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**B13**

# Department of the Army Inspector General Action Request System

Tuesday, March 22, 2005

Electronic 1559

Page 1

FJ 050012

Case Number :  Close Date :  Open Date :

Suspense Date : External Suspense Date :

Complaint Made To :  Receipt Mode :

Case Status :

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 :

Function Information : Function :

Organization ID :

Determination :  User Data : TIM Category :

Operation :

Function :

Organization ID :

Determination :  User Data : TIM Category :

Operation :

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This document contains information EXEMPT FROM MANATORY DISCLOSURE under the FOIA, Exemptions 5, 6 & 7 Apply.

B-13a  
B-13

# Electronic 1559

**Function Information :** Function : ZD Other UCMJ/Crim Violations  
 Organization ID : XVIII Airborne Corps & Ft. Bragg  
 Determination : Substantiated User Data : TIM Category : C  
 Operation : Operation Iraqi Freedom

Function : ZB Harassment/Maltreatment  
 Organization ID : XVIII Airborne Corps & Ft. Bragg  
 Determination : Substantiated User Data : TIM Category : C  
 Operation : Operation Iraqi Freedom

**Subject Information :** Last Name [REDACTED] First : [REDACTED] M.I. : SSN : [REDACTED]  
 Component : Active Army Grade : [REDACTED] Gender : [REDACTED]  
 Race : Unknown Organization ID :

**Function Information :** Function : ZD1 Sexual Misconduct  
 Organization ID : XVIII Airborne Corps & Ft. Bragg  
 Determination : Not Substantiated User Data : TIM Category : C  
 Operation :

Function : ZD4 Relationships/Fraternization  
 Organization ID : XVIII Airborne Corps & Ft. Bragg  
 Determination : Substantiated User Data : TIM Category : C  
 Operation :

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

**Synopsis :**

[REDACTED] ALLEGES SHE WAS ASSAULTED BY HER BATTALION COMMANDER WHILE THEY WERE DEPLOYED, APPROXIMATELY A YEAR AGO. SHE STATES THE ASSAULT WAS WITNESSED BY THE BN XO, THE COMPANY COMMANDER, THE BN CSM AND THE UNIT FIRST SERGEANT. SHE WAS SUPPOSEDLY ADVISED BY AN UNIDENTIFIED LEGAL PERSON TO PRESS CHARGES BUT SHE OPTED NOT TO AT THE TIME. SHE CONTENDS SHE SUBSEQUENTLY REPORTED THE ASSAULT AND THAT THE COMMANDER OF THE 35TH SIG BDE CONDUCTED AN INVESTIGATION. SHE CONTACTED A CONGRESSMAN AND HIS RESPONSE TO HER WAS THAT THE UNIT SAID IT WAS A

VERBAL ALTERCATION. SHE RECENTLY REPORTED THE ALLEGED ASSAULT TO PMO AND TO HER BEST KNOWLEDGE THE CASE IS BEING INVESTIGATED BY LAW ENFORCEMENT.

SHE CONTENDS THE COMMANDER OF 35TH SIG BDE COVERED UP THE REPORT OF ASSAULT AND FAILED TO TAKE ACTION. SHE FURTHER ALLEGES THAT THE BN COMMANDER THAT ASSAULTED HER WAS INVOLVED IN AN INAPPROPRIATE SEXUAL RELATIONSHIP WITH ANOTHER SOLDIER ASSIGNED TO HIS UNIT. THE SPOUSE OF THE SOLDIER ALLEGEDLY CONFRONTED THE COMMANDER AND THERE WERE WITNESSES TO THE CONFRONTATION. SHE REPORTS "LOVE LETTERS" WERE PROVIDED TO THE BN CSM AND THAT THE BN CSM ALLOWED THE BN COMMANDER TO RETRIEVE THE ALLEGED LETTERS AND NO ACTION WAS TAKEN AGAINST THE BN COMMANDER.

(b)(7)(C) WAS DIRECTED TO CREATE A CHRONOLOGICAL SEQUENCE OF EVENTS AND RETURN IT TO THIS OFFICE AWAITING THE STATEMENT. (20 Oct 04)

(b)(7)(C) of this IG office is conducting preliminary analysis. IGPA indicated that the allegations had merit.

22 Nov 04 (b)(7)(C) - prepared an action memo to CG allowing the Corps CG to sign the directive for the investigation. He signed it on 22 Nov 04 and asked the IG to keep him informed of the progress in the event he wants use rule 303 to appoint an IO if allegations appear they may be substantiated.

17 Dec 04 - (b)(7)(C) and Corps SJA briefed the CG that there was proof of at least a prohibited relationship. He directed him to stop his investigation and appointed (b)(7)(C) Cdr, 18th FA Bde, as the IO under provisions of AR 15-6.

7 Jan 05 - IO completed findings and recommendations. CG approved them with exceptions.

26 Jan 05 - CG removed (b)(7)(C) from battalion command and issued GOMARs to both subjects.

25 Feb 05 - completed ROI, which follows:

#### REPORT OF INVESTIGATIVE INQUIRY

25 February 2005

FJ 05-0012

#### INTRODUCTION

1. On 19 October 2004, (b)(7)(C) Bravo Company, 50th Signal Battalion contacted the XVIII Airborne Corps and Fort Bragg Inspector General (IG) to complain that her Battalion Commander, (b)(7)(C) had assaulted her in October 2003 while they were deployed. During the deployment, they were both assigned to the 51st Signal Battalion. She further complained that she reported the assault to her brigade commander, and although he conducted an inquiry, she thought he covered up the assault and did not take proper action. This report treated the assault complaint as an allegation against (b)(7)(C) and the cover up by the brigade commander as an issue since an inquiry was conducted and legally reviewed. (b)(7)(C) also alleged that (b)(7)(C) was involved in a sexual relationship with (b)(7)(C) a soldier assigned to his unit, and that both (b)(7)(C) and (b)(7)(C) were married to other persons during their relationship. Preliminary analysis by the IG indicated the allegation had merit. The IG prepared an action memorandum dated 22 November 2004 allowing the Corps CG to sign a directive for investigation (Exhibit A). He signed it on that date and asked the IG to keep him informed of progress because he might decide to appoint an investigating officer if it appeared the allegation would be substantiated. Since the battalion would soon deploy, the CG wanted to take any necessary removal action against its commander as soon as possible prior to the deployment date. My inquiry indicated there was proof of at least a prohibited relationship. The Corps SJA and I so briefed the CG on 17 December 2004 and on that date he directed me to stop my investigation and he appointed (b)(7)(C) Commander, 18th Field Artillery Brigade, as

investigating officer (IO) under the provisions of AR 15-6. The IO completed findings and recommendations on 7 January 2005 (exhibit E-1). The CG approved the findings. He approved the recommendations with exceptions. Based on the 15-6, the CG removed [REDACTED] from command of the 51st Signal Battalion on 26 January 2005 and issued a General Officer Memorandum of Reprimand to both [REDACTED] and [REDACTED] on the same date (exhibit E-1).

#### CONSIDERATION OF ALLEGATIONS

2. Allegation 1: That [REDACTED] Commander, 51st Signal Battalion, 35th Signal Brigade, improperly had sexual intercourse with [REDACTED] a NCO under his command and a person other than his wife while he was still married to his wife in violation of Article 134 (Adultery), UCMJ.

##### a. Evidence:

(1) Complaint. [REDACTED] alleged that [REDACTED] committed adultery with [REDACTED] (exhibit C).

(2) Standard. Article 134 (Adultery), UCMJ stated that if a person subject to the UCMJ wrongfully had sexual intercourse with another person and either person were married to someone else at the time, and under the circumstances the conduct of the accused was to the prejudice of good order and discipline or was of a nature to bring discredit upon the armed forces; that person has committed adultery (exhibit D-1).

(3) Documentary Evidence. DA Form 1574, Report of Proceedings by Investigating Officer/Board of Officers, 26 January 2005 (exhibit E-1).

b. Discussion: The IO determined that the allegation of adultery was not substantiated; the inquiry could not find concrete evidence that sexual intercourse occurred between [REDACTED] and [REDACTED].

c. Conclusion: The allegation that [REDACTED] Commander, 51st Signal Battalion, 35th Signal Brigade, improperly had sexual intercourse with [REDACTED] a NCO under his command and a person other than his wife while he was still married to his wife in violation of Article 134 (Adultery), UCMJ was not substantiated.

3. Allegation 2: That [REDACTED] HHC, 327th Signal Battalion, 35th Signal Brigade, improperly had sexual intercourse with [REDACTED] a person other than her husband while she was still married to her husband in violation of Article 134 (Adultery), UCMJ.

##### a. Evidence:

(1) Complaint. [REDACTED] alleged that [REDACTED] committed adultery with [REDACTED] (exhibit C).

(2) Standard. Article 134 (Adultery), UCMJ stated that if a person subject to the UCMJ wrongfully had sexual intercourse with another person and either person were married to someone else at the time, and under the circumstances the conduct of the accused was to the prejudice of good order and discipline or was of a nature to bring discredit upon the armed forces; that person has committed adultery (exhibit D-1).

(3) Documentary Evidence. DA Form 1574, Report of Proceedings by Investigating Officer/Board of Officers, 26 January 2005 (exhibit E-1).

b. Discussion: The IO determined that the allegation of adultery was not substantiated; the inquiry could not find concrete evidence that sexual intercourse occurred between [REDACTED] and [REDACTED].

c. Conclusion: The allegation that [REDACTED] HHC, 327th Signal Battalion, 35th Signal Brigade, improperly had sexual intercourse with [REDACTED] a person other than her husband while she was

still married to her husband in violation of Article 134 (Adultery), UCMJ was not substantiated.

4. Allegations 3 and 4. That [REDACTED] and [REDACTED] improperly participated in a prohibited relationship with each other in violation of paragraph 4-14, AR 600-20.

a. Evidence:

(1) Complaint. [REDACTED] alleged that [REDACTED] and [REDACTED] participated in a prohibited relationship with each other (exhibit C).

(2) Standard. Paragraph 4-14, AR 600-20 stated relationships between soldiers of different rank are prohibited if they compromise or appear to compromise the integrity of supervisory authority or the chain of command; cause actual or perceived partiality or unfairness; involve or appear to involve the improper use of rank or position for personal gain; are or perceived to be exploitive or coercive in nature; or create an actual or clearly predictable adverse impact on discipline, authority, morale, or the ability of the command to accomplish its mission (exhibit D-2).

(3) Documentary Evidence.

(a) DA Form 1574, Report of Proceedings by Investigating Officer/Board of Officers, 26 January 2005 (exhibit E-1).

(b) Email from ATIG, dated 4 January 2005, Subject: Request to provide IG documents to an IO, approving the IO's request to use information held by the XVIII Airborne Corps IG Office as an enclosure to his 15-6 and for potential adverse action against the author of the letters (exhibit E-2).

b. Discussion: Based upon interviews with witnesses and letters written by [REDACTED] to [REDACTED] the IO determined that [REDACTED] and [REDACTED] participated in a prohibited relationship with each other. Use of the letters was approved by the ATIG (exhibit E-2). The IO characterized the relationship as an intense romantic relationship while serving in a combat zone. The IO also opined that the relationship had a negative impact on the integrity of the command and reflected negatively on the unit and the military service in general.

c. Conclusion: The allegations that [REDACTED] and [REDACTED] improperly participated in a prohibited relationship with each other in violation of paragraph 4-14, AR 600-20 were substantiated.

5. Allegation 5: That [REDACTED] improperly assaulted [REDACTED] in violation of Article 128 (Assault), UCMJ.

a. Evidence.

(1) Complaint. In her written complaint to the IG, [REDACTED] alleged that [REDACTED] assaulted her while they were deployed in a combat zone (exhibit C).

(2) Standard. Article 128, UCMJ defined assault as an attempt or offer with unlawful force or violence to do bodily harm to another, whether or not the attempt or offer is consummated. It must be done without legal justification or excuse and without the lawful consent of the person affected. "Bodily harm" means any offensive touching of another, however slight (exhibit D-3).

(3) Documentary Evidence. DA Form 1574, Report of Proceedings by Investigating Officer/Board of Officers, 26 January 2005 (exhibit E-1).

b. Discussion. Although the 35th Signal Brigade commander appointed an officer on 2 June 2004 to investigate the assault allegation and that IO found that [REDACTED] was not in violation of Article 128 (Assault), the IO appointed by the Corps CG found that [REDACTED] did assault [REDACTED]. The

interpretation of "intent to cause bodily harm" was the factor that caused the difference. The CG's IO noted that "bodily harm" means any offensive touching, however slight, and testimony clearly indicated that (b)(7)(C) grabbed (b)(7)(C) by the BDU shirt without her lawful consent and forcefully pulled her in his direction.

c. Conclusion. The allegation that (b)(7)(C) improperly assaulted (b)(7)(C) in violation of Article 128 (Assault), UCMJ was substantiated.

6. Allegation 6. That (b)(7)(C) improperly failed to treat (b)(7)(C) with dignity and respect in violation of paragraph 2-1, AR 600-100.

a. Evidence:

(1) Complaint. In her complaint to the IG, (b)(7)(C) alleged that (b)(7)(C) failed to treat her with dignity and respect (exhibit C).

(2) Standard. Paragraph 2-1, AR 600-100 stated that all leaders are responsible for treating their subordinates with dignity, respect, fairness and consistency (exhibit D-4).

(3) Documentary Evidence. DA Form 1574, Report of Proceedings by Investigating Officer/Board of Officers, 26 January 2005 (exhibit E-1).

b. Discussion. The IO found that (b)(7)(C) grabbed (b)(7)(C) by the BDU shirt without her lawful consent and very forcefully pulled her in his direction and that he verbally corrected her using inappropriate and disrespectful language loud enough for numerous other soldiers, NCOs and officers to clearly hear his words. The IO also noted that (b)(7)(C) Commander, 35th Signal Brigade appointed an IO on 2 June 2004 to investigate (b)(7)(C) assault allegation. The Brigade Commander's IO did not substantiate the assault allegation, but he did find that (b)(7)(C) failed to treat (b)(7)(C) with dignity and respect. The internal 35th Signal Brigade investigation is at exhibit D of this ROII's exhibit E-1.

c. Conclusion. The allegation that (b)(7)(C) improperly failed to treat (b)(7)(C) with dignity and respect in violation of paragraph 2-1, AR 600-100 was substantiated.

7. Other Matters (issue). Did the Brigade Commander take proper action when he learned of the alleged assault by (b)(7)(C) on (b)(7)(C)

a. Evidence:

(1) Complaint. On 19 October 2004, (b)(7)(C) Bravo Company, 50th Signal Battalion contacted the XVIII Airborne Corps and Fort Bragg Inspector General (IG) to complain that her Battalion Commander, (b)(7)(C) had assaulted her in October 2003 while they were deployed. During the deployment, they were both assigned to the 51st Signal Battalion. She further complained that she reported the assault to her brigade commander, that he conducted an inquiry, but he covered up the assault and did not take proper action (exhibit C). The allegation of assault was substantiated (see paragraph 5 above). This paragraph addresses whether the Brigade Commander took proper action when he received the complaint.

(2) Documentary Evidence. DA Form 1574, Report of Proceedings by Investigating Officer/Board of Officers, 26 January 2005 (exhibit E-1).

b. Discussion. Exhibit D of the Report of Proceedings by Investigating Officer (exhibit E-1 of this ROII) is the Commander's Inquiry (RCM 303) directed by the Brigade Commander into the allegations of assault and failure to treat (b)(7)(C) with dignity, respect, fairness and consistency made against (b)(7)(C). The IO found there was no assault, but that (b)(7)(C) failed to treat (b)(7)(C) with dignity, respect, fairness and consistency. An Administrative Law Attorney, Corps SJA, recommended that the Brigade Commander take nothing more than administrative action against (b)(7)(C). The Brigade Commander gave (b)(7)(C) a

Memorandum of Admonishment to be filed in his local counseling file (exhibit G of exhibit E-1).

c. Conclusion. The preponderance of credible evidence indicated that the Brigade Commander took proper action when he learned of the assault on [REDACTED] therefore, this issue is unfounded.

8. Recommendations:

- a. That this report be approved and the case closed.
- b. No further action necessary.

CONCUR:

[REDACTED]  
Chief, A&I Branch  
Inquiry Officer

[REDACTED]  
Inspector General

End  
Exhibit List

- A. Directive for Investigation.
- B. Not used.
- C. Original Complaint.
- D. Standards.

- D-1. Article 134 (Adultery), UCMJ.
- D-2. Paragraph 4-14, AR 600-20.
- D-3. Article 128 (Assault), UCMJ.
- D-4. Paragraph 2-1, AR 600-100.

E. Documentary Evidence.

- E-1. DA Form 1574, Report of Proceedings by Investigating Officer/Board of Officers, 26 January 2005.
- E-2. Email from ATIG, dated 4 January 2005, Subject: Request to provide IG documents to an IO, approving the IO's request to use information held by the XVIII Airborne Corps IG Office as an enclosure to his 15-6 and for potential adverse action against the author of the letters.

- F. Not Used.
- G. Legal Review of ROII.

1 Mar 05 [REDACTED] - took ROII to admin law for legal review

7 Mar 05 - picked up approved legal review

22 Mar 05 - mailed notification letters; closed case in IGARS

End-of-Report	1 Records
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(b)(7)(C)

CASE NOTES RECEIVED 8 DEC 06  
From XVII ABIN Command IG

(b)(7)(C) ALLEGES SHE WAS ASSAULTED BY HER BATTALION COMMANDER WHILE THEY WERE DEPLOYED, APPROXIMATELY A YEAR AGO. SHE STATES THE ASSAULT WAS WITNESSED BY THE BN XO, THE COMPANY COMMANDER, THE BN CSM AND THE UNIT FIRST SERGEANT. SHE WAS SUPPOSEDLY ADVISED BY AN UNIDENTIFIED LEGAL PERSON TO PRESS CHARGES BUT SHE OPTED NOT TO AT THE TIME. SHE CONTENDS SHE SUBSEQUENTLY REPORTED THE ASSAULT AND THAT THE COMMANDER OF THE 35TH SIG BDE CONDUCTED AN INVESTIGATION. SHE CONTACTED A CONGRESSMAN AND HIS RESPONSE TO HER WAS THAT THE UNIT SAID IT WAS A VERBAL ALTERCATION. SHE RECENTLY REPORTED THE ALLEGED ASSAULT TO PMO AND TO HER BEST KNOWLEDGE THE CASE IS BEING INVESTIGATED BY LAW ENFORCEMENT.

SHE CONTENDS THE COMMANDER OF 35TH SIG BDE COVERED UP THE REPORT OF ASSAULT AND FAILED TO TAKE ACTION. SHE FURTHER ALLEGES THAT THE BN COMMANDER THAT ASSAULTED HER WAS INVOLVED IN AN INAPPROPRIATE SEXUAL RELATIONSHIP WITH ANOTHER SOLDIER ASSIGNED TO HIS UNIT. THE SPOUSE OF THE SOLDIER ALLEGEDLY CONFRONTED THE COMMANDER AND THERE WERE WITNESSES TO THE CONFRONTATION. SHE REPORTS "LOVE LETTERS" WERE PROVIDED TO THE BN CSM AND THAT THE BN CSM ALLOWED THE BN COMMANDER TO RETRIEVE THE ALLEGED LETTERS AND NO ACTION WAS TAKEN AGAINST THE BN COMMANDER.

(b)(7)(C) WAS DIRECTED TO CREATE A CHRONOLOGICAL SEQUENCE OF EVENTS AND RETURN IT TO THIS OFFICE. Awaiting the statement. (20 Oct 04)

(b)(7)(C) of this IG office is conducting preliminary analysis. IGPA indicated that the allegations had merit.

22 Nov 04 (b)(7)(C) - prepared an action memo to CG allowing the Corps CG to sign the directive for the investigation. He signed it on 22 Nov 04 and asked the IG to keep him informed of the progress in the event he wants use rule 303 to appoint an IO if allegations appear they may be substantiated.

17 Dec 04 - (b)(7)(C) and Corps SJA briefed the CG that there was proof of at least a prohibited relationship. He directed him to stop his investigation and appointed (b)(7)(C) Cdr, 18th FA Bde, as the IO under provisions of AR 15-6.

7 Jan 05 - IO completed findings and recommendations. CG approved them with exceptions.

26 Jan 05 - CG removed (b)(7)(C) from battalion command and issued GOMARs to both subjects.

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25 Feb 05 - completed ROII

1 Mar 05 [REDACTED] - took ROII to admin law for legal review

7 Mar 05 - picked up approved legal review

22 Mar 05 - mailed notification letters; closed case in IGARS

12/7/2006 [REDACTED] printed case notes for FORSCOM IG [REDACTED]

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# REPORT OF INVESTIGATIVE INQUIRY

25 February 2005

FJ 05-0012

## INTRODUCTION

1. On 19 October 2004, [REDACTED] Bravo Company, 50th Signal Battalion contacted the XVIII Airborne Corps and Fort Bragg Inspector General (IG) to complain that her Battalion Commander, [REDACTED] had assaulted her in October 2003 while they were deployed. During the deployment, they were both assigned to the 51<sup>st</sup> Signal Battalion. She further complained that she reported the assault to her brigade commander, and although he conducted an inquiry, she thought he covered up the assault and did not take proper action. This report treated the assault complaint as an allegation against [REDACTED] and the cover up by the brigade commander as an issue since an inquiry was conducted and legally reviewed. [REDACTED] also alleged that [REDACTED] was involved in a sexual relationship with [REDACTED] a soldier assigned to his unit, and that both [REDACTED] and [REDACTED] were married to other persons during their relationship. Preliminary analysis by the IG indicated the allegation had merit. The IG prepared an action memorandum dated 22 November 2004 allowing the Corps CG to sign a directive for investigation (Exhibit A). He signed it on that date and asked the IG to keep him informed of progress because he might decide to appoint an investigating officer if it appeared the allegation would be substantiated. Since the battalion would soon deploy, the CG wanted to take any necessary removal action against its commander as soon as possible prior to the deployment date. My inquiry indicated there was proof of at least a prohibited relationship. The Corps SJA and I so briefed the CG on 17 December 2004 and on that date he directed me to stop my investigation and he appointed [REDACTED] Commander, 18<sup>th</sup> Field Artillery Brigade, as investigating officer (IO) under the provisions of AR 15-6. The IO completed findings and recommendations on 7 January 2005 (exhibit E-1). The CG approved the findings. He approved the recommendations with exceptions. Based on the 15-6, the CG removed [REDACTED] from command of the 51<sup>st</sup> Signal Battalion on 26 January 2005 and issued a General Officer Memorandum of Reprimand to both [REDACTED] and [REDACTED] on the same date (exhibit E:1).

## CONSIDERATION OF ALLEGATIONS

2. **Allegation 1:** That [REDACTED] Commander, 51<sup>st</sup> Signal Battalion, 35<sup>th</sup> Signal Brigade, improperly had sexual intercourse with [REDACTED] a NCO under his command and a person other than his wife while he was still married to his wife in violation of Article 134 (Adultery), UCMJ.

### a. Evidence:

(1) **Complaint.** [REDACTED] alleged that [REDACTED] committed adultery with [REDACTED] (exhibit C).

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B-13c

(2) **Standard.** Article 134 (Adultery), UCMJ stated that if a person subject to the UCMJ wrongfully had sexual intercourse with another person and either person were married to someone else at the time, and under the circumstances the conduct of the accused was to the prejudice of good order and discipline or was of a nature to bring discredit upon the armed forces; that person has committed adultery (exhibit D-1).

(3) **Documentary Evidence.** DA Form 1574, Report of Proceedings by Investigating Officer/Board of Officers, 26 January 2005 (exhibit E-1).

b. **Discussion:** The IO determined that the allegation of adultery was not substantiated; the inquiry could not find concrete evidence that sexual intercourse occurred between [REDACTED] and [REDACTED].

c. **Conclusion:** The allegation that [REDACTED] Commander, 51<sup>st</sup> Signal Battalion, 35<sup>th</sup> Signal Brigade, improperly had sexual intercourse with [REDACTED] a NCO under his command and a person other than his wife while he was still married to his wife in violation of Article 134 (Adultery), UCMJ was **not substantiated**.

3. **Allegation 2:** That [REDACTED] HHC, 327<sup>th</sup> Signal Battalion, 35<sup>th</sup> Signal Brigade, improperly had sexual intercourse with [REDACTED] a person other than her husband while she was still married to her husband in violation of Article 134 (Adultery), UCMJ.

a. **Evidence:**

(1) **Complaint.** [REDACTED] alleged that [REDACTED] committed adultery with [REDACTED] (exhibit C).

(2) **Standard.** Article 134 (Adultery), UCMJ stated that if a person subject to the UCMJ wrongfully had sexual intercourse with another person and either person were married to someone else at the time, and under the circumstances the conduct of the accused was to the prejudice of good order and discipline or was of a nature to bring discredit upon the armed forces; that person has committed adultery (exhibit D-1).

(3) **Documentary Evidence.** DA Form 1574, Report of Proceedings by Investigating Officer/Board of Officers, 26 January 2005 (exhibit E-1).

b. **Discussion:** The IO determined that the allegation of adultery was not substantiated; the inquiry could not find concrete evidence that sexual intercourse occurred between [REDACTED] and [REDACTED].

c. **Conclusion:** The allegation that [REDACTED] HHC, 327<sup>th</sup> Signal Battalion, 35<sup>th</sup> Signal Brigade, improperly had sexual intercourse with [REDACTED] a person other than her husband while she was still married to her husband in violation of Article 134 (Adultery), UCMJ was **not substantiated**.

4. **Allegations 3 and 4.** That [REDACTED] and [REDACTED] improperly participated in a prohibited relationship with each other in violation of paragraph 4-14, AR 600-20.

a. **Evidence:**

(1) **Complaint.** [REDACTED] alleged that [REDACTED] and [REDACTED] participated in a prohibited relationship with each other (exhibit C).

(2) **Standard.** Paragraph 4-14, AR 600-20 stated relationships between soldiers of different rank are prohibited if they compromise or appear to compromise the integrity of supervisory authority or the chain of command; cause actual or perceived partiality or unfairness; involve or appear to involve the improper use of rank or position for personal gain; are or perceived to be exploitive or coercive in nature; or create an actual or clearly predictable adverse impact on discipline, authority, morale, or the ability of the command to accomplish its mission (exhibit D-2).

(3) **Documentary Evidence.**

(a) DA Form 1574, Report of Proceedings by Investigating Officer/Board of Officers, 26 January 2005 (exhibit E-1).

(b) Email from ATIG, dated 4 January 2005, Subject: Request to provide IG documents to an IO, approving the IO's request to use information held by the XVIII Airborne Corps IG Office as an enclosure to his 15-6 and for potential adverse action against the author of the letters (exhibit E-2).

b. **Discussion:** Based upon interviews with witnesses and letters written by [REDACTED] to [REDACTED] the IO determined that [REDACTED] and [REDACTED] participated in a prohibited relationship with each other. Use of the letters was approved by the ATIG (exhibit E-2). The IO characterized the relationship as an intense romantic relationship while serving in a combat zone. The IO also opined that the relationship had a negative impact on the integrity of the command and reflected negatively on the unit and the military service in general.

c. **Conclusion:** The allegations that [REDACTED] and [REDACTED] improperly participated in a prohibited relationship with each other in violation of paragraph 4-14, AR 600-20 were **substantiated**.

5. **Allegation 5:** That [REDACTED] improperly assaulted [REDACTED] in violation of Article 128 (Assault), UCMJ.

a. **Evidence.**

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This document contains information  
**EXEMPT FROM MANDATORY DISCLOSURE**  
under FOIA. Exemptions 5, 6 & 7 apply.

(1) **Complaint.** In her written complaint to the IG, [REDACTED] alleged that [REDACTED] assaulted her while they were deployed in a combat zone (exhibit C).

(2) **Standard.** Article 128, UCMJ defined assault as an attempt or offer with unlawful force or violence to do bodily harm to another, whether or not the attempt or offer is consummated. It must be done without legal justification or excuse and without the lawful consent of the person affected. "Bodily harm" means any offensive touching of another, however slight (exhibit D-3).

(3) **Documentary Evidence.** DA Form 1574, Report of Proceedings by Investigating Officer/Board of Officers, 26 January 2005 (exhibit E-1).

b. **Discussion.** Although the 35<sup>th</sup> Signal Brigade commander appointed an officer on 2 June 2004 to investigate the assault allegation and that IO found that [REDACTED] was not in violation of Article 128 (Assault), the IO appointed by the Corps CG found that [REDACTED] did assault [REDACTED]. The interpretation of "intent to cause bodily harm" was the factor that caused the difference. The CG's IO noted that "bodily harm" means any offensive touching, however slight, and testimony clearly indicated that [REDACTED] grabbed [REDACTED] by the BDU shirt without her lawful consent and forcefully pulled her in his direction.

c. **Conclusion.** The allegation that [REDACTED] improperly assaulted [REDACTED] in violation of Article 128 (Assault), UCMJ was **substantiated**.

6. **Allegation 6.** That [REDACTED] improperly failed to treat [REDACTED] with dignity and respect in violation of paragraph 2-1, AR 600-100.

a. **Evidence:**

(1) **Complaint.** In her complaint to the IG, [REDACTED] alleged that [REDACTED] failed to treat her with dignity and respect (exhibit C).

(2) **Standard.** Paragraph 2-1, AR 600-100 stated that all leaders are responsible for treating their subordinates with dignity, respect, fairness and consistency (exhibit D-4).

(3) **Documentary Evidence.** DA Form 1574, Report of Proceedings by Investigating Officer/Board of Officers, 26 January 2005 (exhibit E-1).

b. **Discussion.** The IO found that [REDACTED] grabbed [REDACTED] by the BDU shirt without her lawful consent and very forcefully pulled her in his direction and that he verbally corrected her using inappropriate and disrespectful language loud enough for numerous other soldiers, NCOs and officers to clearly hear his words. The IO also noted that [REDACTED] Commander, 35<sup>th</sup> Signal Brigade appointed an IO on 2 June 2004 to investigate [REDACTED] assault allegation. The Brigade Commander's IO did not substantiate the assault allegation, but

he did find that [REDACTED] failed to treat [REDACTED] with dignity and respect. The internal 35<sup>th</sup> Signal Brigade investigation is at exhibit D of this ROII's exhibit E-1.

c. **Conclusion.** The allegation that [REDACTED] improperly failed to treat [REDACTED] with dignity and respect in violation of paragraph 2-1, AR 600-100 was **substantiated.**

7. **Other Matters (Issue).** Did the Brigade Commander take proper action when he learned of the alleged assault by [REDACTED] on [REDACTED]

a. **Evidence:**

(1) **Complaint.** On 19 October 2004, [REDACTED] Bravo Company, 50th Signal Battalion contacted the XVIII Airborne Corps and Fort Bragg Inspector General (IG) to complain that her Battalion Commander, [REDACTED] had assaulted her in October 2003 while they were deployed. During the deployment, they were both assigned to the 51<sup>st</sup> Signal Battalion. She further complained that she reported the assault to her brigade commander, that he conducted an inquiry, but he covered up the assault and did not take proper action (exhibit C). The allegation of assault was substantiated (see paragraph 5 above). This paragraph addresses whether the Brigade Commander took proper action when he received the complaint.

(2) **Documentary Evidence.** DA Form 1574, Report of Proceedings by Investigating Officer/Board of Officers, 26 January 2005 (exhibit E-1).

b. **Discussion.** Exhibit D of the Report of Proceedings by Investigating Officer (exhibit E-1 of this ROII) is the Commander's Inquiry (RCM 303) directed by the Brigade Commander into the allegations of assault and failure to treat [REDACTED] with dignity, respect, fairness and consistency made against [REDACTED]. The IO found there was no assault, but that [REDACTED] failed to treat [REDACTED] with dignity, respect, fairness and consistency. An Administrative Law Attorney, Corps SJA, recommended that the Brigade Commander take nothing more than administrative action against [REDACTED]. The Brigade Commander gave [REDACTED] a Memorandum of Admonishment to be filed in his local counseling file (exhibit G of exhibit E-1).

c. **Conclusion.** The preponderance of credible evidence indicated that the Brigade Commander took proper action when he learned of the assault on [REDACTED] therefore, this issue is unfounded.

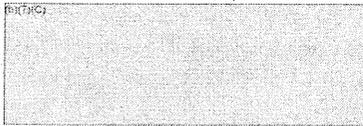
8. **Recommendations.**

- a. That this report be approved and the case closed.
- b. No further action necessary.

**FOR OFFICIAL USE ONLY**  
Dissemination is prohibited except  
as authorized by AR 20-1.

5  
This document contains information  
**EXEMPT FROM MANDATORY DISCLOSURE**  
under FOIA. Exemptions 5, 6 & 7 apply.

CONCUR:



Chief, A&I Branch  
Inquiry Officer



Inspector General

Encl  
Exhibit List

- A. Directive for Investigation.
- B. Not used.
- C. Original Complaint.
- D. Standards.
  - D-1. Article 134 (Adultery), UCMJ.
  - D-2. Paragraph 4-14, AR 600-20.
  - D-3. Article 128 (Assault), UCMJ.
  - D-4. Paragraph 2-1, AR 600-100.
- E. Documentary Evidence.
  - E-1. DA Form 1574, Report of Proceedings by Investigating Officer/Board of Officers, 26 January 2005.
  - E-2. Email from ATIG, dated 4 January 2005, Subject: Request to provide IG documents to an IO, approving the IO's request to use information held by the XVIII Airborne Corps IG Office as an enclosure to his 15-6 and for potential adverse action against the author of the letters.
- F. Not Used.
- G. Legal Review of ROIL.

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Dissemination is prohibited except  
as authorized by AR 20-1.

6

This document contains information  
**EXEMPT FROM MANDATORY DISCLOSURE**  
under FOIA. Exemptions 5, 6 & 7 apply.



DEPARTMENT OF THE ARMY  
HEADQUARTERS, XVIII AIRBORNE CORPS AND FORT BRAGG  
FORT BRAGG, NORTH CAROLINA 28307-5000

REPLY TO  
ATTENTION OF:

AFZA-IG (20-1e)

22 November 2004

MEMORANDUM FOR Commanding General, XVIII Airborne Corps and Fort Bragg,  
Fort Bragg, NC 28310-5000

SUBJECT: Directive for Investigation-ACTION MEMORANDUM

1. Purpose. To obtain a directive to conduct an inspector general investigation.
2. Background.
  - a. On 19 October 2004, [REDACTED] of Bravo Company, 50<sup>th</sup> Signal Battalion, contacted this office. She alleged she was assaulted by the 51<sup>st</sup> Signal Battalion commander, [REDACTED] while they were deployed, approximately a year ago. She stated that she reported the assault and that the 35<sup>th</sup> Signal Bde commander conducted an inquiry. She contends the commander, 35<sup>th</sup> Signal Bde, in finding it was only a verbal altercation, covered up the assault and failed to take appropriate action. This office will look into her complaint as an issue since an inquiry was conducted.
  - b. [REDACTED] further alleged that [REDACTED] was involved in a sexual relationship with [REDACTED] a soldier assigned to his unit. [REDACTED] stated that the spouse of [REDACTED] confronted [REDACTED] with witnesses to the confrontation. [REDACTED] further alleged that [REDACTED] husband provided copies of love letters, from [REDACTED] to [REDACTED] to the battalion CSM and that the battalion CSM allowed [REDACTED] to retrieve the alleged letters, with no report of misconduct being made against [REDACTED].
  - c. On 9 November 2004, this office contacted [REDACTED] and he came in to speak with us. He alleged that his spouse, [REDACTED], had a sexual relationship with [REDACTED]. He presented a statement, outlining the chronological events which took place, from finding the aforementioned love letters to his confrontation with [REDACTED] on 11 May 04. In his statement, [REDACTED] stated that there were witnesses to the confrontation. He further stated that prior to the confrontation, he hid in the back of his wife's car and overheard a cell phone conversation between his wife and [REDACTED].
  - d. [REDACTED] also presented the aforementioned "love letters", which he believed had been written by [REDACTED] to [REDACTED]. The letters are sexual in

B-132

nature. Though they do not possess the signature of [REDACTED] indications are that [REDACTED] wrote them.

e. [REDACTED] has been reassigned to the 327<sup>th</sup> Signal Battalion.

### 3. Allegations.

a. That [REDACTED] improperly committed adultery with [REDACTED] in violation of Article 134, UCMJ.

b. That [REDACTED] improperly committed adultery with [REDACTED] in violation of Article 134, UCMJ.

c. That [REDACTED] improperly fraternized with [REDACTED] in violation of Article 134, UCMJ.

d. That [REDACTED] improperly participated in a prohibited relationship with [REDACTED] in violation of AR 600-20, para. 4-14, c., (2).

e. That [REDACTED] improperly participated in a prohibited relationship with [REDACTED] in violation of AR 600-20, para. 4-14, c., (2).

f. That [REDACTED] improperly displayed conduct unbecoming an officer and a gentleman, in violation of Article 133, UCMJ.

### 4. Issues.

a. Did [REDACTED] Commander, 35<sup>th</sup> Signal Bde conduct a thorough and complete investigation into [REDACTED] allegations that she had been assaulted by [REDACTED] in front of witnesses? If so, what were the results of the investigation?

b. Did members of the 51<sup>st</sup> Signal Battalion witness an alleged assault on [REDACTED] [REDACTED] If so, was the alleged assault reported to appropriate authorities?

c. Did [REDACTED] the 51<sup>st</sup> Signal Battalion SDNCO, record in the SDNCO log, the alleged incident/confrontation between [REDACTED] and [REDACTED]

5. Proposed scope of the investigation. We will review documents and interview witnesses and the suspects.

AFZA-IG (20-1e)

SUBJECT: Directive for Investigation-ACTION MEMORANDUM

6. Discussion.

- a.  Deputy Corps IG, will be the investigating officer.
- b. The SJA has reviewed this action and has no legal objection.
- c. If anyone else becomes a suspect or if we find additional allegations, I will so advise.

7. Recommendation. That you sign the directive at TAB A.

encl  
as



Inspector General



REPLY TO  
ATTENTION OF:

DEPARTMENT OF THE ARMY  
HEADQUARTERS, XVIII AIRBORNE CORPS AND FORT BRAGG  
FORT BRAGG, NORTH CAROLINA 28307-5000

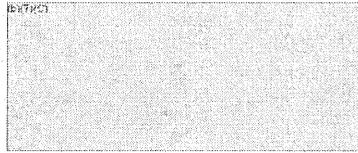
AFZA-CG (20-1e)

22 November 2004

MEMORANDUM FOR Inspector General, XVIII Airborne Corps, Fort Bragg, NC 28310-5000

SUBJECT: Directive for Investigation

1. Investigate alleged improprieties by personnel currently or formerly assigned to the 35<sup>th</sup> Signal Brigade.
2. Submit your report to me as soon as possible, but protect the rights of all persons involved and ensure the investigation is complete and accurate.



Commanding General

B-13e

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.

FJ 05-0012 102

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 <small>(b)(7)(C)</small>	GRADE <small>(b)(7)(C)</small>	SSN <small>(b)(7)(C)</small>	DUTY TELEPHONE <small>(b)(7)(C)</small>
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COMPLETE PRESENT MILITARY ADDRESS (If no military address, state current civilian address, including Zip Code.)  
Bco 501st Sig Bn  
Ft. Bragg, NC 27840

SPECIFIC ACTION REQUESTED

INFORMATION PERTAINING TO THIS REQUEST (Use additional sheets if necessary; list inclusions if applicable.)

I [redacted] was assaulted by [redacted] of 51st Sig Bn. An investigation was done and the findings were that the Colonel only verbally abused me. I feel the investigation was more protocol and although it was done, I feel the final findings were geared to cover up [redacted] behavior. I feel this was because upon returning back to Ft. Bragg from [redacted] was in a incident that was also covered up.

In that incident [redacted] was witnessed by a soldier in Bco 51st Sig Bn [redacted] who was at the time at the barracks, in front of the baseball field that is on the side of 51st Sig Bn Headquarters.

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) 20051019	[redacted]	[redacted]
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FJ 05-0012 102

with another soldier while a female was in the middle  
of the two trying to keep them separate. [REDACTED]  
observed this soldier struggling to get close to be able to  
hit the other soldier all the while yelling at the top  
of his lungs, your [REDACTED] of 51st Sig BN and your  
fucking my wife I'm going to kick your ass. He then  
started to scream that he wanted to see the  
Command Sergeant Major from 51st Sig BN. He  
then went into 51st BN ~~staff~~ <sup>desk</sup> and told the Staff Sgt  
He wanted to see [REDACTED] right now be  
cause the Colonel was fucking his wife. [REDACTED]

[REDACTED] from HHC 51st and her mother were  
at the Battalion signing out on leave at the time.

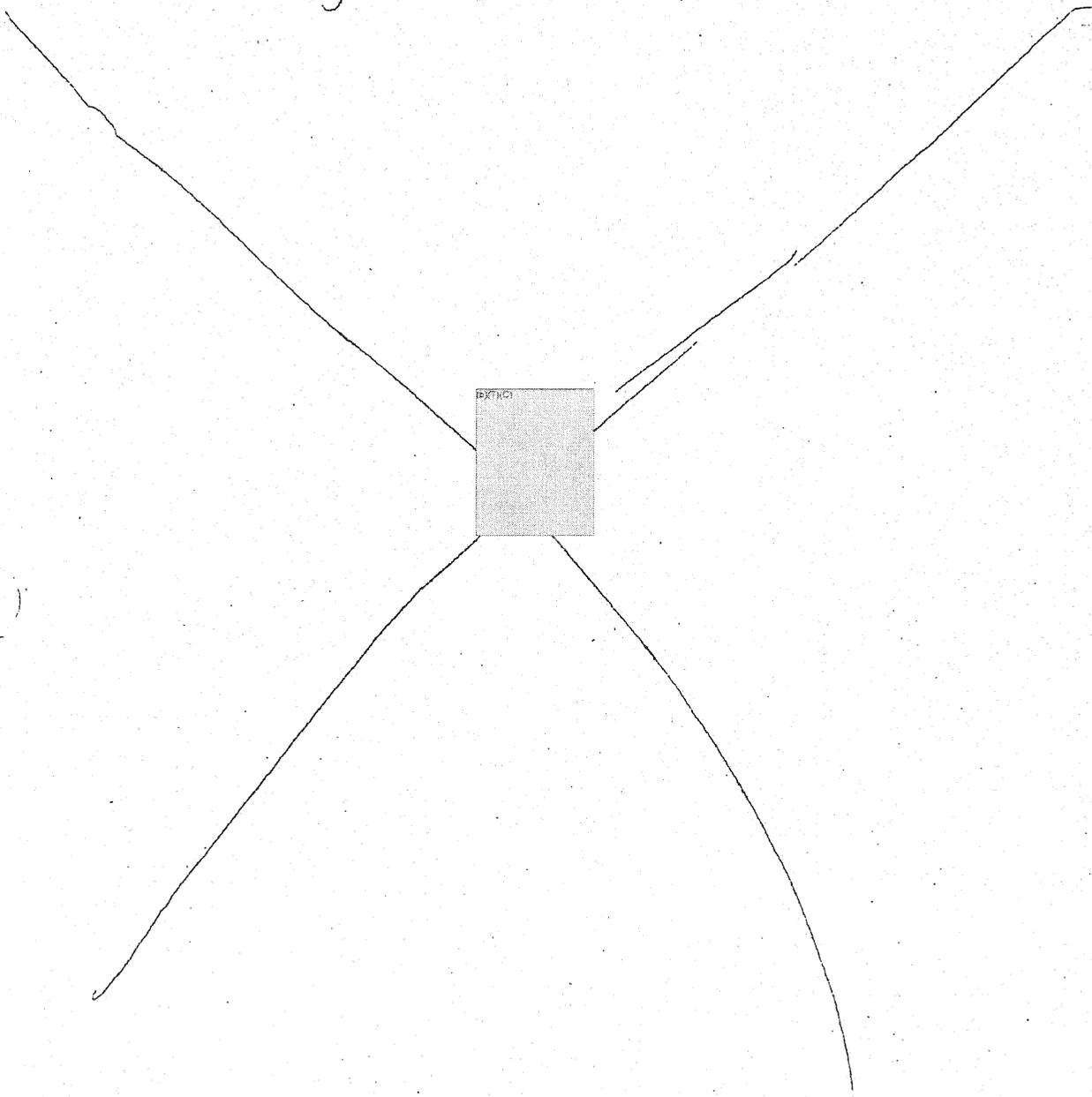
She later told me that the soldier was [REDACTED]  
[REDACTED] and her husband from gnd. Also,  
a couple of days after this incident, [REDACTED]

[REDACTED] driver, asked me if I had removed some  
letters off [REDACTED] desk. I told him no and  
that was it. A few days later I asked [REDACTED] what was  
up those letters he had asked me about. [REDACTED]

stated that [REDACTED] husband had brought some love  
letters that [REDACTED] had written to [REDACTED] while  
we were in Iraq and he had put them in an envelope  
for [REDACTED] to see. He said when [REDACTED] went  
to his office to retrieve the envelope with the letters, it was  
gone. He then said, [REDACTED] said that [REDACTED] got his

from his desk. [redacted] when left instructions

[redacted] to never leave anything of that nature on his desk again he was to give it to him personally





DEPARTMENT OF THE ARMY  
Headquarters, XVIII Airborne Corps and Fort Bragg  
Fort Bragg, North Carolina 28310

REPLY TO  
ATTENTION OF:

AFZA-JA

17 December 2004

MEMORANDUM FOR [REDACTED] Commander, 18<sup>th</sup> Field Artillery Brigade,  
XVIII Airborne Corps and Fort Bragg, North Carolina 28310-5000

SUBJECT: Appointment as Investigating Officer

1. You are appointed under the provisions of AR 15-6 to conduct an informal investigation into the facts and circumstances concerning allegations that [REDACTED] Commander 51<sup>st</sup> Signal Battalion, engaged in an inappropriate or adulterous relationship with [REDACTED] and that [REDACTED] assaulted and treated improperly [REDACTED] and [REDACTED].
2. Prior to initiating this investigation, you must schedule a briefing with an Administrative Law Attorney, Office of the Staff Judge Advocate, XVIII Airborne Corps and Fort Bragg, at (910) 396-0050/4913. Also, you must schedule a briefing with [REDACTED] Office of the Inspector General, XVIII and Fort Bragg, at [REDACTED].
3. When conducting your investigation, you will follow the procedures outlined in AR 15-6. Record and swear all relevant witness statements on DA Form 2823. Attach a Privacy Act Statement, if necessary. Prior to questioning any person whom you suspect has violated the UCMJ, you must advise that person of his or her rights under Article 31, UCMJ. Record your rights advisement and the person's election of rights on DA Form 3881. Coordinate with your legal advisor prior to interviewing someone suspected of misconduct.
4. Make specific findings and recommendations. Cite the evidence that supports your findings. Submit your report using DA Form 1574, provide an index for your report, and tab your report. Submit the report to me within 10 working days. If you need more time, I must personally approve any extension.

[REDACTED]

Commanding

Enclosure I

B-139

**REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS**

For use of this form, see AR 15-6; the proponent agency is OTJAG.

IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS

**SECTION I - APPOINTMENT**

Appointed by [Redacted] Commanding General, XVIII Airborne Corps and Fort Bragg  
(Appointing authority)

on 17 December 2004 (Date) (Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)

**SECTION II - SESSIONS**

The (investigation) (board) commenced at Fort Bragg, NC at 0900  
(Place) (Time)

on 11 December 2004 (Date) (If a formal board met for more than one session, check here . Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.) The following persons (members, respondents, counsel) were present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)

The following persons (members, respondents, counsel) were absent: (Include brief explanation of each absence.) (See paras 5-2 and 5-8a, AR 15-6.)

The (investigating officer) (board) finished gathering/hearing evidence at 1500 on 6 January 2005  
(Time) (Date)  
and completed findings and recommendations at 1400 on 7 January 2005  
(Time) (Date)

**SECTION III - CHECKLIST FOR PROCEEDINGS**

A. COMPLETE IN ALL CASES		YES	NO <sup>1)</sup>	NA <sup>2)</sup>
1	Inclosures (para 3-15, AR 15-6)			
	Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed)			
	a. The letter of appointment or a summary of oral appointment data?	X		
	b. Copy of notice to respondent, if any? (See item 9, below)			X
	c. Other correspondence with respondent or counsel, if any?			X
	d. All other written communications to or from the appointing authority?			X
	e. Privacy Act Statements (Certificate, if statement provided orally)?			X
	f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?		X	
	g. Information as to sessions of a formal board not included on page 1 of this report?			X
	h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?			X

FOOTNOTES: 1) Explain all negative answers on an attached sheet.  
2) Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

		YES	NO <sup>1</sup>	NA <sup>2</sup>
2	Exhibits (para 3-16, AR 15-6)			
	a. All items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report?	X		
	b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?	X		
	c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?	X		
	d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?			X
	e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?			X
	f. Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an exhibit or recorded in a verbatim record?			X
	g. If official notice of any matter was taken over the objection of a respondent or counsel, is a statement of the matter of which official notice was taken attached as an exhibit (para 3-16d, AR 15-6)?			X
3	Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?			X
<b>B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)</b>				
4	At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment (para 5-3b, AR 15-6)?			
5	Was a quorum present at every session of the board (para 5-2b, AR 15-6)?			
6	Was each absence of any member properly excused (para 5-2a, AR 15-6)?			
7	Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?			
8	If any members who voted on findings or recommendations were not present when the board received some evidence, does the inclosure describe how they familiarized themselves with that evidence (para 5-2d, AR 15-6)?			
<b>C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)</b>				
9	Notice to respondents (para 5-5, AR 15-6):			
	a. Is the method and date of delivery to the respondent indicated on each letter of notification?			
	b. Was the date of delivery at least five working days prior to the first session of the board?			
	c. Does each letter of notification indicate -			
	(1) the date, hour, and place of the first session of the board concerning that respondent?			
	(2) the matter to be investigated, including specific allegations against the respondent, if any?			
	(3) the respondent's rights with regard to counsel?			
	(4) the name and address of each witness expected to be called by the recorder?			
	(5) the respondent's rights to be present, present evidence, and call witnesses?			
	d. Was the respondent provided a copy of all unclassified documents in the case file?			
	e. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?			
10	If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings):			
	a. Was he properly notified (para 5-5, AR 15-6)?			
	b. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 5-4c, AR 15-6)?			
11	Counsel (para 5-6, AR 15-6):			
	a. Was each respondent represented by counsel?			
	Name and business address of counsel:			
	(If counsel is a lawyer, check here <input type="checkbox"/> )			
	b. Was respondent's counsel present at all open sessions of the board relating to that respondent?			
	c. If military counsel was requested but not made available, is a copy (or, if oral, a summary) of the request and the action taken on it included in the report (para 5-6b, AR 15-6)?			
12	If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6):			
	a. Was the challenge properly denied and by the appropriate officer?			
	b. Did each member successfully challenged cease to participate in the proceedings?			
13	Was the respondent given an opportunity to (para 5-8a, AR 15-6):			
	a. Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?			
	b. Examine and object to the introduction of real and documentary evidence, including written statements?			
	c. Object to the testimony of witnesses and cross-examine witnesses other than his own?			
	d. Call witnesses and otherwise introduce evidence?			
	e. Testify as a witness?			
	f. Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)?			
14	If requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in arranging for the presence of witnesses (para 5-8b, AR 15-6)?			
15	Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an inclosure or exhibit to it (para 5-11, AR 15-6)?			
<b>FOOTNOTES:</b> 1 Explain all negative answers on an attached sheet. 2 Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.				

## SECTION IV - FINDINGS (para 3-10, AR 15-6)

The (investigating officer) (board), having carefully considered the evidence, finds:

1. No credible evidence indicates that [REDACTED] assaulted or treated improperly, [REDACTED] Sworn testimony from [REDACTED] the 51st Signal Battalion CSM (Exhibit A), [REDACTED] the HHC 51st Signal Battalion Commander (Exhibit B), and [REDACTED] (Exhibit C) are all consistent with respect to the fact that [REDACTED] never touched [REDACTED] in any way nor did he make threatening statements towards [REDACTED]. All statements also confirm that the nature of the incident was no more than a firm and well-deserved "chewing out" or "on-the-spot" correction for failing to wear his helmet in a tactical vehicle in Iraq compounded by a disrespectful comment / attitude by [REDACTED] toward [REDACTED] and [REDACTED]. None of the witnesses perceived the incident to represent improper treatment under the circumstances although [REDACTED] stated that he advised [REDACTED] to let him handle these type situations in the future. [REDACTED] later apologized to [REDACTED] for his actions. [REDACTED] accepted the apology and expressed his regret for raising his voice at [REDACTED].

2. Concerning the allegation that [REDACTED] assaulted or improperly treated [REDACTED], I find that [REDACTED] violated Article 128 (Assault). He further failed to treat [REDACTED] with dignity and respect as required by AR 600-100 Chapter 2, paragraph 2-1, a. (13). The facts and circumstances surrounding the incident indicate that [REDACTED] committed an assault consummated by a battery further exacerbated by the fact that the victim, [REDACTED] is a non-commissioned officer. [REDACTED] Commander, 35th Signal Brigade appointed [REDACTED] on 2 June 2004 to investigate this allegation (See Exhibit D for complete Commander's Inquiry report with Exhibits). On 29 June 2004, [REDACTED] submitted his findings and recommendations. He found that [REDACTED] was not in violation of Article 128 (Assault) because he found "no evidence of intent to cause bodily harm". However, he did find that [REDACTED] failed to treat [REDACTED] with dignity and respect in violation of AR 600-100, Chapter 2, paragraph 2-1, a. (13). In my investigation, I uncovered no new evidence to change the understanding of the facts and circumstances surrounding the incident. However, my findings differ on the assault charge due to a different interpretation of the facts as they pertain to the elements required to prove assault IAW Article 128 of the UCMJ. Specifically, "intent" to do bodily harm is not one of the elements of the charge and the circumstances of the incident do not negate the victim's perception of the intent to harm. Under Article 128, "Bodily harm" means any offensive touching of another, however slight.

The following facts and circumstances are consistently confirmed by all sworn testimony (See Exhibits A, D, E, F):

- [REDACTED] made comments deemed to be inappropriate or disrespectful about her PAC Supervisor, [REDACTED], that were heard by numerous other soldiers and leaders in close proximity.
- [REDACTED] grabbed [REDACTED] by the BDU shirt without her lawful consent and very forcefully pulled her in his direction and away from her position in direct proximity to other soldiers.
- [REDACTED] verbally corrected [REDACTED] using inappropriate and disrespectful language loud enough for numerous other soldiers, NCO's and officers to clearly hear his words.

According to article 128 (Assault), these facts meet all four elements required to legally prove assault consummated by a battery with the special circumstance of assault upon a noncommissioned officer. Furthermore, these facts support my conclusion as well as [REDACTED] conclusion that [REDACTED] failed to treat [REDACTED] with the dignity and respect due a noncommissioned officer regardless of the fact she was being corrected for a valid reason.

While I find that [REDACTED] violated Article 128 and AR 600-100, I further found several factors in mitigation of this offense.

(SEE CONTINUATION SHEET)

## SECTION V - RECOMMENDATIONS (para 3-11, AR 15-6)

In view of the above findings, the (investigating officer) (board) recommends:

That [REDACTED] be charged with a single violation of Article 128 (Assault) for his assault on [REDACTED] and a violation of a lawful general regulation, AR600-20 (Article 92 UCMJ) for engaging in a prohibited relationship with [REDACTED] has already been admonished by [REDACTED] for his violation of AR600-100 for his failure to treat [REDACTED] with dignity and respect.

That [REDACTED] be relieved of battalion command. His actions have broken faith with his soldiers and his entire chain of command. His future ability to make decisions and command his battalion throughout their impending deployment to Iraq, unencumbered by these issues, is significantly diminished.

In view of [REDACTED] many significant contributions in his 20 year career, including service in both OEF and OIF, recommend that he be afforded the opportunity to retire immediately rather than face Court Martial. He reaches 20 years of service 27 March '2005 and will have 2 years, 7 months time in grade as a [REDACTED]. With less than three years time in grade he would retire as a major, the last grade in which he served honorably.

That [REDACTED] receive a field grade Article 15 for engaging in a prohibited relationship with [REDACTED] in violation of a lawful general regulation, AR600-20 (Article 92 UCMJ). As the much more junior partner in this prohibited relationship, [REDACTED] shares responsibility but is less culpable than [REDACTED] simply due to his vastly greater rank, authority, and responsibility. [REDACTED] was clearly in the stronger position to terminate or limit the extent of the relationship yet he continued to aggressively pursue the relationship.

CONTINUATION SHEET, DA Form 1574  
SECTION IV -- Findings

- a. While the physical touching of [REDACTED] was unlawful and intimidating, [REDACTED] did not intend to physically "hurt" [REDACTED].
- b. [REDACTED] quickly realized his error in judgement and self-control and took the following actions (See Exhibits A, D, F):
- (1) He called his brigade commander, [REDACTED] to inform him of the incident.
  - (2) He apologized to [REDACTED] and then publicly apologized, in formation, to all those soldiers who were present or witnessed the incident.
  - (3) He acknowledged and acted on [REDACTED] request to finish her tour with the battalion through the OIF deployment and then be transferred out of the Brigade upon return to Fort Bragg. [REDACTED] was moved outside the battalion but remains in the brigade at the direction of [REDACTED] [REDACTED] expresses continued fear of retribution and still desires to be moved outside the brigade. (Exhibit U)
  - (4) He has already received a written letter of admonishment from [REDACTED] as a result of this incident (Exhibit G).
- c. I could find no indication that [REDACTED] behavior was a part of a trend of subordinate abuse or a negative command climate. On the contrary, through conversations with several battalion leaders as well as lower enlisted soldiers, members of the 51st Signal Battalion generally concur that they have a positive command climate in the battalion.

3. Regarding the allegation that [REDACTED] engaged in an inappropriate or adulterous relationship with then [REDACTED] I find that they did in fact engage in an inappropriate or "prohibited" relationship in violation of AR 600-20, Chapter 4, paragraphs 4-14, b.(1) (2) (3) and c.(2). However insufficient evidence exists to support charging either soldier with violation of Article 134 (Adultery). In the context of this allegation, an inappropriate relationship can be interpreted along a continuous scale ranging from a relatively harmless personal friendship with potential to cause negative perceptions within the command to an adulterous relationship with serious negative impact on the integrity of the command. Based on the sworn testimony and other evidence evaluated pursuant to this investigation I characterize this relationship as an intense romantic relationship between a battalion commander and a then sergeant under his command while serving in a combat zone. This relationship has had a negative impact on the integrity of the command and reflects negatively on the unit and the military service in general.

Facts and circumstances supporting this finding include the following:

Numerous incidents and subtle circumstances are recounted in sworn testimony (Exhibits A, F, E). The sum of this evidence amounts to circumstantial or suspicious indicators that a relationship beyond the normal battalion commander - sergeant relationship existed at least as far back as January or February 2004 while the battalion was serving in Iraq. These indicators led the battalion CSM to advise [REDACTED] and then [REDACTED] to stop these behaviors and correct the perception (Exhibit A). Both [REDACTED] and [REDACTED] denied the allegation but agreed to be careful not to convey the perception. During the course of the remainder of the deployment, [REDACTED] became convinced that the behavior was continuing. This caused him to contact the Brigade CSM, [REDACTED] from Kuwait to request that [REDACTED] be moved out of the battalion upon completion of the unit's post-OIF block leave (Exhibit I). [REDACTED] was moved out of the battalion on 14 May 2004 (Exhibit J). While the CSM and the battalion XO were uncomfortable with the relationship, they did not have credible proof that the relationship met the standards of a "prohibited" relationship.

On 11 May 2004 at Fort Bragg, NC, [REDACTED] husband, [REDACTED] publicly and very loudly confronted [REDACTED] in the battalion area and in the headquarters with his allegation that [REDACTED] and [REDACTED] were engaged in an adulterous relationship (Exhibits K, L, M, N, O, P). This confrontation further exacerbated the general perception within the unit that their battalion commander was engaged in an extra-marital affair with an NCO from the battalion. [REDACTED] primary evidence beyond observing the two of them together in [REDACTED] office after duty hours and eavesdropping on [REDACTED] side of a cell phone conversation with [REDACTED] were four handwritten letters he found among his wife's personal belongings in their home (Exhibit Q). The content of these letters unambiguously convinced me that the relationship between [REDACTED] and [REDACTED] was more than perception and circumstance and in fact was at the very least a strong romantic relationship and possibly an adulterous relationship. Anywhere within this range is clearly a prohibited relationship as defined in AR600-20.

[REDACTED] wrote these letters to then [REDACTED] in the March-April 2004 timeframe while stationed in Kuwait as the battalion prepared for redeployment back to Fort Bragg. The specific names of the writer and the intended recipient of these letters are not included in the letters, however, sworn testimony from the battalion CSM, [REDACTED] (Exhibit A, I), the battalion XO, [REDACTED] (Exhibit E), the battalion S3, [REDACTED] (Exhibit R) all provide information confirming by either handwriting or content of the letters or both, that the letters had to be written by [REDACTED]. Furthermore, sworn testimony from [REDACTED] husband, [REDACTED] (Exhibit K), states that [REDACTED] apologized to him for writing the letters to his wife, [REDACTED]. While [REDACTED] is quoted by [REDACTED] (Exhibit O) as telling her husband that the letters belonged to her Iraq roommate, [REDACTED] I am convinced that [REDACTED] is in fact the intended recipient of the letters. Not only were these personal letters found among [REDACTED] possessions but also [REDACTED] indicated to [REDACTED] that he had written the letters to [REDACTED] when he apologized to him. Additionally, the salutation line in one of the letters is "My sweet Georgia Peach". [REDACTED] home of record and birthplace is Georgia whereas [REDACTED] is from New York (Exhibits S, T). These letters clearly indicate the relationship began prior to their departure from Iraq and they express his deep personal feelings, both emotionally and sexually, toward [REDACTED]. He also expresses his concern over the danger and inappropriateness of the relationship and consistently expresses a strong desire to further advance their romance and sexual activities. Both [REDACTED], [REDACTED] close friend and Iraq roommate and [REDACTED] Iraq driver denied knowledge of the relationship (Exhibits V, W).

Finally, the integrity of the command has been compromised by this relationship. The mere fact that this relationship is between a battalion commander and a sergeant under his command compromises the integrity of the command. The compromise is exacerbated by the fact that [REDACTED] denied the relationship to his CSM, XO, S3 and others of the command (Exhibits A, E, F), a major break in the

SEE CONTINUATION SHEET)

CONTINUATION SHEET, DA Form 1574  
SECTION IV - Findings

and of most necessary for a functional battalion command group. It is further compromised by the fact that numerous soldiers in and out of the battalion either knew about the relationship or perceived / suspected an inappropriate relationship, especially after the 11 May incident between [REDACTED] and [REDACTED] husband. Even other majors, not associated with the 35th Signal Brigade, attending ILE at Fort Leavenworth were aware of the relationship (Exhibit F) and openly discussing it, reflecting negatively on the unit. Clearly, the battalion commander's involvement in a relationship of this nature at the very least created an appearance of a breakdown in the supervisory authority of the chain of command, at least a perception of partiality or unfairness, and created a situation with a clearly predictable adverse impact on discipline, authority, and morale.

SECTION VI - AUTHENTICATION (para 3-17, AR 15-6) --

THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE. (If any voting member or the recorder fails to sign here or in Section VII below, indicate the reason in the space where his signature should appear.)

_____	_____
(Recorder)	(Investigating Officer) (President)
_____	_____
(Member)	(Member)
_____	_____
(Member)	(Member)

SECTION VII - MINORITY REPORT (para 3-13, AR 15-6)

To the extent indicated in Inclosure \_\_\_\_\_, the undersigned do(es) not concur in the findings and recommendations of the board. (In the inclosure, identify by number each finding and/or recommendation in which the dissenting member(s) do(es) not concur. State the reasons for disagreement. Additional/substitute findings and/or recommendations may be included in the inclosure.)

_____	_____
(Member)	(Member)

SECTION VIII - ACTION BY APPOINTING AUTHORITY (para 2-3, AR 15-6)

The findings and recommendations of the (investigating officer) (board) are (approved) (~~disapproved~~) (approved with following exceptions/ substitutions). (If the appointing authority returns the proceedings to the investigating officer or board for further proceedings or corrective action, attach that correspondence (or a summary, if oral) as a numbered inclosure.)

The findings of the investigating officer are approved.  
I intend to issue letters of reprimand to \_\_\_\_\_ and \_\_\_\_\_ and remove \_\_\_\_\_ from command as soon as practicable to allow for identification of a successor-in-command and a smooth transition of command as the battalion completes its deployment preparations.

26 JAN 2005

\_\_\_\_\_

Commanding

SECTION VI - AUTHENTICATION (para 3-17, AR 15-6)

THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE. (If any voting member or the recorder fails to sign here or in Section VII below, indicate the reason in the space where his signature should appear.)

\_\_\_\_\_  
(Recorder)

\_\_\_\_\_  
(Investigating Officer) (President)

\_\_\_\_\_  
(Member)

\_\_\_\_\_  
(Member)

\_\_\_\_\_  
(Member)

\_\_\_\_\_  
(Member)

SECTION VII - MINORITY REPORT (para 3-13, AR 15-6)

To the extent indicated in Inclosure \_\_\_\_\_, the undersigned do(es) not concur in the findings and recommendations of the board. (In the inclosure, identify by number each finding and/or recommendation in which the dissenting member(s) do(es) not concur. State the reasons for disagreement. Additional/substitute findings and/or recommendations may be included in the inclosure.)

\_\_\_\_\_  
(Member)

\_\_\_\_\_  
(Member)

SECTION VIII - ACTION BY APPOINTING AUTHORITY (para 2-3, AR 15-6)

The findings and recommendations of the (investigating officer) (board) are (approved) (disapproved) (approved with following exceptions/substitutions). (If the appointing authority returns the proceedings to the investigating officer or board for further proceedings or corrective action, attach that correspondence (or a summary, if oral) as a numbered inclosure.)

**SWORN STATEMENT**

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

**PRIVACY ACT STATEMENT**

**AUTHORITY:** Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).  
**PRINCIPAL PURPOSE:** To provide commanders and law enforcement officials with means by which information may be accurately  
**ROUTINE USES:** Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.  
**DISCLOSURE:** Disclosure of your social security number is voluntary.

1. LOCATION Fort Bragg, NC	2. DATE (YYYYMMDD) 2004/12/23	3. TIME 1430	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS HHC, 51st, Signal Battalion			

9. [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Some time in Jan or Feb 04, the BN CDR [REDACTED] and I was sitting at the end a picnic table over looking the parking lot between Bravo Company CP and the BN HQ area. A vehicle came into the parking area and we noticed it was [REDACTED]. The BN CDR asked me, did he have his ballistic helmet on and I told him I think so, I really was not paying attention. [REDACTED] got out of the vehicle and the BN CDR yelled over to him and asked, "Where is your helmet?" [REDACTED] yelled back, "what". Then I yelled, "what, what, (like who do you think you are talking to)". then the BN CDR asked again, "where is your helmet?" [REDACTED] stated right here, Sir, (with an attitude). As [REDACTED] was approaching the table, the BN CDR told him he did not see his helmet on and [REDACTED] stated, "I have it here, Sir and held it up." As he walked by the BN CDR and I, he started saying something smart under his breathe and I said, "Hey, [REDACTED] stop, who the hell you think you're talking to?" Then the BN CDR said the same thing, "Who do you think you're talking to?" We both jumped up, and as I came from the far edge of the table the BN CDR was in [REDACTED] face with his back to me; the BN CDR's hands were in the up position with his palms vertical and his back of his hand facing me, as though he had stopped and caught himself from grabbing [REDACTED]. I did not see the BN CDR hands on [REDACTED] at anytime. I hurried in between the two and told the BN CDR I got this and lead [REDACTED] away and started to chew his butt for being disrespectful to the BN CDR and me. After that I talked to the BN CDR and told him he must be careful not to get involved with small stuff like that. Later, [REDACTED] wanted to talk to the BN CDR and apologize for being disrespectful and the BN CDR agreed to see him. They talked it over and both [REDACTED] and the BN CDR apologized to each other for the incident. It was a small incident that quickly heated up because of a misunderstanding about the helmet and misunderstanding about what was said afterwards on both parts. It was agreed upon that no action would be taken on [REDACTED] promotion to Specialist had nothing to do with this incident. [REDACTED] was scheduled to be advanced to Specialist in a few months anyway. If PFC Siebrasse had been flagged and given UCMJ he would not have been eligible for reenlistment and would have been put out because of his RCP. Because of the way the incident went it was decide that UCMJ was not in order and the whole incident was based on misunderstands on both parts. Yes, [REDACTED] was disrespectful and so was the BN CDR for getting in the soldiers face. Two wrongs don't make a right.

In March 2004, Camp Virginia, Kuwait the unit was preparing to re-deploy to the states. HHC was loading equipment in connext in the battalion motor pool area. [REDACTED] the ALOC Platoon Sergeant came over and told some soldiers to get there stuff and go over to help or clean equipment at another location. Someone stated that they had not eaten. And then, [REDACTED] said, [REDACTED] the soldiers have not ate, they had ordered pizza and they had not came back with it." [REDACTED] said, they were told to go eat and they had two hours and a half and that it was not her fought, they had not ate. [REDACTED] told [REDACTED] who was standing next to her something to the nature that that's not right and he should say something to [REDACTED] [REDACTED] heard [REDACTED], and leaned over and pointed his finger at [REDACTED] face and started yelling that's the stuff I've been telling you about (under minding and bickering with [REDACTED] [REDACTED] then grabbed [REDACTED] by the arm and pulled her off to the side and continued yelling at her. I looked at [REDACTED] and [REDACTED] and told one of them to go get the BN CDR. [REDACTED] finished with [REDACTED] and walked off, [REDACTED] went over to talk to him. I walked over to [REDACTED] and she started asking what was all that about. She stated he was wrong for disrespecting her like that in front of everyone etc. I calmed her down and told her to go take a break and I would talk to the BN CDR. I briefly discussed the issue with the BN CDR and then went to do damage control with [REDACTED] told [REDACTED] and I that she felt belittled and she wanted the BN CDR to apologize to her; she wanted to be moved out of the unit but she wanted to re-deploy with the unit, not earlier. [REDACTED] and I discussed what we felt we should advise [REDACTED] to do and discussed it with [REDACTED] [REDACTED] and [REDACTED] and I talked to the BN CDR about the issue and recommend that he apologize to [REDACTED] apologize to the soldiers that were there when it happen; and notify the BDE CDR of the incident. [REDACTED] did all of those things. I then advised [REDACTED] to say away from [REDACTED] and I would discuss her move with [REDACTED] upon our return to Fort Bragg.

10. EXHIBIT A	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 3 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"  
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

9. STATEMENT (Continued)

Some time in late Jan/Feb 04, I noticed that [REDACTED] seemed to be hanging around the BN CDR a little more than normal. I went to her and told her she needed to stop playing around with the BN CDR as though he was one of the other soldiers. I told her to stop coming over to his office/quarter so much and if she needed anything signed to give it to her supervisor or the S1 to get signatures. It was normal for soldiers to come over and get the BN CDRs signature for trip tickets and other stuff but she seemed to be finding reasons to go over more often than others. I later discussed the issue with the BN CDR and remind him of perception and that I had noticed the playfulness and attention [REDACTED] had with him. He stated that he understood and did not realize it until I had mentioned it and that he would be careful not to project that type of image. They cleaned it up but I noticed it still there on [REDACTED] behalf, probably because the BN CDR knew I was watching him. When we got to Camp Virginia, in Kuwait it continued. Any time I was around they distanced themselves, when I wasn't around they found ways to be in each others presence, so I was told or I noticed from a distance. I had given [REDACTED] an order to stay away from the BN CDR but I could not hold that against her because I was not sure who was hanging around whom. The BN CDR, XO [REDACTED], S3 [REDACTED] and I lived at Camp Doha and drove over to Camp Virginia were most of the BN stayed daily. After the equipment had been cleaned and shipped I did not ride with the BN CDR over to Camp Virginia because his meeting was an hour earlier than my meeting. I left Camp Virginia and returned to CP Doha all most ever day after I attended the meeting and put the information out to the ISGs. I often left the BN CDR at CP VA and would not see him until later in the afternoon. I was not sure what he was doing during that time. I was told by [REDACTED] that the BN CDR had asked him for the keys to the Chevy Trail-Blazer I just assumed he needed to go over to CP VA for something. Later I was told that [REDACTED] rode with the BN CDR back to CP Doha. I asked [REDACTED] to find out who gave her a ride back to CP VA and what time she got back. ISG told me that she did not get back to CP VA until 0100hrs and she came back with [REDACTED] who was driving the shuttle bus. I'm not sure if this was ever confirmed. I felt that something had formed between them and I told [REDACTED] what I thought was going on and I needed to move [REDACTED] when we returned back to the states. He agreed to move her to another BN when we returned off block leave because we were over strength on SSG 42L anyway.

On 11 May 04, about 1940 hours I received a call for the BN Staff Duty NCO, [REDACTED] that a [REDACTED] (male) was at the staff duty desks complaining about the BN CDR having an affair with his wife [REDACTED]. I asked to speak to [REDACTED] (male) and asked what was going on and he told me he was going to report the BN CDR to higher about an alleged affair that he believed was going on between his wife and the BN CDR. I told him to please stand fast and I would be there in a few minutes. When I got to the battalion, the BN CDR was sitting by the SDO desk and he told me he did not know what [REDACTED] was talking about. I did not ask him any questions. [REDACTED] (female) came out of the BN conference room saying her husband did not know what he was talking about. She insisted on trying to explain to me her version of what was going on while her husband attempted to give me his version. I told them to hold up and I gave [REDACTED] the opportunity give me her version in my office. She basically said that her husband did not know what he was talking about and that the letters he had find belong to someone else. I told her to go back to the conference room and I called [REDACTED] in my office to talk to him. He explained to me that he thought the BN CDR was having an affair with his wife based on some letter he had found and his wife's action after he had followed her to the BN headquarters. I asked him what did he want to do and he stated that he wanted to report this to higher (the BDE). I asked him was he sure he wanted to do this and explained to him what could happen to his wife and how this would affect his family that he seemed to be so concerned about.

STATEMENT CONTINUES ON PAGE 3.....

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED] (Signature of Person Making Statement)

WITNESSES:  
\_\_\_\_\_  
\_\_\_\_\_  
ORGANIZATION OR ADDRESS  
\_\_\_\_\_  
\_\_\_\_\_  
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 28 day of Dec, 2004 at [REDACTED]  
[REDACTED] (Signature of Person Administering Oath)  
[REDACTED] (Typed Name of Person Administering Oath)  
FA Investigating Officer (Authority To Administer Oaths)

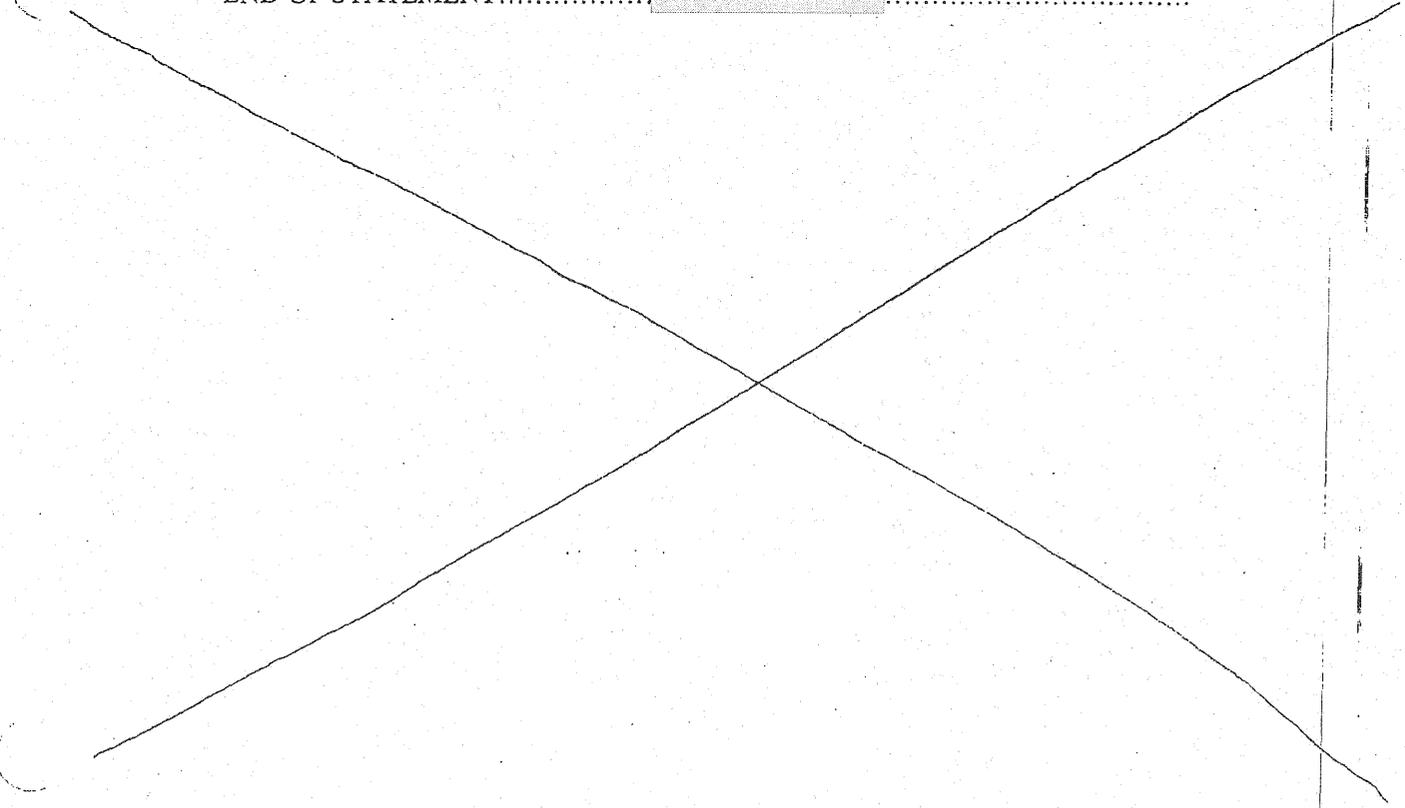
OF [REDACTED]

STATEMENT TAKEN AT FORT BRAGG, NC, 2004/12/23, 1430HRS

CONTINUATION OF PAGE 2

I asked him to at least take the night and think this over before going further with this allegation and if he felt he must go forward with the report would he at least tell me first so I could insure the BN CDR informed the BDE CDR that this was coming. He said he would and I told him that I was going to make [REDACTED] stay in the barracks for the night so they could cool down. I made arrangements for [REDACTED] to stay in the barracks. One of the CQs, [REDACTED] escorted her to her house to get some things for that night. I briefly talked to the BN CDR about the issue; he assured me that there was nothing going on between him and [REDACTED]. On my way home that night I call [REDACTED] and informed him of what had happen and told him that I had calmed [REDACTED] down and he was going to contact me in the morning and let me know whether or not he was going higher with this allegation. [REDACTED] called me the next day and told me he wanted me to read the letters. I told him to bring them by and I would read them. I was not in the office when he came by so he made copies of the letters and gave them to the BN CDRs driver ([REDACTED], [REDACTED]) left them on my desk but when I returned they were gone. I called [REDACTED] and asked him about the letters and he said he would give me another copy. I never saw the letters until I read segments of them in the IGs office. He had decided that his family was more important to him than to take this allegation to higher. I never heard from [REDACTED] again, so I assumed he had worked everything out with his wife ([REDACTED]).

END OF STATEMENT..... [REDACTED] .....



SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION: FT BRAGG NC 28307
2. DATE (YYYYMMDD): 20050105
3. TIME: 1645
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS: AHC 51st SIGINT BN

I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

In late March 04 while preparing to redeploy from Kuwait the BN CDR told the XO + I he was going to help his driver wash his vehicle. I did not agree with it but since he wanted to the XO + I agreed to assist our drivers as well. This later turned out to be a good decision because it still took us 6+ hours.

I would like to clarify when the decision was made to move to another battalion. In late March 04 while in Kuwait I told [redacted] (Bde CSN) that I needed to move to another battalion because I felt she had got to close to the BN CDR. He said he would look into it when we returned. Upon arrival I discussed this issue with him again and we decided she would move after block leave and shortly after the equipment arrived on or about early May 04.

End of Statement

10. EXHIBIT: I
11. INITIALS OF PERSON MAKING STATEMENT: [redacted]
PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING 'STATEMENT' TAKEN AT [redacted] DATED [redacted]
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF (b)(7)(C)

TAKEN AT Fort Bragg NC DATED 20050105

9. STATEMENT (Continued)

AFFIDAVIT

I, (b)(7)(C), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 1. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b)(7)(C)

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 5 day of JANUARY, 2005 at FT BRASS, NC

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ORGANIZATION OR ADDRESS

(b)(7)(C)

(Signature of Person Administering Oath)

(b)(7)(C)

(Printed Name of Person Administering Oath)

Investigating Officer

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

(b)(7)(C)

PAGE 2 OF 2 PAGES

**SWORN STATEMENT**

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

**PRIVACY ACT STATEMENT**

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**ROUTINE USES:** Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.  
**DISCLOSURE:** Disclosure of your social security number is voluntary.

1. LOCATION Fort Bragg, NC	2. DATE (YYYYMMDD) 2004/12/22	3. TIME 0630	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	

8. ORGANIZATION OR ADDRESS  
HQ, 3rd Signal Brigade (Rear) (Provisional)

9. I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

As part of his investigation under the provisions of AR 15-6, [REDACTED] the investigating officer, has asked me the following questions:

Q1a: As battalion S3 in OIF, did you ever perceive that a possible inappropriate relationship existed between [REDACTED] and [REDACTED]

A1a: I never perceived that an inappropriate relationship existed between [REDACTED] and [REDACTED] while we were in OIF.

Q1b: Were you ever concerned that others might perceive such a relationship existed?

A1b: No.

Q2: When and how did you first become aware that an inappropriate and possible adulterous relationship might exist between [REDACTED] and [REDACTED]

A2: In March/April of 2003, while the 51st Signal Battalion was preparing its vehicles for shipment from Kuwait to CONUS, [REDACTED] discussed with me a conversation that he and [REDACTED] had recently had. [REDACTED] was advising [REDACTED] that several soldiers had made reference to a possible relationship between [REDACTED] and [REDACTED]. [REDACTED] asked me if I had perceived of such a situation. I told him that in my opinion, the perception didn't exist - I didn't suspect that he was having an improper relationship nor did I think that other members of the unit had formed that opinion either.

Q3: Did/do others in the battalion suspect that an adulterous or inappropriate relationship exists or existed between [REDACTED] and [REDACTED] If so, why?

A3: Yes, others in the battalion suspect that an adulterous or inappropriate relationship exists or existed between [REDACTED] and [REDACTED]. My answer to question 2 details what I know of [REDACTED] suspicions/perception. However, I'm also aware of officers in Fort Leavenworth discussing the situation. My wife, [REDACTED], was attending ILE at Fort Leavenworth from August through December 2004. In late October/early November, she relayed to me the gist of a conversation she had with a few fellow student-officers (names unknown). When [REDACTED] discussed my position in the 51st Signal Battalion, one of the other officers asked about "who was going to command 51st Sig?" (or words to that effect). One of the other officers went on to mention that while he was at Fort Gordon, he had heard that [REDACTED] was sleeping with a "black E6 in the PAC [S1 section]". The following morning, I briefed [REDACTED] on my conversation with [REDACTED]. Since I believed the allegations to be baseless, I took no further action.

Since the start of the IG investigation concerning an alleged inappropriate relationship (late NOV 2004), I have become aware of an altercation that occurred in May/June 2004 when [REDACTED] husband visited the 51st Sig Bn HQ after duty hours. I know none of the details surrounding this event but I realize that this visit must have had an impact on the unit's perception of [REDACTED] and [REDACTED] relationship.

[REDACTED] has also asked me to detail my knowledge of an incident that occurred between [REDACTED] and [REDACTED] at Cp Virginia, Kuwait in late March/early April 2004.

HHC 51st was preparing its milvans for shipment to CONUS so the entire company was working in and around the 6 or seven milvans that were staged in Cp Virginia. [REDACTED] and I were also in the area supervising the work. Because of our proximity to the soldiers, we all observed [REDACTED] (PAC Supervisor) issue some pointed instructions to one of her soldiers (I don't recall who) regarding time allotted for lunch. As [REDACTED] moved away to

10. EXHIBIT F	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 3 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF [REDACTED] TAKEN AT Fort Bragg, NC DATED 2004/12/22

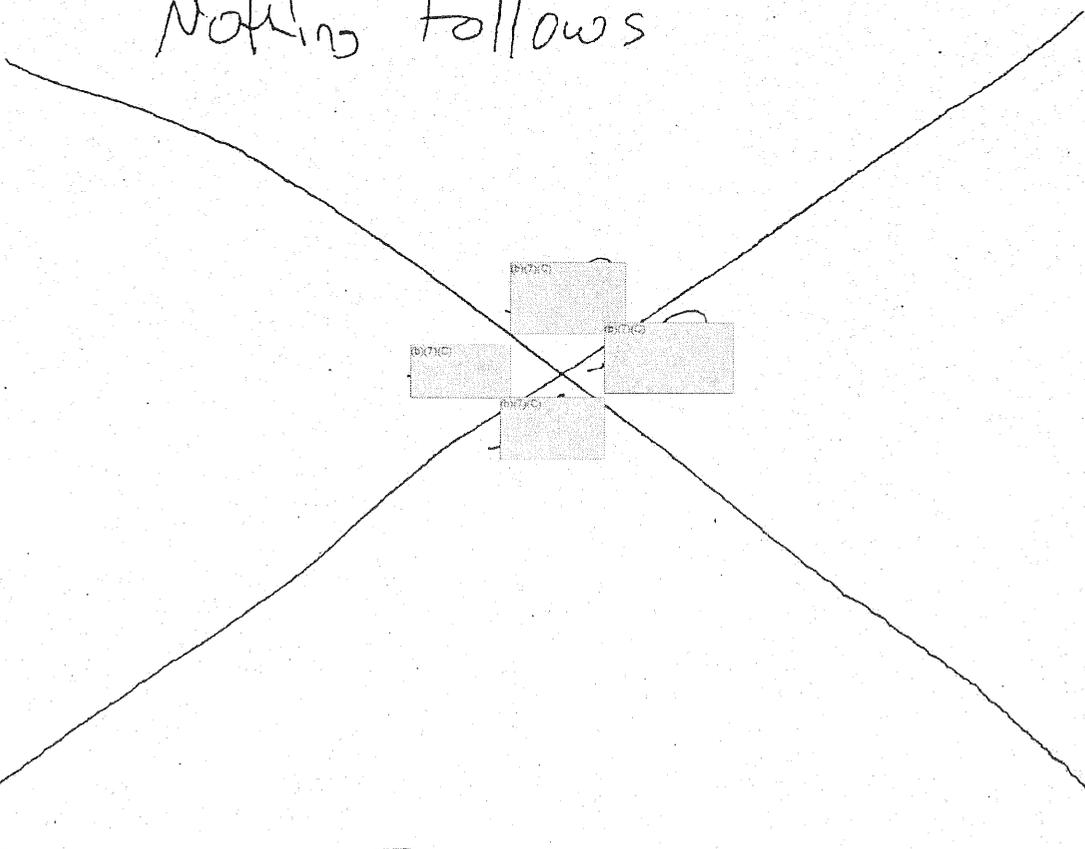
9. STATEMENT (Continued)

continue her work, [REDACTED] made a comment to the soldier that seemed to undermine [REDACTED] authority. Although I don't recall the specifics of [REDACTED] comments, she was loud enough for several people to hear her. Immediately after [REDACTED] heard the comments, he raised his voice at [REDACTED] and proceeded to rebuke her for her inappropriate comments. I was within 5 feet of [REDACTED] and [REDACTED] so I moved away to let [REDACTED] and [REDACTED] discuss the situation in private. Although my head was turned away, I know that [REDACTED] touched [REDACTED] on the shoulder - effectively grabbing her by the DCU jacket - and attempted to steer her away from the area so that he could continue to chew her out more privately. I recall [REDACTED] exclaiming something in surprise at being pulled. I turned to look again and saw [REDACTED] verbally directing [REDACTED] to follow him to a location approximately 20-30 yards away from everyone else. When they were away from the crowd, [REDACTED] continued to verbally reprimand [REDACTED]

Later that evening, [REDACTED] (Bn XO), and I met with [REDACTED] and expressed our concern about the incident. Although we all agreed that the battalion commander can pick the time and place for issuing verbal reprimands, we felt he had lost control of the situation when he placed his hand on [REDACTED]. [REDACTED] agreed with our assessment and the four of us discussed the best way to handle the situation. [REDACTED] acted as a go-between [REDACTED] and [REDACTED] - soliciting [REDACTED] feelings/concerns so that [REDACTED] could address them if he wished. [REDACTED] later reported that [REDACTED] wished to receive an apology for the incident and to be transferred to another unit upon redeployment. [REDACTED] decided that he would apologize to [REDACTED] personally and also apologize to the soldiers who were present during the incident. The next morning he addressed the HHC/51st formation and discussed what occurred. I did not witness his remarks the next morning.

[REDACTED] also related to me that he called [REDACTED] (35th Sig BDE Commander) that evening to report the incident. [REDACTED] said that [REDACTED] response was generally supportive of [REDACTED] - empathizing with the loss of temper while not excusing the inappropriate touching of a subordinate.

Nothing Follows



INITIALS OF PERSON MAKING STATEMENT [REDACTED] PAGE 2 OF 3 PAGES

STATEMENT OF [REDACTED] TAKEN AT Fort Bragg, NC DATED 2004/12/22

9. STATEMENT (Continued)

[REDACTED]

[REDACTED]

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR [REDACTED]

[REDACTED]  
(Signature of Person Making Statement)

WITNESSES:

\_\_\_\_\_  
ORGANIZATION OR ADDRESS  
  
\_\_\_\_\_  
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 22 day of Dec, 2004 at Fort Bragg, NC

[REDACTED]  
(Signature of Person Administering Oath)

[REDACTED]  
(Name of Person Administering Oath)  
FA Investigating Officer  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 3 OF 3 PAGES

SWORN STATEMENT

For use of this form, see AR 19D-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION Ft. Bragg NC 2. DATE (YYYYMMDD) 20041230 3. TIME 1025 4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS

8. ORGANIZATION OR ADDRESS B Co 51st Sig Bn

9. I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
ON OR ABOUT 11 MAY 04 AT APPROXIMATELY 2300 HRS I WAS RETURNING FROM MAKING MY ROUNDS AS BN SDCO. DURING THE CHECK OF THE BN, ALL THREE COMMAND GROUP DOORS WERE CLOSED. A FEW MOMENTS LATER [redacted] AND [redacted] EXITED HIS OFFICE. I ASKED MY RUNDAL [redacted] IF HE KNEW HE WAS IN THERE HE SAID NO. APPROXIMATELY 45 MINUTES LATER [redacted] CAME INTO THE BN. RAVIN & RAVIN ABOUT HIM CATCHING [redacted] AND HIS WIFE TOGETHER. HE TOLD ME TO CALL THE MRS CAUSE HE WANTED TO MAKE AND FILE A COMPLAINT. I ASKED [redacted] IF HE HAD BEEN DRINKING HE SAID NO. I TOLD HIM THAT I WOULD CALL [redacted] IN AND HE AGREED. I THOUGHT [redacted] AND ASKED HIM TO COME IN. HE WAS RELUCTANT DUE TO HE WAS THINKING THAT [redacted] MIGHT APPROACH HIM, I TOLD HIM IT WOULDNT HAPPEN. [redacted] SHOWED UP [redacted] WENT TO THE CONFERENCE ROOM [redacted] STAYED BY THE SD DESK, [redacted] STARTED GETTING LOUD SO I SEPARATED THEM, AT THIS POINT [redacted] SHOWED UP AND TALKED TO [redacted]. THEN [redacted] AT THIS POINT IT WAS TAKEN OUT OF [redacted] HANDS TO [redacted] HOW TO LOG IT IN THE LOG MY HANDS. I ASKED [redacted] HE TOLD ME A VERY VAGUE EXPLANATION.
Q: WHAT DID [redacted] SAY SPECIFICALLY TO YOU BY THE SD DESK?
A: HE TOLD ME THAT HE CAUGHT [redacted] AND HIS WIFE [redacted] SLEEPING TOGETHER, AND THAT HE WANTED TO MAKE A COMPLAINT.
Q: WHAT DID [redacted] SAY UPON HIS ARRIVAL BACK TO THE BN AREA?
A: HE DENIED EVERYTHING. HE TOLD ME THAT HE WAS HAVING MARITAL PROBLEMS PLUS HE WAS CLOSE TO RETIREMENT, SO WHY WOULD I SCREW THAT UP. [redacted] (THE WIFE) ALSO DENIED ANY INAPPROPRIATE RELATIONSHIP WITH [redacted]

NOTHING FOLLOWS

10. EXHIBIT N 11. INITIALS OF PERSON MAKING STATEMENT PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT DATED
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

9. STATEMENT (Continued)

Nothing Follows

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**AFFIDAVIT**

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED]  
(Signature of Person Making Statement)

WITNESSES:

\_\_\_\_\_  
\_\_\_\_\_

ORGANIZATION OR ADDRESS

\_\_\_\_\_  
\_\_\_\_\_

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 30 day of December, 2004 at FT BRAGG, NC

[REDACTED]  
(Signature of Person Administering Oath)

[REDACTED]  
(Typed Name of Person Administering Oath)

[REDACTED] Investigating Officer  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

DAILY STAFF JOURNAL OR DUTY OFFICER'S LOG

For use of this form, see 220-1B: the proponent agency is Office of The Deputy Chief of Staff for Operations & Plans

PAGE NO. 1

NO. OF PAGES 2

ORGANIZATION OR INSTALLATION

LOCATION

PERIOD COVERED

51<sup>st</sup> SIG BN

BLDG H5026

FROM

TO

HOUR

DATE

HOUR

DATE

0900

11 MAY 04

0900

12 MAY 04

ITEM NO.

TIME

IN

OUT

INCIDENTS, MESSAGES, ORDERS, ETC.

ACTION TAKEN

INL

1

0900

(B)(7)(C)

(B)(7)(C)

ASSUME DUTIES

AS SONCO & SD RUNNER WE HAVE READ

& UNDERSTAND OUR DUTIES

LOGGED

(B)(7)(C)

2

0915

COMPLETED

0930

BDE SD CALLS TO INFORM US OF AN IOS

FAILURE AND TO POST GUARDS ON ALL ARMS

ROOMS

LOGGED

(B)(7)(C)

3

1230

1100

(B)(7)(C)

GOES TO CHOW

LOGGED

(B)(7)(C)

4

1130

COMPLETED

1135

BDE SD CALLS TO STAND DOWN ON

ARMS ROOMS

LOGGED

(B)(7)(C)

5

1530

1415

(B)(7)(C)

GOES TO BDE TO PICK UP

NEW SOLDIERS

LOGGED

(B)(7)(C)

6

1800

(B)(7)(C)

LEAVES FOR THE DAY

LOGGED

(B)(7)(C)

7

2100

~~1930~~

(B)(7)(C)

COMES IN TO SD WITH

MARITAL PROBLEMS,

(B)(7)(C)

(B)(7)(C)

(B)(7)(C)

WERE CALLED IN.

LOGGED

(B)(7)(C)

8

2250

FIRE ALARM SOUNDED IN ONE ROOM

IN H5122 FIRE DEPARTMENT SHOWED

UP & SAID IT WAS A MALFUNCTION

LOGGED

(B)(7)(C)

9

2305

MADE CALL TO

(B)(7)(C)

TO INFORM

HIM HE NEEDED TO COME IN TO ISSUE

A ROOM, LEFT MESSAGE

LOGGED

(B)(7)(C)

10

2320

(B)(7)(C)

RETURNS CALL SAYS HE IS

ON ROUTE FROM KALICGH.

LOGGED

(B)(7)(C)

TYPED NAME AND GRADE OF OFFICER OR OFFICIAL ON DUTY

SIGNATURE

EXHIBIT P



SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOP6

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 801; Title 5 USC Section 2981; E.O. 8397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION: White House Comm Agency, Washington, D.C.
2. DATE (YYYYMMDD): 2005/01/07
3. TIME: 1520
4. FILE NUMBER
5. LASTNAME FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS

8. ORGANIZATION OR ADDRESS
WHCA

I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Inappropriate relationship between [redacted] and [redacted]
First incident was observed by me while in Babylon, Iraq. I was inside my living container when I was disturbed by an excessive amount of laughing and giggling. I went outside to see who was making such loud noises, and it was [redacted] and [redacted] playing a record on the wooden deck on which our living tents, the Battalion Ops Cell, and ALOC were located. [redacted] had in a head lock with one arm and was grinding his knuckles on top of her head with the other. [redacted] and I looked at each other and just walked back inside our living containers. [redacted] and I discussed the matter shortly afterwards and [redacted] spoke to [redacted] and to [redacted].

Second incident was observed in Kuwait at Camp Doha just prior to the Task Force redeployment. [redacted] came to Camp Doha from the staging base Camp Virginia, Kuwait without proper approval. She went on to say that she came back with [redacted] and that she was there to shop and help out in the Command Post. Our 1SG later called and said that she must return and that she did not have permission to leave. She was instructed to return ASAP by me and I believe [redacted]. Later that night, several people was sitting in the Command Post, [redacted] with her bags) [redacted] walks in and whispered something into [redacted] ear and walks out. This made everyone in the room uneasy and I had to stop them from speculating what the conversation was about, but it did not look good. [redacted] gets up and tell everyone that [redacted] was taking her back to Camp Virginia. Shortly afterwards, [redacted] and I was walking to the dining facility and noticed that [redacted] vehicle had moved, but only to another parking lot. The following day, 1SG was upset because [redacted] returned sometime after 0100hrs. Soldiers were aware of only that [redacted] never returned on time because it came into the Ops Center. No one other than [redacted] and I knew about the truck...that I am aware of.

Third incident. NOTE: I only observed [redacted] husband dropping off the envelope and [redacted] placing it on [redacted] desk. Upon return from Iraq, [redacted] husband found some letters that he figured only [redacted] could come from someone in the Command Group because of the content. (I later read some of those letters and was asked if I believed they were written by [redacted]) Looking at the hand writing and content, I am 90% sure that they could have been written by [redacted]. Apparently, [redacted] husband followed her to the battalion HQ's to find out who she was having a relationship with. Unable to see who she was talking to in the building, he camped out in the back of her truck. She came out and with [redacted] following shortly afterwards. (or vice versa). [redacted] and [redacted] started a conversation on the cell phone and was apparently discussing getting a room on Pope Air Force Base. [redacted] husband jumped up, yelled a few choice words at his wife and jumped out of the truck in route back to the battalion HQ's. All fires met on the field outside to HQ's, in which a few soldiers observed the confrontation. They said that [redacted] had to stop her husband from jumping on [redacted]. Once [redacted] husband entered the battalion HQ's, he went to the Staff Duty and said something to the affect... "Your Battalion Commander is fucking my wife, I want to talk to the CSM now". [redacted] came in and spoke to all parties. The next morning, [redacted] got me up-to-date with all the above information and told me that [redacted] husband was stopping by to give him a copy of the letters. About an hour later, I saw [redacted] husband hand [redacted] (BN CDR Driver) an envelope in which he placed on [redacted] desk. Later, [redacted] informed me that [redacted] removed the letters from his desk and did not return them to him. CSM Witcher was upset to say the least. Later, [redacted] was talking to someone on the phone and was telling them to stay calm and not to call the police. Later, I was told that [redacted] had attempted to stab her husband with a knife. He had to lock himself in the bath room to protect himself from her assault. She left the house and said that she was going to kill herself. On Star was called to find her location.

Assault on [redacted]. I was not present. Handled pretty much with the Bn Cdr.

10. EXHIBIT: E
11. INITIALS OF PERSON MAKING STATEMENT: [redacted]
PAGE 1 OF 3 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT DATED

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_

9. STATEMENT (Continued)

Assault on \_\_\_\_\_

In March 2004, Camp Virginia, Kuwait the unit was preparing to re-deploy to the states. HHC was loading equipment in boxes in the battalion motor pool area. The soldiers had been working all morning and through lunch. Some ordered pizza, because they were told not to leave before \_\_\_\_\_ the ALOC Platoon Sergeant came back from her meeting. Upon her return, she put out the information and told the soldiers to get their stuff and go over to help or clean equipment at another location. A few soldiers started complaining about not having a chance to eat and that they were waiting for their pizza to arrive. \_\_\_\_\_ said "....." to the effect, \_\_\_\_\_ the soldiers have not eaten, and that some had ordered pizza and they had not yet been delivered." \_\_\_\_\_ said pretty much it was their fault and to move out. I could see \_\_\_\_\_ and \_\_\_\_\_ saying something to each other across a vehicle they were next to. \_\_\_\_\_ later told me that she told \_\_\_\_\_ that if he had a problem then he should say something to \_\_\_\_\_. Suddenly, \_\_\_\_\_ grabbed \_\_\_\_\_ arm and spun her around, leaned over and pointed his finger at \_\_\_\_\_ face and started yelling that's the stuff I've been telling you about etc.... \_\_\_\_\_ then grabbed \_\_\_\_\_ by the arm and dragged her several yards until she broke free from his grip. He instructed her to continue to walk until they were some distance from the rest of us. (70 plus soldiers) and continued yelling at her. I was in total shock and could not believe what I was witnessing. I looked at \_\_\_\_\_ and \_\_\_\_\_ and said "what the fuck". \_\_\_\_\_ asked one of us to talk to the BN CDR. \_\_\_\_\_ finished with \_\_\_\_\_ and walked off. I went over to talk to him and to calm him down. I pretty much told him that he fucked up and that we had to fix it ASAP before a new standard was set in the battalion. I told him that I would talk with \_\_\_\_\_ and that I would brief him at a later hour. \_\_\_\_\_ told me that she had never felt so humiliated or threatened like that in her life and that she wanted to leave for Camp Doha as soon as possible. I told her several options that was available, and that she should seek legal counsel if she was thinking about pressing assault charges. She returned later that night and said that she felt sorry for his family and did not want to press charges that would possible ruin his career. She requested a public apology from the BN CDR, requested to be moved from the Brigade upon redeployment, and for her to remain in her job until redeployment. After discussing it with \_\_\_\_\_ and \_\_\_\_\_ we advised to Commander. \_\_\_\_\_ made a public apology and let her remain in her job. \_\_\_\_\_ was not reassigned outside of the brigade for reasons unknown to me.

LP



NOTHING FOLLOWS

INITIALS OF PERSON MAKING STATEMENT

STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_

B. STATEMENT (Continued)

NOT

7 JAN 05

AFFIDAVIT

I, \_\_\_\_\_, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES



DEPARTMENT OF THE ARMY  
HEADQUARTERS, 35TH SIGNAL BRIGADE (CORPS) (AIRBORNE)  
FORT BRAGG, NORTH CAROLINA 28307-5000

REPLY TO  
ATTENTION OF:

S: 30 June 2004

AIZA-AS-C

2 June 2004

MEMORANDUM FOR [REDACTED] Headquarters and Headquarters  
Company, 35<sup>th</sup> Signal Brigade (Corps) (Airborne), Fort Bragg, North Carolina 28310-5000

SUBJECT: Appointment as Investigating Officer for Commander's Inquiry (RCM 303)

1. You are hereby appointed as a Commander's Inquiry (RCM 303) Investigating Officer to thoroughly and impartially investigate the facts and circumstances surrounding an allegation abusive conduct toward subordinates. This investigation is your primary duty until completed and takes precedence over all other duties and assignments.
2. Before beginning your investigation, contact [REDACTED], Administrative Law, Office of the Staff Judge Advocate, XVIII Airborne Corps, Fort Bragg at 396-4913/0050 for legal advice regarding this investigation. After gathering all relevant evidence and interviewing witnesses, you should make findings of fact and recommendations. You will review your findings and recommendations with your legal advisor prior to submitting them to me.
3. From the evidence, you will make findings on the following:
  - a. Whether [REDACTED], Commander, 51<sup>st</sup> Signal Battalion (Airborne), improperly, with unlawful force or violence, grab the arm of [REDACTED] HHC, 51<sup>st</sup> Signal Battalion (Airborne), in an effort to do bodily harm to her in violation of Article 128 (Assault), UCMJ.
  - b. Whether [REDACTED] failed to treat [REDACTED] with dignity, respect, fairness, and consistency in violation of AR 600-100, paragraph 2-1a(13), and if so, how.
4. You will correspond with me before expanding the scope of this investigation.
5. Your investigation will be informal and will be conducted with AR 15-6 as your guide. Record and swear all relevant witness statements on DA Form 2823. Attach a Privacy Act statement, if necessary. Prior to questioning any person who you suspect has violated the UCMJ (or state or Federal Law), you must advise that person of his or her rights under Article 31, UCMJ. Record your rights advisement and the person's election of rights on DA Form 3881. Coordinate with your legal advisor prior to interviewing someone suspected of misconduct.

B-132

AFZA-AS-C

SUBJECT: Appointment as Investigating Officer for Commander's Inquiry (RCM 303)

6. From the evidence gathered, you are to make findings in regard to the issues in paragraph 2 and any other pertinent areas that arise during your investigation. Based upon these findings of fact, you are to make specific recommendations to include whether any administrative actions or punitive actions are appropriate.

7. Except for handwritten statements, which must be legible, your findings and recommendations should be typed. All administrative enclosures and evidentiary exhibits should be tabbed and indexed.

8. I must personally grant any extension.

(b)(7)(C)

A rectangular box with a light gray background, used to redact the signature of the commanding officer. The text "(b)(7)(C)" is printed in the top left corner of the box.

Commanding



DEPARTMENT OF DEFENSE  
HEADQUARTERS, 35TH SIGNAL BRIGADE (CORPS) (AIRBORNE)  
FORT BRAGG, NORTH CAROLINA 28310-5000

AFZA-AS

29 Jun 2004

MEMORANDUM FOR Commander, 35<sup>TH</sup> Signal Brigade, Fort Bragg, North Carolina 28310-5000

SUBJECT: 51st Signal Battalion Commander's Inquiry

1. I have investigated the complaint alleging misconduct by the Commander of the 51st Signal Battalion. I provide the following findings:

a. Allegation #1: Whether [REDACTED] Commander, 51<sup>st</sup> Signal Battalion (Airborne), improperly, with unlawful force or violence, grabbed the arm of [REDACTED] HHC, 51<sup>st</sup> Signal Battalion (Airborne), in an effort to do bodily harm to her in violation of Article 128 (Assault) of the UCMJ.

[REDACTED] is not in violation of Article 128 (Assault). He did improperly place his hand on [REDACTED] (specifically he grabbed her by the arm), but this action was not done with the intent to cause bodily harm. [REDACTED] intent was to get [REDACTED] attention, and to direct her away from other soldiers so he could verbally correct her in private. I find no evidence of intent to cause bodily harm to [REDACTED] therefore I find that there was no assault.

b. Allegation #2: Whether [REDACTED] failed to treat [REDACTED] with dignity, respect, fairness, and consistency in violation of AR 600-100, paragraph 2-1a (13), and if so, how?

[REDACTED] failed to treat [REDACTED] with dignity and respect. [REDACTED] placed his hand on [REDACTED] corrected her using inappropriate language, and was within earshot of other officers, noncommissioned officers, and soldiers. [REDACTED] is a noncommissioned officer who holds an important position in the battalion; as such she deserves to be addressed, and if necessary corrected in a professional manner. [REDACTED] contact and correction of [REDACTED] in front of other soldiers, and his use of inappropriate language are unprofessional.

2. [REDACTED] held a formation the following day and apologized for his actions. He also apologized in person to [REDACTED]. In addition, I recommend the following actions be taken:

- a. [REDACTED] receives punitive action for failing to treat [REDACTED] with dignity and respect.
- b. [REDACTED] is transferred to another unit.

3. POC for this action is the undersigned at 432-3704.

[REDACTED]

Deputy Commander

B-13i



DEPARTMENT OF THE ARMY  
HEADQUARTERS, 35<sup>th</sup> SIGNAL BRIGADE (CORPS) (AIRBORNE) AND FORT BRAGG  
FORT BRAGG, NORTH CAROLINA 28310

REPLY TO  
ATTENTION OF:

LFZA-SC-C

12 JUL 2004

MEMORANDUM FOR [REDACTED] Commander, 51<sup>st</sup> Signal Battalion  
(Airborne), Fort Bragg, North Carolina 28310-5000

SUBJECT: Memorandum of Admonishment

1. While serving as Commander, 51<sup>st</sup> Signal Battalion (Airborne) in Iraq, you improperly grabbed the arm of [REDACTED] to direct her away from other soldiers with the intent of verbally reprimanding her. Furthermore, while verbally correcting [REDACTED] you used inappropriate language that was overheard by other members of your unit. Your apology to [REDACTED] and the members of your unit shows that you acknowledge the impropriety of your conduct as well as your remorse for your actions.
2. You are hereby admonished for your unprofessional conduct. As a Battalion Commander, you are expected to be a role model and to adhere to the highest standards of professional conduct and personal behavior. Your unprofessionalism in this instance is a departure from the high standards you have previously upheld. I expect that you maintain this incident as an aberration from your conduct and do not allow yourself to lack professionalism in this manner again.
3. This is an administrative action and not punishment under the Uniform Code of Military Justice. I intend to file this admonishment in your local counseling file.
4. Should you choose to submit an matters concerning this admonishment, you have five days from the receipt of this admonishment to respond, as prescribed by Army Regulation 600-37, paragraph 3-6.

[REDACTED]

Commanding

EXHIBIT G

B-13j



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

PLY TO  
ATTENTION OF:

AFZK-JA

MEMORANDUM FOR [REDACTED] Commander, 51<sup>st</sup> Signal Battalion, XVIII  
Airborne Corps, Fort Bragg, NC 28310

SUBJECT: Referral of Findings and Recommendations of Investigating Officer  
Appointed IAW AR 15-6

I am contemplating taking adverse action against you based on the findings and recommendations of the investigating officer appointed pursuant to AR 15-6 to investigate certain allegations against you. Enclosed is a copy of those findings and recommendations. You have 48 hours to reply in writing and to submit relevant rebuttal material. If this is not sufficient time for you to respond you may request additional time to respond for good cause shown.

[REDACTED]

Commanding

B-132



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

REPLY TO  
ATTENTION OF:

AFZA-JA-C

26 JAN 2005

MEMORANDUM FOR [REDACTED]  
Headquarters and Headquarters Company, 51<sup>st</sup> Signal Battalion, XVIII  
Airborne Corps and Fort Bragg, Fort Bragg, North Carolina 28310-5000

SUBJECT: General Officer Memorandum of Reprimand

1. You are reprimanded for fraternizing with [REDACTED], a married non-commissioned officer assigned to your battalion. While deployed in support of operations in Iraq, the interactions between you and [REDACTED] created a perception that you were involved in a "prohibited relationship" within the definition of AR 600-20, para 4-14. Even after your battalion command sergeant major raised his concerns about this perception, you continued the improper relationship. You also wrote four letters to [REDACTED] confessing to her in one of them that you "keep working on schemes to get close to you." Upon your redeployment to Fort Bragg, [REDACTED] husband, [REDACTED] found the four letters which clearly indicate an inappropriate relationship. His discovery led directly to a public confrontation between you and [REDACTED] in your unit area. This confrontation was witnessed by the Staff Duty NCO and other soldiers in the battalion. Your inappropriate relationship with [REDACTED] compromised the integrity of the chain of command, caused the perception of partiality, and created an adverse impact on the morale, good order and discipline of your battalion.
2. Your conduct demonstrates a serious lack of judgment and professionalism. Your actions have caused me to lose confidence in your judgment, integrity, and leadership ability. You breached the good order and discipline of your unit and brought discredit upon yourself, your unit, the Officer Corps and the Armed Forces.
3. This is an administrative action and not punishment under the Uniform Code of Military Justice. I intend to file this reprimand in your Official Military Personnel File. I will make a final determination after reviewing your rebuttal, if any, and any comments from your chain of command.
4. You have five days from the receipt of this reprimand to respond, as prescribed by Army Regulation 600-37, paragraph 3-6.

[REDACTED]  
Commanding



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

PLY TO  
ATTENTION OF:

AFZK-JA

20 JAN 2005

MEMORANDUM THRU Commander, 35<sup>th</sup> Signal Brigade, XVIII Airborne Corps,  
Fort Bragg, NC 28310

FOR [REDACTED]

SUBJECT: Removal from Command of the 51<sup>st</sup> Signal Battalion

1. Based on the findings of the AR 15-6 investigation conducted by [REDACTED] and review of the responsive comments submitted by you on 21 January 2005, you will relinquish command of the 51<sup>st</sup> Signal Battalion as soon as practicable.

2. Although your actions ordinarily would trigger a relief for cause, I instead have decided to remove you from command at the earliest practicable time to minimize disruptions on the battalion while it completes its preparations for deployment. My decision will allow for identification of a successor-in-command, help your successor smoothly transition into command, and give you time to complete all of the administrative actions necessary to close out your time in command.

[REDACTED]  
Commanding

[Redacted]

file

[Redacted]

From: [Redacted] XVIIIABN-IGNET [Redacted]  
 Sent: Tuesday, May 03, 2005 5:38 PM  
 To: [Redacted]  
 Subject: FW: Closure/Follow Up Issue on the Investigation of 51st Sig Cdr

[Redacted]

What is best way to procede, start w/[Redacted] and work back Based on guidance it appears we should put admin hold on action . I am only concerned about his 85 days of leave or so and delay in getting him out prior to TIG Rule.

jn

> -----Original Message-----

> From: [Redacted] MNC-I-IGNET  
 > Sent: Sunday, May 01, 2005 8:07 AM  
 > To: [Redacted] XVIIIABN-IGNET  
 > Subject: RE: Closure/Follow Up Issue on the Investigation of 51st Sig Cdr

> [Redacted] -- your info was right. The SJA got direction from CG to get on this one. I'll make sure that we talk w/[Redacted] (35th Sig Bde) to let him know what was expected. You need to get [Redacted] 35th Rear Det, and FBNC SJA re-aligned. Thanks again for calling - great talking with you. Will call you mid-week. Airborne, [Redacted]

> [Redacted] U.S. Army  
 > Operation IRAQI FREEDOM  
 > Hq, MNC-I (IG)  
 > APO AE 09342  
 >  
 > Victory Base, Al Faw Palace (Room 310) DSN 318.822.2492/2807  
 > [Redacted]@iraq.centcom.mil

> -----Original Message-----

> From: [Redacted] XVIIIABN-IGNET  
 > Sent: Thursday, April 28, 2005 11:18 PM  
 > To: [Redacted] MNC-I-IGNET  
 > Subject: RE: Closure/Follow Up Issue on the Investigation of 51st Sig Cdr

> Just wanted to run this by you so you can determine if this matter is of interest to [Redacted]

> In checking on the final administrative status/disposition of [Redacted] and his ROII, (Misconduct) completed in Mar 05, we find that he has requested a retirement date of 30 Sep 05. In his heartfelt written statement to [Redacted] (21 Jan 05) he expressed his desire to be spared the humiliation of relief for cause and intended to retire quickly knowing it meant loss of TIG and retirement in the grade of Major. On 1 Feb. 05, [Redacted] requests retirement on 30 Aug 05 effectively ensuring he has the required TIG to keep his LTC retirement? The request is concurred by chain of command from 51st Sig Bn thru 35st Sig Bde to the Garrison Cdr on 20 April 05.

> You may know [Redacted] real intent here. He may of minimized punishing [Redacted] based on [Redacted] stated desire to request retirement immediately.  
 > We have copies of related retirement documents here should you want to review personally. Of course it may be [Redacted] intent to let him

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> slide out of here unscathed also. I leave this information with you  
> to act on as you deem necessary. AIRBORNE!

>  
> Talk to you soon

> [REDACTED]  
>  
>  
>