

The Navy has the second-highest number of separations, with the Marine Corps separating the most among the services. The Marine Corps separated 265 Marines in the past week, bringing the total number of discharged Marines to 1,594.

The Air Force has separated 250 airmen, while the Army has released 176 soldiers, including two battalion commanders, according to the services' COVID-19 updates.

Among active-duty Marines, 97 percent of them are fully vaccinated, with another 1 percent partially vaccinated. For Marine reservists, 91 percent of them are fully vaccinated.

The Marine Corps has approved 957 administrative or medical exemptions, as well as seven religious waiver requests. The Marine Corps is allowed to separate those who have been denied a religious vaccination waiver, as the service does not fall under the class action lawsuit.

The Navy currently has 4,187 active-duty sailors who are not fully vaccinated, a decrease of 95 compared to the previous week. There are 3,272 reservists who are not fully vaccinated.

The Navy had approved 26 conditional religious exemptions for active-duty sailors and two for reservists, as the sailors would be retiring soon or on separation leave, according to the COVID-19 update. However, these sailors now fall under the class action lawsuit and cannot be separated due to vaccine refusal. Those planning to retire early instead of getting vaccinated can also halt those plans pending further action in the lawsuit.

The service has approved 13 permanent medical and 249 temporary medical exemptions for active-duty sailors and one permanent and 83 temporary medical exemptions for reservists.

How “Sugar Daddy Deals” and a “Black Book” Deny Service Members Justice

APRIL 7, 2022 | [THOMAS J. BRENNAN](#)

Editor's note: This is the first story in a multipart series.

The week before Thanksgiving, one of the Marine Corps' most senior lawyers stood in front of a room full of defense attorneys at Camp Lejeune and discussed [changes in sex crime adjudication](#) in the military.

When the colonel began taking questions, a captain with three years of experience as a military defense counsel asked what measures would be in place to protect lawyers and judges like him from improper influences, such as from the chain of command, the media, or Congress.

The colonel conceded that the protections did not exist. Because a military defense is not truly independent from the military chain of command, the military lawyers' [zealous defense](#) of a case could negatively impact their promotions, he said.

“You think you are protected, but that is legal fiction,” said Col. Christopher B. Shaw, the deputy staff judge advocate for the commandant of the Marine Corps—the second-highest position in the Judge Advocate Division—according to sworn affidavits filed by seven Marine officers who witnessed the events.

Then-Lt. Col. Christopher B. Shaw poses for a photograph in his office at Lejeune Hall in 2013. Photo by Cpl. Emmanuel Ramos, courtesy of the U.S. Marine Corps.

The colonel squared his shoulders and locked his gaze on the captain, a Marine named Matthew Thomas, who was serving as the lead defense counsel in a contentious homicide trial involving two senior enlisted Marines and a Navy corpsman.

“I know who you are and what cases you are on,” Shaw said, according to Thomas. “You are not protected.”

“Our community is small,” the colonel told the group, “and there are promotion boards, and the lawyer on the promotion board will know you.”

For the defense attorneys standing in the modular trailer, the perceived threat to their careers felt palpable, according to their sworn statements and exclusive interviews with *The War Horse*. The morning after the meeting, a witness filed [a formal complaint to the office of the inspector general of the Marine Corps](#).

On Dec. 6, fewer than three weeks after Col. Shaw’s comments at Camp Lejeune, the Marine witnesses signed affidavits detailing Shaw’s comments and their detrimental impact on the military defense community. Senior-ranking Marine Corps officials declined to discuss the concerns on the record to *The War Horse*.

“Col. Shaw has received your numerous interview requests,” wrote Maj. Jim Stenger, a spokesperson for the Corps, in a series of emails. “He has elected not to be interviewed. ... We are not currently granting interview requests in this case.”

Shaw’s comments to Capt. Thomas represent one of the clearest examples of how military leaders can abuse their authority both during and outside court proceedings, and they will further degrade trust between uniformed attorneys and service members who face judicial punishments, alleges a defense motion filed with the statements.

The colonel said the Marines—all law-school graduates who have passed a bar exam and whose profession requires that they comprehend complex legal authorities and arguments—simply misunderstood his comments, as well as his ability to influence their careers, the colonel said in two sworn statements to government investigators.

A History of Unequal Legal Protections in Uniform

Three years before the colonel’s comments, Capt. Thomas was assigned as the lead military defense counsel for Chief Petty Officer Eric Gilmet, one of three service members—[dubbed “The MARSOC 3”](#)—who faced felony charges for the death of a retired Green Beret-turned-military contractor on New Year’s Day at a nightclub in Erbil, Iraq.

Early on Jan. 1, 2019, two Marines and the Green Beret, Rick Anthony Rodriguez, allegedly got in a fight outside the club. The Marines and Gilmet were all members of 3rd Marine Raider Battalion, Marine Forces Special Operations Command (MARSOC).

But Gilmet, a Navy corpsman, wasn't involved in the fight, his lawyer Colby Vokey told The War Horse during a series of interviews. Instead, he provided medical aid to the injured veteran at the scene of the fight, and found—based on his years of extensive trauma and emergency medicine training—that the injured man did not need treatment at a hospital.

Then Gilmet and the two Marines escorted Rodriguez to the nearby military base where the corpsman continued to monitor the veteran's vital signs. He checked the injured man's blood oxygen levels using a pulse oximeter. He applied Dermabond, an adhesive for lacerations, to the back of the veteran's head. After a few hours of monitoring Rodriguez, the corpsman left a civilian contractor in charge and went to bed.

An hour later, the contractor barged into Gilmet's quarters nearby and told him the injured veteran was not breathing. The contractor ran for help while Gilmet started CPR. Moments later, help arrived and Gilmet continued CPR in the back of a pickup truck as they drove to the hospital, Vokey said.

Eric Gilmet (standing) instructs sailors during training in 2016. Photo by Cpl. Ian Leones, courtesy of the U.S. Marine Corps.

Three days later, Rodriguez died after being flown to Germany for treatment.

A medical examiner ruled the cause of death as blunt force injuries to the head, which has been disputed by experts and the treating physicians, Vokey said.

Military prosecutors charged Gilmet and the two Marines—Gunnery Sgts. Joshua Negron and Daniel Draher—with involuntary manslaughter, negligent homicide, obstructing justice, and violations of orders.

The sentence carries a potential of at least a 20-year term and felony convictions that would strip the men of their honorable discharges and not only their military retirement but lifelong access to education, housing, and medical benefits.

But the details about the sailor's involvement led many experts to question why the corpsman was being charged with a crime at all.

Welcome to the Early Bird Brief, compiled by Rachel Nostrant. Please email news tips and suggestions to rachel.nostrant@militarytimes.com or tweet [@rachelnostrant](https://twitter.com/rachelnostrant).



A new commandment I give unto you, That ye love one another; as I have loved you, that ye also love one another.

John 13:34 KJV

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Our monthly meetings are on hold until the pandemic is cleared and a vaccine is developed. No meetings are being held at the Wesley Chapel Library at 2861 Wesley Chapel Rd., Decatur, Ga. Our meetings are the fourth Wednesday of every month and start at 6:30 (PM) for approximately one hour and a half, unless otherwise advertised. We will be respectful of your time.

Thank you for your interest in the VFC. We look forward to communicating and fellowshiping with you soon. We are looking for a corporate sponsor for our VFC Gerald Prince College Scholarship which is donated each September at our Anniversary Luncheon

"Be on your guard, stand firm in the faith, being men of courage, be strong." 1Cor 16:13

Sincerely,

William A. Harris, Jr.

William A. Harris, Jr., USAF Retired
President, Veterans for Christ, Inc.

www.veteransforchristinc.org

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1-800-MyVA411 (800-698-2411) is never the wrong number