
B11

Department of the Army Inspector General Action Request System

Monday, December 11, 2006

Electronic 1559

Page 1

FJ060031

Case Number: Close Date: Open Date:

Suspense Date: External Suspense Date:

Complaint Made To: Receipt Mode:

Case Status: Non-IG Referral:

Initiator Information Name Last: First: M.I.: SSN:

Component: Grade: Gender:

Acknowledge Date: Home UIC: Race:

Complainant Information Name Last: First: M.I.: SSN:

Component: Grade: Gender:

Home UIC: Race:

Case Label: Home IG:

Problem Area:

Notification Date: Inspector General:

Location:

Subject Information: Last Name: First: M.I.: SSN:
Component: Grade: Gender:
Race: Organization ID:

Other Issues or Allegations: Function:
Determination:
User Data: TIM Category: Operation:
Organization ID:

Synopsis Access Restricted to SAIG, Office of Record and Office of Inquiry only.

Case Note Access Restricted to SAIG, Office of Record and Office of Inquiry only.

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B-11a

B-11

EXHIBIT B

End-of-Report

1 Records

On 1 September 2004, [REDACTED] C Company 327th Signal Battalion, Fort Bragg, NC, came to the XVIII Airborne and Fort Bragg Inspector General's Office (FBIGO) and filed an Inspector General Action Request (DA Form 1559). [REDACTED] requested an inquiry into the possibility that she was moved from the position of platoon sergeant, B Company, 327th Signal Battalion, as a form of reprisal, which may have resulted from an Equal Opportunity complaint taken to the 35th Signal Brigade Equal Opportunity Advisor on an unknown date during the end of July 2004. An inquiry found no reprisal violations IAW Army Regulation 600-20. The report was submitted to FORSCOM in July of 2005. FORSCOM IG determined that the allegations should have been investigated under possible violations of 10 U.S.C., Section 1034 (Military Whistleblower Protection) and returned the case to the FBIGO. Due to SFC Wilson being deployed to Iraq an interview was postponed until she returned to Fort Bragg.

On 1 December 2005, [REDACTED] completed a Reprisal Against Whistleblower Questionnaire and gave sworn and recorded testimony at the FBIGO. [REDACTED] testified that she made an EO complaint to [REDACTED], 35th Signal Brigade Equal Opportunity Advisor, on an unknown date at the end of July 2004, about mistreatment and mishandling of Soldiers in the unit. Several days after the complaint was lodged, [REDACTED] presented the list to [REDACTED] and [REDACTED] for the unit to address. According to the EOA, the content of the complaint was not EO based, but was a command issue. [REDACTED] took the letter to the command and the issues were addressed. The complaint was later discussed and resolved between [REDACTED], [REDACTED] First Sergeant, B Company, 327th Signal Battalion, and the B Company, 327th Signal Battalion Company Commander, [REDACTED] during the end of July 2004. [REDACTED] further testified that the move from her position as platoon sergeant, B Company, 327th Signal Battalion, was not due to her complaint to EO, but because of the poor relationship between herself and [REDACTED]. On 31 August 2004, [REDACTED] was ordered by [REDACTED] to report to a company formation, which was forming outside the building. [REDACTED] disobeyed the order and departed the unit area to speak to [REDACTED] Command Sergeant Major, 327th Signal Battalion, about her NCOER. [REDACTED] prepared a counseling statement that he took to [REDACTED] office where the matter was presented to the Command Sergeant Major in the presence of [REDACTED]. [REDACTED] also testified that she had been informed that she was going to be moved from her platoon sergeant position prior to her protected communication with EO.

On an unknown date during the end of July 2004, [REDACTED] presented a list of command related issues, which addressed the mistreatment/mishandling of Soldiers in the unit, to [REDACTED]. The issues included [REDACTED] opinion of how leaders treated Soldiers in her platoon; she felt Soldiers in other platoons were treated better. [REDACTED] testified that the end result of the meeting was that she and [REDACTED] were going to move forward and attempt to repair their working relationship. [REDACTED] requested [REDACTED] be moved from the company, due to his lack of confidence in her. On 1 December 2005, [REDACTED] testified that she agreed to be moved. [REDACTED] request was not made at the time, due to unit preparing to deploy, but was made a few months later. On 1 September 2004, [REDACTED] was re-assigned to C Company, 327th Signal Battalion, in a non-platoon sergeant position. According to the EOA, the content of the complaint was not EO based, but was a command issue. [REDACTED] took the letter to the command and the issues were addressed. [REDACTED] testified that the end result of the meeting was that she and [REDACTED] were going to move forward and attempt to repair their working relationship.

Based on the testimony taken in the first investigation and [REDACTED] testimony taken 1 December 2005 the chain of command was aware of the protected communication and attempts were made for [REDACTED] and [REDACTED] to fix their working relationship.

The FBIGO conducted an inquiry into the allegations that [REDACTED], [REDACTED], and [REDACTED] Commander, 327th Signal Battalion, improperly initiated adverse action

against [REDACTED] by reassigning her to a different unit, because she registered a command related complaint with the Brigade EOA, in violation of paragraph 5-8c. AR 600-20. The allegations were removed from case number FJ 04-0265 when it was determined the issue was a possible Whistleblower violation.

Question 1: Did the military member make or prepare a communication protected by statute? YES. [REDACTED] made a protected communication to the Brigade EOA during the end of July 2004.

Question 2: Was an unfavorable personnel action taken or threatened, or was a favorable action withheld or threatened to be withheld following a protected communication? NO [REDACTED] completed a Reprisal Against Whistleblower Questionnaire and gave sworn and recorded testimony indicating that her move was based on the poor relationship between herself and [REDACTED] which she felt began prior to the two even meeting. She also testified that she had heard that she was going to be moved because of the poor relationship prior to going to the EO office with her issues. Based on the complainant's own testimony she believes [REDACTED] wanted her removed from her position prior to her EO complaint. [REDACTED] also testified that the move was based on her poor relationship with [REDACTED]. The timeline, which established these facts was not discussed or uncovered in the preliminary analysis of the first investigation, which took place in October 2004.

Question 3: Did the officials responsible for taking, withholding, or threatening the personnel action know about the protected communication? N/A

Question 4: Does the evidence establish that the personnel action would have been taken, withheld or threatened if the protected communication had not been made? N/A

13. CONCLUSION: Based on the testimony taken from [REDACTED] who is the complainant, there is no evidence of an unfavorable action by any member of the chain of [REDACTED] command after she made or prepared a protected communication which would be protected by Title 10 U.S.C., Section 1034, Military Whistleblower Protection Act and DoD Directive 7050.6, Military Whistleblower Protection. Case closed

CASENOTES

28 Oct 05 (b)(6) Called 35th Signal (Rear Detachment) Commander, (b)(6) to advise of case and the need to re-interview (b)(6) as soon as possible. Left a message for him to return my call. (b)(6) returned the call and advised (b)(6) was assigned to 51st HHC. Would send an email to command and have her contact this office.

31 Oct 05 (b)(6) Sent second email to (b)(6) Attached a delivery and a read notification. Message was delivered at 1135.

1 Nov 05 (b)(6) (b)(6) called and advised she would be returning to Fort Bragg between 10 and Nov 05. Would contact this office as soon as she arrived and schedule an interview.

21 Nov 05 (b)(6) Sent email to (b)(7)(C) asking her to contact me due to her unit arriving back at Ft. Bragg on 20 Nov 05.

28 Nov 05 (b)(6) Called 51st Signal, advised (b)(6) was not in, left name and number and asked for call to be returned.

30 Nov 05 (b)(6) Spoke to (b)(6) advised that he was told by IG in Iraq, (b)(6) that there was no problems with (b)(6) I advised him case was sent back from FORSCOM and needed to be worked as WB if in fact this is what (b)(6) felt was the issue at the time she made the complaint. Advised he would have (b)(6) available tomorrow.

1 Dec 05 (b)(7)(C) (b)(6) came to FBIGO. Completed Reprisal Against Whistleblower Questionnaire and gave sworn and recorded testimony. (b)(6) testified that the move was due to poor working relationship between herself and (b)(7)(C) and she had heard she was to be moved prior to her EO complaint.

5 Dec 05 (b)(6) completed PA and declination memo, which were reviewed and signed by (b)(6) then sent to FORSCOM IG.

5 Dec 05 (b)(6) case closed.



DEPARTMENT OF THE ARMY
HEADQUARTERS, XVIII AIRBORNE CORPS AND FORT BRAGG
FORT BRAGG NC 28310

AFZA-IG
7 December 2005

MEMORANDUM THRU

Commander, U. S. Army Forces Command, ATTN: AFCEG-IG, 1777 Hardee Ave SW, Fort
McPherson, Georgia 30330-1062

Inspector General, Department of the Army, ATTN: SAIG-AC, 1700 Army Pentagon,
Washington, DC 20310-1700

FOR Inspector General, Department of Defense, ATTN: Special Inquiries Directorate
[REDACTED], 400 Army Navy Drive, Arlington, VA 22202-2884

SUBJECT: Declination of Protection of Complaint Under 10 U.S.C., Section 1034

1. In accordance with Subsection (3)(c) of 10 U.S.C., Section 1034 (Military Whistleblower
Protection), we provide the enclosed declination:

a. Complainant:

[REDACTED]
HHC 51st Signal Battalion
Fort Bragg, NC 28310.
[REDACTED]

b. Complaint Received: 1 September 2004

c. On 1 September 2004, [REDACTED] C Company 327th Signal Battalion, Fort Bragg,
NC, came to the XVIII Airborne and Fort Bragg Inspector General's Office (FBIGO) and filed
an Inspector General Action Request (DA Form 1559). [REDACTED] requested an inquiry into
the possibility that she was moved from the position of platoon sergeant, B Company, 327th
Signal Battalion, as a form of reprisal, which may have resulted from an Equal Opportunity
complaint taken to the 35th Signal Brigade Equal Opportunity Advisor. An investigation was
conducted and found no violations of Army Regulation 600-20. The report was submitted to
FORSCOM in July of 2005. It was determined that the allegation should have been investigated
under possible violations of 10 U.S.C., Section 1034 (Military Whistleblower Protection). Due
to [REDACTED] being deployed to Iraq the interview was postponed until she returned to Fort
Bragg.

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AFZA-IG

SUBJECT: Declination of Protection of Complaint Under 10 U.S.C., Section 1034

d. Personnel actions and reasons for declination: 1) On 1 December 2005, [REDACTED] completed a Reprisal Against Whistleblower Questionnaire and gave sworn and recorded testimony at the FBIGO. [REDACTED] testified that she made an EO complaint to [REDACTED] 35th Signal Brigade Equal Opportunity Representative, on an unknown date during the end of July 2004, about mistreatment and mishandling of Soldiers in the unit. Her complaint was later discussed and resolved between [REDACTED] and Company Commander, [REDACTED] three days after [REDACTED] registered her complaint. [REDACTED] further testified that her being moved from her position, platoon sergeant, B Company, 327th Signal Battalion, was not due to her complaint to EO, but because of the poor relationship between herself and [REDACTED] First Sergeant, B Company, 327th Signal Battalion. [REDACTED] also testified that she had been informed that she was going to be moved from her position prior to her protected communication with EO. Based on these factors, this complain of reprisal under 10 U.S.C., section 1034 is declined.

2. If you have additional issues regarding the complaint, please contact my action officer, [REDACTED] at commercial [REDACTED] or DSN [REDACTED]

[REDACTED]

Inspector General

Encl

1. Reprisal Against Whistleblower Questionnaire.
2. DA 1559 dated, 1 September 2004.
3. 1034 Preliminary Analysis [REDACTED] / DIH 06-6008).
4. Sworn and recorded testimony [REDACTED] dated 1 Dec 05).

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DATA REQUIRED BY THE PRIVACY ACT OF 1974

AUTHORITY: Title 10, USC, Section 3020
PRINCIPAL PURPOSE: To secure sufficient information to make inquiry into the matters presented and to provide a response to the requester(s) and/or take action to correct deficiencies.
ROUTINE USES: Information is used for official purposes within the Department of Defense; to answer complaints or respond to requests for assistance, advice or information; by Members of Congress and other Government agencies when determined by The Inspector General to be in the best interest of the Army; and in certain cases in trial by court martial other military matters authorized by the Uniform Code of Military Justice.
DISCLOSURE OF THE SOCIAL SECURITY NUMBER AND OTHER PERSONAL INFORMATION IS VOLUNTARY. HOWEVER, FAILURE TO PROVIDE COMPLETE INFORMATION MAY HINDER PROPER IDENTIFICATION OF THE REQUESTER. ACCOMPLISHMENT OF THE REQUESTED ACTION(S) AND RESPONSE TO THE REQUESTER.

Reprisal Against Whistleblower Questionnaire

You have made an allegation of reprisal. We need the following information to further evaluate your allegation. Answer these questions to the best of your ability and with as much detail as possible. Further, provide copies of any documents you believe support your allegation.

Your Name: [REDACTED] (Rank, Last, First, Middle Initial)

SSN: [REDACTED]

Unit: HHC 51st Signal BATTALION (Spell out)

Phone Number: [REDACTED] / [REDACTED] (Home, work or both)

1. What protected communications did you make? [Explanation: A protected communication is (1) Any lawful communication to a Member or Congress or an IG; or (2) A communication in which a member of the Armed Forces communicates information that the member reasonably believes evidences a violation of law or regulation; including sexual harassment or unlawful discrimination, mismanagement, gross waste of funds or other resources, an abuse of authority, or a substantial and specific danger to public health or safety when such communication is made to any of the following: (a) A member of Congress, an IG, or a member of a DoD audit, inspection, investigation, or law enforcement organization, or (b) Any other person or organization (including any person or organization in the chain of command) designated under Component regulations or other established administrative procedures to receive such communications. (DoDD 7050.6)] EO

1 DECEMBER 2005

Enclosure 1

B-11c

2. To whom did you make the protected communication? [REDACTED] BDE EO
35th SIGNAL BRIGADE

3. When and where did you make the protected communication? 35th signal BDE
EO office. End of July 2004

4. What matters were addressed in the protected communication? [Explain
the details of your complaint; include what, where and why.] Initially mistreatment
and mishandling of soldiers in the unit, B Co 327th signal
Battalion

5. What are the adverse personnel actions alleged by the complaint?

[Explanation: A specific act of reprisal is an adverse personnel action that was
either threatened or carried out as a result of a soldier's complaint to a Member
of Congress, an IG, a law enforcement official, or the chain of command. An
adverse personnel action is any action that affects, or has the potential to affect,
a soldier's position or career. Specific examples are: performance evaluations,
transfer or reassignment, changes to duties or responsibilities, disciplinary or
other corrective actions, denial of reenlistment or separation, decisions
concerning awards, promotions or training, decisions concerning pay or benefits,
referrals for mental health evaluation. Depending on circumstances (i.e. was the
action discretionary), adverse personnel action may include: actions taken as a
result of an investigation (does not include initiation of an investigation), and
revocation of: access to classified material, authorization to carry weapons, flying
status, and Personnel Reliability Program certification.] My being moved from
my position in the unit was not due to my complaint
but because of the poor relationship between myself
and [REDACTED] prior to us meeting.

6. Who are the responsible Army official(s) that you allege to have taken or
threatened the adverse personnel action? NONE

7. When and where were the adverse personnel actions against you taken
or threatened? Prior to going to EO, I was informed
by soldiers within the unit that [REDACTED] had
intended to move me from the unit.

8. When did you first become aware of the adverse personnel action? mid July 2004

9. What reasons if any did any of the responsible Army official(s) give you for taking or withholding the personnel action(s)? I was informed that I was being moved from the unit due to my relationship with the [REDACTED]

10. Why do you believe the action was in reprisal and not for the reasons given? I Don't

11. Did any of the responsible Army official(s) ever mention your protected communications in discussions about the personnel actions? NO

12. Did anyone tell you that they overheard any of the responsible Army official(s) discussing your protected communications? If so, who, and when? NO

13. Who else could provide information to verify your testimony or clarify the reasons for the personnel action(s)? Only the people that were interviewed prior.

14. Do you have any documents or other evidence to show or explain why the action was improper or unjustified? *NO*

15. Do you have any evidence that you were treated differently from others in similar circumstances? If so, give specific examples. *NO*

INSPECTOR GENERAL ACTION REQUEST

For use of this form, see AR 20-1; the proponent agency is the Office of The Inspector General and Auditor General.

DATA REQUIRED BY THE PRIVACY ACT OF 1974

AUTHORITY: Title 10, USC, Section 3039.

PRINCIPAL PURPOSE: To secure sufficient information to make inquiry into the matters presented and to provide a response to the requestor(s) and/or take action to correct deficiencies.

ROUTINE USES: Information is used for official purposes within the Department of Defense; to answer complaints or respond to requests for assistance, advice or information; by Members of Congress and other Government agencies when determined by The Inspector General and Auditor General to be in the best interest of the Army; and in certain cases in trial by court martial other military matters as authorized by the Uniform Code of Military Justice.

DISCLOSURE OF THE SOCIAL SECURITY NUMBER AND OTHER PERSONAL INFORMATION IS VOLUNTARY. HOWEVER, FAILURE TO PROVIDE COMPLETE INFORMATION MAY HINDER PROPER IDENTIFICATION OF THE REQUESTOR, ACCOMPLISHMENT OF THE REQUESTED ACTION(S) AND RESPONSE TO THE REQUESTOR.

LAST NAME - FIRST NAME - MIDDLE INITIAL	GRADE	SSN	DUTY TELEPHONE
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COMPLETE PRESENT MILITARY ADDRESS *If no military address, state current civilian address, including Zip Code.*

C GO 327th Signal Bn Ft Bragg NC 28306

SPECIFIC ACTION REQUESTED

To look further into the reprisal of the move to move completely out of Bn due to recent events to be given another chance possibly outside of BDE to make a clean start NOT to allow this incident to reflect on my husbands career (He is also in the BDE)

INFORMATION PERTAINING TO THIS REQUEST *(list inclosures if applicable)*

1. Company CDR: [redacted] ISG: [redacted] CSM: [redacted]
2. Mistreatment of soldiers across the board.
3. Blatant lying from ISG on myself.
4. Opinions based on personal feelings, which reflected on my NCOER versus professionalism from my job performance.
5. Sudden movement to another company within the Bn, putting all of the companies issues on me.
6. ISG discussing the issues with his peers as well as my spouses ISG, which used to be my previous plr Sgt.
7. Discussing weeks prior (approx 5) about I needed to "go" with the company CDR.
8. Blaming me for everything that has gone wrong in the unit on me.
9. Singling out my soldiers whenever the rest of the company is around (ISG).
10. Bringing up old issues with soldiers when I talk to him (ISG) about mistreatment.
11. Constantly bringing up my profile and I am not being punished because I went to the BDE EOA, but both instances come up in every conversation (ISG / COMPANY CDR). This had a direct impact on my evaluation.

I DO / DO NOT consent to the release of information contained within this Inspector General Action Request and the use of my name during the IG Inquiry

Have you taken action to resolve this issue/complaint through your chain of command/NCO Support Channel?

YES or NO

This information is submitted for the basic purpose of requesting assistance, correcting injustices affecting individual, or eliminating conditions considered detrimental to the efficiency or reputation of the Army. I fully understand that I may be held accountable for any statements which are proved to be knowingly untruthful.

DATE (YYYYMMDD)

20040901

FJ 04-0265 P 76



DEPARTMENT OF THE ARMY
HEADQUARTERS, XVIII AIRBORNE CORPS AND FORT BRAGG
FORT BRAGG NC 28310

AFZA-IG

MEMORANDUM THRU Inspector General, Headquarters, United States Army Forces
Command, ATTN: AFCA-IG- 1777 Hardee Avenue SW, Fort McPherson, GA 30330-
1062

FOR The Inspector General of the Army, ATTN: SAIG-AC, 1700 Army Pentagon,
Washington, DC 20310-1700

SUBJECT: Record of Inspector General 1034 Preliminary Analysis (b)(7)(C) /
DIH 06-6008)

1. **PURPOSE:** To conduct an Inspector General Inquiry into allegations of
Whistleblower Reprisal IAW Title 10, United States Code, Section 1034, Military
Whistleblower Protection Act and DoD Directive 7050.6, Military Whistleblower
Protection.

2. **COMPLAINANT:**

Name: (b)(7)(C)
Unit Address: HHC 51st Signal Battalion
Fort Bragg, North Carolina 28310
Duty Phone#: (b)(7)(C)
Home address: (b)(7)(C)
Home Phone: (b)(7)(C)

3. **COMPLAINANT CLARIFICATION PROCESS:**

a. Question 1: Was there a protected communication made or prepared
that was protected by Title 10 U.S.C., Section 1034? Yes; complainant made a protected
communication to her unit EOA on an unknown date at the end of July 2004.

b. Question 2: Was there an unfavorable personnel action taken or
threatened, or was there a favorable action withheld or threatened to be withheld that
affects or has the potential to affect the service member's current position or career after
the protected communication was made or prepared? No; action to remove complainant
from her platoon sergeant position began prior to the protected communication.

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End 3

4. DATE AND BACKGROUND WHEN COMPLAINANT FILED REPRISAL ALLEGATION (S) WITH AN IG, THE CHAIN OF COMMAND OR A MEMBER OF CONGRESS:

On 1 September 2004, [REDACTED] C Company 327th Signal Battalion, Fort Bragg, NC, came to the XVIII Airborne and Fort Bragg Inspector General's Office (FBIGO) and filed an Inspector General Action Request (DA Form 1559). [REDACTED] requested an inquiry into the possibility that she was moved from the position of platoon sergeant, B Company, 327th Signal Battalion, as a form of reprisal, which may have resulted from an Equal Opportunity complaint taken to the 35th Signal Brigade Equal Opportunity Advisor on an unknown date during the end of July 2004. An inquiry found no reprisal violations IAW Army Regulation 600-20. The report was submitted to FORSCOM in July of 2005. FORSCOM IG determined that the allegations should have been investigated under possible violations of 10 U.S.C., Section 1034 (Military Whistleblower Protection) and returned the case to the FBIGO. Due to [REDACTED] being deployed to Iraq an interview was postponed until she returned to Fort Bragg. Testimony and evidence led to the conclusion, based on a preponderance of credible evidence, that no reprisal had taken place.

5. DATE AND DISCUSSION OF PRELIMINARY INTERVIEW WITH COMPLAINANT:

On 1 December 2005, [REDACTED] completed a Reprisal Against Whistleblower Questionnaire and gave sworn and recorded testimony at the FBIGO. [REDACTED] testified that she made an EO complaint to [REDACTED], 35th Signal Brigade Equal Opportunity Advisor, on an unknown date at the end of July 2004, about mistreatment and mishandling of Soldiers in the unit. The complaint was later discussed and resolved between [REDACTED] First Sergeant, B Company, 327th Signal Battalion, and the B Company, 327th Signal Battalion Company Commander, [REDACTED], during the end of July 2004. [REDACTED] further testified that the move from her position as platoon sergeant, B Company, 327th Signal Battalion, was not due to her complaint to EO, but because of the poor relationship between herself and [REDACTED]. [REDACTED] also testified that she had been informed that she was going to be moved from her platoon sergeant position prior to her protected communication with EO.

6. PROTECTED COMMUNICATION (S):

On an unknown date during the end of July 2004, [REDACTED] presented a list of command related issues, which addressed the mistreatment/mishandling of Soldiers in the unit, to [REDACTED]. The issues included [REDACTED] opinion of how leaders treated Soldiers in her platoon; she felt Soldiers in other platoons were treated better. Several days after the complaint was lodged, [REDACTED] presented the list to [REDACTED] and [REDACTED] for the unit to address. According to the EOA, the content of the

complaint was not EO based, but was a command issue. [REDACTED] took the letter to the command and the issues were addressed. [REDACTED] testified that the end result of the meeting was that she and [REDACTED] were going to move forward and attempt to repair their working relationship. On 31 August 2004, [REDACTED] was ordered by [REDACTED] to report to a company formation, which was forming outside the building. [REDACTED] disobeyed the order and departed the unit area to speak to [REDACTED] Command Sergeant Major, 327th Signal Battalion, about her NCOER. [REDACTED] prepared a counseling statement that he took to [REDACTED] office where the matter was presented to the Command Sergeant Major in the presence of [REDACTED]. [REDACTED] requested [REDACTED] be moved from the company, due to his lack of confidence in her. On 1 December 2005, [REDACTED] testified that she agreed to be moved. [REDACTED] request was not made at the time, due to unit preparing to deploy, but was made a few months later. On 1 September 2004, [REDACTED] was re-assigned to C Company, 327th Signal Battalion, in a non platoon sergeant position.

7. DISPOSITION OF PROTECTED COMMUNICATION

According to the EOA, the content of the complaint was not EO based, but was a command issue. [REDACTED] took the letter to the command and the issues were addressed. [REDACTED] testified that the end result of the meeting was that she and [REDACTED] were going to move forward and attempt to repair their working relationship.

8. LIST ADVERSE PERSONNEL ACTION (S) AND RESPONSIBLE OFFICIALS: None as the result of [REDACTED] complaint made to the EOA.

9. RESPONSIBLE MANAGEMENT OFFICIAL (S) KNOWLEDGE OF EACH PROTECTED COMMUNICATION:

Based on the testimony taken in the first investigation and [REDACTED] testimony taken 1 December 2005 the chain of command was aware of the protected communication and attempts were made for [REDACTED] and [REDACTED] to fix their working relationship.

10. PREVIOUS OR CURRENT INVESTIGATIONS OF THE REPRISAL ALLEGATIONS BY OTHER AGENCY?

The FBIGO looked into the allegations that [REDACTED] and [REDACTED] Commander, 327th Signal Battalion, improperly initiated adverse action against [REDACTED] by reassigning her to a different unit, because she registered a command related complaint with the Brigade EOA, in violation of paragraph 5-8c, AR 600-20. The allegations were removed from case number FJ 04-0265 when it was determined the issue was a possible Whistleblower violation.

11. ANALYSIS OF KEY WITNESS (ES) INTERVIEWS: N/A

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12. ANALYSIS OF COMPLAINT:

Question 1: Did the military member make or prepare a communication protected by statute? YES. [REDACTED] made a protected communication to the Brigade EOA during the end of July 2004.

Question 2: Was an unfavorable personnel action taken or threatened, or was a favorable action withheld or threatened to be withheld following a protected communication? NO [REDACTED] completed a Reprisal Against Whistleblower Questionnaire and gave sworn and recorded testimony indicating that her move was based on the poor relationship between herself and [REDACTED] which she felt began prior to the two even meeting. She also testified that she had heard that she was going to be moved because of the poor relationship prior to going to the EO office with her issues. Based on the complainant's own testimony she believes [REDACTED] wanted her removed from her position prior to her EO complaint. [REDACTED] also testified that the move was based on her poor relationship with [REDACTED]. The timeline, which established these facts was not discussed or uncovered in the preliminary analysis of the first investigation, which took place in October 2004.

Question 3: Did the officials responsible for taking, withholding, or threatening the personnel action know about the protected communication? N/A

Question 4: Does the evidence establish that the personnel action would have been taken, withheld or threatened if the protected communication had not been made? N/A

13. **CONCLUSION:** Based on the testimony taken from [REDACTED] who is the complainant, there is no evidence of an unfavorable action by any member of the chain of [REDACTED] command after she made or prepared a protected communication which would be protected by Title 10 U.S.C., Section 1034, Military Whistleblower Protection Act and DoD Directive 7050.6, Military Whistleblower Protection.

14. **RECOMMENDATION:** Recommend this case be closed.

CONCUR:

[REDACTED]

Chief, Investigations & Inquiries

[REDACTED]

Inspector General

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APPENDIX M TESTIMONY INFORMATION SHEET

INFORMATION FOR HEADING of TESTIMONY TRANSCRIPT

To be completed in each interview, including recall witnesses.

Testimony of (Full Name): [redacted] (FIRST) (MI) (LAST)
SSN: [redacted], Rank/Grade: [redacted]
Position/Title: [redacted] Organization: [redacted]
Address: [redacted] ZIP: [redacted] Phone: [redacted]

XX

(Completed by IG)

Testimony taken at: FBIHQ, Date: 1 Dec 05
From: 055 (hrs), To: 1102 (hrs)
By: [redacted] and [redacted]

Does this witness consent to release? Yes No

Encl 4

B-11e

Testimony of [REDACTED], HHC, 51st Signal Battalion, Fort Bragg, NC, taken at Fort Bragg, NC on 1 December 2005, from 1055 to 1102 hours, by [REDACTED] IG.

[REDACTED] The time is 1055. This tape-recorded interview is being conducted on 1 December 2005 at the Fort Bragg Inspector General's Office. Persons present are the witness, [REDACTED] the investigating officer, [REDACTED] and [REDACTED] the court reporter.

An Inspector General is an impartial fact-finder for the commander. Testimony taken by the IG and reports based on the testimony may be used for official purposes. Access is normally restricted to persons who clearly need the information to perform their official duties. In some cases, disclosure to other persons such as the subject of an action that may be taken as a result of the information gathered by this inquiry/ investigation may be required by law or regulation or may be directed by proper authority. Upon completion of this interview, I will ask you whether you consent to the release of your testimony but not to your personal identifying information such as name, social security number, home address and phone number if requested by a member of the public pursuant to the Freedom of Information Act. Since I will ask you to provide your social security number to help identify you as the person testifying, I have provided you with a Privacy Act Statement. Do you understand it?

[REDACTED] Yes.

[REDACTED] You are not a suspect of any criminal offense and are not the subject of any unfavorable information. Before we continue I want to remind you of the importance of presenting truthful testimony. It is a violation of federal law to knowingly make a false statement under oath. Do you have any questions before we begin?

[REDACTED] No.

[REDACTED] Please raise your right hand so that I may administer the oath. Do you swear that the testimony that you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

[REDACTED] I do.

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(b)(7)(C) Please state your full name.

(b)(7)(C)

(b)(7)(C) Your rank?

(b)(7)(C)

(b)(7)(C) Your grade and position?

(b)(7)(C)

(b)(7)(C) Your organization?

(b)(7)(C) HHC, 51st Signal Battalion.

(b)(7)(C) Your social security number?

(b)(7)(C)

(b)(7)(C) Your home or office address?

(b)(7)(C) (b)(7)(C)

(b)(7)(C) Spell the word.

(b)(7)(C) Say it back over?

(b)(7)(C) No just spell the word, the street so that when she types it out.

(b)(7)(C) Oh (b)(7)(C)

(b)(7)(C) Okay, telephone number home or office?

(b)(7)(C) (b)(7)(C) home.

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(b)(7)(C) Okay, I'll start my questioning now. Do you recall when you first went to the EO with your issues?

(b)(7)(C) Yes end of July 2004.

(b)(7)(C) Okay and what were your issues regarding?

(b)(7)(C) Mistreatment of the Soldiers within the unit.

(b)(7)(C) Mr. Alchamir: Okay. As a result of you going to the EO what happened to your issues or complaints?

(b)(7)(C) You mean me being moved?

(b)(7)(C) No after you filed your complaint with (b)(7)(C) what transpired next?

(b)(7)(C) My being removed from the unit.

(b)(7)(C) No, after you gave them to him, who did he give your issue to?

(b)(7)(C) He went to the first sergeant, (b)(7)(C) and the commander.

(b)(7)(C) And then what happened?

(b)(7)(C) And we were all called in the office together.

(b)(7)(C) Did you all sit down and discuss the issues?

(b)(7)(C) Yes we discussed the issues and the outcome of what we were going to do with the issue we had which was myself and (b)(7)(C) disagreeing, but we decided to let it go and start from scratch.

(b)(7)(C) Okay. Prior to you going to the EO, had you heard of rumors of you being removed prior to you going to EO?

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SFC Wilson: Yes there were rumors through Soldiers and one individual from another unit saying I was going to be removed from the company.

Mr. Archambault: Based on?

SFC Wilson: Based on First Sergeant Fulton not getting along with me.

Mr. Archambault: Okay. Do you believe at this time that you were removed because of your protected communication with the EO?

SFC Wilson: No.

Mr. Archambault: Okay and why do you believe that you were moved from the unit?

SFC Wilson: Because it was discussed, First Sergeant Fulton never liked me from the onset so therefore it was already stated that I would be removed from the company based on First Sergeant Fulton not liking me.

Mr. Archambault: Regardless of who you talked to?

SFC Wilson: Regardless of who I talked to or whether I disagreed or agreed with his decisions, First Sergeant Fulton's decisions, I would already be removed from the unit.

Mr. Archambault: At some point did you request to be removed from the unit?

SFC Wilson: Yes in addition to talking to the first sergeant and the command sergeant major at that time, once it was already stated that I was going to be removed from the company I said, "Fine, that's fine with me, I want to be moved."

Mr. Archambault: Do you believe that at any time during this inquiry that you were moved because of a protected communication with this office, with the EO, with the chain of command?

SFC Wilson: No, no it was already decided that I was going to move prior to anything.

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(b)(7)(C) Okay. When did you first become aware that they were going to move you?

(b)(7)(C) Officially?

(b)(7)(C) Or unofficial.

(b)(7)(C) Unofficially was the middle of July 2004.

(b)(7)(C) Okay. Based on a prior inquiry into this issue I don't have anyone or I've interviewed and other investigators have already interviewed other subjects and witnesses. Do you have anyone to offer now that you didn't offer prior that we need to speak to?

(b)(7)(C) No only the people that were already interviewed prior to this briefing.

(b)(7)(C) Okay. Do you have anything else you wish to present or any documentation or evidence to support your issue?

(b)(7)(C) No.

(b)(7)(C) Okay. We are required to protect the confidentiality of IG investigations and the right to privacy and reputations of all people involved in them. We ask people not to discuss or reveal matters under investigation. Accordingly, we ask that you not discuss this matter with anyone except your attorney, if you choose to consult one, without permission of the investigating officer.

Your testimony may be part of an official Inspector General record. Earlier, I advised you that while access is normally restricted to persons who clearly need the information to perform their official duties, your testimony may be released outside official channels. Individual members of the public who do not have an official need to know, may request a copy of this record to include your testimony. If there is such a request, do you consent to the release of your testimony, but not to your personal identifying information such as your name, social security number, home address, home phone number outside the official channels?

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(b)(7)(C) No I do not consent.

(b)(7)(C) Do you have any other questions?

(b)(7)(C) No, no further questions.

(b)(7)(C) The time is 1102 and this interview is concluded. Thank you.

(The foregoing testimony of (b)(7)(C) was recorded verbatim by microphone. The testimony was transcribed by (b)(7)(C) Closed Microphone Reporter, XVIII Airborne Corps Inspector General Office, Ft Bragg, NC 28310-5000.)

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