

28 May 2014

From: Rear Admiral Timothy Giardina, USN
To: Director, Flag Officer Management, Distribution and Development (N00F)
Via: Commander, U.S. Fleet Forces Command

Subj: Statement regarding Report of Non Judicial Punishment

Ref: (a) USFFC letter dated 20 May 2014

1. At a proceeding held in accordance with Article 15 of the UCMJ on 5 May 2014, I was found to have violated two specifications of UCMJ Article 133, Conduct Unbecoming an Officer and a Gentleman. Reference (a) reports this action. Enclosures 3, 7, and 8 of Reference (a) provide details of my actions and motivations regarding this matter.

2. I truly regret my actions, along with the false reporting in the media, contributed to discrediting several institutions I care deeply about including the US Navy. I honorably served, and continue to serve, my country my entire adult life, almost 39 years, without anyone challenging my integrity until the events of 15 -18 June 2013. I believe my reputation prior to these events speaks for itself.

3. While there has been significant speculation and inaccurate reporting in the press regarding this incident, I have not been knowingly involved in and was not aware of any criminal activity regarding this situation until told over 2 days after the event in question. On 15 June 2013 I found casino gaming chips in a restroom at the Horseshoe Casino in Council Bluffs, Iowa. I took the chips into my possession and then made a good faith and proactive effort to help casino personnel locate the rightful owner. When the owner did not come forward, I was told by a casino supervisor that casino policy was "finders keepers" and that I could use the chips in the casino. I used the chips, but continued to have every intention of returning the chips or similarly compensating the rightful owner if he came forward.

Two days later, without knowing the topic, I voluntarily agreed to talk to a man in the casino who claimed to be an investigator for the Iowa Department of Public Safety. As our discussion progressed, I became suspicious of his identity and motives. Based on his questionable behavior and questionable statements, I did not trust him and tried to end the "voluntary" discussion. When he didn't stop questioning me, I chose to not answer. In response to my clear invocation of my right to remain silent on this matter, he continued questioning me which made me feel certain he was not a legitimate law enforcement agent who would have respected my rights. I was therefore convinced he was not someone I was compelled to talk to. I continued to assert my right to silence. When he persisted, I lied to him about the source of the

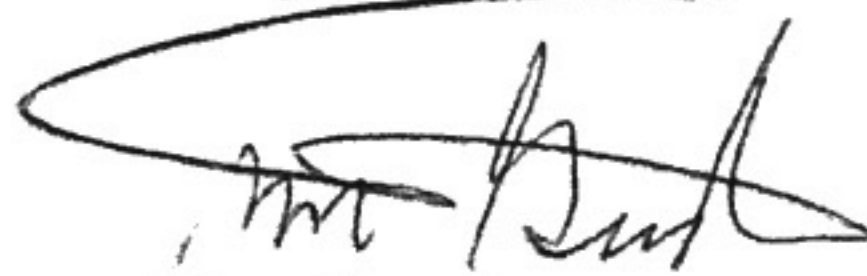
gaming chips in an attempt to end the interview. I was later told that the chips I had introduced were counterfeits.

It was wrong to have lied; I should have continued to assert my right to silence, or should have forced the issue by attempting to physically leave to end the questioning, or simply told him the truth. I later learned that this person was a law enforcement employee with the state of Iowa.

4. Following the interview, I first sought legal representation and then contacted and then fully cooperated with law enforcement officials in Iowa including providing a detailed and truthful accounting of events. The state of Iowa declined to pursue charges of any kind and turned the matter over to Commander, U.S. Strategic Command who, after suspending me from assigned duties as Deputy Commander, referred the matter to NCIS for investigation. Of note, a review of the NCIS investigation shows no evidence that NCIS was provided with the detailed accounting of events I provided to the State of Iowa. It is also clear that NCIS' efforts focused on substantiating possible criminal involvement by me and not on trying to find out what actually happened at the casino that resulted in the counterfeit chips being left for someone to find. As with the state of Iowa, the NCIS investigation did not have credible evidence that I committed or knew of any criminal action regarding this matter.

5. I can think of no greater honor than to have served my entire adult life in the United States Navy for over the last 39 years. I am proud that with the exception of this matter, there hasn't been a single challenge to my integrity or the quality of my performance. My family and I have suffered unprecedented negative consequences considering the minor nature of this offense. While I clearly made mistakes in this matter, the consequences have arguably been extreme based on the severity of my actions and when weighed against almost four decades of impeccable service to the Navy and this country.

Very Respectfully,

A handwritten signature in black ink, appearing to read 'Tim Giardina', with a large, sweeping flourish extending from the end of the signature.

Tim Giardina