



DEPARTMENT OF THE NAVY
COMMANDER
UNITED STATES PACIFIC FLEET
250 MAKALAPA DRIVE
PEARL HARBOR HI 96860-3131

IN REPLY REFER TO:

5830

Ser N00/0976

4 Aug 20

From: Commander, U.S. Pacific Fleet

To: VADM Scott D. Conn, USN

Subj: COMMAND INVESTIGATION INTO THE CIRCUMSTANCES SURROUNDING
THE FIRE ONBOARD USS BONHOMME RICHARD (LHD 6) ON OR ABOUT 12
JULY 2020

Ref: (a) JAG Manual, Chapter II

1. Per reference (a), you are appointed to investigate the circumstances surrounding the fire and the actions taken in response to the fire onboard USS BONHOMME RICHARD (LHD 6) that occurred on or about 12 July 2020.
2. You shall investigate the facts and circumstances surrounding the cause of the fire, and the resulting personal injury and damage or loss of equipment. In addition, your investigation will address factors that contributed to the magnitude and intensity of the fire, and the adequacy of the response thereto.
3. In order to drive vigorous self-assessment as a learning organization, my intent is for this investigation to examine all causal and contributing factors, from unit level execution to programmatic, policy, and resourcing factors that may have been a factor in this incident. This investigation will involve a rigorous examination of all levels in the chain of command, from the ship's force to commands external to the USS BONHOMME RICHARD, including, but not limited to U.S. Pacific Fleet, Naval Sea Systems Command (NAVSEA), Naval Surface Force, U.S. Pacific Fleet, and Navy Region Southwest. Do not stop short of stating any finding or opinion based on the rank, pay grade, or level of command of the responsible person, entity, or organization.
4. Your review should include examination of the command and control structure and division of responsibility between NAVSEA, the ship's administrative chain of command, Region, and contractor personnel at the time of the fire, in particular, the transfer of physical and functional responsibilities for the ship and its spaces between these commands through different phases of the ship's maintenance period. In each of the areas of review, including those specifically listed in paragraph 5 below, assess whether relevant individuals and organizations strictly complied with applicable procedures, policies, and programs. Additionally, address the adequacy of those procedures, policies, and programs, particularly with regard to fire prevention and casualty response procedures and actions.
5. Your report of investigation should specifically address the following:

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JULY 2020

- a. The execution of and compliance with programs, policies, and procedures pertaining to fire protection of vessels during construction, repair and lay-up, and emergency response management by ship's force, NAVSEA, Navy, Region, and contractor personnel.
 - b. The adequacy of fire response plans and configuration in light of the tag-out of the ship's fire suppression system during the Docking Phased Maintenance Availability (DPMA).
 - c. The adequacy of pier fire main support services on which the ship was located.
 - d. Whether the ship's duty section was adequately manned, in numbers, experience and qualification levels, and properly trained to be prepared to respond to a casualty of this magnitude.
 - e. The execution of casualty response by ship's force and other first responders.
 - f. The adequacy of Federal Firefighters' training to combat a shipboard fire.
 - g. Subsequent firefighting, stability control and dewatering actions, as well as the overall coordination of all casualty control actions.
 - h. Whether the division of responsibility amongst the various organizations involved in the DPMA impacted the effectiveness of casualty response actions.
 - i. Whether changes to procedures were implemented as part of COVID-19 pandemic mitigation measures, and whether such changes, if any, played a role in the fire or the response thereto.
6. Develop findings, opinions and recommendations with respect to issues of accountability, meritorious performance of duty, fire prevention and firefighting efforts, and any other appropriate opinions and recommendations applicable to this incident that reasonably derive from your investigation. Your recommendations should address any concerns, lessons learned, or other issues identified during the course of the investigation, as well as appropriate administrative or disciplinary actions, as applicable.
7. Collect and include all relevant witness statements, charts, logs, photographs, video, email, and other documentary, electronic, or physical evidence. Label all such collected items as discussed in reference (a). Throughout the course of your investigation, you shall coordinate with the Naval Criminal Investigative Service (NCIS) to ensure that your investigation does not interfere with any ongoing law enforcement investigation. You will also coordinate with NAVSEA and Navy Region Southwest to ensure de-confliction with other ongoing reviews and investigations.
8. You are authorized to appoint additional members to your investigation team, as necessary, in coordination with the cognizant commanders or their designated representatives. VADM DeWolfe H. Miller, USN, will be available to assist you in this investigation. CAPT [REDACTED] JAGC, USN, and CDR [REDACTED] JAGC, USN, have been assigned as the legal advisors for the investigation. Please consult with them before commencing your inquiry

Subj: COMMAND INVESTIGATION INTO THE CIRCUMSTANCES SURROUNDING
THE FIRE ONBOARD USS BONHOMME RICHARD (LHD 6) ON OR ABOUT 12
JULY 2020

because they will provide you with necessary references and guidance. If you have not previously done so, read chapter II of reference (a) in its entirety before beginning your investigation. Identify and communicate any funding or logistical requirements in support of your investigation to my points of contact listed below. Report your findings of fact, opinions, and recommendations in letter form supported by enclosures, no later than 30 September 2020.

9. My point of contact for this matter is CAPT Dom Flatt, JAGC, USN. He may be reached at (808) 474-7880 or at dom.flatt@navy.mil.

[REDACTED]
J. C. AQUILINO
[REDACTED]

Copy to:
CNIC
COMNAVSEASYS
COMNAVSURFPAC
CNRMC
CNRSW
VADM D. Miller
CAPT [REDACTED]
CDR [REDACTED]
N01J



DEPARTMENT OF THE NAVY
COMMANDER
UNITED STATES PACIFIC FLEET
250 MAKALAPA DRIVE
PEARL HARBOR HI 96350-3131

IN REPLY REFER TO:
5830
Ser N00/1106
15 Sep 20

From: Commander, U.S. Pacific Fleet
To: VADM Scott D. Conn, USN

Subj: MODIFICATION OF COMMAND INVESTIGATION INTO THE CIRCUMSTANCES
SURROUNDING THE FIRE ONBOARD USS BONHOMME RICHARD (LHD 6) ON
OR ABOUT 12 JULY 2020

Ref: (a) COMPACFLT ltr 5830 Ser N00/0976 of 4 Aug 20
(b) DoD Instruction 5525.07 of 5 Mar 2020
(c) SECNAVINST 5430.107A
(d) OPNAVINST 5102.1D
(e) JAGINST 5800.7F CH-3

1. Based on consultation with military prosecutors and the local U.S. Attorney's office, reference (a) adversely impacts the ongoing Naval Criminal Investigative Service (NCIS) criminal investigation. In accordance with references (b) through (e), you shall not interfere or hinder any law enforcement investigation, or a potential federal or military prosecution. Effectively immediately, the command investigation is suspended until 28 September 2020. In addition, an extension has been granted to 4 December 2020.
2. The cause of the fire is under active investigation by NCIS and other federal law enforcement organizations. Paragraph 2 of reference (a) is modified to now read:
 - a. You shall investigate the facts and circumstances of the fire and the resulting personal injury, damage, or loss of equipment. Your investigation will address factors that contributed to the magnitude and intensity of the fire, and the adequacy of the response thereto.
 - b. While you must continue to assess whether individuals complied with applicable procedures, policies, and programs, do not inquire into or investigate any individual related to the initial cause of the fire.
3. My point of contact for this matter is CAPT [REDACTED] JAGC, USN. He may be reached at [REDACTED] or via email at [REDACTED]

Copy to:
COMNAVSEASYSOM
COMNAVSURFPAC
NCIS

Chapter 2 – Findings of Fact

JAGINST 5800.7G (JAGMAN), the governing reference for administrative investigations in the Navy, directs findings of fact be made "only if supported by a preponderance of the evidence, i.e., more likely than not." This Chapter includes more than 1,000 findings of fact associated with the fire and all other relevant aspects to the convening order. The findings of fact contained herein were all determined based on the above evidentiary standard.

Section I: Execution of Casualty Response by Ship's Force and Other First Responders

On Sunday, 12 July 2020, a fire broke out on USS BONHOMME RICHARD (LHD-6), which had been undergoing a Chief of Naval Operations (CNO)-scheduled Docking Phased Maintenance Availability (DPMA) (hereafter referred to as "the availability") since November 2018. (See Appendix G for an explanation of availabilities.) This fire eventually consumed the entire ship, after all initial firefighting actions proved futile. After several days, and several new firefighting attacks, the fire was declared out on Thursday, 16 July 2020. Of note, this section occasionally deviates from strict chronological order to help describe significant events and milestones. Appendix D: BONHOMME RICHARD Fire Timeline provides additional context for these events.

A. Fire Origins

1. The origin of the fire aboard BONHOMME RICHARD has been the subject of a criminal investigation since 16 July 2020. The investigation, which is still ongoing as of the date of this report, is led by the Naval Criminal Investigative Service (NCIS), supported by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). [Encl 5]
2. ATF conducted a systematic fire scene examination and determined the fire originated in Lower Vehicle Stowage Area (Lower V). ATF classified the fire as incendiary (arson). ATF defined incendiary as the deliberate application of an open flame to either tri-wall cardboard boxes or ignitable liquid vapors on or near these boxes within Lower V. ATF determined the origin and cause based on an analysis of the facts gathered throughout the investigation and the logical inferences that flowed from those facts, which included the elimination of other heat sources within the area of origin. The identity of any individual who may have engaged in these acts remains under investigation. [Encl 5]
3. ATF determined that once the fire ignited, it spread to the significant amount of combustible material stored within Lower V (See Figure 1), which included dozens of tri-walls filled with gear and equipment and three fueled vehicles (a forklift, a man-lift, and a cargo tractor). [Encl 5]

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**NAVY-MARINE CORPS TRIAL JUDICIARY
SOUTHWEST JUDICIAL CIRCUIT
GENERAL COURT-MARTIAL**

UNITED STATES RYAN MAYS SR USN	v.	AFFIDAVIT OF VADM SCOTT D. CONN, USN
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1. I am Vice Admiral Scott D. Conn, U.S. Navy, and am currently assigned as the Deputy Chief of Naval Operations for Warfighting Requirements and Capabilities, N9, Office of the Chief of Naval Operations. I was designated a Naval Aviator in 1987 and have spent the majority of my career in aviation billets flying A-4, F-5, F-16, and F-18 aircraft. I was previously Commander, U.S. Third Fleet from September 2019 until May 2021.

2. After the fire onboard the USS Bonhomme Richard (LHD-6) (BHR) the Navy began multiple inquiries into the fire. The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and the Naval Criminal Investigative Service (NCIS) initiated a criminal investigation. The Navy's non-criminal review of the fire encompassed programmatic failures, future firefighting programmatic changes, leadership failures both aboard the ship and ashore, and lessons learned to document and prevent future fires. I oversaw the Command Investigation into the Circumstances Surrounding the Fire Onboard USS Bonhomme Richard (LHD 6) on or about 12 July 2020 (BHR JAGMAN). I authored the BHR JAGMAN on 5 April 2021.

3. The BHR JAGMAN was a collaborative effort which included support from NCIS, ATF, and multiple San Diego, California firefighting organizations. As the author of the BHR JAGMAN I relied upon subject matter experts to provide technical analysis and evaluations on subjects such as fire damage, fire physics, and the origin and cause of the fire. As a Naval Aviator I have no specific or advanced background, education, training or experience in fire dynamics or firefighting.

4. In drafting the BHR JAGMAN I relied upon sailors stationed onboard the BHR to provide me an accurate picture of shipboard conditions and training of the crew at the time of the fire. I relied upon responders, ship's crew, and firefighters to provide me the underlying facts of the Navy's firefighting response. Prior to the investigation I did not have detailed first-hand knowledge of shipboard conditions or the training levels of the ship's crew. I did not personally participate in or direct firefighting efforts.

5. During the BHR JAGMAN I relied upon the opinion and conclusion of ATF that the fire onboard the BHR was started by an act of arson in the Lower Vehicle Storage area. I did not conduct an independent investigation into the origin and cause of the fire nor attempted to

scientifically replicate the origin and cause findings of ATF. The BHR JAGMAN was **not** intended to be a criminal investigation or supplant federal law enforcement's criminal investigation.

6. The 15 September 2020 JAGMAN BHR Modifying Convening Order limited the scope of the BHR JAGMAN by stating:

The cause of the fire is under active investigation by NCIS and other federal law enforcement organizations. Paragraph 2 of reference (a) is modified to now read: you shall investigate the facts and circumstances of the fire and the resulting personal injury, damage, and loss of equipment. Your investigation will address factors that contributed to the magnitude and intensity of the fire, and the adequacy of the response thereto. While you must continue to assess whether individuals complied with applicable procedures, policies, and programs, do not inquire into or investigate any individual related to the initial cause of the fire.

7. I was under no pressure to conclude that the cause of the fire was arson as I relied upon the conclusion of ATF as to the origin and cause of the fire. In authoring the BHR JAGMAN I was under no pressure to exculpate the Navy's firefighting efforts to save the ship. Nor was I under pressure to recommend, or not recommend, accountability actions for any specific person. I was given complete latitude in accountability recommendations absent the instruction not to attempt to identify an arsonist. I was given complete latitude to reach my conclusions as to the ultimate loss of the ship by an inability to extinguish the fire and recommendations as to related programmatic changes.

8. Since my authoring of the BHR JAGMAN on 5 April 2021 no information has come to my knowledge that would require me to alter the report or its conclusions.

UNDER PENALTY OF PERJURY I SWEAR THAT THE FORGOING STATEMENT IS TRUE TO THE BEST OF MY KNOWLEDGE, ON THIS 13TH DAY OF MAY 2022.

B. B. CONN

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