



DEPARTMENT OF THE NAVY

NAVAL NUCLEAR POWER TRAINING COMMAND

101 NNPTC CIRCLE

GOOSE CREEK, SC 29445-6324

5800

Ser Legal/088

16 Mar 15

From: Commanding Officer, Naval Nuclear Power Training Command
To: LCDR Wesley J. Modder, USN, XXX-XX- [REDACTED]

Subj: RESPONSE TO REQUEST FOR RELIGIOUS ACCOMMODATION ICO LCDR
WELSEY J. MODDER, USN, XXX-XX- [REDACTED]

Ref: (a) DODINST 1300.17
(b) SECNAVINST 1730.8B
(c) OPNAVINST 1730.1E
(d) SECNAVINST 5351.1
(e) Detachment for Cause ICO LCDR Modder of 17 Feb 15
(f) JAGMAN Investigation ICO LCDR Modder of 27 Jan 15

Encl: (1) Your request dated 9 Mar 15

1. Per references (a) and (b), I reviewed enclosure (1) and hereby respond to your request for religious accommodation to express your sincerely held religious beliefs during pastoral counseling sessions. As a commanding officer, I take my role and responsibility under reference (c) to develop and strengthen the moral and spiritual well-being of the personnel under my command seriously, and encourage and support chaplains in the performance of their duties. While assigned to my command you have always had and continue to have the ability to observe and practice the tenets of your religious faith.

2. References (a) through (c) discuss a service member's right to religious freedom in the Navy which I respect and defend. For any religious accommodation request I consider and evaluate the military's interest in the following factors: individual and unit readiness, unit cohesion, health, safety, morale, good order, discipline, and mission accomplishment. In your case, I find that your ability to express your religious beliefs during pastoral counseling has not been restricted or substantially burdened. Rather, the decision to relieve you from your duties is based on your failure to uphold the core capabilities of chaplains as stated in reference (c), and the professional standards of conduct and the guiding principles of the Chaplain Corps found in reference (d). Specifically, under the core capability of "care," you have the duty to be sensitive to the religious, spiritual, moral, cultural, and personal differences of those you serve. Your inability to comfort and counsel in a manner that was respectful of the counselee while maintaining dignity and professionalism, based upon the facts contained in

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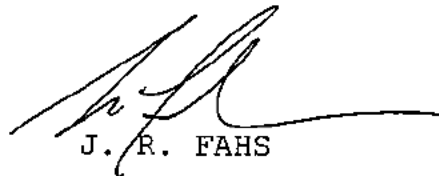
references (e) and (f), led to you being relieved of your duties. I note that you dispute some of these allegations, but after considering your denials, I find the multiple allegations contained in references (e) and (f) to be credible. In making my determination I considered all applicable Navy rules and policies, specifically those delineated in reference (b), and consulted with the Navy Chief of Chaplains office.

3. Furthermore, I find that the requirements stated in references (c) and (d) do not conflict with your right to express and discuss your religious beliefs. Accordingly, while I support your religious freedoms and sincerely held beliefs, my decision to relieve you was based on your failure to comply with references (c) and (d); not the exercise of your religion.

4. In enclosure (1) you combine your response to the Detachment for Cause (DFC) action with a request for religious accommodation. I note that your DFC is a separate administrative action based on your personal conduct while at NNPTC and will be addressed by the appropriate chain of command.

5. You have the right to appeal this decision to Commander, Navy Region Southeast. Subsequent appeals may be made at successive levels of command up to the Chief of Naval Operations (CNO). The decision of the CNO is not subject to appeal.

6. My point of contact for this matter is LT Jean-Marc Chanoine, JAGC, USN, Staff Judge Advocate. LT Chanoine may be contacted at jeanmarc.chanoine@navy.mil.


J. R. FAHS