

Ethical Leadership for the Junior Staff Corps Officer

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Ethical Leadership for the Junior Officer

About This E-Book

This new volume of leadership and ethics case studies is culled from experiences of men and women in the Staff Corps. This volume is the latest iteration of an idea originated by the [USNA class of 1964](#) and Professor Karel Montor. The book presents case studies that highlight ethical and leadership challenges typically encountered in the JAG, Chaplain, Medical and other corps, to better prepare USNA graduates who will enter that service. The present edition in conjunction with the original ELJO, integrates the original inspiration of an information age ethics resource for junior officers, providing a vital service to junior level line officers and staff corps officers.

Previous editions have been traditional hardbound books distributed to Naval Academy graduating classes. This is the second edition to go “live” as a PDF document. This format allows more flexibility with materials to facilitate discussion. This volume and its sister volume include a [facilitator’s guide](#) designed for use with the [cases](#). It features the Stockdale Center ethical decision-making model. One case from each section includes material tailored around the model’s concepts. Additionally, the electronic format allows for access anywhere around the globe, greatly assisting our Navy and Marine Corps personnel wherever they are stationed. Cases are reviewed and refreshed from year to year. Every recipient of this electronic edition can play a part in keeping the publication timely and relevant by submitting [feedback](#) and [candidate cases](#) for future editions. You can do either, or both, by clicking on the appropriate links located on the front page.

How do you navigate this volume? One way is to browse as you would on a website. Each page contains navigation buttons. Text is also hyperlinked, allowing you to jump from section to section, case to case, or to individual pages within cases. Each case has a “considerations” section tailored to its unique features, including questions for discussion, a follow-on “what happened” page for the curious, and a “lessons learned” section of takeaways for that case. There are links to all of these. Another way to navigate is to simply read from cover to cover as you would a book.

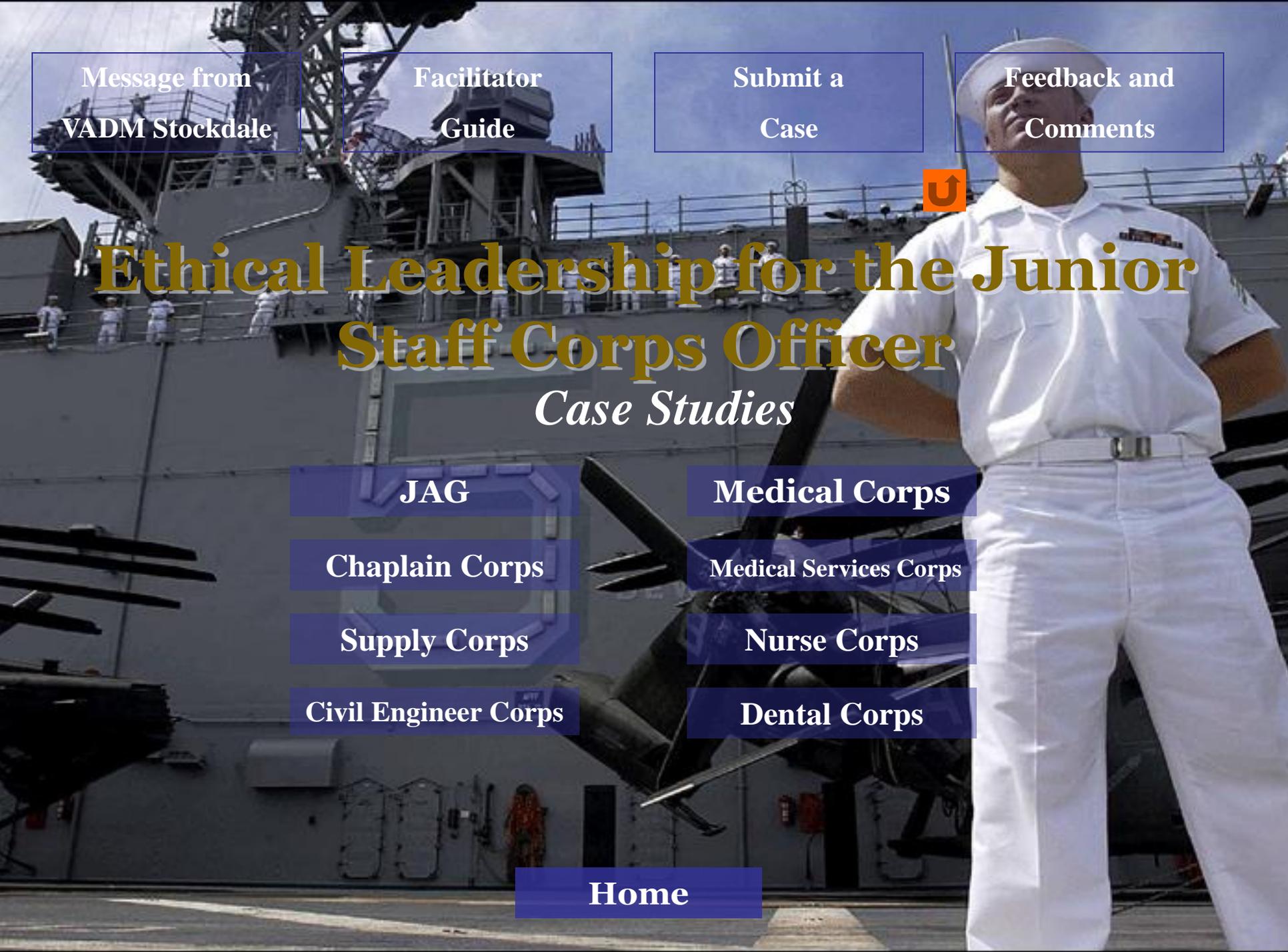
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Ethical Leadership for the Junior Staff Corps Officer

Case Studies for JAG Best Defense



“Look, do you really need him?” the trial counsel asked.

“Yes, I really do,” LT Gina Rizetti answered.

“What if we agreed to just stipulate to his testimony? Then you’d have it on paper, and he wouldn’t have to be there.”

Rizetti rubbed her forehead. It was too late to ward off the headache, but maybe she could at least spread the pain out.

Rizetti’s client, PO1 Atkins, was accused of raping a service member in his unit. The testimony in question would come from the emergency room physician who had treated the victim. When Rizetti had interviewed the doctor, she found that he had factual information that greatly helped the defense, and so she notified the trial counsel that the doctor should be present at the trial.

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Today, the trial counsel called to tell her that the doctor was part of a task force working on better treatment protocols for the wounds Sailors and Marines suffered in combat. His task force had some significant, potentially lifesaving findings. The doctor was scheduled to present those findings to Congress and the Pentagon on the same day that LT Rizetti intended to call him as a witness at PO1 Atkins' trial.

She focused again on her counterpart at the other end of the line.

“So can we just stipulate to the doc’s testimony?” he asked.

“No,” she said. “Written testimony doesn’t have same impact.” And, she added to herself, I lose the ability to adapt to what actually happens at trial if I lock in now. I can’t ask follow-up questions and neither can the members of the court-martial.

“You know, Gina, what this doctor has been asked to do in DC is very important. He can save the lives of Sailors and Marines. His work directly contributes to the war effort. Do you really want to stop him from doing that?”

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No, she thought silently. I don't. But the tightness in her neck and shoulders warned her to think more before committing herself. She offered to call the trial counsel back after she'd had a chance to consider her options.

Her client was charged with a serious crime and was entitled to the best defense possible. The doctor's testimony, delivered in person in the courtroom, was in his best interest.

Is written testimony a viable alternative? What happens if the prosecution won't agree to the wording of the testimony? What happens, she thought, if I lose the chance to ask follow-up questions? On the other hand, as an officer, she felt a sense of obligation to the mission and her Service. The quicker this doctor went to DC and presented his findings to the decision-makers, the better.

Rizetti felt torn between her duty as an officer and her professional duty to her client.

Does the good this doctor can do for the Navy and Marine Corps by going to Congress and the Pentagon outweigh the benefit of his personal testimony in this case?

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Best Defense – Moral Awareness



Rizzetti noticed muscle tightness in response to the situation. Others talk about a “gut feeling.” What does it feel like in your body when you encounter a problem that may have an ethical dimension?

Was Rizzetti violating a professional code of ethics to even consider written testimony?

What was Rizzetti’s obligation to her client? What was her obligation to the Navy?

What are the possible risks involved for her client if they used written testimony?

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Best Defense – Moral Awareness



What personal risks does LT Rizzetti run by using written testimony?

How much harm or benefit could come to her client by relying on written testimony?

How likely is a negative outcome based on the doctor not personally appearing in court?

Would other judge advocates perceive an ethical dilemma here? How about other civilian lawyers?

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Best Defense – Moral Judgment



Is it fair to LT Rizzetti’s client to accept written testimony from the doctor?

Is it fair to the doctor and to the Navy to reject their offer of written testimony?

Is there a way to accommodate both needs that doesn’t hurt her client’s interests?

Which action produces the most benefit and least harm?

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Best Defense – Moral Intention



Put yourself in LT Rizetti’s shoes and ask: What do I intend to do?

What is the path of least resistance? How could she rationalize taking that path?

What are the likely professional consequences if she accepts written testimony? What professional consequences are likely if she refuses to agree to written testimony?

How do you think other judge advocates might react? How much does that affect Rizetti’s decision?

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Best Defense – What Happened?



LT Rizzetti called the doctor and asked if it was possible to come to some arrangement that allowed the doctor to testify personally at the trial that day. The doctor said that the critical meetings were in the afternoon; he felt that he could miss some of the morning meetings without jeopardizing the purpose of his trip.

LT Rizzetti scheduled his testimony to occur first thing in the morning, allowing the doctor to meet both obligations. This was earlier in the day than LT Rizzetti had originally planned to call the doctor as a witness, but she did not believe the schedule change would harm her client’s interests. Before agreeing to this change, LT Rizzetti consulted with her department head, who supported her decision.

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Best Defense – Lessons Learned



The judge advocate in this case decided that her first obligation was to her client. When the Government decides to prosecute someone, it also decides to afford this person all of his or her rights. If the doctor’s appearance before Congress and the Pentagon was so critical, the Government also had the option to dismiss or delay the case against LT Rizzetti’s client.

If the rescheduling had not worked out, the judge advocate in this case would have still opted to protect the client’s interests by insisting that the Government produce the doctor to testify in court, accepting any consequences that followed.

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Case Studies for JAG My Friend, My Attorney



LT Ed Jarvis was the Officer in Charge of a Naval Legal Service Office detachment on a small base. The base held only a few hundred people, and it was just like the proverbial small town, where everyone knew everyone else and their concerns. Like many of the other junior officers assigned to the base, LT Jarvis lived in base housing. On Friday night, after a long week of seeing clients, Jarvis was looking forward to holing up and relaxing at home.

At 0100 came a knock on his door. He opened it to see LT Bob Fisher, his neighbor and friend, looking ruffled and worried.

“I’m in a lot of trouble,” Bob announced, “and I need some help.”

He told Jarvis that he and a friend took some furniture from an empty office building that was set to be demolished. They took what they thought was excess property that would just be thrown away, and the friend had been assured that they had permission to do it. Base Security was treating it as theft and looking for Fisher to arrest him.

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“I don’t know what to do,” he finished.

“Well, first,” said Jarvis, “you have to call Security.”

“No way,” said his friend. “I don’t know what to say to them. Can you call them for me?”

Jarvis thought about the request. This was his friend, and he was a lawyer. However, his job was to give general legal advice. He couldn’t represent anyone as a defense counsel unless detailed to the case from his headquarters.

“So much for the relaxing weekend,” he thought.

Should he do as his friend asks?

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Case Studies for JAG My Friend, My Attorney – Considerations & Questions



What are Ed’s obligations to his friend? At what point does Bob become a client?

What is Jarvis’s obligation to the JAG Corps?

What happens when the Navy rules say one thing and the state bar says something else?

What is Jarvis’s duty to the Navy?

Would Jarvis be more inclined to call Base Security for any other officer on the base?

What is the likelihood that something bad will happen if Ed doesn’t help his friend?

Is there a way for Ed to help his friend that isn’t at odds with the rules of professional conduct for JAGs?

What actions or actions will produce the most good and least harm?

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*My Friend, My Attorney – What
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Jarvis called the Base Security Office and said that he had spoken with LT Fisher, who believed that security was looking for him. “Can you tell me what’s going on so that I can advise him?”

“Is he there with you?”

“I can’t tell you that,” responded Jarvis.

“What did he tell you?”

“As I understand the situation, Security thinks that he took some items.”

The voice on the phone sounded insistent, “He and his buddy stole some furniture that was government property. They need to bring it back and make a statement.”

“I’ll help you get the items back,” said Jarvis, “but he’s not making a statement. It’s not in his best interests, and he’s invoking his right to remain silent.”

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My Friend, My Attorney – What Happened?



The next morning, the base’s staff judge advocate (SJA) called Jarvis, who quickly realized that the command viewed him as his friend’s defense counsel.

“Are you Fisher’s counsel?” the SJA asked.

“I’m not assigned to be his counsel.”

“Are you representing him?”

“I don’t have the authority to detail myself to a case.” Jarvis said carefully. “I am not his counsel, but I have given him advice.”

There was a moment of silence on the other end of the line, and then the SJA asked, “Do you think you’re his lawyer?”

Good question, Jarvis thought. My state rules of professional conduct say one thing, but the JAG Corps’ rules of professional conduct say something else.

Fortunately for everyone involved, the command offered a Captain’s Mast rather than a court-martial. LT Fisher accepted, and the matter was resolved.

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*My Friend, My Attorney – Lessons
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If Fisher had been court-martialed, then Jarvis would have had a real problem. The command could have treated Fisher as if he were already represented by counsel, even though Jarvis’ command had never detailed him to the case. And if Fisher had asked for Jarvis specifically, the answer from Jarvis’ command may have been no. They may have preferred to leave Jarvis in place while the case was tried back at the command by a different defense counsel.

LT Jarvis allowed himself to be put in an awkward situation. He did not clearly define the scope of what he could do to help. His desire to help a friend caused him to overstep his ethical boundaries as a judge advocate.

When Fisher first arrived, Jarvis should have told him that he could give him advice and information, but could not advocate for him. He should not have called Security for Fisher.

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Case Studies for JAG Pick Another Day



LTJG Jim Wilkins, a newly assigned defense counsel, was for the first time representing someone in a drug abuse case at an administrative separation board. He wasn't sure how long it would take to prepare and present the case. He had a full plate of other cases too, including several courts-martial.

His client's command, a ship, had called with an urgent request to convene the board on 21 June because of operational reasons.

Wilkins responded that he couldn't talk about a date when he hadn't even met the client. He asked if the command could make her available.

PO2 Grimes, his client, had made a mistake. She had smoked marijuana. She knew it had been really stupid but loved being in the Navy and wanted to stay. On the plus side, she had a spotless record otherwise and was well-liked and respected by the command. On the down side, she had admitted to doing it only following a positive urinalysis.

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Wilkins agreed to argue for her retention, but explained to her that her chances weren't good. In cases like this, the most common outcome was an other-than-honorable discharge.

He had barely finished meeting with Grimes before her command called again.

“Okay, now you've talked to her. We're scheduling the board for 21 June.”

“I can't make that—” Wilkins sputtered. “I already have a court-martial that day.” And I need more time to prepare, he added to himself.

The command took a hard line: “That's the day it has to be.”

“Well, you can hold the board, but I won't be there,” Wilkins replied. “And my client is entitled to counsel.”

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A few hours later, his department head dropped by. “Hey, what’s the deal with the Grimes case?” his boss asked. “The command over there just called the CO. They want to know why you’re not playing ball with them.”

‘Great,’ thought Wilkins. He explained the situation.

“Well, let’s just sit down and look at your calendar. How much prep time do you need?”

Wilkins indicated the schedule conflict with the court-martial.

“So pick another day for the court-martial,” his department head said.

The message was coming in loud and clear—accommodate the command.

“We picked that day for a reason,” said Wilkins. “I don’t think rescheduling is in the best interest of either client.”

The department head handed him the phone. “Just call the trial counsel for the court-martial case and find out if she can reschedule.”

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Wilkins took a deep breath, trying to loosen the pressure in his chest. He felt as if he were being asked to choose one client over the other. It wasn't a good option for either one. It wasn't fair to either one. Were both clients about to be sacrificed to the Navy's operational needs?

He looked at his department head and thought to himself: 'I'm the attorney of record in both cases, not you. If I'm accused of ineffective assistance, that comes down on me, not you.' He then, just as quickly, wondered if he should say what he was thinking.

If you were Wilkins, what would you do?

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Wilkins’ physiological reaction indicates to him that something is up. Can you think of times when you have had similar reactions?

Should Wilkins defer to the department head’s expertise and leadership?

Does rescheduling put one or both clients at risk?

What is Wilkins’ obligation as an officer? As a lawyer?

What should Wilkins do if he voices his concerns, and the department head tells him to make the call anyway?

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What reasons are there for Wilkins to agree?

How much harm or benefit could come from rescheduling the court-martial case? From refusing to reschedule?

Could Wilkins have proposed an earlier date for the administrative separation board? Can you think of any other alternatives?

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Pick Another Day – What Happened?



LTJG Wilkins eventually agreed to talk to the trial counsel, although he wasn't happy about it. The trial counsel ended up agreeing to an alternative disposition of the court-martial case, which actually worked out better for that client: administrative separation in lieu of a court-martial.

However, Wilkins still didn't believe he had enough time to prepare for an administrative separation board on 21 June, but he was unable to persuade the department head with anything more than a gut feeling.

Neither the client's command nor Wilkins' command accepted his argument that he had inadequate time to prepare. Wilkins evaluated the professional consequences of appearing or not appearing. He elected to appear and defend PO2 Grimes as best he could. However, he made it clear on the record that he was not given adequate time to prepare. PO2 Grimes received an other-than-honorable discharge, and Wilkins decided to fight the board's decision with Navy Personnel Command.

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Perhaps, if LTJG Wilkins had talked to other defense counsel and gathered more information about how long these cases typically took, he might have been able to persuade the department head with a more objective argument about the amount of work that had to be done in a short space of time. For example, “I have to contact x-number of witnesses in x-number of days.”

If the trial counsel had not offered the alternative disposition of the case, the previously scheduled court-martial would have taken precedence over the board, so the command would likely have been forced to select another date if the court-martial were not rescheduled. Possibly, if Wilkins had just allowed matters to take their course, the problem would have been solved.

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However, if a guilty plea was expected in the court-martial (as it was in this case), then that could have been handled in just a few hours, meaning Wilkins might have had time to do the administrative separation board later that same day. Either way, the issue comes down to whether the defense counsel had adequate time to prepare for the board, and the burden would be on the defense counsel to give specific reasons why a given time period was or was not adequate.

If, as in this case, the defense counsel was forced to go ahead, another option would be to try to persuade the command’s staff judge advocate to intervene. (A smaller ship would not have one, but the superior command would.)

Also, if Wilkins felt that his supervising judge advocate had asked him to do something not in his client’s best interest, then he would also have to decide whether that should be reported.

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Case Studies for the Medical Corps Discharge



You are resident at a large VA hospital making your morning rounds in the Critical Care Unit after a night of disturbed sleep. One patient was the cause of this restlessness. She is 81-year-old Sarah Edmonds. Last night, you could not fathom how she had managed to put a chink in your emotional armor. She is strong, retired Navy officer like your mother, but so are other patients. There is something else about her. Now, as you approach her room, it dawns on you. It's her gentle southern manner and that twinkle in her eye. She reminds you of your grandmother. Her mannerisms bear a strong resemblance to Grandma Emma's. She even calls you "dearie." These thoughts are running through your mind as you enter her room. She greets you, and you sit down to discuss her condition. After some small talk, you get down to business:

"Mrs. Edmonds, I have good news for you. As you know, you were admitted for congestive heart failure and also had a urinary tract infection. Well, those conditions have been resolved."

"So, I can go home, Doctor Jane?"

"Well, yes..technically, you meet the criteria..." You hesitate a beat. She reads it, just like Grandma Emma would.

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And now you realize there was more to your disturbed sleep than her uncanny resemblance to Grandma Emma.

“Mrs. Edmonds, with your recent history, I have concerns about sending you home. You do just meet the criteria for discharge, but I worry about your being able to handle day-to-day tasks.”

“But I have my neighbor, Mr. Nagle. What’s this ‘criteria’ talk all about anyway?”

Mr. Nagle has her durable power of attorney, but is not a professional. In fact, the home health care cardiac rehabilitation service, which provides Mrs. Edmonds’ home outpatient care, reports that it can no longer safely meet her needs in an independent living environment. You remind her of that. She is very reluctant to consider a long-term care facility.

“If I go by the book, I can simply discharge you. Like I said, you meet the criteria.”

“So, let me go home. What’s the worry, dearie? I’m not a child. It’s my call.”

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Case Studies for the Medical Corps *Discharge*



She has a point. As someone who counts as “modified independent without acute issues,” you cannot hold her much longer. You have no choice but to comply with her wishes, pending the results of one last echocardiogram.

You promise her you will continue to process her for discharge, knowing you have some time. She’s understandably eager to get on with her life. You are concerned with her history: pacemaker placed in August, renal failure September, infection of pacer pocket November that necessitated moving the pacer to the right side of her chest, a stay in subacute care, discharge, and now one week later, readmission for acute exacerbation of CHF. That track record begs for intervention, despite her being technically cleared for discharge.

You consult with your discharge planner. He has knowledge of the full panoply of possible aid. He arranges for a social worker to discuss finances, including the eventuality that Mrs. Edmonds will have to sell her house and exhaust her assets before she would be eligible for Medicaid. He arranges a home safety visit that might trigger available community resources that hospital social work consultations can’t provide. You know that this entails loss of independence, something she dearly values. Do you follow through or do what she wants and “go by the book?”

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As a doctor in a critical or emergency care unit, what benefits and risks are there in keeping yourself behind “emotional armor”?

How does your emotional attachment to Mrs. Edmonds affect your ability to assess potential harms and benefits to her?

How important is Mrs. Edmonds’ autonomy and independence in this case?

What impact would your decision to trigger the full panoply of consultations have upon Mrs. Edmonds well-being and sense of self-worth?

What risks does Mrs. Edmonds run if she continues to live in her house?

How does the temporal proximity of discharge affect your ability to sort out what is important from what is not?

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If you make the decision to discharge, what is the likelihood that Mrs. Edmonds will be able to live independently?

What reasons are there for trusting in Mrs. Edmond’s abilities?

What reasons are there for doubting her abilities?

What reasons are there for ordering the external referrals?

If hospital social workers, physical, occupational, and nutritional therapists all score a patient as “modified independent,” then is there any good reason to move to external consultations?

In general, when confronted with gray areas in processing patients for discharge, how have you gone about resolving the issues involved, and how comfortable were you with the results?

How might your peers or mentors have dealt with this case?

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What is the path of least resistance? How might you rationalize taking that path?

How is Mrs. Edmonds likely to react when she finds out you have scheduled both internal and external consultations?

What do you imagine will be the patient’s reaction when she hears what the financial consultant has to say?

What impact will your actions have on future relations with your patients and those under your tutelage? Are there any career repercussions?

Have you had an experience when standard procedures did not fully account for a gray area, knew you or someone else should do something to assure a morally acceptable result , but failed to do so? What stopped you or the other person from acting?

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The doctor ordered the consultations and referrals, and Mrs. Edmonds agreed to a home safety evaluation. A medical social worker informed her of community services, Medicaid, and hospice care. A hospital social worker detailed the financial repercussions of long-term care and frankly discussed the sale of Mrs. Edmonds’ house. The house, worth \$300,000, could finance 25 months of in-home care.

Once funds were exhausted, Mrs. Edmonds would be eligible for state aid through Medicaid and could receive residential skilled care. With these bases covered, and the continued help of her DPA, Mr. Nagle, the doctor was comfortable in discharging Mrs. Edmonds.

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In this case, the doctor had to deal with a complex of issues beyond the scope of the patient’s clinical care. Mrs. Edmonds was elderly, had end-stage heart failure, and was clearly demonstrating a declining ability to care for herself. Despite that, she wanted to retain her autonomy and independence. In terminating geriatric care, providers have to sort through gray areas not fully accounted for or covered by standard procedures in order to best serve the patient and also to feel morally comfortable in ordering discharge.

This case is an important lesson in adequately coming to terms with aspects of patient care that go beyond the clinical picture. Although much of this responsibility is in the scope of discharge planning, support staff, and social work, providers need to have a working knowledge of these issues and appropriately order consults and referrals. Failure to do so endangers patients, increases probability of bounce-back admissions, and can cause potentially bad outcomes and worst case scenarios.

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Case Studies for the Medical Services Emergency Care



CAPT Jim Pierce wondered when he'd have a chance to eat today. His schedule had been non-stop since early morning, typical for the Officer in Charge of a busy overseas naval hospital. It was 1430 when he heard the page over the announcement system, directing him to the emergency room.

'Oh no,' he thought, 'this can't be good.' He gulped down his cold coffee and set off.

He arrived to see one of the cleaning staff, an affable man named Iqbal, stretched out on a gurney, struggling to breathe. Iqbal had been exposed to the fumes from a mixture of cleaning chemicals, due apparently to a mistake in labeling supplies. He needed care immediately.

Pierce saw a problem. Iqbal was a third-party worker, and it was against the Status of Forces Agreement (SOFA) to provide care in a military hospital. His heart beating hard, and cussing under his breath, Pierce considered his options. The local hospital was too far away, and even if the doctors there saw to him immediately, it would be too risky. If Pierce authorized treatment, then he would be breaking the law, but probably saving Iqbal. What should he do?

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What is Pierce’s duty as a doctor? As an officer?

Does the hospital have an obligation to Iqbal since he was injured there?

How much harm or benefit could come to Iqbal if treatment is denied?

How much harm or benefit could come to Pierce if treatment is denied?

Would other military physicians perceive an ethical dilemma here? How about other civilian physicians?

What are the secondary effects on other healthcare professionals of providing treatment? What about denying treatment? What are the secondary effects on the other third-party workers of this decision?

What are the likely professional consequences if Pierce orders treatment? What about if he denies treatment?

How might other military physicians react? If you were Pierce, how much would that affect your decision?

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CAPT Pierce ordered treatment for Iqbal, who recovered. Pierce was reprimanded by his superior officers for violating a standing order, but no further action was taken.

[BETSY, I KNOW THIS WAS BASED ON A REAL CASE – WHAT HAPPENED IN THAT ONE?]

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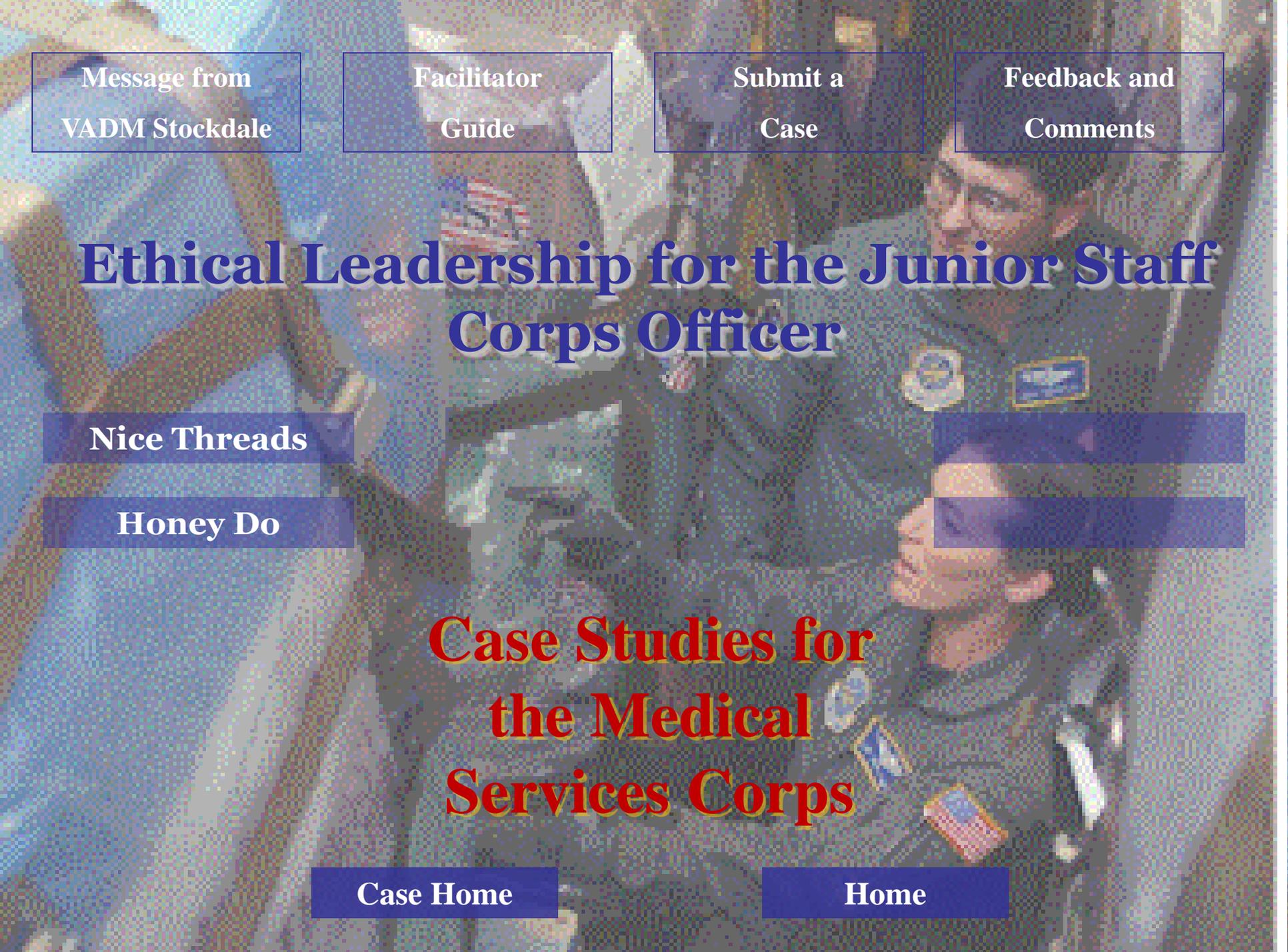
CAPT Pierce felt that his first obligation was to the patient. Nevertheless, he was torn between two sworn obligations. As a doctor, his first obligation is to his patient. As a military officer, he has an equally compelling obligation to obey lawful orders. He was in a position where he was unable to satisfy both moral requirements. In this case, he decided to risk running afoul of the latter requirement in order to meet the first. He could have chosen to honor the officer’s oath instead of the physician’s oath. He had no time to run the decision up the chain of command. In this situation, he was willing to make the call and live with the consequences. His command recognized the difficulty of his position and took light disciplinary action against CAPT Pierce.

Sometimes it is an officer’s moral obligation to take the consequences of doing the right thing, even though it is something that runs against legal orders or regulations. Often, it is not clear when you should do so, but the service expects the sort of mature reflection and judgment here evidenced by CAPT Pierce. It is at the heart of effective leadership.

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Marcus Knight is one of those men who thinks he is James Bond. Ladies man, clothes horse, Marcus would live in a mansion if he could afford it. But he can't. He's an enlisted man, making enlisted pay. You have come to know him over the two years you have been in Hong Kong. You work in the local naval medical facility. You are Victor Miller, the officer in charge of purchasing. A year and a half ago, you struck up a conversation with Knight over lunch and found him entertaining. You don't know a great deal about what he does. You do know he has a low-level security clearance and works for the FBI in the U.S. Consulate. The FBI contingent liaises with local law enforcement, concerning crimes that involve Americans. Even though he tries to play Bond, he lives modestly, reflecting his pay grade. Over the course of your 18-month friendship, you figured out Marcus owns exactly two Armani suits. But recently, you've noticed he has added several suits to his collection. Perhaps a pay raise, you thought, or shipments from home. The folks could probably afford it. But then, things got interesting one Friday...

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Case Studies for the Medical Services Corps - Nice Threads



It was evening; you were intent on easing into a long weekend, so you made your way to the local night club with Janice Rand, a civilian hospital employee you had been dating regularly for six months. You were going to take in a subdued evening of jazz while responsibly nursing a mixed drink or two.

You ran into Marcus and his date, and they joined you at the table. “So much for the subdued evening,” you thought. Marcus’s date was a well dressed Chinese woman. She didn’t talk much, not surprising really, since Marcus tended to dominate conversations. The evening was pleasant. But, you noticed things. So did Janice.

“Did you notice his hands, Victor?”

“His hands?” You ask, puzzled.

“Yes.”

“No. I didn’t really look at them. Why would I notice his hands?”

“You noticed the watch. Why not the hands? He’s had a manicure.”

“A manicure?”

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“A manicure, and he’s overdone the cologne a bit.”

“ A bit? My eyes are watering. And that hair.” You roll your eyes.

Over the course of the evening, Marcus had Chinese visitors, polite, but they didn’t hang around. Some seemed to know his date. In fact, Marcus seemed to know a lot of people. Certainly more than you or Janice.

Watching him drive off in a red Jaguar with a last jaunty wave, you realized that at some point in the evening ,your attitude toward Marcus’s flamboyance moved from bemusement to suspicion. You looked at Janice, then you both looked again at the speeding car.

“What gives?” she asked, watching the receding car.

“Better yet, Janice, who gives?”

Are you over-reacting? His parents could have given him the clothes and watch, and the car might be his date’s Shouldn’t you just leave well enough alone? If you report your suspicions, and nothing is wrong, you will have caused a lot of trouble for Marcus. He would be justifiably angry. What should you do?

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What is your obligation as an officer when you have suspicions of this nature?

How does the fact that you like Marcus affect your decision making?

What repercussions would your reporting have on Marcus and his family?

What is at risk if you decide to leave well enough alone?

Should you confront Marcus with your thoughts?

Is it fair to place Marcus in jeopardy of an embarrassing investigation based on suspicions?

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LCDR Miller reported his suspicions to his chain of command. An investigation did ensue. It turned out that Knight received substantial support from his parents in Iowa; his father was a successful lawyer, his mother a surgeon. With those funds, he purchased the clothing, jewelry, and other things. The Chinese girl was in fact the daughter of an employee of the embassy, and not in any way under suspicion. The Jaguar was hers.

Marcus surmised that Victor had brought on the investigation and, not surprisingly, harbored resentment toward him. He felt betrayed and became embittered.

Marcus and Victor never spoke again.

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Victor could not simply put aside his suspicions, and knew he was duty-bound to report anything he deemed a risk to the United States. At the same time, he felt that he knew Knight well enough, and that he couldn't be aiding Chinese espionage efforts for pay. But, he had to admit he wasn't sure of this.

He made the correct choice, given the situation. Marcus Knight's salary alone would not have been sufficient to support the extravagances Victor observed. Yet, it was possible that he was receiving this support from home. Be that as it may, as a junior officer, it was not Miller's call to make. Reporting up the chain of command would let those with access to more information and expertise investigate.

Sometimes, making the right call is personally demanding and can lead to the ending of relationships, as was the case with Victor and Marcus. But, that is part of the burden of officership.

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It has been an exhausting couple of days. Base command volunteered you along with five others to help dig and pour a sidewalk and install a play area for a local school. It was a weekend job. You weren't exactly thrilled with that, but realized it was part of an ongoing community relations effort that you felt was not only necessary, but bore fruit for Navy Medical, Pensacola. You supervised and signed for the equipment.

However, as if on cue, the weather seemed to conspire to make the process as grueling as possible. The heat did not let up until you had finished, after loading on the equipment for return. The team was exhausted and needed some sort of reward for the hard work. You bought lunch for everyone, then sent your five tired helpers home, with orders to reward themselves and enjoy the weekend. Now, you had yourself to think about. You were not single, so running around with the boys was not an option. It was Saturday noon, and you realized you too had most of the weekend ahead of you. What to do?

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“You have the rest of the day to think about this, LT Nelson. Now, you better get the equipment back.” You were talking to yourself again. You hopped in the cab, started the engine, and were on your way. Cranking the A.C. provided welcome relief. You began to feel better.

It was not until you were about half way there that you realized you were wasting your time. The yard would not be open again until Monday morning. You realized you would have to drive the truck and equipment trailer home with you. And then, it struck you.

Maureen, your wife, had been after you for some time to put a raised garden, swing-set, and play area in the backyard. The material had been sitting in the garage for weeks reminding you of your promise, mocking your procrastination. You had been putting the projects off because of the cost of renting the needed equipment. But as you recalled this, you realized you now had both the time and the equipment, a gift from the gods. You could park the equipment in your drive and put it to use. Wasn't that the sort of reward you needed for all that hard work?

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“By the book Nelson, by the book! You know this stuff is government property. Personal use is out of the question.” You were talking to yourself again.

“Almost there.” You noted anxiousness in your voice. “Gotta stop talkin’ to myself.”

You thought about it. “Don’t you deserve it?” You were now at your house.

You carefully backed the trailer into your drive. Maureen appeared at the side door. She grew excited. You knew why without having to ask. Before you could explain, she ran up and hugged you.

“Well, you’re finally going to do it. The kids will be so excited!” She bounded into the house after the kids, “Come see what daddy brought home!”

You began to have that sinking feeling you always got when you felt as if things were spiraling quickly out of control. The kids were now bouncing around the trailer and giggling.

What do you do, LT Nelson?

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Why is the Navy so careful about non-official use of equipment?

Assuming the equipment won't be damaged, what is really wrong with this plan?

Would it be ethical for Nelson to use the equipment and then explain himself Monday?

How difficult does the joy of his wife and kids make his decision? How do they affect his thinking?

Does LT Nelson have a third option here that would satisfy his obligations and satisfy his family?

What is your opinion of Nelson if he uses the equipment and gets away with it?

What is your opinion of him if he does not use the equipment?

What would Nelson's peers advise him to do? What do you suppose they themselves would do in the same circumstance?

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LT Nelson decided he could not use the equipment. He explained the situation to his wife and children. They were visibly disappointed. That Monday, he returned the equipment and was discussing the weekend with his base commander. His commander admitted that he would have been sorely tempted to use the equipment but appreciated Nelson’s honesty. He told him of an incident at another base when he was a junior officer. A fellow JO volunteered to use base equipment to install a fence for a friend off base, as a recognition from the base commander. Others in the community were incensed by the event, reading it as favoritism and misuse of government property. They reported it to local media, and the base was put under a microscope, not only by local papers and television, but by the Navy. The junior ended up losing his job. The commander was reprimanded, but retained his job. Nelson’s commander thought the outcome was too harsh, but he said it taught him a valuable lesson, a lesson that Nelson’s foresight had prevented him from having to learn.

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Nelson realized he would be responsible for misuse of government equipment, and that he could reasonably be expected to know that government property cannot be used for private, and especially personal, purposes.

Military-civilian relationships around installations can be very tricky. Civilian institutions approach the armed forces for help in everything from flood relief to collecting for Toys for Tots. Rules and regulations in this area are ever-changing. A good rule of thumb though, and one Nelson’s command is aware of, is to avoid the use of government equipment for personal favors. Using government equipment on the behalf of institutions or to build positive relations with local government are typically more legally acceptable. However, even in that realm, there is potential for abuse and misperception. So, before taking part in a non-traditional operation, check with your base legal officer. If you are still not sure if something is authorized, then ask permission from higher headquarters. Avoid even the appearance of wrongdoing.

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“Too bad about Jenkins,” the CO said, shaking his head.

Chaplain Andrea Walker agreed. “I just wish he’d talked to someone instead of drinking. I wish I’d realized he was that bad.”

“What a waste.”

Petty Officer Dwayne Jenkins had been drinking heavily after a breakup with his girlfriend. One night, he fell while intoxicated and fractured his ankle. At the hospital, he contracted a serious infection and died.

Chaplain Walker had to prepare the memoranda for record related to the death.

“Andrea,” said her CO, “don’t mention his drinking. It doesn’t matter how he broke his ankle, and the details will only hurt the family and his memory.”

Chaplain Walker could feel her face trying to sweat at that suggestion. She had to visit the family, conduct the funeral, and hold a memorial service for the squadron. She wasn’t sure this was information she wanted to hold inside.

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“After all,” he continued, “he wasn’t an alcoholic, and we don’t need to leave them with that impression of their son.”

Walker couldn’t help thinking that her CO was right. Jenkins had no history of drinking, but he was an intensely private individual. That was why he hadn’t sought help.

She imagined the pain of Jenkins’ parents if they were to read the whole truth, if she had to tell them the whole truth face to face. What harm could there be in omitting that bit of information? It seemed to her that it was the least that could be done for Jenkins.

She looked at her CO, who had returned to concentrating on his own work. If it was anyone else that suggested the omission, she would suspect concern for his own image. But that was not in his nature. He was clearly upset by the loss of Jenkins.

She leaned back in her chair. The pneumatic piston underneath her hissed.

What should she say to the CO?

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Walker is feeling several emotions now. Her “face is beginning to sweat.” Are these things associated with her concern for herself, her CO, or Jenkins’ family?

Who is at risk if the omission is made?

What is Chaplain Walker’s responsibility as the writer of a memoranda of record?

What responsibilities do Chaplains, as officers, have to their units? Can they conflict?

What moral obligations does Walker have, as a Chaplain?

Given that Jenkins was a private individual, isn’t a full report out of step with what would likely be his last wishes?

Do Jenkins’s parents need to know the full story?

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What are Chaplain Walker’s options here?

If she chooses to lodge a full report, what does this entail for the command? If she fails to lodge a full report, how might this affect the command?

What are the likely consequences for Jenkins’ family?

Which option is more likely to create an unfavorable work environment?

What are some possible long-term consequences for the command if the omission is made? If it is not?

What climate is created if people learn that regulations have been overlooked?

What role, if any, should Walker’s concern for her career play in her decision? Should she consider her CO’s career?

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What might cause Walker to omit the full truth?

Who might react positively if Walker reports the full truth? Who would react negatively? Which of these projected reactions exerts more influence upon her?

As a chaplain, how might the possibility of being labeled as insensitive influence her?

How might the fact that the CO has already suggested a partial report suppress Walker’s intention to report the full truth?

How might the seemingly innocuous nature of the omission and positive outcome for Jenkins’ family influence her intention to report the full facts?

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Chaplain Walker was able to convince the CO that the family needed the whole truth, even if that truth was painful. Her memoranda fully disclosed the circumstances surrounding Jenkins' death.

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Although the CO may have felt that his actions were sparing the family’s feelings, it’s also important to consider the secondary effects on the squadron should the truth be withheld.

There are some cases where the correct course of action is not obviously correct, and may in fact appear to be wrong. But, in such cases, one must consider the ramifications of taking such actions. Often there are no immediate harms, but a precedent is set that could open a command to the risk of future harms. If omitting painful information in one context is allowed, then it may be harder to resist the urge to omit information in other contexts that are perceived to be equally harmless, but in fact are not. Hiding the truth can affect the readiness of any command, and in the interests of avoiding that risk, full truthfulness is expected from anyone that is given the task of creating official records relating to events in those commands.

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**“I’m pregnant,” Petty Officer Shana Jones confided in Chaplain Nate Miller.
“Mike Fernandez is the father.”**

**Fernandez was another sailor in the unit. All three were stationed in
Afghanistan.**

**Miller leaned forward. “Shana, you have to tell the CO so you can get medical
care and be redeployed. You don’t want to be out here running a PRT when
you’re pregnant.”**

**She shook her head. “Father, my tour’s almost over. I’ll be okay until then.
Please don’t tell anyone.”**

**Miller honored her request. That was a month ago. Two weeks ago, the
deployment was extended. Chaplain Miller had been worrying about the
situation. He found an opportunity to talk to Jones again.**

“You have to get care. You have to talk to someone.”

**Although Jones resisted the idea, he finally convinced her to talk to a mental
health care professional. Miller breathed a sigh of relief as she left his office.**

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“Surely,” Miller thought, “she’ll persuade Jones to report her condition.” But a week went by, and Miller heard nothing about Jones. Finally, he asked to talk to her again.

“She was really nice,” said Jones about the healthcare worker. “She said she wouldn’t tell anyone.” Miller felt himself growing both concerned and angry.

It turned out that the healthcare worker felt bound by HIPAA regulations to stay silent. She had no plans to report what she had learned about Jones, not to other providers and not to the CO. This left Miller alone to decide what should be done.

Miller faced a tough decision. Should he tell the CO himself or keep Jones’ secret? He knew his professional promise of confidentiality extended to this case, and it was explicitly covered by SECNAVINST 1730.9. Still, he marveled at the fact that unlike his brother, a minister at a rural church in Texas, he had two professional “hats.” He had a pastoral concern for Jones, but also a concern for the safety of others in the unit who may be endangered by her choice to keep her secret.

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What feelings about Jones do you suppose Miller has right now? Are there any emotional conflicts? Why?

Is it morally right or morally wrong for Miller to report what Jones told him? Is it fair or unfair?

What is Miller’s duty as a chaplain? What is his duty as an officer? Are they different

What are the potential consequences to Jones, the command, and the baby if he does not report her pregnancy? What are the consequences if he does?

To whom does Miller owe the most loyalty? To Jones? To the CO? To the unit? The baby?

Was Miller’s obligation discharged by persuading Jones to confide in someone else? Why or why not?

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Chaplain Miller decided he could not to report Jones’ pregnancy. The situation on the ground worsened, with the attacks on the base becoming more frequent. When Jones was eight-and-a-half months pregnant, the CO finally discovered her condition.

To get her to a hospital and out of the country, a convoy had to be assembled, putting many service members at risk. Jones was reprimanded, while Miller was not, in accord with SECNAVINST 1730.9.

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Miller did consider the larger ramifications of his decision on other members of the unit. He also knew what the relevant instruction required of him; confidentiality. By keeping silent, he knew he put other service members at risk. Yet, the Navy, considering such possibilities still values the level of confidence that the instruction allows, because it "facilitates increased morale and mission readiness."

In the role of chaplain, confidentiality is essential to successful function as counselor. In the role of military officer, the oath of office demands that needs of the unit, the service, and the nation are placed before the needs of the individual. Yet, a decision has been made by the Secretary, that binds the Chaplain Corps.

In this case, we see the wisdom behind this often difficult requirement. By cleaving to his promise of confidentiality, many people were placed at risk as Jones was evacuated, but the general practice has an overall positive effect on readiness in the service as a whole. Jones was obligated to report her situation, while Miller is not required to do so, due to his uniquely valuable function.

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Chaplain Frank Norton had spent two weeks focused on the unit, talking to individual Marines ever since it had happened. The Marines had taken SGT Roy's death especially hard. Roy had been squared away and well-respected. He worked well with his counterparts in the Afghan National Army (ANA) as they took in recruits and trained them. Last week, an Afghan military trainee had turned on Roy and shot him. He had been a plant, placed especially for that purpose by the Taliban.

Norton did his best with the unit, trying to help them cope with their shock and anger, steering them away from thoughts of revenge. It had been a rough two weeks, but he felt like the unit was ready to carry on their mission with the ANA without distrust and suspicion poisoning the atmosphere. The unit was professional, and while aware of this ever-present risk, did not take this incident as representative of the Afghan trainees with whom they were working.

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Now, though, he felt as if he'd been kicked in the stomach. His contact at casualty notification had mentioned that no details about the circumstances of Roy's death would be released. His first reaction was anger. But, he thought about the rationale. What good would it do to our efforts? Wouldn't it cause distrust in all training units? Does the family really need to know that we let one slip? Senior leadership had decided that the potential damage to the training program from full disclosure outweighed other concerns.

Norton thought about what he could do. If he were in the family's place, he'd want to know everything about how a loved one had died. Weren't they owed the truth? And what about the effect of silence on the Marines in the unit? They would know the truth, but would be expected to keep mum. Norton supposed that he could go through his chain to request a second notification be made with more details. What would happen if the press found out? Don't they always find out? What would that do to the Marine Corps' credibility? How would full disclosure affect the work with the ANA? Would it erode that important relationship?

If you were Norton, what would you do?

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Case Studies in Truth *Circumstances of Death – Considerations* ◀ ▶ *& Questions*

Norton’s physiological and emotional reactions indicates to him that something is up. Can you think of times when you have had similar reactions? How reliable a guide are they of moral challenges?

What is Norton’s duty as a chaplain to Marines and their families? What is his duty as an officer?

Is it ever morally right to withhold details about circumstances of death from surviving family?

What should Norton do if he makes his request for a second notification and it’s denied?

Is cover up of circumstances of death sometimes necessary, or is it invariably a greater risk than full disclosure?

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Case Studies for the Chaplain Corps Circumstances of Death – What Happened?



Chaplain Norton eventually decided to go along with the first notification, because he was afraid of the effects on the ANA liaison effort if the full truth came out.

However, before he could make a request for a second fuller release, family members noticed a certain level of detail was lacking in the first notification and wanted to know more. They started asking questions of the Marines in the unit.

The family grew suspicious and took their questions to command. When the family couldn't get answers from the Marine Corp, they went to the press. When the full story came out, the training program was damaged anyway. It is likely that the level of damage was in fact greater than would have been the case if the circumstances of death had been released earlier.

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Case Studies for the Chaplain Corps Circumstances of Death – Lessons Learned



This case is complex due to potential operational impact of the information. This is something the senior leadership has squarely in mind. Norton seriously considers the possibility that he does not fully understand the circumstances. On the other hand, because he is an officer, he is generally trusted to make autonomous decisions. He is expected to have competency to recognize an illegal or unethical order and act when necessary. Unfortunately, the line between these two sorts of situations is not always readily apparent.

When in doubt about a situation, an officer must immediately seek clarification. If he/she believes a superior is proposing something improper, then he/she must make a conscientious effort to “prove” to himself that the superior is in fact acting appropriately. In so doing, the officer must seek the truth of the matter, considering all facts. If, after trying to prove that the superior is acting appropriately, the officer discovers the superior is wrong, then he or she should immediately discuss the matter with the superior, seeking resolution. To delay can often cause untoward consequences. Although sometimes full disclosure may cause damage, it is important to weigh the amount of damage caused by omission of information.

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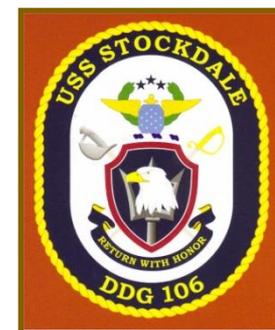
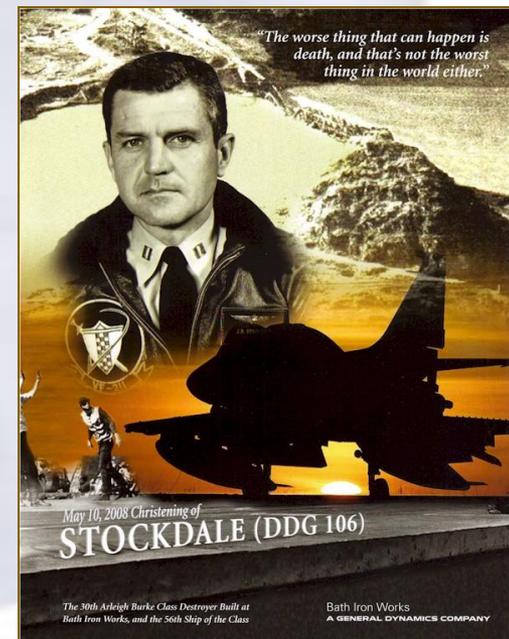
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Ethical Leadership for the Junior Officer

Message From Vice Admiral James B. Stockdale

Editor's note: Admiral Stockdale's foreword was written in 1994 for the first edition of *Ethics for the Junior Officer*. The foreword has been retained unchanged for this and subsequent editions. We hope we always will live up to Stockdale's vision for the volume.

[Biographical Note: Vice Admiral James Bond Stockdale passed away on July 5, 2005. On May 10, 2008, the Navy's newest Arleigh Burke-class guided missile destroyer (DDG-106) was christened by his wife, Sybil. VADM Stockdale was born in Abingdon, Illinois, in 1923. After graduating from the U.S. Naval Academy in 1946, Stockdale served on active duty in the regular Navy for 37 years, mostly as a fighter pilot aboard carriers. Shot down on his third combat tour over North Vietnam, he was the senior Naval prisoner of war in Hanoi for seven and a half years. He was tortured 15 times, held in solitary confinement for over 4 years, and in leg irons for 2 years. Stockdale was serving as president of the [Naval War College](#) in 1979 when physical disability forced him to retire from military service. He was the only three-star officer in U.S. naval history to wear both aviator's wings and the Medal of Honor. His 26 other decorations include 2 Distinguished Flying Crosses, 3 Distinguished Service Medals, 4 Silver Stars, and 2 Purple Hearts. When Admiral Stockdale retired, the secretary of the Navy established the Vice Admiral James Stockdale Award for Inspirational Leadership, which is presented annually to the commanding officers, one in the [Atlantic Fleet](#), and one in the [Pacific Fleet](#).



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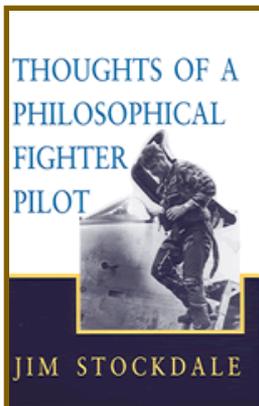
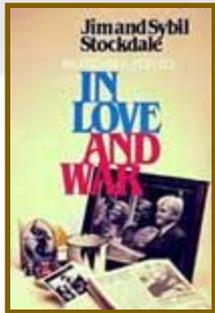
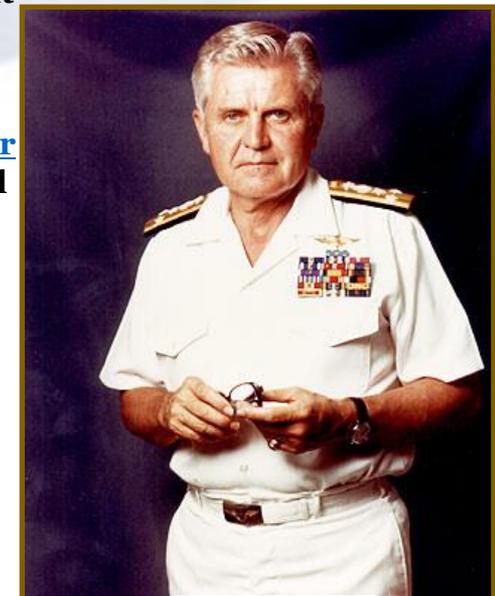
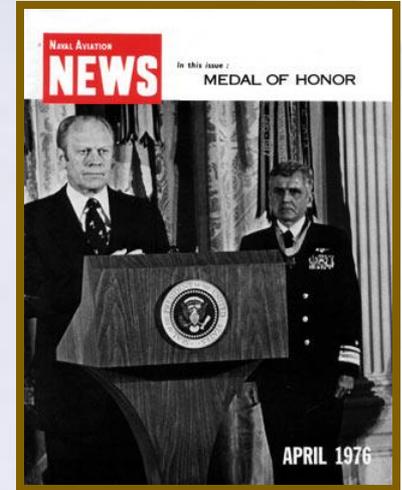
Ethical Leadership for the Junior Officer

Message From Vice Admiral James B. Stockdale



As a civilian, Stockdale served as president of the Citadel for a year, as lecturer in philosophy at Stanford University, and as senior research fellow at the Hoover Institution at Stanford. His writing focuses on how men and women can rise in dignity to prevail in the face of adversity. Aside from numerous articles, he co-wrote with his wife the book [*In Love and War*](#), (Naval Institute Press, 1990). In 1987, NBC aired a drama based upon the book. Admiral Stockdale has also written two books of essays: [*A Vietnam Experience: Ten Years of Reflection*](#) (Hoover Press, 1984) and [*Thoughts of a Philosophical Fighter Pilot*](#) (Hoover Press 1995). Both collections won the [George Washington Award from the Freedoms Foundation at Valley Forge](#).

In 1989, Monmouth College in his native Illinois named its student union after Stockdale. The following year, during a ceremony at the University of Chicago, he became a [Laureate of the Abraham Lincoln Academy](#). He is an honorary fellow in the Society of Experimental Test Pilots. In 1993, he was inducted into the [Carrier Aviation Hall of Fame](#). In 1995, he was enshrined in the U.S. Naval Aviation [Hall of Honor at the National Museum of Aviation](#) in Pensacola Florida. In 2001, the U.S. Naval Academy honored him with its Distinguished Graduate Award. In 2007, the U. S. Naval Academy renamed the Center for the Study of Professional Military Ethics the [Vice Admiral James B. Stockdale Center for Ethical Leadership](#). Stockdale holds 11 honorary degrees.]



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Ethical Leadership for the Junior Officer

Message From Vice Admiral James B. Stockdale



This book contains actual leadership dilemmas faced in modern times by junior officers of the armed services of the United States. It was commissioned by the U.S. Naval Academy, Class of 1964, to be bequeathed annually to upcoming graduates of their alma mater. It is designed for reflection and reference throughout a person's first few years as a commissioned officer. Periodically, the case studies of the volume will be reviewed for timeliness and applicability, with an eye toward keeping the book up-to-date and on the mark.

Underlying all these cases are ethical considerations that go a long way in the final determination of whether the young officer's real-life solution to the dilemma served our country ill or well. In fact, the focus of the whole book is to dramatize for Navy ensigns and Marine second lieutenants and their junior officer counterparts in other services just exactly what constitutes ethical behavior and what does not. Each case appears in two areas of the book. The facts of a situation are laid out first, in sufficient detail to allow the reader to take on the problem as a personal challenge and form a tentative solution. Then a section bearing on the ethical considerations of the case follows. This part at least makes sure the reader is aware of the ethical issues involved so that he or she may reconsider a tentative way of handling it. Lastly – and sometimes with surprise – the real-life results are delineated. Cases were picked based on their potential to stimulate discussions in the junior officer quarters and, on occasion, the advice of willing seniors. JAG Corps officers, and chaplains – when appropriate – were independently queried in the interest of our readers' self-education and their speedy assimilation of the "feel" for what is expected of them in their new profession.



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Ethical Leadership for the Junior Officer

Message From Vice Admiral James B. Stockdale



These real-life case studies were solicited from the Navy inspector general, the Navy Safety Center, and senior officer sources of the Army, Air Force, Marine Corps, Coast Guard, and Navy. Their presentation and organization in the original edition underwent an extensive editorial review process under the direction of the late Karel Montor, Ph.D., Professor of Leadership at the Academy.

I hope this book serves to create in each of your hearts a happy understanding of the down-to-earth “rules of the game” of this life of American military officership on which you are embarking. It is fitting that the focus of the whole book is on the military ethic because that is the core value of every operational specialty of every service. Whether you go forth from the Naval Academy to fly or submerge or fight on the surface, or go ashore with the Marines or the SEALs, you have to be worthy of the trust of both your seniors and juniors, or all is lost for you.

I’ve sat on many selection boards for officer promotion, read the candidates’ jackets, heard the briefs and board discussions on many people of high operational qualification, advanced engineering degrees, and other intellectual badges of distinction. You should know that once the board agrees that a history of indirectness or deviousness is in the record of an aspirant, the probability of that person’s promotion all but vanishes. All considerations fall before that of personal integrity. It is the core value expected of an American military officer. If it does not come naturally to you, be honest with yourself and choose some other line of work.



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Message From Vice Admiral James B. Stockdale



You might question my use of the word *happy* as a descriptive adjective in understanding all this. I use it because if you develop the right “hang” of things, you will be happy as you realize that the military ethic in most units – certainly in all good ones – is not the nagging, nitpicking hairsplitting bother that we hear complaints about in other professions. The military ethic comes naturally to people of many personality “cuts,” many “cuts of their jib.” The idea is not to hammer everybody into one mold; the services are rich in the diversity of leadership styles of their better officers. It’s just that the people under them are our most precious asset, and they must be treated in a manner above reproach. We insist that they deserve leaders with integrity.

There’s that word again. It’s not just a good-sounding term. The original meaning of *integrity* was “whole,” a unity, as opposed to a broken thing, or something in parts only. The readers of Plato and Aristotle will relate it to those ancients’ distinction between “living” and “living well.” It refers to the possibility of living according to a strong and coherent sense of oneself as a person whose life, considered as a whole, reflects a definite and thoughtful set of preferences and aspirations. If well composed, the person who possesses it knows he or she is whole, not riding the crest of continual anxiety, but riding the crest of delight.

This ethic is natural to, not artificially grafted to, the profession of arms, the profession of warfighting, in which friendships are consumed by the more powerful and generous force of comradeship. This was an idea propounded by philosopher Jess Glenn Gray, who spent all of World War II as a ground soldier in Europe. He noted how men in battle would lay down their lives for unit companions they were known even to dislike.



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People of integrity facing a common danger coalesce into a unity that surpasses friendship. It is not a willful change of heart; it happens as a function of human nature. And I've seen it happen. J. Glenn Gray, in his book [*The Warriors: Reflections of Men in Battle*](#) (New York: Harcourt, Brace, 1959), writes:

Loyalty to the group is the essence of fighting morale. Friendship is not just a more intense form of comradeship but its very opposite: While comradeship wants to break down the walls of self, friendship seeks to expand these walls and keep them intact."

So whereas an "ethics program" may seem unnecessary or foreign to some professionals (we read of businessmen who think it is foreign to those engaged in free enterprise), the profession of arms is at home with it. Our major product, you might say, is comradeship in the heart of battle. And in our business, how we lavish our skills of leadership on comrades is "bottom-line stuff."

Am I old fashioned, in this post-Cold War period, to use the heart of battle as the control point for a personal strategy of how we live? The United States has never been far from wars, and now as the world's only super-power, we're the natural choice to resolve the knotty problems in the world. Geoffrey Perret wrote a book about America and wars entitled [*A Country Made by War*](#) (New York: Random House, 1989). In the 217 years between 1775 and 1992, we were involved in 10 major wars. In more than 20 percent of the years of our existence, we have engaged in major wars (the Indian Wars, Philippine Insurrection, Mexican War of 1916, etc., excluded).



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Between 1945 and 1993, the proportion of years we've engaged in major wars has been considerably higher than 20 percent. So keep your powder dry.

In tight spots in this service life of ours, the higher the pressure gets, the greater is our need for mutual trust and confidence. And the more trust and confidence among us, the more power we draw from one another. [Oliver Wendell Holmes Jr.](#), for nearly 30 years one of America's favorite Supreme Court justices, was famous for his tales of life as a young officer in our Civil War. In *The Mind and Faith of Justice Holmes* (Boston: Little, Brown, 1943), he says, "Perhaps it is not vain for us to tell the new generation what we learned in our day, and what we still believe." The essence of what I learned and what I still believe came about not in some grand office, but more than 25 years ago, face down in a prison cell, leg irons attached, signaling under the door to my comrades across the courtyard during those few early morning minutes when the guards were too busy to watch us. It was the third anniversary of my shoot-down, and I had just got the message, swept out with strokes as my ten comrades, one at a time, scrubbed their toilet buckets: "Here's to Cag for three great years. We love you; we are with you to the end." And I said to myself, "You are right where you should be; thank God for this wonderful life."

Holmes was more eloquent about what he learned and what he still believed:



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That the joy of living is to put out all one's powers as far as they will go; to pray, not for comfort but for combat; to keep the soldier's faith against the doubts of civil life; to love glory more than the temptation of wallowing ease, but to know that one's final judge and only rival is oneself with all our failures in act and thought, these things we learned from noble enemies in Virginia or Georgia or on the Mississippi, thirty years ago; these things we believe to be true.



Jim Stockdale
20 August, 1999

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Ethical Leadership for the Junior Officer

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Research shows people commonly go through a [four step process](#) when faced with an ethical decision. The process starts at an initial recognition or [awareness](#) of morally salient features of environment – that is, problem situations. The second step is a reasoning or [judgment](#) phase, where possible resolutions and consequences are explored. The process ends with [intention](#) and [action](#) phases, in which a decision is made to implement or refrain from implementing one of the resolutions.

There are ethical, social, and psychological factors that affect this process at each stage. The social and psychological factors can exert influence without our being aware of them. Sometimes these influences lead to good choices, sometimes not. The Stockdale Center’s decision-making model is one way to approach making practical decisions quickly, yet with conscious and deliberate awareness of these factors. The model also helps people to recognize the ethical, professional, and legal dimensions of problems.

Practice with the four-step model, in concert with cases presented in this volume, will assist in developing the moral “muscle memory” that is required in high-stress, time-constrained situations. Such practice increases the likelihood of making sound moral choices, even in difficult circumstances. Ethical decision making becomes easier when it is built on the foundation of ongoing practice. Walking the steps from moral awareness to moral action is an indispensable skill for an ethical leader.

This guide can be used, along with the 12 cases, as a basis for discussion of typical ethical challenges encountered in military service. In each of the four sections, one case has a “considerations and questions” section with questions categorized to coincide with the steps of the Stockdale Center ethical decision-making model. Let’s use one such case (“[Zero the Truth](#)”) to see how it can be used in concert with the model.

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Ethical Leadership Decision Model Overview

Moral Action

Moral Intention

Moral Judgment

Moral Awareness

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The four-step approach used here is based on a model constructed by Dr. James Rest and validated by research led by Dr. Elizabeth Holmes on populations of Naval Academy midshipmen and Navy chaplains. The model combines Rest's model with Dr. Thomas Jones' concept of "moral intensity factors." These factors influence each step in the process. For example, how much someone is harmed or benefited by a decision, as well as how much a peer group approves a given action, can influence how sensitive a person will be to the moral facets of a situation. How close one feels to those affected, and the perceived probability of harms or benefits will also color decision making. By asking questions that probe the various moral intensity factors, a decision maker becomes aware of how they are affecting his or her awareness, judgment, and action. To make an ethical decision using the model, we work through the stages in the process from moral awareness to action, as a series of steps. We begin with the first step.

Ethical Leadership Decision Model Overview

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In the first stage, we mimic the gut-level ‘recognitions’ of real-life situations – those times we’ve all experienced when we see suddenly that a situation is morally charged. Anger, fear, anxiety, confusion, concern, and empathy are aroused. They indicate that something of value is at risk. The decision maker’s “gut” is answering the question: “Is there something wrong here?”

Two moral intensity factors – Proximity (how close one feels to the people affected) and Social Consensus (whether a social group, such as peers, perceives a given action as right or wrong) – can influence whether one sees an ethical issue at all. Becoming consciously aware of these influences can help one correct for oversensitivity or insensitivity in such cases.

Questions in the “Considerations and Questions” sections are designed to highlight these influences, as well as the ethical issues.

Ethical Leadership Decision Model

Step 1: Moral Awareness

The model can be used to work through the decision point in “The Whole Truth.” The first step is to ask is if the situation involves an ethical problem. This is an application of the Moral Awareness step of the model. [To see how the first step of the model can apply to the case, see the next page.](#)

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“The Whole Truth”

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Ethical Leadership for the Junior Staff Corps Officer

*Case Studies for the Chaplain Corps
The Whole Truth – Considerations &
Questions: Moral Awareness*



*Ethical
Leadership
Decision Model

Step 1: Moral
Awareness*

Walker is feeling several **emotions** now. Her ‘face is beginning to sweat’. Are these things associated with her concern for self, CO or Jenkins’ family?

Who is at **risk** if the omission is made?

What is Chaplain Walker’s **responsibility** as the writer of a memoranda of record?

What **responsibilities** do Chaplains, as officers have to their units? Can they conflict?

What moral **obligations** does Walker have, as a Chaplain?

Given that Jenkins was a private individual, isn’t a full report out of step with what would likely be his last wishes?

Do Jenkins’s parents need to know the full story?

*The questions here revolve around delineating **risks** and **obligations**. Who is at risk? What persons, institutions, or ideals are at risk? What legal or professional obligations are there? Other questions pinpoint moral intensity factors. For instance, the last question (**in blue**) highlights the appeal of the assumption that apparent harm to Jenkins’ parents outweigh possible long term consequences of willful omission. The prospective immediacy of their pain may tend to make Walker downplay the importance of the omission, even if it doesn’t entirely ease her conscience. Note also that some questions ask us to examine our **emotional reactions**. This capitalizes on the fact that the emotions often indicate something of value is at risk.*

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Assuming that we identify an ethical issue, we begin to weigh various options in the next stage. We begin to reason concerning our options.

The aim of this reasoning is to distinguish right from wrong, better from worse outcomes, and to compare competing obligations. The decision maker weighs his or her possible actions in light of these.

Which actions respect rights or dignity?
Which actions are fair? Which actions will allow me to be a person of character? Which actions produce the most good or least harm?

Moral intensity factors such as Magnitude of Consequences (how much a person or group is harmed or benefitted by an action), Probability of Effect (the likelihood that predicted circumstances and expected level of harm or benefit will occur), and Social Consensus continue to play a role.

Ethical Leadership Decision Model

Step 2: Moral Judgment

We see after applying the first step to “The Whole Truth” that there is an ethical problem. Truth is in conflict with operational concerns, and sworn duty comes into play. Using the Moral Judgment step, we now formulate questions that help weigh various options. [See application of the second stage of the model here.](#)

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Ethical Leadership for the Junior Staff Corps Officer

Case Studies for the Chaplain Corps Zero the Truth – Considerations & Questions: Moral Judgment



*Ethical
Leadership
Decision Model

Step 2: Moral
Judgment*

What are Chaplain Walker’s **options** here?

If she chooses to lodge a full report, **what does this entail** for the command? If she fails to lodge a full report, how might this affect the command?

What are the likely **consequences** for Jenkins’ family?

Which option is more likely to create an **unfavorable work environment**?

What are some possible long-term **consequences** for the command if the omission is made? If it is not?

What climate is created if people learn that regulations have been overlooked?

What role, if any, should Walker’s concern for **her career** play in her decision? Should she consider her CO’s career.

*The issues have been clarified now, and second-stage questions help to weigh the various options, asking us to **project ethical consequences** and compare them with each other. Some questions involve Walker’s **self-interest**, a moral intensity factor. You will also see that one question helps you become aware of the moral intensity factor of Social Consensus. It asks you to project the **likely social impact** of the actions Chaplain Walker is considering. Another question asks what sort of impact the options will have on **her command’s future character**, something of importance. The overall purpose of these questions is to help pick the ethically best resolution of the problem.*

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The next stages build on the results of the previous two.

At this time, the decision maker has narrowed his options, usually to one, and has to make the final decision to carry out that option. The decision maker has to decide if he or she really intends to do it. A person implements his or her intention in spite of opposition or consequences, or chooses to avoid these and fails to act.

At this stage, research shows Social Consensus plays the biggest role. Sometimes, people can recognize an ethical challenge, know “the right thing to do,” even resolve to act, and yet shrink from that act when the moment of truth comes. The power of other people present is the most commonly cited reason for this.

Questions in the “Considerations and Questions” sections show the roadblocks that moral intensity factors can create.

Ethical Leadership Decision Model

Steps 3 & 4: Moral Intention and Action

Using the Moral Intention step, and playing the role of Chaplain Walker, narrow your options. What are you going to do in the given situation? Do you really intend to act, to follow standard procedures and regulations? Will you follow through or take the path of least resistance? [See application of the third and fourth stages here.](#)

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Ethical Leadership for the Junior Staff Corps Officer

Case Studies for the Chaplain Corps The Whole Truth – Considerations & Questions: Moral Intention



*Ethical
Leadership
Decision Model
Stage 3 & 4: Moral
Intention and
Action*

What might cause Walker to omit the full truth?

Who might **react positively** if Walker reports the full truth? Who would **react negatively**? Which of these projected reactions exerts more influence upon her?

How does the possibility of being **labeled as insensitive** influence her?

How might the fact that the **CO has already suggested a partial report** suppress Walker's intention to report the full truth?

How might the **seemingly innocuous** nature of the omission and positive outcome for Jenkins' family influence her intention to report the full facts?

*Using the last two stages, we ask if Chaplain Walker will carry through with what her honest ethical reasoning has determined to be the correct course of action. Ethically, she is bound to a full report but is being asked to omit by her CO to spare the parents, also ethically important. But there are other factors that can inhibit her from reporting. Fear of command disfavor and parental reaction (**Social Consensus**) and apparent lack of real risk (**Probability of Harm**) are among these. On the other hand, **possible commendations** may exert an influence. She may also ask herself how others would behave in her position, or how people she admires would deal with the problem.*

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Ethical Leadership for the Junior Officer

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Learning to apply this ethical decision-making model, as you role-play the characters in the case studies presented in this volume, will help you develop the ability to make quick but ethically and legally correct decisions in the often difficult, stressful, and time-constrained real world.

Ethical decision making becomes easier when it is built on a foundation of practiced, honest, and conscientious reflection. Walking the steps from moral awareness to moral action in a deliberate manner is an indispensable skill of ethical leaders.

*Ethical
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Decision Model
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Please rank the three or four cases you found most useful, by title, from most to least useful.

What features of your these higher ranked cases made them most useful to you?

Please list the three or four cases you found least useful, by title, from most to least useful.

What features of these lower ranked cases made them least useful to you?

How do you rate the decision making model for ease of use and applicability to cases?

Do you find the model personally useful, and does it serve as a good basis for discussion of ethical issues?



Clicking the image to the left will take you to our PDF comments form. You may fill it out and submit via e-mail, or print and fax. Thank you for your feedback. We value it highly.

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UNITED STATES NAVAL ACADEMY
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Ethics for the Junior Officer
Case Study Submission Form



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111 Cooper Road
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21402-1305
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In the space below, please give as thorough and detailed a presentation of your case as you can. Who is the person with the ethical dilemma? What is the dilemma? What are the relevant obligations or duties? Where is the conflict? Be as detailed as possible in setting your case out. Feel free to include 'questions for consideration' and discussion notes that may help the judging panel. There is a second page if you need it.



Clicking the image to the left will take you to our PDF case submission form. You may submit via e-mail, or print and fax. Periodically, the Stockdale Center will select the best cases for inclusion in future editions of ELJSO and ELJO.

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