain that LtCol Hudspeth addressed my character in a negative manner but did "not address other persons' character" (Encl (1), page 2). MCCDC misstates my complaint and MCCDC's analysis is therefore invalid. My complaint was that the investigation "only reports on negative accusations about me despite the existence of ample positive information about me" and that "other than descriptions of witnesses' conduct during interviews and the sexual relations of at least six senior male officers with my supervisor, LtCol Hudspeth's report includes no background information on the character of anyone in the investigation but Suzanne Brick and me, both of us female" (Encl (2), p. 6). I identified the same exact exception to LtCol Hudspeth's negative focus on me (her negative focus on another female, Suzanne Brick) in my actual complaint that MCCDC makes in its response to my complaint. MCCDC fails to address my actual complaint—that LtCol Hudspeth produced a distorted report by only including negative accusations against me and disregarding positive information, and by disregarding the characters of senior male officers I complained about—because MCCDC is incapable of refuting my complaint.

c. MCCDC then, in paragraph 2b, justifies LtCol Hudspeth's inclusion of negative information about me. Negative information is fine if it is true, put in the proper context, and presented impartially. As I show in my response (particularly in Encl(2), pp. 6-9, and the underlying facts),

LtCol Hudspeth's use of negative information—often in the form of accusations rather than substantiated information—was biased, distorted, and retaliatory. MCCDC's discussion here is therefore irrelevant.

d. In paragraph 2c, MCCDC asserts that "there is little doubt about this investigating officer's impartiality" and claims that "the investigating officer was diligent in her duties as evidenced by not only the thoroughness of her investigation but also her criticism of the command's policy regarding two females on the parade staff by underscoring the deficient manner in which First Lieutenant Klay's informal complaint was handled" (Encl (1), pp. 2-3). As I indicated, the investigation was not "thorough," because there was an overwhelming and biased focus on negative accusations about women (Ms. Brick and me) while disregarding available negative information about men (such as that a Marine accused of hazing and sexual harassment had a documented history of hazing and sexual harassment) and available positive information about me (such as that the regulation skirt LtCol Hudspeth recommends I be counseled for is the same skirt I wore at the center of the Marine Barracks Washington parade deck every Friday evening parade while leading the greeting and seating of VIPs). The investigation was voluminous, by that does not imply that it was thorough. Cover-ups tend to be very voluminous, and this investigation is an instance of cover-up and retaliation against me.

e. Findings of fact

f. In paragraph 3, MCCDC summarily dismisses my presentation of the facts, and does not even address my lawyer's presentation of the facts, without explanation, other than to say that "[First Lieutenant Klay] mischaracterizes or misstates other findings of fact in several instances," that "the investigating officer interviewed approximately 85 witnesses and collected hundreds of pages of documents," and that the investigating officer was in "the best position to make credibility determinations and weigh the evidence in determining the factual matters" (Encl (1), p. 3). MCCDC never shows a single instance of where my statement of the facts (see pages 2-4 of Encl (2)) is wrong. MCCDC cannot do so, because I only stated the facts.

g. Instead of actually addressing my presentation of the facts, MCCDC provides a footnote that distorts and even misquotes one of my conclusions, and never even explains why my conclusion was wrong (Encl (1), p. 3). MCCDC's false statement is as follows: "First Lieutenant Klay states in paragraph 17.a.iv. of her appeal that the investigating officer acknowledged First Lieutenant Klay's humiliation because she complained of the incident with Captain Wilson to LtCol Henger, Suzanne Brick, and LCDR Rice on numerous occasions over a wide variety of time." (Encl(1), p. 3).

i. The first problem with MCCDC's statement is that I did not state that the investigating officer acknowledged my humiliation. In the referenced paragraph, I stated, "I felt humiliated" (Encl (2), p. 6). I did not state that LtCol Hudspeth "acknowledged [my] humiliation." MCCDC is thus making a false statement. LtCol Hudspeth never acknowledged my humiliation because she was conducting a biased, retaliatory investigation.

ii. The second problem with MCCDC's statement is that I did not state that I "complained of the incident with Captain

Wilson 'to LtCol Henger, Suzanne Brick, and LCDR Rice on numerous occasions over a wide variety of time." I stated that my humiliation was "clearly evidenced by LtCol Hudspeth's acknowledgement that I was crying, greatly distressed, and had complained of the incident to LtCol Henger, Suzanne Brick, and LCDR Rice on numerous occasions over a wide period of time." The quote in my appeal does not match MCCDC's quote of my appeal. MCCDC has misquoted me.

- iii. The third problem with MCCDC's statement is that LtCol Hudspeth's statement of the facts validates, rather than refutes, my conclusion. LtCol Hudspeth acknowledges that I was crying while Capt Wilson berated me (Encl (3), p. 5). LtCol Hudspeth acknowledges that I was greatly distressed, as she states that "the confrontation WAS PERCEIVED BY THE VICTIM AS SEVERE AND PERVASIVE; there is significant evidence that Lt Klay was incredibly shaken by the allegation" (Encl (3), p. 26). LtCol Hudspeth acknowledges that I had complained of the incident to LtCol Henger (Encl (3), p. 5). LtCol Hudspeth acknowledges that I had complained of the incident to Suzanne Brick continually throughout the summer of 2010 (Encl. (3), p. 12). LtCol Hudspeth acknowledges that I had described my concerns about the Center House incident and the negative perceptions about me to LCDR Rice (Encl. (3), p. 12). These complaints took place over a wide period of time (for example, see Encl (3), p. 12 where it explains that I had complained continually throughout the summer of 2010).
- iv. The fourth problem with MCCDC's statement is that MCCDC provides no explanation as to what is wrong with my statement. MCCDC merely implies that my statement is wrong, without even providing any logic to refute.
- v. By MCCDC's logic, a single statement implying that one of my conclusions was wrong without even explaining why is enough to discredit all my statements of the facts. By that logic, MCCDC's false and distorted statement about my conclusions is enough to discredit all of MCCDC's perception of the facts.

h. MCCDC's statement that the investigating officer interviewed approximately 85 witnesses and collected hundreds of pages of documents (Encl (1), p. 3) is not evidence of impartiality. Cover-ups require extensive work.

i. MCCDC's statement that the investigating officer "was in the best position to make credibility determinations and weigh the evidence in determining factual matters" is an assertion. I do not think LtCol Hudspeth was in the best position to do this for the following reasons:

- i. LtCol Hudspeth was conducting her investigation under Col Paul Montanus, the Commanding Officer of Marine Barracks Washington. Findings of sexual harassment and command complicity in a climate that contributed to a captain's rape of a lieutenant in the command where the Commandant of

the Marine Corps lives (I have alleged this and trial is still pending) would be extremely embarrassing to Col Montanus and the Marine Corps. Col Montanus has a conflict of interest against acknowledging sexual harassment in his command and the investigating officer working for him therefore had a conflict of interest as well.

- ii. LtCol Hudspeth's husband was working under the former barracks commanding officer at the time she did the investigation. Col Andrew Smith, the former Barracks commanding officer and the commanding officer at the time that most of the events in the investigation happened, was the chief of staff of 2d Marine Division at the same time LtCol Hudspeth's husband was a battalion commander in 2d Marine Division. LtCol Hudspeth could have had an incentive not to make a strong negative statement (other than weak comments, I believe inserted only to appear impartial, about how there should be more female marchers at Marine Barracks Washington) about her husband's chief of staff's former command because she may have feared how this would impact her husband's career. Therefore, LtCol Hudspeth had a conflict of interest against completing an impartial investigation.
- iii. Navy policy tacitly recognizes the possibility of wrongdoing in the Equal Opportunity investigation process by allowing for appeal up to the Secretary of the Navy level. This is further proof that we should not assume an investigating officer will be unbiased.
- iv. Thus, MCCDC's assertion that LtCol Hudspeth was in the best position to make credibility determinations and weigh the evidence in determining the factual matters is invalid.

5. Severe and Pervasive vs. Severe or Pervasive

a. In paragraph 4 of Encl (1), MCCDC provides a distorted, illogical analysis concluding that there is no problem with LtCol Hudspeth's misstatement—which she made in all capital letters—of the Navy's sexual harassment policy. In my appeal of LtCol Hudspeth's investigation, I note that LtCol Hudspeth misquotes the Navy's policy on sexual harassment by setting up a logic test that sexual harassment must be "SEVERE AND PERVASIVE" (LtCol Hudspeth used all capital letters for this thereby underscoring how important she thought her false quote of Navy sexual harassment policy to be; see Encl (3), pp. 26-28) rather than "severe OR pervasive," as Navy policy actually states (Encl (2), pp. 12-13). I then go on to describe how LtCol Hudspeth's own acknowledgement of the facts show how severe and pervasive the harassment was.

- i. MCCDC's first response to this point is an irrelevant distortion. MCCDC states that the investigating officer "did note the correct standard in paragraph I.19. of the Preliminary Statement." The standard in paragraph I.19 is an opinion, not directly in Navy policy, that "when evaluating the 'unwelcome' element of the analysis, the complainant's behavior and contribution to the environment can negate the allegation that the conduct was unwelcome"

(Encl (3), p. 3). At no point does LtCol Hudspeth ever correctly quote Navy policy about the severe or pervasive standard for sexual harassment. The fact that MCCDC thinks the investigating officer had a correct opinion about another issue elsewhere in the report is irrelevant with regard to whether the investigating officer was wrong about the issue at hand.

- ii. MCCDC's next argument against LtCol Hudspeth's misstatement of Navy policy being problematic is a blatant falsehood followed by an illogical conclusion that contradicts MCCDC's own statement. MCCDC states that "it is clear that the investigating officer stated the correct standard she used to analyze this case and that the use of the term 'and' in the opinions was a typographical error" (Encl (1), p. 3). It is not clear that the investigating officer stated the correct standard, because the correct standard is "severe or pervasive" (see SECNAVINST 5300.26D) not, as the investigating officer wrote, repeatedly, in all capital letters, "SEVERE AND PERVASIVE." Likewise, it is not clear that the investigating officer's use of the word "AND" instead of "OR" was a typographical error. First, LtCol Hudspeth thought this aspect of the definition was so important that she put it in all capital letters and used it repeatedly. Secondly, LtCol Hudspeth based part of her analysis on this definition, so making a typographical error regarding a key aspect of the law would be severe negligence in a report MCCDC claims is thorough. Third, even if this is a legitimate typographical error, the error still invalidates LtCol Hudspeth's arguments because the definition is the legal basis for her opinion that follows.
- iii. MCCDC then states that "a change of the word 'or' to 'and' would not have changed the analysis" (Encl (1), p. 3) MCCDC provides no analysis as to why that is the case. My appeal, however, provides extensive analysis of this (Encl (2), pp. 12-13) that MCCDC fails to address. Therefore, my analysis of the significance of the definition and its impact on the case stands.
- iv. After acknowledging that the Navy's policy was misstated, even if only as a typographical error, and failing to show why it is not important to correctly state Navy policy on sexual harassment in a sexual harassment investigation, MCCDC asserts "that it is also clear that the investigating officer's conclusions are based on the proper use of the standards" (Encl (1), p. 3). As I have shown in the preceding paragraphs and on pages 12-13 of my appeal (Encl (2)), it is not clear that the investigating officer's conclusions are based on the proper use of the standards. MCCDC's assertion does not follow from the facts and is invalid. MCCDC's final statement about this issue in paragraph 4 is incomprehensible. It references paragraph 12 of the commanding officer's report. I assume this to be Col Montanus' endorsement of LtCol Hudspeth's report, but Col Montanus' endorsement only had paragraphs numbered 1-9, so it is impossible to know what MCCDC is referencing here.

6. Analysis of whether First Lieutenant Klay was subjected to sexual harassment.

a. In paragraph 5a of Encl (1), MCCDC presents the conclusion that Capt Wilson's confrontation with me was not sexual harassment without referencing my analysis of why Capt Wilson's actions constituted hazing and sexual harassment. I provide thorough analysis of this on pages 5-6 of my appeal (Encl (2), pp 5-6) and I believe my unrefuted analysis still stands.

i. MCCDC's opinion begins by asserting that "pervasiveness is missing in the confrontation by Captain Wilson" (Encl (1), p 4). That is okay for MCCDC to state this if by pervasive MCCDC means continuous. Capt Wilson's substantiated actions are limited to several days during which he tried to take legal action against me for sexual crimes I did not commit. LtCol Hudspeth did not prove that Capt Wilson continued to make allegations against me, though I still believe he did, and do not trust LtCol Hudspeth's conclusions given the distortions in her report I have described in my appeal (Encl (2)).

ii. MCCDC then indicates that Capt Wilson's conduct was not severe. That is incorrect.

1. As I stated in my appeal, "it is humiliating to be loudly berated, ordered around especially outside regular duty hours, and read one's rights by an officer outside the chain of command and with no authority for arbitrarily asserting power over another Marine, for adulterous sex with another officer, in spite of confessions from the people who actually performed the sex, on the premises of one's workplace. No reasonable person would find it acceptable for his wife, daughter, girlfriend, or any woman he is aware of to be treated this way at her workplace. Even had Capt Wilson actually had real evidence making investigation of sexual misconduct appropriate, he was not the Marine to conduct it, he had no authority to do so, and the aggressive, abusive manner in which he treated an 'innocent until proven guilty' Marine was wholly inappropriate, cruel, abusive, . . . humiliating," (Encl (2), p. 5) and severe.

2. The witnesses MCCDC indirectly cites (MCCDC makes the exact references unclear) to corroborate MCCDC's opinion of the lack of severity in Capt Wilson's conduct are, presumably, the very Marines who would be embarrassed to either admit that they encouraged Capt Wilson's conduct or to open up to further scrutiny the impact of their embarrassing sex on the premises of Marine Barracks Washington.

3. MCCDC's statement that regardless of whether I actually had sex in Center House, Capt Wilson believed I did is puzzling. The facts clearly show

that in the middle of Capt Wilson's aggressive accusations, the people who had the sex confessed, and Capt Wilson ignored the confessions and escalated his accusations against me, as I cried intensively. This suggests severe animosity, cruelty, and disregard for facts and it is not clear Capt Wilson believed I was guilty.

b. In paragraph 5b1 of Encl (1), MCCDC acknowledges multiple occasions in which pejorative and derogatory terms were directed at me (Encl (1), p 5), but concludes that the conduct was not severe or pervasive (Encl (1), p 7).

i. First, MCCDC indicates that the actions against me "were outside the work environment" (Encl (1), p 6) by using faulty analysis. MCCDC quotes OPNAVINST 5354.1F's definition of "workplace" or "work environment," and then states that "it can hardly be claimed that the bars and streets outside of Marine Barracks Washington is the workplace."

1. First, there were incidents on the premises of Marine Barracks Washington, such as the harassment Maj Warren conducted against me at the officers' Christmas party, Capt Wilson's attempted legal action, or the repeated rumors and epithets I was subjected to on the premises of Marine Barracks Washington, even if LtCol Hudspeth does not explicitly acknowledge the location of each instance.

2. Second, the "work environment" definition MCCDC quotes says the following: "The work environment is the workplace or any other place that is work-connected, as well as the conditions or atmosphere under which people are required to work" (Encl (1), p. 6). The "conditions or atmosphere" in which a female officer is required to work every day among Marines who she knows to have aggressively and pejoratively confronted her with vicious untrue sexual epithets and rumors, regardless of the physical location of those confrontations, is absolutely humiliating and incapacitating for an officer or any Marine. By the OPNAVINST 5354.1F definition MCCDC quotes, I thus had a hostile work environment.

ii. MCCDC then implies disgusting unsubstantiated allegations against me. MCCDC, like the Marines I complained about when I was ordered, by MCCDC, to make an official EO complaint, is directly engaging in harassment here. MCCDC implies that I kissed an enlisted Marine (Encl (1), p. 6). I never did this, and this accusation is completely unsubstantiated. MCCDC implies that I invited a civilian female to accompany me to a hotel room to "get busy" with two male officers. I never did this, and this accusation is completely unsubstantiated.

iii. The next two allegations MCCDC makes against me are either true or possibly true, though they occurred after the period I complained about and do not justify the sexual harassment and hazing I received at Marine Barracks Washington. These allegations have come out in the collection of evidence for a potential court martial against Capt Jim Rowe, a Marine Barracks Washington officer who, I allege, gang raped me with his civilian friend, Jeremy.

1. The first allegation is that I stayed in hotel rooms with a captain. This is true. Capt Rowe, an admitted alcoholic, recognized my humiliated state at Marine Barracks Washington, recognized the humiliation of working for a supervisor who was having sex with many officers in the Barracks and was likely hired and protected for this purpose, and recognized I had become an alcoholic at Marine Barracks Washington. Capt Rowe seemed to want to help me with this, actually said things that seemed to help, had a high position within the Barracks where it seemed he could help me, claimed it was best for us to talk about my problems away from Washington, and I did drive with him in West Virginia and Virginia on very few occasions (maybe 3). On an occasion when Capt Rowe was pulled over, but not cited, for drunk driving, I did stay in the same hotel room as him, as he slept off his drunkenness in a bed that I was not in. Nothing sexual happened between us, though I admit my horrible judgment in ever even hanging out with this senior officer or being in a hotel room with him. On another occasion, we went to West Virginia, with me wanting to see greyhounds and not knowing how far the trip would be. Stuck in West Virginia and drunk, I did stay in the same room as Capt Rowe, though in a different bed and with me doing nothing sexual with Capt Rowe, my senior officer. In the 11 hour Article 32 hearing, in which I, virtually sleepless from the night before, terrified, and subjected to the repeated harassment and threats of Capt Rowe's lawyer that included that he would not let me leave the horrible event until 0900 the next morning, where I sat in a room with the man who raped me as his lawyer insulted me, I may have falsely said untrue things to give Capt Rowe's lawyer what he was demanding on threat of the endless torture of an endless hearing to cease the pain (it was so painful I was sent to Bethesda Naval Hospital soon after). I have no recollection of any vaguely sexual or romantic touches or kisses with Capt Rowe or any sexual activity with Capt Rowe other than when Capt Rowe raped me, and I never wanted sexual relations with Capt Rowe or anything remotely romantic with him. I wanted him to help end the humiliation I felt at Marine Barracks Washington, and he pretended to help me and then raped me. Regardless of that, the disgusting rumors to which I

was subjected at Marine Barracks Washington had nothing to do with Capt Rowe, and even if I had done anything sexual with anyone at Marine Barracks Washington, that would not justify the unrelated, disgusting sexual harassment to which I was subjected.

2. It also came out of the Article 32 hearing for the rape that a corporal claims I wanted him to accompany me to my quarters. As I was blacked out drunk, I do not know what went on. I do not remember doing this and I do not remember evidence that I did this, but I was blacked out drunk so I do not know. Again, regardless of that, this alleged incident took place well after the harassment I complained about and is irrelevant to the question of whether I deserved to be harassed.
3. MCCDC's selective and distorted use of information from the proceedings related to the possible rape trial with Capt Rowe is indicative of MCCDC's distortion, bias, and cruelty in distorting the facts of a rape trial to try to discredit me and suggest I deserved to be harassed. Significant and solid evidence of further sexual harassment, as stated by Capt Rowe in a taped phone conversation where he describes the reputation of women at Marine Barracks Washington by saying something to the effect that everyone at Marine Barracks Washington knows WMs (walking mattresses; ie, a female Marine, because a female Marine has so much sex that she is a "walking mattress") are whores is conspicuously absent from MCCDC's distorted use of a case about a senior officer who raped me to bring discredit on me.
 - iv. Next, MCCDC states that a male officer who had sex with a lance corporal was subjected to widespread discussions at Marine Barracks Washington, so "it is no surprise that First Lieutenant Klay was the subject of discussions regarding her misconduct not because she is a female, but because she is an Officer of Marines" (Encl (1), pp. 6-7). This is logically inconsistent and it is a statement condoning sexual harassment. First, the male officer in question actually did have sex with the lance corporal. I did none of the disgusting things that Marines at Marine Barracks Washington claimed I did, in my presence and outside my presence, repeatedly. Secondly, the existence of nasty rumors about a male does not make nasty rumors about a female wrong. Nasty rumors are wrong regardless of who they are about, and especially when they are patently untrue, as in my case. I was not subject to discussions because I was an officer of Marines. I was subject to discussions because I was in a hostile work environment.
- c. In paragraph 5b2 of Encl (1), MCCDC rehashes LtCol Hudspeth's argument that I did welcome the rumors because I continuously talked about the matter (Encl (1), p. 7). MCCDC completely

ignores my analysis from my appeal to LtCol Hudspeth's investigation (Encl (2), p 13). Complaining about something repeatedly to multiple people, including crying about it, in a command that LtCol Hudspeth acknowledges to have taken insufficient corrective action (Encl (3), pp. 29-30) does not constitute "welcoming." Furthermore, no rational person would "welcome" disgusting untrue sexual rumors and no reasonable person would find an environment where such rumors persist to be acceptable.

d. In paragraph 5c, MCCDC states that I did not complain of my supervisor's sexual activity. This is incorrect. I complained to the Battalion Executive Officer of Marine Barracks Washington as early as December 2009 after the command denied one of my three attempts to deploy to Afghanistan. I also repeatedly complained to my husband, and this is documented.

e. In paragraph 5d, MCCDC states that I misunderstand "the quid pro quo standard as it applies to alleged victims employment consequences as a result of acquiescing or failing to acquiesce to sexual activity" (Encl (1), p. 7) but MCCDC never explains why. Therefore, my analysis from my appeal stands (Encl (2), p. 14):

i. "LtCol Hudspeth demonstrates Ms. Brick's incompetence and sexual misconduct, but she does not fully demonstrate the degree to which senior officers covered for her, protected her, and even hired her based on her sexual favors. I continue to allege, that given the power and protection that was given to Ms. Brick, and the absence of any conduct by her to earn such power other than her sex with a web of senior officers and staff noncommissioned officers in Marine Barracks Washington and the national capital region, that performance of sexual favors, to quote SECNAVINST 5300.26D, was 'implicitly a term or condition of a person's job, pay, or career' at Marine Barracks Washington, and that such conduct had the effect of 'unreasonably interfering with [my] work performance' and, especially when Ms. Brick's sexual favors contributed to the false allegations against me of being a 'slut' and 'whore' who participates in gang bangs, created 'an intimidating, hostile or offensive working environment.'"

7. In paragraph 6, MCCDC states that it concurs with the assessment of the appeal provided in reference e, CO MBW report 5350 CO/pdm of 27 Jun 11. As I have not been provided this document, I cannot comment on it.

8. Several of those interviewed later told me that they felt that LtCol Hudspeth tried to "put words in their mouth," specifically my therapist, Ms. Michele Piacquadio of Andrews Air Force Base who said she felt she was trying to diagnose me with medical diagnosis that did not apply such as a personality disorder, Annie Gilson, and others. Others found it bizarre that she was trying to ask if I was having sex with Marines, additional rumors circulated that they were interviewing one Marine from each platoon to see if I had sex with them. LtCol Hudspeth was not interested in finding out information to support that I was harassed. She was; however, interested in finding ways she could try to discipline me. Additionally,

she evaded answering questions about Capt Wilson, only making references about that being well above Col Montanus' decision level. I do not believe the weekly mandatory drinking events, during work hours, at tax payer expense, are likely to be helping matters. As Representative Jackie Spieir said during my meeting with her "it's like they are setting themselves up for these things to happen."

9. I must also note that MCCDC fails to respond to my complaints about the retaliatory nature of LtCol Hudspeth's investigation evidenced by LtCol Hudspeth's distorted, biased, and unfounded recommendations for counseling and disciplinary action against me.

10. Last, during the resignation I was offered to sign, I feel I was misled to believe that my EO appeal was actually going to be read and responded to. The response previously offered revealed either devastating evidence of a systemic problem with certain leaders in the military being out of touch with the concept of sexual harassment, inability to admit mistake, or egregious neglect and incompetence. A 1978 GAO report finding found the chain of these investigations and reporting procedures (for EO complaints and sexual harassment issues) to be problematic, the system is similar to having the Supreme Court check in with the Commander in Chief prior to making a decision. External supervision is required.


A. B. KLAY