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# Department of the Army Inspector General Action Request System

Monday, December 11, 2006

Electronic 1559

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FJ040265

Case Number : FJ040265 Close Date : 12-August-2005 Open Date : 25-January-2005

Suspense Date : 16-March-2005 External Suspense Date :

Complaint Made To : Congress Receipt Mode : Letter

Case Status : Closed Non-IG Referral :

Initiator Information Name Last : [REDACTED] First : [REDACTED] M.I. : SSN : [REDACTED]

Component : Active Army Grade : [REDACTED] Gender : [REDACTED]

Acknowledge Date : 17-December-2004 Home UIC : Race : Unknown

Complainant Information Name Last : [REDACTED] First : [REDACTED] M.I. : SSN : [REDACTED]

Component : Active Army Grade : [REDACTED] Gender : [REDACTED]

Home UIC : Race : Unknown

Case Label : DIH 05-0261 Home IG :

Problem Area : Command Issues

Notification Date : Inspector General : [REDACTED]

Location : Fort Bragg, North Carolina

Subject Information : Last Name : [REDACTED] First : [REDACTED] M.I. : SSN : [REDACTED]

Component : Active Army Grade : [REDACTED] Gender : [REDACTED]

Race : [REDACTED] Organization ID :

Function Information : Function : NE1 NCOER

Organization ID : XVIII Airborne Corps & Ft. Bragg

Determination : Substantiated User Data : TIM Category : C

Operation :

Function : NE1 NCOER

Organization ID : XVIII Airborne Corps & Ft. Bragg

Determination : Substantiated User Data : TIM Category : C

Operation :

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Function Information : Function : YB Commander's Action/Decision  
 Organization ID : XVIII Airborne Corps & Ft. Bragg  
 Determination : Not Substantiated User Data : TIM Category : C  
 Operation :

Function : YB Commander's Action/Decision  
 Organization ID : XVIII Airborne Corps & Ft. Bragg  
 Determination : Not Substantiated User Data : TIM Category : C  
 Operation :

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

Function Information : Function : NE1 NCOER  
 Organization ID : XVIII Airborne Corps & Ft. Bragg  
 Determination : Substantiated User Data : TIM Category : C  
 Operation :

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

Function Information : Function : NE1 NCOER  
 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 :

End-of-Report

1 Records

### INSPECTOR GENERAL ACTION REQUEST

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

#### DATA REQUIRED BY THE PRIVACY ACT OF 1974

**AUTHORITY:** Title 10, USC, Section 3039.

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

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

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

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

C Co 327th Signal Bn Ft Bragg NC 28306

#### SPECIFIC ACTION REQUESTED

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

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

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

I 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 any statements which are proved to be knowingly untruthful.

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DATE (YYYYMMDD)

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## SYNOPSIS

On 1 September 2004, [REDACTED] C Company 327th Signal Battalion, Fort Bragg, NC, came to the XVIII Airborne and Fort Bragg Inspector General's Office (FBIGO) and filed an Inspector General Action Request (DA Form 1559). [REDACTED] requested an inquiry into the possibility that she was moved from the position of platoon sergeant, B Company, 327th Signal Battalion, as a form of reprisal, which may have resulted from an Equal Opportunity complaint taken to the 35th Signal Brigade Equal Opportunity Advisor. [REDACTED] also requested assistance with being moved outside of the Brigade so she could receive a clean start. [REDACTED] informed this office that members of the command; B Company Commander, [REDACTED] B Company [REDACTED] and the 327th Signal Battalion Command Sergeant Major, [REDACTED] mistreated Soldiers across the board. She believed the prior mentioned leaders interjected their personal opinions into her Noncommissioned Officer Evaluation Report (NCOER) and she was moved from her position based on the events that followed her becoming a platoon sergeant in B Company, 327th Signal Battalion. [REDACTED] further stated that the medical profile she received for an injury to her leg, after returning from the Advanced Noncommissioned Officer's Course (ANCOC) in October 2003, was also one of her issues with the command. She complained leaders commented that she "was not Bragg material." [REDACTED] became the platoon sergeant of B Company in May 2004 and later testified that she had no problems in the unit from then through June 2004, due to her being on leave and [REDACTED] being on convalescent leave. At the end of July 2004 [REDACTED] presented a list of command related issues, which addressed the mistreatment/mishandling of Soldiers in the unit, to [REDACTED], the Brigade Equal Opportunity Advisor (EAO). The issues included [REDACTED] opinion on how leaders treated Soldiers in her platoon; she felt other platoons were treated better. Several days after the complaint was lodged, [REDACTED] presented the list to [REDACTED] and [REDACTED] for the unit to address. According to the EOA, the content of the complaint was not EO based, but was a command issue. The letter was discussed with [REDACTED]. On 26 August 2004 [REDACTED] received her NCOER. [REDACTED] noticed the proposed draft, which had been completed by the rater, [REDACTED] Platoon Leader, B Company, 327th Signal Battalion, had been changed. [REDACTED] believed the senior rater portion of the report had been changed by the senior rater, [REDACTED] due solely to the influence of [REDACTED]. The change was in the overall potential block. It was proposed by the rater as a "one block" and was changed by the senior rater to a "two block". [REDACTED] alleged this was due to the issues addressed in her letter to the EOA constituting a reprisal. [REDACTED] met with [REDACTED] but refused to sign her NCOER. [REDACTED] stated she went to speak to [REDACTED] CSM, 327th Signal Battalion and [REDACTED] CSM, 35th Signal Brigade, about her NCOER. After they looked into the matter they contacted [REDACTED] and advised her to sign the document. On 31 August 2004, [REDACTED] was ordered by [REDACTED] to report to a company formation, which was forming outside the building. [REDACTED] disobeyed the order and departed the unit area to speak to [REDACTED] about her NCOER. [REDACTED] complained [REDACTED] raised his voice and allegedly cursed her. [REDACTED] prepared a counseling statement that was brought to [REDACTED] office where the matter was presented to the Command Sergeant Major in the presence of [REDACTED] [REDACTED] requested [REDACTED] be moved from the company, due to a lack of confidence in her. The following day [REDACTED] was re-assigned to C Company, 327th Signal Battalion, in a non platoon sergeant position. [REDACTED] contacted the FBIGO and informed this office of the change to her NCOER. During the meeting with [REDACTED] from the FBIGO, [REDACTED] was given guidance to request a Commander's Inquiry through her Battalion Commander. During the same meeting [REDACTED] added an allegation that [REDACTED] had re-formulated/completed an NCOER for [REDACTED] and that he was not the proper rater. While this office was conducting the preliminary inquiry, an Inspector General's Action Request was received by FORSCOM, along with a letter requesting assistance into the matter from Senator Elizabeth Dole. The FBIGO conducted an inquiry into the matter. During the inquiry it was determined that [REDACTED] allegation, that she was moved from the position of platoon sergeant, B Company, 327th Signal Battalion, as a form

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of reprisal, by members of her chain of command, feel under Title 10, United States Code, section 1034 (10 U.S.C 1034) "Whistleblower reprisal" and was reported to DAIG Assistance Division. The allegations were investigated as a separate matter.

Allegation 1: That [REDACTED] Commander, B/327th Signal Battalion, improperly failed to perform his responsibilities as the commander on [REDACTED] NCOER, with a thru date of August 2004, in violation of paragraph 1-4, AR 623-205.

Discussion: On 1 September 2004 [REDACTED] contacted the FBIGO and informed this office of an allegation that [REDACTED] had re-formulated/completed an NCOER for [REDACTED] and that the rater, reviewer, and senior rater were not in accordance with the company's rating scheme. [REDACTED] stated she was the rater for [REDACTED] and had already completed the rater portion of his NCOER for the period of January thru August 2004. The B Company, 327th Signal Battalion, NCO Rating Scheme had the following listed for [REDACTED] with an affective date of 1 January 2004; rater, [REDACTED] senior rater, [REDACTED] and reviewer, [REDACTED] (Exhibit E-8). The NCOER, which was dated 30 September 2004, and is on file with USAREC has [REDACTED] listed as rater, [REDACTED] as senior rater and [REDACTED] as reviewer (Exhibit E-9). The differences between the two documents is the wording of one bullet in the Physical Fitness & Military Bearing block and four completely different bullets in the senior rater comment block (Exhibit E-9 & E-10). [REDACTED] testified that he felt [REDACTED] got a "bad shake on his NCOER." He further testified that [REDACTED] provided only one negative counseling statement and the quarterly counseling statement, which was not signed, with the NCOER, which did not accurately reflect [REDACTED] performance (Exhibit E-6). [REDACTED] also testified that [REDACTED] had done several other things worthy of mention in the NCOER, while he was TDY to another unit, so he took it upon himself to write the NCOER, which was later signed and turned into USAREC. [REDACTED] testified that he believed the second NCOER gave [REDACTED] a fair reflection of what he had done for Bravo Company and the unit (Exhibit E-6). [REDACTED] further testified that the Company Commander, [REDACTED] also felt [REDACTED] was not given a fair shake with the NCOER done by [REDACTED] and the new NCOER was a better reflection of what [REDACTED] had accomplished during the period (Exhibit E-6). When asked why [REDACTED] would falsify the document and sign it as the senior rater, [REDACTED] testified that he brought the NCOER to [REDACTED] and advised him it needed to be turned in and it needed to be signed (Exhibit E-6). [REDACTED] also testified that he filled out the senior rater portion of the form as well. (Exhibit E-6). [REDACTED] testified that he arrived at Bravo Company during the first week of September 2004. When he arrived at the company he was aware that [REDACTED] was the platoon leader for [REDACTED] platoon and that there was an issue with the recommended changes to the NCOER she drafted for [REDACTED] (Exhibit E-4). [REDACTED] also testified that [REDACTED] informed him he had rewritten the NCOER (Exhibit E-4). [REDACTED] further testified that it was [REDACTED] that brought the NCOER to him to sign and advised him it needed to be closed out, so he signed the NCOER (Exhibit E-4). [REDACTED] testified that he made repeated attempts to contact [REDACTED] and [REDACTED] so they could make corrections to [REDACTED] original NCOER, but all attempts failed, so a new NCOER was recreated by himself and [REDACTED] (Exhibit E-2). [REDACTED] also testified that it was [REDACTED] who changed the bullets on [REDACTED] NCOER based on what was going on with [REDACTED] (Exhibit E-2). [REDACTED] further testified that he asked [REDACTED] to falsify the document due to the need of a senior rater, which at the time the company did not have (Exhibit E-2). The preponderance of credible evidence indicated that [REDACTED] improperly failed to perform his responsibilities as the commander on [REDACTED] NCOER, with a thru date of August 2004, in violation of paragraph 1-4, AR 623-205.

Conclusion: The allegation that [REDACTED] Commander, B/327th Signal Battalion, improperly failed to perform his responsibilities as the commander on [REDACTED] NCOER, with a thru date of August 2004, in violation of paragraph 1-4, AR 623-205, was substantiated.

Allegation 2: That [REDACTED] XO, B Company 327th Signal Battalion, improperly served as the senior rater on [REDACTED] NCOER, with a thru date of August 2004, in violation of paragraph 2-10, AR 623-205.

Discussion: On 1 September 2004 [REDACTED] contacted the FBIGO and informed this office of an allegation that [REDACTED] had re-formulated/completed an NCOER for [REDACTED] and that the rater, reviewer, and senior rater were not in accordance with the company's rating scheme. [REDACTED] stated she was the rater for [REDACTED] and had already completed the rater portion of his NCOER for the period of January thru August 2004. The B Company, 327th Signal Battalion, NCO Rating Scheme had the following listed for [REDACTED] with an effective date of 1 January 2004; rater, [REDACTED] senior rater, [REDACTED] and reviewer, [REDACTED] (Exhibit E-8). The NCOER, which was dated 30 September 2004, and is on file with USAREC has [REDACTED] listed as rater, [REDACTED] as senior rater and [REDACTED] as reviewer (Exhibit E-9). The differences between the two documents is the wording of one bullet in the Physical Fitness & Military Bearing block and four completely different bullets in the senior rater comment block (Exhibit E-9 & E-10). [REDACTED] testified that he felt [REDACTED] got a "bad shake on his NCOER." He further testified that [REDACTED] provided only one negative counseling statement and the quarterly counseling statement, which was not signed, with the NCOER, which did not accurately reflect [REDACTED] performance (Exhibit E-6). [REDACTED] also testified that [REDACTED] had done several other things worthy of mention in the NCOER, while he was TDY to another unit, so he took it upon himself to write the NCOER, which was later signed and turned into USAREC. [REDACTED] testified that he believed the second NCOER gave [REDACTED] a fair reflection of what he had done for Bravo Company and the unit (Exhibit E-6). [REDACTED] further testified that the Company Commander, [REDACTED] also felt [REDACTED] was not given a fair shake with the NCOER done by [REDACTED] and the new NCOER was a better reflection of what [REDACTED] had accomplished during the period (Exhibit E-6). When asked why [REDACTED] would falsify the document and sign it as the senior rater, [REDACTED] testified that he brought the NCOER to [REDACTED] and advised him it needed to be turned in and it needed to be signed (Exhibit E-6). [REDACTED] also testified that he filled out the senior rater portion of the form as well. (Exhibit E-6). [REDACTED] testified that he arrived at Bravo Company during the first week of September 2004. When he arrived at the company he was aware that [REDACTED] was the platoon leader for [REDACTED] platoon and that there was an issue with the recommended changes to the NCOER she drafted for [REDACTED] (Exhibit E-4). [REDACTED] also testified that [REDACTED] informed him he had rewritten the NCOER (Exhibit E-4). [REDACTED] further testified that it was [REDACTED] that brought the NCOER to him to sign and advised him it needed to be closed out, so he signed the NCOER (Exhibit E-4). [REDACTED] testified that he made repeated attempts to contact [REDACTED] and [REDACTED] so they could make corrections to [REDACTED] original NCOER, but all attempts failed, so a new NCOER was recreated by himself and [REDACTED] (Exhibit E-2). [REDACTED] also testified that it was [REDACTED] who changed the bullets on [REDACTED] NCOER based on what was going on with [REDACTED] (Exhibit E-2). [REDACTED] further testified that he asked [REDACTED] to falsify the document due to the need of a senior rater, which at the time the company did not have (Exhibit E-2). The preponderance of credible evidence indicated that [REDACTED] improperly served as the senior rater on [REDACTED] NCOER, with a thru date of August 2004, in violation of paragraph 2-10, AR 623-205.

Conclusion: The allegation that [REDACTED] XO, B Company 327th Signal Battalion, improperly served as the senior rater on [REDACTED] NCOER, with a thru date of August 2004, in violation of paragraph 2-10, AR 623-205, was substantiated.

Allegation 3: That [REDACTED] 1SG, B Company 327th Signal Battalion, improperly served as the rater on [REDACTED] NCOER, with a thru date of August 2004, in violation of paragraph 2-8a, AR 623-205.

Discussion: On 1 September 2004 [REDACTED] contacted the FBIGO and informed this office of an allegation that [REDACTED] had re-formulated/completed an NCOER for [REDACTED] and that the rater, reviewer, and senior rater were not in accordance with the company's rating

scheme. [REDACTED] stated she was the rater for [REDACTED] and had already completed the rater portion of his NCOER for the period of January thru August 2004. The B Company, 327th Signal Battalion, NCO Rating Scheme had the following listed for [REDACTED] with an effective date of 1 January 2004; rater, [REDACTED] senior rater, [REDACTED] and reviewer, [REDACTED] (Exhibit E-8). The NCOER, which was dated 30 September 2004, and is on file with USAREC has [REDACTED] listed as rater, [REDACTED] as senior rater and [REDACTED] as reviewer (Exhibit E-9). The differences between the two documents is the wording of one bullet in the Physical Fitness & Military Bearing block and four completely different bullets in the senior rater comment block (Exhibit E-9 & E-10). [REDACTED] testified that he felt [REDACTED] got a "bad shake on his NCOER." He further testified that [REDACTED] provided only one negative counseling statement and the quarterly counseling statement, which was not signed, with the NCOER, which did not accurately reflect [REDACTED] performance (Exhibit E-6). [REDACTED] also testified that [REDACTED] had done several other things worthy of mention in the NCOER, while he was TDY to another unit, so he took it upon himself to write the NCOER, which was later signed and turned into USAREC. [REDACTED] testified that he believed the second NCOER gave [REDACTED] a fair reflection of what he had done for Bravo Company and the unit (Exhibit E-6). [REDACTED] further testified that the Company Commander, [REDACTED] also felt [REDACTED] was not given a fair shake with the NCOER done by [REDACTED] and the new NCOER was a better reflection of what [REDACTED] had accomplished during the period (Exhibit E-6). When asked why [REDACTED] would falsify the document and sign it as the senior rater, [REDACTED] testified that he brought the NCOER to [REDACTED] and advised him it needed to be turned in and it needed to be signed (Exhibit E-6). [REDACTED] also testified that he filled out the senior rater portion of the form as well. (Exhibit E-6). [REDACTED] testified that he arrived at Bravo Company during the first week of September 2004. When he arrived at the company he was aware that [REDACTED] was the platoon leader for [REDACTED] platoon and that there was an issue with the recommended changes to the NCOER she drafted for [REDACTED] (Exhibit E-4). [REDACTED] also testified that [REDACTED] informed him he had rewritten the NCOER (Exhibit E-4). [REDACTED] further testified that it was [REDACTED] that brought the NCOER to him to sign and advised him it needed to be closed out, so he signed the NCOER (Exhibit E-4). [REDACTED] testified that he made repeated attempts to contact [REDACTED] and [REDACTED] so they could make corrections to [REDACTED] original NCOER, but all attempts failed, so a new NCOER was recreated by himself and [REDACTED] (Exhibit E-2). [REDACTED] also testified that it was [REDACTED] who changed the bullets on [REDACTED] NCOER based on what was going on with [REDACTED] (Exhibit E-2). [REDACTED] further testified that he asked [REDACTED] to falsify the document due to the need of a senior rater, which at the time the company did not have (Exhibit E-2). The preponderance of credible evidence indicated that [REDACTED] improperly served as the rater on [REDACTED] NCOER, with a thru date of August 2004, in violation of paragraph 2-8a, AR 623-205.

Conclusion: The allegation that [REDACTED] 1SG, B Company 327th Signal Battalion, improperly served as the rater on [REDACTED] NCOER, with a thru date of August 2004, in violation of paragraph 2-8a, AR 623-205, was substantiated.

Allegation 4: That [REDACTED] Company Commander, B Company 327th Signal Battalion, improperly authenticated [REDACTED] NCOER, with a thru date of August 2004, in violation of paragraph 2-13, AR 623-205.

Discussion: On 1 September 2004 [REDACTED] contacted the FBI/DO and informed this office of an allegation that [REDACTED] had re-formulated/completed an NCOER for [REDACTED] and that the rater, reviewer, and senior rater were not in accordance with the company's rating scheme. [REDACTED] stated she was the rater for [REDACTED] and had already completed the rater portion of his NCOER for the period of January thru August 2004. The B Company, 327th Signal Battalion, NCO Rating Scheme has the following listed for [REDACTED] with an effective date of 1 January 2004; rater, [REDACTED] senior rater, [REDACTED] and reviewer, [REDACTED] (Exhibit E-8). The NCOER, which was dated 30 September 2004, and is on file with USAREC has [REDACTED] listed as rater, [REDACTED] as senior rater and [REDACTED] as reviewer (Exhibit E-9). The differences between the two documents are the wording of one bullet

in the Physical Fitness & Military Bearing block and four completely different bullets in the senior rater comment block (Exhibit E-9 & E-10). [REDACTED] testified that he felt [REDACTED] got a "bad shake on his NCOER." He further testified that [REDACTED] provided only one negative counseling statement and the quarterly counseling statement, which was not signed with the NCOER, which did not accurately reflect [REDACTED] performance (Exhibit E-6). [REDACTED] also testified that [REDACTED] had done several other things worthy of mention in the NCOER while he was TDY to another unit, so he took it upon himself to write the NCOER, which was later signed and turned in to USAREC. [REDACTED] testified that he believed the second NCOER gave [REDACTED] a "fair reflection" of what he had done for Bravo Company and the unit (Exhibit E-6). [REDACTED] further testified that the Company Commander, [REDACTED] also felt [REDACTED] was not given a fair shake with the NCOER done by [REDACTED] and the new NCOER was a better reflection of what [REDACTED] had accomplished during the period (Exhibit E-6). When asked why [REDACTED] would falsify the document and sign it as the senior rater, [REDACTED] testified that he took the NCOER to [REDACTED] and advised him it needed to be turned in and it needed to be signed (Exhibit E-6). [REDACTED] also testified that he filled out the senior rater portion of the form as well. (Exhibit E-6). [REDACTED] testified that he arrived at Bravo Company during the first week of September 2004. When he arrived at the company he was aware that [REDACTED] was the platoon leader for [REDACTED] platoon and that there was an issue with the recommended changes to the NCOER she drafted for [REDACTED] (Exhibit E-4). [REDACTED] also testified that [REDACTED] informed him he had rewritten the NCOER (Exhibit E-4). [REDACTED] further testified that it was [REDACTED] that brought the NCOER to him to sign and advised him it needed to be closed out, so he signed the NCOER (Exhibit E-4). [REDACTED] testified that he made repeated attempts to contact [REDACTED] and [REDACTED] so they could make corrections to [REDACTED] original NCOER, but all attempts failed so a new NCOER was recreated by himself and [REDACTED] (Exhibit E-2). [REDACTED] also testified that it was [REDACTED] who changed the bullets on [REDACTED] NCOER based on what was going on with [REDACTED] (Exhibit E-2). [REDACTED] further testified that he solicited [REDACTED] to falsify the document due to the need of a senior rater, which at the time the company did not have (Exhibit E-2). The preponderance of credible evidence indicated that [REDACTED] improperly authenticated [REDACTED] NCOER, with a thru date of August 2004, in violation of paragraph 2-13, AR 623-205.

Conclusion: The allegation that [REDACTED] Company Commander, B Company 327th Signal Battalion, improperly authenticated [REDACTED] NCOER, with a thru date of August 2004, in violation of paragraph 2-13, AR 623-205, was substantiated.

Allegation 5: That [REDACTED] Company Commander, B Company 327th Signal Battalion, improperly failed to initiate a commander's inquiry into the alleged errors, injustices, or illegalities in relation to [REDACTED] NCOER, in violation of paragraph 6-3, AR 623-205.

Discussion: On 26 August 2004 [REDACTED] received her NCOER. She noticed the proposed draft, which had been completed by the rater [REDACTED] Platoon Leader, B Company, 327th Signal Battalion, had been changed. [REDACTED] believed the senior rater portion of the report had been changed by the senior rater, [REDACTED] due solely to the influence of [REDACTED]. The change was in the overall potential block. It was proposed by the rater as a "one block" and was changed by the senior rater to a "two block". [REDACTED] alleged this was due to the command related issues addressed in her letter to the EOA. [REDACTED] met with [REDACTED] but refused to sign her NCOER. [REDACTED] stated she went to speak to [REDACTED] CSM, 327th Signal Battalion and [REDACTED] CSM, 35th Signal Brigade, about her NCOER. After they looked into the matter they contacted [REDACTED] and advised her to sign the document. On 1 September 2004 [REDACTED] contacted the FBIGO and informed this office of the change to her NCOER. During that meeting [REDACTED] from the FBIGO gave [REDACTED] guidance on how to request a Commander's Inquiry through her Battalion Commander, who would investigate her claim. During the sworn and recorded interview on 23 November 2004 [REDACTED] testified that she was told to request a commander's inquiry, but she didn't because her issue was not about the NCOER, it was about what happened around the NCOER (Exhibit E-

7). [REDACTED] testified that her relationship with [REDACTED] was very close. "so close that I guess it started bothering people" (Exhibit E-3). [REDACTED] further testified that [REDACTED] didn't tell her the exact reason he changed the "one block" to a "two block", but testified that it was due to the counseling statement [REDACTED] had received (Exhibit E-3). The counseling statement given to [REDACTED] from [REDACTED] was dated 30 August 2004 (Exhibit E-16). In the Key Points Discussion block [REDACTED] was advised she need to work on her relationship with the First Sergeant, being defensive about everything her Soldiers did or failed to do, and work within the limits of her profile and be present at all company meetings (Exhibit E-16). Due to [REDACTED] own testimony the preponderance of evidence clearly showed [REDACTED] could not have failed to initiate a commander's inquiry in the alleged errors, injustices, or illegalities in relation to [REDACTED] NCOER due to no request ever being made for him to do so.

Conclusion: The allegation that [REDACTED] Company Commander, B Company 327th Signal Battalion, improperly failed to initiate a commander's inquiry into the alleged errors, injustices, or illegalities in relation to [REDACTED] NCOER, in violation of paragraph 6-3 thru 6-5, AR 623-205, was not substantiated.

Allegation 6: That [REDACTED] Company Commander, B Company 327th Signal Battalion, improperly failed to take action when he received a written complaint from [REDACTED] via the Brigade EOA, in violation of paragraph 6-2g (14 thru 15) AR 600-20.

Discussion [REDACTED] testified that he investigated the five-page letter [REDACTED] presented to the EOA. [REDACTED] also testified that the investigation revealed [REDACTED] and [REDACTED] needed a better working relationship and that [REDACTED] had created a wall between herself and the First Sergeant (Exhibit E-2). [REDACTED] further testified that he counseled [REDACTED] about the areas he could improve in when dealing with [REDACTED] after the three had their meeting to discuss the issues (Exhibit E-2). [REDACTED] testified that she met with [REDACTED] and [REDACTED] about her issues, which she had written down and given to the Brigade EOA a few days prior (Exhibit E-7). [REDACTED] also testified that during the meeting [REDACTED] told her, "this is my company, I'll run it the way I want and I don't have to talk to you. He then looked at the Captain and stated, that's why she needs to go, she needs to get out of my unit!" [REDACTED] further testified that her response to the statement made by [REDACTED] was "ok, fine" (Exhibit E-7). [REDACTED] further testified that a sensing session was completed, but that there was still mistreatment because other Soldiers were being moved around (Exhibit E-7). The Climate Assessment [REDACTED] referred to was completed by [REDACTED] 35th Signal Brigade EOA, on 13 August 2004. The Climate Assessment listed both positive and negative comments about [REDACTED] (Exhibit E-17). There were no recommendations in the report discussing any corrective action towards [REDACTED] which gave the appearance that the negative comments dealt with his leadership style. [REDACTED] testified that [REDACTED] issues dealt with her perceptions that he liked one platoon more then another (Exhibit E-6). [REDACTED] also testified that other NCOs would inform him that [REDACTED] was telling other NCOs and Soldiers that he was "screwed up" instead of coming to him with her issues (Exhibit E-6). [REDACTED] further testified that after the meeting about the letter he believed everything was going well again until the matter of the NCOER (Exhibit E-6). The testimony of all involved led to the conclusion that [REDACTED] issues were due to a lack of communication between [REDACTED] and [REDACTED] and her perception/questioning of [REDACTED] leadership ability. The preponderance of evidence indicated that [REDACTED] did take appropriate action when he received [REDACTED] written complaint from the Brigade EOA.

Conclusion: The allegation that [REDACTED] Company Commander, B Company 327th Signal Battalion, improperly failed to take action when he received a written complaint from [REDACTED] via the Brigade EOA, in violation of paragraph 6-2g (14 thru 15) AR 600-20 was not substantiated.

Other Matters. During this inquiry it was determined that [REDACTED] allegation, that she was moved from the position of platoon sergeant, B Company, 327th Signal Battalion, as a form of reprisal, by members of her chain of command, fell under Title 10, United States Code, section

1034 (10 U.S.C 1034) "Whistleblower reprisal" and was reported to DAIG Assistance Division. The allegations were investigated as a separate matter.

Case FJ 04-0265 closed on 19 October 2005

(b)(7)(C) claims that her chain of command is treating her unfairly regarding her duty position. She has been moved to a lesser position and believes she is being reprimed against and deemed a troublemaker because of her attempts to resolve her issue (Issue is not clear in the correspondence).

## CASENOTES

17 Jun 05 (b)(7)(C) - Given case and advised to write ROII. Reviewed case, interviews and testimony. Found subjects/suspects were not advised of rights. Completed review of case and testimony on 23 Jun 05.

24 Jun 05 (b)(7)(C) - Wrote ROII shell with allegations. Spoke to SJA about possible allegation against (b)(7)(C) who reviewed and signed his NCOER knowing the rate scheme was incorrect. Advised by legal that possible allegation against (b)(7)(C) was not appropriate.

7 Jul 05 (b)(7)(C) - Emailed (b)(7)(C) requested assistance with contacting (b)(7)(C) who would need to be interviewed as a subject due to move of (b)(7)(C) being possibly authorized by him.

8 Jul 05 (b)(7)(C) - Attempted to contact (b)(7)(C) to complete notification for (b)(7)(C) was called and official subject notification was completed.

11 Jul 05 (b)(7)(C) - Completed commander notification with (b)(7)(C) concerning allegation against (b)(7)(C). Memo was completed and placed in file. SAIG was informed of allegation against (b)(7)(C).

12 Jul 05 (b)(7)(C) - Conducted phone interview with (b)(7)(C) which was then transcribed and used to write ROII.

22 Jul 05 (b)(7)(C) - Completed ROII, which was then given to (b)(7)(C) for review.

25 Jul 05 (b)(7)(C) - ROII was returned and corrections were made. Case was organized and labeled and sent to SJA for review. Emailed (b)(7)(C) and requested 14-day extension on suspense date due to case needing to go to SJA.

11 Aug 05 (b)(7)(C) - Received case back from SJA, was found legally sufficient. (b)(7)(C) reviewed and signed report.

12 Aug 05 (b)(7)(C) - Case closed in IGARS, case duplicated and mailed to FORSCOM.



**Veteran's Claim Number:**

**Military Branch of Service:** United States Army

**Rank:** Sergeant First Class

**Alien Registration Number:** N/A

**Medicare Number:** N/A

**OWCP Number:** N/A

**CSA Number:** N/A

**Service Number:**

**Unit:** NHC 51st Signal Battalion

**Dates of Service:** 6 August 1984-Present

If you are requesting assistance on behalf of a family member, please provide that person's name. Please be aware that Senator Dole can only act with that person's permission.

**Family Member Name:**

If you have contacted another congressional office regarding this issue, please list the office.

**Other Offices:**

**Detailed Description of Problem:** Tried to resolve the issue over the last couple of months to no avail. The issue at hand. My chain of command is aware of the situation but no one is reacting to it. I was told that I was a complainer and that I will be removed off Fort Bragg. I went to the Brigade Command and below. I was moved to another lesser position. Then I was moved to another battalion and the CSM treated me bad also. I was told several times that I was overreacting and to get over the treatment. I have been threatened with reprisals that if I keep talking about the situation, I will be removed off of Fort Bragg. The reason that I was stationed here was because of a compassionate reassignment. When I explained that to the Brigade CSM, I was informed that I had been here long enough and if my situation was that bad, I could PCS (Permanent Change of Station) from here. In a couple of weeks my spouse is supposed to deploy and I was scheduled to deploy. I have over 20 years in the military, I have no problem with doing my job. I have went to several agencies to try to resolve this issue. Because of the regulation, my situation doesn't fall under Equal Opportunity. I have also been to the Inspector General's office (still no word). I was moved to be degraded and that is what happened. When I tried to find another job outside of the Brigade, I was informed that where I am at now is the only place that I can work and I will not be released. The Brigade CSM made the statement of removing me from Fort Bragg, without

<http://dole.senate.gov/index.cfm>

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consideration to separating my family. This situation has been getting worse since I arrived here. The First Sergeant that I used to work for in E Co, 327th Signal Battallion was the one who initially tried to make me out to be a liar. I tried my best to get along with him, but if I didn't agree with him at all times, I was told that I was disloyal, dishonest and I had to leave his unit. I relayed this to the battalion and brigade CSM. I even told them how he degraded me in front of the Company. I was basically told by the Brigade CSM that as long as I didn't outrank him, he would always be right. Just recently I discovered paperwork that I was commended to complete was changed to the First Sergeant. And even though everyone is ordered to change it back, the damage is already done. Everyone involved in the situation is more upset that I found out than they are about the situation, so how am I supposed to trust this chain of command. I was removed from his unit to another unit within the same battalion in a lesser position. I was told to just keep proving myself and I would be okay. I was told to not be paranoid and just continue to try to do my job. When I went to the new battalion the Battalion CSM was not receptive or welcoming. I was shunned and ridiculed before I got there. I understand that people in your leadership talk to eachother, but I was supposed to recieve a new start which wasn't afforded to me. I am very upset and disappointed that a lot of these issues could have been resolved but because no one is even taking the time to listen, I have been pushed in a corner. After 20 years of service, I didn't think the same organization that I have believed in, is the same one that isn't helping me at all. I believe that I have every right to be afraid of what may happen to me and my family. I have no connections or anyone in my command that I can trust if I have an issue. Every move I make is closely monitored, even to the point I am questioned about appointments that I have paperwork for. I realize that I have a responsibility, but who is taking care of me. There are a lot of senior soldiers in my position but I can only take of my family. Some people can accept defeat and degradation, but I have sacrificed my whole life fighting the enemy. I will continue to do my job to the best of my abilities, but I know what it feels like to work in a hostile environment. My situation is not a good one to be in, especially when people around me know of the wrongdoings, but turn their backs and close their eyes. I will more than likely receive a retirement for sending this but it can't be any more harder than what is happening to me now.

TESTIMONY INFORMATION SHEET

INFORMATION FOR HEADING of TESTIMONY TRANSCRIPT

To be completed on each witness, subject, suspect interviewed, including those recalled.

Testimony of (Full Name): [REDACTED]  
(FIRST) (MI) (LAST)

SSN: [REDACTED] Rank/Grade: [REDACTED]

Position/Title: \_\_\_\_\_ Organization: HH C 51st SIGNAL BN.

Address: 5125 Thackeray DR ZIP: 28304 PHONE: [REDACTED]

XX

(Completed by IG)

Testimony taken at: Ft. Bragg IG

Date: 23 NOV 04

From: 0830 (hrs), to 1010 (hrs).

By: [REDACTED] and [REDACTED]

Does this witness consent to release? YES \_\_\_\_\_ NO X

Use the space below to record proper nouns, abbreviations, acronyms etc.

B8e

Testimony of [REDACTED] IHC, 51<sup>st</sup> Signal Battalion, Fort Bragg, NC, taken at Fort Bragg, NC on 23 November 2004, from 0830 to 1010 hours, by [REDACTED] and [REDACTED] IGs.

[REDACTED] The time now is 0830, 23 November '04. This tape-recorded interview is being conducted at the XVIII Airborne Corps and Fort Bragg IG Office at Fort Bragg, North Carolina. Persons present are the complainant, [REDACTED] the inquiry officers, [REDACTED] and [REDACTED] [REDACTED] is the transcriber.

This inquiry is directed by the Inspector General, [REDACTED] pertaining to matters under inquiry concerning [REDACTED] allegations.

An Inspector General is an impartial fact-finder for the directing authority. Testimony taken by an IG and reports based upon that testimony may be used for official purposes. Access is normally restricted to persons who clearly need the information to perform their official duties. In some cases, disclosure to other persons may be required by law or regulation or may be directed by proper authority. Upon completion of this interview, I will ask you whether you consent to the release of your testimony if requested by members of the public pursuant to the Freedom of Information Act. Since I will ask you to provide your social security number to help identify you as the person testifying, you have previously been provided with an explanation of the Privacy Act by myself. Do you understand it?

[REDACTED] Yes.

[REDACTED] You are not suspected of any criminal offense nor are you the subject of any unfavorable information. Before we continue I want to remind you of the importance of presenting truthful testimony. It is a violation of federal law to knowingly make a false statement under oath. Do you have any questions before we begin?

[REDACTED] No.

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

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(b)(7)(C) I do.

(b)(7)(C) For the record, please state your full name.

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

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

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

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

(b)(7)(C) (b)(7)(C) currently have no position in my unit.

(b)(7)(C) What unit is that?

(b)(7)(C) HHC, 51<sup>st</sup> Signal Battalion.

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

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

(b)(7)(C) And your address where you would like official correspondence sent to?

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

(b)(7)(C) Okay, we will now begin our questioning. (b)(7)(C) please tell me the nature of why you are here.

(b)(7)(C) The overall filing of a congressional against my chain of command, mainly my first sergeant that I was currently serving under.

(b)(7)(C) What first sergeant is that?'

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

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(b)(7)(C) Tell me what happened.

(b)(7)(C) A rough synopsis. last February I PCSed here on a compassionate. I was assigned to Bravo. 327 Signal Battalion, I went to ANCOC until October. I didn't meet (b)(7)(C) until October 27<sup>th</sup> or 29<sup>th</sup> when I graduated. He called me a week prior to graduation congratulating me on my graduation and welcomed me back on that Monday. I explained to him that I didn't graduate until the 27<sup>th</sup>. he got upset. someone called the academy, I don't know who or what the conversations were but I know it was three calls saying, "Is she lying about graduating, is she telling the truth, we were told she was graduating earlier." I asked him about it when I got back to the unit. he said he doesn't recall what happened. I got back to the unit, for some reason either they didn't like me or something, I was a section sergeant, I wasn't a platoon sergeant and we had some issues within the platoon as far as mistreatment for the platoon and we talked to (b)(7)(C) and the previous commander. And we talked to them, the first sergeant, myself, the platoon sergeant, all the NCOs in the platoon talked to them and they said they were going to take care of it. We had a sensing session and I'm not for sure the results of the sensing session, but it was found out we were as a platoon being mistreated.

(b)(7)(C) Define mistreatment.

(b)(7)(C) Giving extra details, giving all the details basically when taskings come down to the unit, given 90 percent of the taskings, always singled out as saying we weren't a good platoon, we weren't as good the other platoon, meaning 2<sup>nd</sup> Platoon. My section, like I said I didn't know these soldiers--

(b)(7)(C) Your platoon was?

(b)(7)(C) 1<sup>st</sup> Platoon and basically the soldiers felt that we were being mistreated and we went to the platoon sergeant about it and that's how we ended up talking to the commander and the first sergeant about it.

(b)(7)(C) Who else went with you to talk to them?

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[REDACTED] All the NCOs in the platoon because I was a section sergeant, so it was all the platoon section sergeants, a few of the NCOs and the platoon leader, myself and the commander and the first sergeant.

[REDACTED] Do you remember what the other NCOs names were that were there?

[REDACTED] At the time, he's promoted now, it was [REDACTED] he's a sergeant first class, [REDACTED] he's in SF training as of yesterday.

[REDACTED] What's his first name, a lot of [REDACTED]

[REDACTED] I have [REDACTED], [REDACTED] now, [REDACTED] which is no longer here, it was [REDACTED] which is [REDACTED] now, [REDACTED] and there was another NCO there, but I'm for sure which one it was. I know it was several of us NCOs there.

[REDACTED] Which one was the platoon sergeant?

[REDACTED] Actually it was [REDACTED] he was sergeant first class then, but he was the platoon sergeant at that time and he's in Bravo, 50<sup>th</sup> as the first sergeant.

[REDACTED] Okay, what else?

[REDACTED] After that we went to a field exercise in December of last year and the commander blatantly made it clear that we weren't his favorite platoon.

[REDACTED] The new commander?

[REDACTED] No, the old commander, [REDACTED] He left, I want to say in May of this year, May of '04. But last year in December, it was the week prior to Christmas we went to a Commander's Week and he would come by, we would sit on the same site, 1<sup>st</sup> Platoon, 2<sup>nd</sup> Platoon, and Headquarters Platoon on the same site and he would come to the soldiers and he would make statements like, "Oh your tent is not as neat as theirs, as 2<sup>nd</sup> Platoon's," and that's why all of this started about the mistreatment and why you're singling out one platoon over another platoon. It seemed small at the time, but the soldiers were really getting concerned because we were being singled out.

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Now I don't know if it was because of me. I don't know if it was just the platoon overall but we did talk to them again and it was a statement made to the platoon leader which was (b)(7)(C) in the field about the NCOs. Now she didn't tell us NCOs about it, she told us that they talked bad about us. which upset the NCOs because you know they didn't say anything around us, they only said it to her in a meeting. It was like a Tuesday morning meeting, the exercise was Monday through Friday, so the statement was made maybe Tuesday or Wednesday that morning to her about how sorry the NCOs were in her platoon and if they wanted to get anything out of us, they would have to go to 2<sup>nd</sup> Platoon because they couldn't get any support from us and we did all the work and that actually upset a lot of us. And when we talked to them it was the Friday after the field exercise when we actually sat down and talked to the commander and the first sergeant and all the NCOs, it was the Friday, the exercise ended on that Friday so we talked Friday before we got released for that day because I went on leave like the following Monday.

(b)(7)(C) Who's the they? You said they talked bad about you.

(b)(7)(C) The first sergeant, (b)(7)(C) and the company commander. Most of the stuff was coming directly from them and I actually heard a couple of the statements. Most of it was hearsay through the soldiers hearing it, but in the field exercise and doing most of the paperwork, the paperwork going to and from the orderly room, it was said directly to us as NCOs and some of it was directed at me because I was a section sergeant at the time. I had a sensing session, the sensing session said 1<sup>st</sup> Platoon needs some work because like I had just got back from school the end of October and I didn't know any of these soldiers because they were deployed to OEF-3 so I didn't know anybody in the company really, I only knew like 40 to 50 people before I went to ANCOC for four and a half months.

(b)(7)(C) Where did you go to ANCOC?

(b)(7)(C) In Fort Gordon, Georgia from June until the end of October, June 15<sup>th</sup> and they were all still deployed and I got back, I graduated October 27<sup>th</sup> and I came back to work on October the 28<sup>th</sup>.

(b)(7)(C) And you said you reported to Fort Bragg when again?

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(b)(7)(C) 15 March '03 and my husband and I reported in, we were in limbo for four months because we came here on a compassionate.

(b)(7)(C) What was the compassionate for?

(b)(7)(C) My Mom had a cerebral stroke and I'm the oldest child and I was the only one capable of taking care of it. I currently have full custody of my Mom at this time, but she's currently in a nursing home.

(b)(7)(C) And that's when you reported to--

(b)(7)(C) Fort Bragg, right.

(b)(7)(C) But when did you report to the Signal Battalion?

(b)(7)(C) We left December, was it '02, December '02 we left Korea and we weren't assigned officially to Fort Bragg until March '03 and that's when we were assigned to the Signal Brigade, in March.

(b)(7)(C) Okay and then in October after you came back--

(b)(7)(C) I was assigned to the 1<sup>st</sup> Platoon as a section sergeant.

(b)(7)(C) 1<sup>st</sup> Platoon and which--

(b)(7)(C) Bravo, 327<sup>th</sup>.

(b)(7)(C) Bravo, 327<sup>th</sup> and that was the October timeframe?

(b)(7)(C) Yes, 28 October. I served as the rear detachment first sergeant before I went to ANCOC in the same unit, so like I say, there was only 40 to 50 personnel on rear detachment so I didn't know any of the people that were deployed because some people were deploying when I got here--

(b)(7)(C) Did you have any interaction?

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(b)(7)(C) No, most of the people here I've never seen on Fort Bragg because this is my first assignment to Fort Bragg.

(b)(7)(C) But you all didn't communicate, they didn't communicate to you?"

(b)(7)(C) No, (b)(7)(C) was not even a first sergeant at that point. I had a first sergeant, I forgot his name, he was deployed when I got here. So he was deployed, (b)(7)(C) was deployed forward, (b)(7)(C) at the time was still the platoon sergeant, but he was deploying forward in May. He deployed right before I went to ANCOC. I knew them, but I only knew them maybe six weeks, but I didn't know (b)(7)(C) at all. He was in another unit in the battalion because he wasn't promoted yet so I actually officially met him 28 October.

(b)(7)(C) What did they have you doing from the time you got there?

(b)(7)(C) In March I reported in--

(b)(7)(C) From December when you left Korea, what did they have you doing?

(b)(7)(C) We were assigned to 19<sup>th</sup> Replacement until--the Surgeon General had to talk to all my Mom's doctors because they said basically people try to get to post and use the situation, so between (b)(7)(C) and the Surgeon General they talked to every doctor, they called and the doctors had to release medical records to make sure I wasn't lying about the situation so that's why I took such a long time, so every two weeks, I think, we received orders attaching us to the 19<sup>th</sup> Replacement until it was approved or disapproved and it took four months for them to do a thorough investigation to make sure I wasn't lying.

(b)(7)(C) Okay. What other events took place after that as far as your interaction with the first sergeant and the commander?

(b)(7)(C) I never met them until October.

(b)(7)(C) No, no, after the field exercise.

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(b)(7)(C) I'm sorry. I went on leave because after the conversation with all the NCOs at the unit, we went down to the motor pool and the first sergeant started attacking me.

(b)(7)(C) Attacking how?

(b)(7)(C) Verbally attacking stating that why are we complaining because. "Your section has the most profiles, you need to look at your section more and stop worrying about what's being said and you need to fix that." And I was explaining to him because all of us, myself, the platoon sergeant and the platoon leader and the NCOs that talked to them at the unit were all around after we had formation and he had us over there in a corner and he was stating to me, "Well you need to fix those, that's the problem with your section now, you need to fix these profiles and you need to fix these attitudes and if you fix the profiles, then you won't have time to worry about what's being said." I got really upset at that point because I'm like, "What does the profiles have to do with mistreatment of the soldiers and myself, what does one have to do with the other?" I said, "Some of these profiles were in place before I even got here. I just took over the section 28 October, its just December. I'm not going to fix it in a day." And he said, "You need to fix this as far as the profiles, you need to fix the soldiers being late for formation, you need to fix them if they don't shine their boots." I said, "Well what does that have to do with mistreating the soldiers?" And at that point I stopped talking, he kept going and I asked him could I be excused and then (b)(7)(C) which was (b)(7)(C) tried to call me back because I walked away once I was released and I left and I went on leave, so there was no other interaction until January. When I got back to work, it was like everything was like it never happened, so I don't know because they had a, what is that called, a commander's inquiry, not a commander's inquiry, but a sensing session with the soldiers and I guess out of that, that's when in the January timeframe before I came back to work, it was found that it was indeed some mistreatment, like I said, I don't know because I wasn't present for that one, so I don't know what the outcome was. I know it was some mistreatment, some people got moved around, but at the same time they said it would never happen again.

(b)(7)(C) Who got moved around?

(b)(7)(C) They were moving some of the NCOs in 2<sup>nd</sup> Platoon and the only reason it was believed because the soldiers in 2<sup>nd</sup> Platoon said yes they knew we were

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getting mistreated. but why should they say anything because they were benefiting from us being mistreated.

(b)(7)(C) Who was the NCOs that got moved around?

(b)(7)(C) I don't know the ones in 2<sup>nd</sup> Platoon.

(b)(7)(C) You don't know their names?

(b)(7)(C) No, because at that point I wasn't even thinking about that because we were getting ready for JRTC down in Fort Polk.

(b)(7)(C) Okay.

(b)(7)(C) Then what happened after that?

(b)(7)(C) We went through, we got ready to go to Fort Polk, Louisiana.

(b)(7)(C) To JRTC?

(b)(7)(C) The commander was supposed to leave, but he didn't, he got extended.

(b)(7)(C) Leave?

(b)(7)(C) He was supposed to PCS, because there was a lot of stuff going on with him as far as stuff was still happening, but it wasn't happening as like--

(b)(7)(C) Stuff?

(b)(7)(C) I'm sorry, not stuff, things were happening like the mistreatment, like singling out, but it wasn't done verbally anymore, it was done more like, say for instance, example, soldiers would come to the unit, new soldiers and according to--of course, as I was explained, which like I say I've done it before, assigning soldiers to the unit is based on shortages and incoming and out coming personnel. Well we didn't know, we as 1<sup>st</sup> Platoon, didn't know new soldiers were coming in because both platoons were, people were leaving at the same time, PCSing, ETS and what have you. But our

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platoon didn't even know about the shortages until we went up front in the orderly room and saw four or five new soldiers standing in the orderly room and they were all assigned to one platoon, which was 2<sup>nd</sup> Platoon. Now we thought it was odd that one platoon gets all the new soldiers, but we were explained that according to the MTOE and we were like, we're missing the same soldiers at the same time, how in the world are every new soldier comes into this unit is only to one platoon and it kept going on like that until I brought it up in June of this year and it just kept going to the point that if a soldier came in with a profile or something, we're going to assign them to 1<sup>st</sup> Platoon. Now this was said in the orderly room, when the soldiers in question were questioned, they said they didn't recall what happened or they don't remember what happened. That's why I never talked to the soldiers because they would come to me with things, soldiers in the orderly room, I know there was a specialist, she got out now, [REDACTED] she actually got chaptered, but she worked in the orderly room and she even told me in front of the first sergeant, in front of the commander that, "You said you was going to put this person in [REDACTED] platoon." because I eventually became the platoon sergeant. "But you're going to put this soldier in 1<sup>st</sup> Platoon because they've got a profile or they look overweight." But then when confronted with it the soldier said she didn't want to get involved because she didn't know what they were going to do to her and based on the overall of what they did to me, no soldier wants to say anything because their statement to me was, "If they can do that to an E-7, what are they going to do to me?" That's why I never had a lot of soldiers--

[REDACTED] How were you selected to be the platoon sergeant?

[REDACTED] Well what happened was, [REDACTED] while we were in JRTC, got promoted from E-7 to E-8. Now there was another E-7 brought over to the unit, [REDACTED] from Delta 327, he was brought over to the unit, he was going to be the platoon sergeant. Well the first sergeant either didn't like him either, because there was a lot of statements made in JRTC. I didn't know [REDACTED] because I had never met him. Like I said, I didn't know a lot of people in the battalion. When we got back from JRTC, [REDACTED] was like, "I don't want him as my platoon sergeant. We can put her," meaning me, "as the platoon sergeant," and [REDACTED] which is [REDACTED] now, stated the same thing and the soldiers are wondering what is the problem. I was still the section sergeant so I had no problem being the section sergeant. [REDACTED] stayed in the unit about three to four, maybe four weeks, and the whole time he was never told that he wasn't going to be the platoon sergeant by the first sergeant. I was told at PT formation, "Why aren't you standing up

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front." this was coming by [REDACTED] which was [REDACTED] "why are you standing in the back of formation. [REDACTED] you're the platoon sergeant, not him." meaning [REDACTED] Now nobody still told [REDACTED] that he wasn't the platoon sergeant, even though he was brought from another unit to be the platoon sergeant to replace [REDACTED]

[REDACTED] So what was [REDACTED] job at that time?

[REDACTED] He acted as, for two weeks while the first sergeant went to first sergeant's course, he became the first sergeant for a couple of weeks while he was in first sergeant's. Once the first sergeant got back to the unit, [REDACTED] was moved to be a first sergeant in Bravo 50<sup>th</sup> and [REDACTED] was moved because he went to the battalion sergeant major because he knew he didn't like what was going on.

[REDACTED] Where does he work now?

[REDACTED] He works in Alpha Company 327<sup>th</sup> and he is in ANCOC at the current time. And the reason he moved, because he and I talked and he didn't understand why they were doing both of us like that. They were trying to make it seem like I wanted him out of the way when I was told that, "Why are you letting him be the platoon sergeant, you're the platoon sergeant," and I was like, "No he outranks me," you know, even though I had more time in the Army, he outranks me, so why was he brought over here in the first place. And like I said, I don't know if the soldiers would say anything or not, but it was said in PT formation, "I don't want that person," to make it a nicer word, "as my platoon sergeant."

[REDACTED] Where was that said? The word?

[REDACTED] In PT formation.

[REDACTED] In front of the PT formation?

[REDACTED] Well, we form up and the soldiers, we weren't actually at parade rest or anything, it was in the back of the formation. "I don't want that person"--

[REDACTED] What's the word?

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[REDACTED] Asshole.

[REDACTED] Oh okay.

[REDACTED] "I don't want him nowhere near my company."

[REDACTED] Okay.

[REDACTED] And that was?

[REDACTED] By [REDACTED]

[REDACTED] First Sergeant Fulton?

[REDACTED] Against [REDACTED] right. And like I said, to this day, every time I talk to someone about it, because I talked to the brigade sergeant major when I had to go, when I requested to see him and I was told that because he didn't have a security clearance, that's why he was officially not the platoon sergeant and I said, "What difference does that make, [REDACTED] didn't have a security clearance," so I really didn't know, well I really didn't want to know why, all I know is he was mistreated too and I was put in the position by default. That's what I was told. I was put in the position by default.

[REDACTED] Okay. So what happened next, sequentially?

[REDACTED] After I became the platoon sergeant, which was technically the end of April of this year, early May, because that's when [REDACTED] officially moved, in May, I took over, officially took over the platoon. Now in the meantime, I had injured my leg back in October right after I got out of school so I had a profile and I had a bone scan done, so it wasn't like I had just got a profile. So the first sergeant knew, the commander knew, the new commander and the old commander, the new commander is [REDACTED] he was the incoming commander and the old commander was [REDACTED] [REDACTED] [REDACTED] all of them knew I had a profile on my leg and I asked them, before I took over, I said, "Is this going to be an issue? Because I know on Fort Bragg, all I've been hearing is first I'm not airborne, so that's been held against me," which I never really elaborated on because it doesn't bother me personally to be honest, the second issue was, I said, "I've got a profile, now if I'm going

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to be a platoon sergeant and all you've been preaching is leading from the front and you know I can't run with my soldiers but I do run, is that going to be a problem? No. [REDACTED] I already talked to everybody." [REDACTED] "I've been pushing to get you in this position." I said. "Are you sure you want me as your platoon sergeant?" I said. "Because I'm not going to agree to something that's going wrong. I'm not going to agree to any mistreatment." I said. "You already know how I am as a section sergeant, so it's not going to change because of the positions." So nothing really happened in May because the first sergeant was on convalescent leave from an accident, so nothing really happened in May and I went on leave a week in June.

[REDACTED] Did this accident that the first sergeant had, is it a motorcycle accident?

[REDACTED] Yes it was, sir. And basically, like I said, I didn't know he was--I don't know what type of meeting--when they went to the platoon sergeant's meeting or the first sergeant's meeting with the sergeant major, evidently somebody in there was bad-mouthing me. Now the only person that I could figure was the first sergeant because throughout this whole process, the first sergeant always did the same thing, would never tell me like--like platoon sergeant meetings, we would have them at 6 a.m. and then the other platoon sergeants would get additional information, i.e., uniform change, formation change. I would always have to find out the information from a soldier. NCO in 2<sup>nd</sup> Platoon, I know [REDACTED] [REDACTED] most of the time I would go to him and ask him, "Hey look I'm not getting all the information. Could you please tell me?" I talked to the first sergeant a couple of times because once this initially started in August when I really officially sat down and talked to the commander, the new commander, [REDACTED] about what was going on, the first sergeant and myself--when I went to [REDACTED], now what happened on that issue was when I went to him, he's the brigade EO, I was EO trained but I'm not the company rep and I talked to him and he said, "Give me a copy of what the soldiers want to be addressed." but he said, "Write down everything you think is a problem, why you think the soldiers are being mistreated. Do you think they are being mistreated because of me and he doesn't like me or do you think they're being mistreated just because they don't know." and I told him, "I don't know." So I went to him with a, it was a handwritten piece of paper, lined paper, it wasn't official, it wasn't unofficial, it was like a little kid scribbled some notes down that the soldiers wanted us to address. [REDACTED] took it to [REDACTED] and [REDACTED] and he said, "You handle it." He said, "All she's requesting is a mediator, somebody impartial to it, the soldiers want to talk." it was like the soldiers want

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to talk to him. Now what happened the following week was [REDACTED] took the paper that I had wrote, the little pieces of paper, he took them down to the motor pool, motor maintenance day, everybody's around, he takes the folder out of his back jacket and he throws it out and shows it to the battalion sergeant major. "Look what she wrote, look what she got on this piece of paper." then he takes it to the commander.

[REDACTED] How do you know he did that?

[REDACTED] I was standing right there.

[REDACTED] Oh okay.

[REDACTED] I was like maybe from here to there (shows a distance of about four feet).

[REDACTED] And you provided this list of issues to the EOA in August?

[REDACTED] Yes and he gave it back to the first sergeant like within three days and he said he told him it doesn't need to go any further than this company, the company needs to handle it because we didn't have a sensing session yet, a command climate for the new commander yet, but he said there was something still going on and we thought this was addressed way back which was the first sensing session. So after we went to the motor pool, he showed it to the battalion commander, he showed it to the battalion sergeant major, he showed it to the S-3 sergeant major, he told every first sergeant and every platoon sergeant, everybody within ear shot what had happened, this whole incident that was just supposed to be kept within the unit was told to everybody in the battalion. When I asked about it, they said well it's not morally right, but it's his right if he wants to go to other people for support or basically get feedback. I said, "Feedback I understand if he went to the sergeant majors. Why would you go to every first sergeant in the battalion. Why would you go to every platoon sergeant in the battalion and everybody you know to explain what happened with our situation in the company."

[REDACTED] And this was a list of complaints that the brigade EOA asked you to compile?

[REDACTED] Right, well he told me because of the soldiers. I told him, I said "I'm not concerned about myself this whole time. I'm really concerned about these

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soldiers because the soldiers asked me to deploy with them and I have no problem with that." The brigade EO said write them down, he looked at them and he gave them right back to the unit, they didn't go to the battalion.

(b)(7)(C) But you wrote them down because he asked you to?

(b)(7)(C) He told me to write them down, yes.

(b)(7)(C) And give them to him.

(b)(7)(C) Right so I wouldn't forget, correct, so I wouldn't leave out the issue, if there was something I missed, yes. So when we went to see--I didn't talk to the battalion commander or sergeant major because I didn't think it was going to go that far. A couple of weeks later the commander pulled me in the office and he questioned me about what was going on, you know, I understand it's an issue and he brought myself and the first sergeant in the first meeting. He said, "Well you and the first sergeant needs to talk because there's something going on," and I said, "Sir I don't understand what's going on." I said, "I never done anything to this man, this is the first time I've ever seen him officially, I've never ran into him in my Army career." And for signal, that's sort of strange because we do normally run into each other down the line, but because I've never been to Bragg, I've been to Korea and everywhere else, I've never officially ran into most of these people I work with or used to work with, so we talked and it got to the point the first sergeant didn't want to hear anything I was saying in that office and when I was trying to explain to him, "First sergeant this is what's going on," he would say, "Well I don't have to talk to you." He said, "You have to talk to me, I don't have to come talk to you. If I don't want to talk to you, I don't have to." He said, "This is my company, I run it the way I want to," and he looked at the commander and he said, "Sir, that's why she needs to leave. That's why she needs to go, she needs to get out of my unit, she's mistrustful."

(b)(7)(C) He called the company his company in front of the commander?

(b)(7)(C) Yes he did. He said, "This is my company, I run it the way I want to. I don't have to talk to her." and he said, "That's why she needs to go." Now the whole time, this is before they even thought about moving me, okay so, I'm looking at him like what are you talking about, I need to go? And then the commander changed and he said, "Well (b)(7)(C) according to your profile you are non-deployable." I

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said. "Yes I am non-deployable according to my running profile, but it's a temporary profile and over half the people in the unit, technically, are non-deployable. And the first sergeant looked at him and, "Well sir, I don't even want her in my unit." I said okay fine. He said, "Well what we're going to do." the commander. [REDACTED]

[REDACTED] When was this, August?

[REDACTED] This was like August the 3<sup>rd</sup> because I wrote the dates down.

[REDACTED] Was this before or after you provided the list of complaints to the brigade EOA?

[REDACTED] This was after because the end of July was when I gave the statements to the brigade EO, that's when it actually officially started and what triggered this meeting with myself and the first sergeant was on the 31<sup>st</sup> of July, he called me which was a Saturday. At first he denied calling me on my cell phone, he said, "No sir I didn't call her." and then I said, "Here on my cell phone is where I received calls, he did call me."

[REDACTED] From work, home?

[REDACTED] No he called me on my cell phone, it was a Saturday.

[REDACTED] Where did he call you from?

[REDACTED] It was his cell phone number, so I don't know if he was at home, I don't know where he was at. He said, "Well I got one of your soldiers scheduled to come over to study," because when one was going to the [REDACTED] board and he said, "Well can I talk to you for a few minutes," and I was like, "Well what about, I'm sort of busy," because I normally go visit my Mom on the weekends and he knew that everybody knows that and he said, "Well I just want to talk to you about the complaint you did," and I said, "Well first sergeant, it wasn't a complaint." And then it went from talking to me to, "Well you know I just don't understand, I think that's F-ed up, what you did." I said, "What are you talking about," and he said, "When I talked to [REDACTED] about it," meaning [REDACTED] because they were real good friends, I said, "Why would you even talk to [REDACTED] which is my husband's first sergeant, why did you even talk to [REDACTED] about, it's not even an issue." and he said, "You just

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listen to me." and I said, "You know what, first of all you're on my cell phone, second of all this is not official business, third we're supposed to talk about this next week, I'm not talking to you anymore." He said, "You're going to talk to me." and I hung up. He didn't call back and when I explained it to the commander, he said, "It's hearsay because it's your word against his," and I said, "Well sir he just you he didn't call me and I showed you that he called me, so why would I make up this?" He said, "Well I can't listen to that [REDACTED] that's hearsay, that's your word against his." and the first sergeant was like, "Yeah that's right, I don't recall saying those things to you on the phone." I said, "Okay", I let that go." I talked to the commander after he talked to myself, the first sergeant and commander talked in the office because I was really upset. I said, "Sir you can call my doctor like the first sergeant did because the first sergeant called my doctor to see if I was non-deployable, he said, "Well according to this you are non-deployable, but you can go and get your profile adjusted."

[REDACTED] : Which doctor did he call?

[REDACTED] : [REDACTED] down in Clark Health Clinic.

[REDACTED] Okay.

[REDACTED] And that's our care provider, so he called him and he said, "Yes according to that profile right now, she's non-deployable, but it's nothing, that the soldier can waive it." so what I did was, my leg didn't heal, I went down and readjusted the profile, all it stated was I couldn't do three to five second rushes, I think it was the prone position or something. But I can do it, just like I can run, I just can't run with them because it's causing more damage to my leg which I still can run, which the profile is waivable, so I went down and changed it. The commander went on leave at this time and he said, "In the meantime, I want you to talk to the first sergeant." I was really upset after that, I didn't talk to the first sergeant for a while, for a week. The following Tuesday which is like the second week in August, like the second Tuesday, the 10<sup>th</sup>, I went to the first sergeant at about 1400 and I talked to him and I said, "First sergeant I don't know what's going on, we need to start back over." I went all the way back to when I was in ANCOC, you know, somebody called and you know, was asking questions about why was I lying about my graduation date, you know this soldier is going AWOL and he said he didn't make the call and he don't remember making the call, maybe someone saw how upset he was and they made the call. "Now he never said who they were, he said maybe my orderly room clerks called." I said, "Well they said it was a male and they

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said that they he said it was the first sergeant." and he said. "Well maybe the person that called used my name." and they called three days. I understand one day. I understand two days. but you call three days in a row in a school. a leadership school. and it's making me look pretty bad because somebody is questioning me now on what's going on at a whole different post and nobody knows what's going on down here on Fort Bragg. I said. "You never met me. first sergeant. how can you question me." and he said. "Okay fine. we're just going to start from this point on. we're going to let everything in the past be the past." I never knew I was going to move from the unit. [REDACTED] from Charlie Company 327, came up to me like the same week and said, "[REDACTED] do you know I'm moving over to Bravo Company? What platoon sergeant is moving to take my place?" Now he's not a platoon sergeant at that time, he was a section sergeant, so he asked me, he said, "Do you know which E-7 they are moving to Charlie Company in the section sergeant position?" I'm like, "I don't know, I haven't heard anything." He said. "Well everything is on hold right now, but I want you to know that they're thinking about moving somebody over to Charlie Company." A couple of weeks passed, I got my NCOER. Now, [REDACTED] was my rater, the commander was my senior rater. [REDACTED] and [REDACTED] was my reviewer. She and I did my NCOER, we sat down and she gave me my initial counseling as a platoon sergeant when I took over. She was the platoon leader and the XO because we had no XO at the time, so they gave her dual roles, but she still was the platoon leader until supposedly September of this year, September '04. Well a couple of weeks later she received orders going to Dragon Brigade.

[REDACTED] Surprisingly?

[REDACTED] She didn't know, she didn't know, I didn't know because we were all geared up to go, to deploy this month, that's what our original intent was.

[REDACTED] Is this [REDACTED]?

[REDACTED] Yes sir.

[REDACTED] There is more to that story too.

[REDACTED] All right. Keep going.

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(b)(7)(C) He made me lose my train of thought. sorry. Okay NCOER. platoon leader gave me my NCOER. she and I wrote it up. we did the evaluations. the ratings. we turned it in to the first sergeant. now when it goes to the commander everything was okay like on the back. for instance, at the bottom where it says rated NCO potential and overall potential is the second block, but the first block I forgot what it says. the first block is. on the back of the NCOER. like I said she and I went over it. we went according to what's been happening in the platoon. getting ready for deployment--okay here. it's the senior rater overall performance and the senior rater overall potential. Now my NCOER went up for corrections through. it doesn't have to go through the first sergeant. but by courtesy it always goes through the first sergeant and he's been there the longest. so basically. according to him, he's supposed to know me better and it goes all the way over to battalion which is the sergeant major and he sends it back with corrections. The first initial came back as a one and one on the bottom where it says overall performance and senior rater. Now when it goes back to the first sergeant again to relook at. there's a whole lot of scratches on it. Now I don't have copies of that because I think they were shredded. I don't know. I just got the finished completion. Now when I get the NCOER back, it's a two and a one and the commander hands it to (b)(7)(C) and he says, "You need to make her sign this because you are the rater. that is your responsibility." but actually it's the senior rater's responsibility. so she gave it back to him and she said, "Sir I don't agree with the two and the one. That's my platoon sergeant, I don't understand why you're giving her a two and a one. she hasn't done anything wrong." and the first sergeant said he didn't understand why the commander did it. he said maybe he did it because of some of the incidents with the EO. He said he don't think the commander did that because of my profile. Now this went on for about one or two weeks. In the meantime, I went to the battalion sergeant major, which is (b)(7)(C) and asked him, "Sergeant major. what is going on? This looks personal. I said now I talked to the first sergeant." now this was after the fact because the commander still tried to get me to sign it. I said, "Sir I'm not signing this NCOER. I understand the signature is only for administrative data. I understand that. but you need to explain to me why you give me a two and a one." He said, "Well it's not really one particular thing. (b)(7)(C) you're doing an outstanding job. I see no problem with your performance. I see some things you can improve on." and I said, "Okay sir. if you see nothing wrong with what I'm doing right now at this point with this rating. why do you consider me a two and a one. The last time I got a two and a one is when I was a E-5 and I understand that if I deserved a two and a one. if I didn't come to work, if missions weren't complete. that's understandable. Where do I deserve a two and a one?" And I went to the sergeant major and I went back

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and forth between the sergeant major and the first sergeant. I talked to the first sergeant again. I said, "First sergeant, what is going on with my NCOER?" And I asked him. I said, "First sergeant, it was red and black and green markings like different persons used different ink pens, so who made the changes in the black?" He said, "I did." I said, "So you were the one that changed the one to the two?" He said, "Based on what I feel." I said, "So basically you're holding stuff against me and then the commander gives me, on the 31<sup>st</sup> of August, after all this, he gives me a counseling statement." So I didn't sign this because I went back and forth to [REDACTED] which is the brigade sergeant major, he told me not to sign it until he did further investigation himself and how I came about signing it was, he called the first sergeant on the telephone in the office that day, right before formation, about 1620, 1625, the first sergeant said, "Here [REDACTED] here's the phone," [REDACTED] said, "Well you need to sign it." I said, "Sergeant major I just called you earlier today, I got a counseling statement on the day that I was told to sign it. This is the only counseling statement I have received outside of my initial counseling statement explaining that the reason he didn't give me a one block was because I needed to perform within the limits of my profile which I've been doing, I've never stopped doing anything. You need to get along better with the first sergeant, this was coming from [REDACTED] and I wrote a rebuttal to which means nothing really and I didn't sign the NCOER until later that afternoon, but what happened was when I was on the phone with [REDACTED] I was really upset. I said, "Sergeant major you know this is wrong, you know this is personal," he said, "Well I can't get the commander to change his mind about how he feels about your rating." I said, "But it was based off of what the first sergeant told him because the commander hasn't been here that long, because I got rated for eight months, but technically I was only the platoon sergeant since May." He said, "Well based on--", I said, "It doesn't matter how long I was the platoon sergeant. I did the job and I performed it well and if you want to send me to another unit, that's fine, but don't do this to my career because I haven't got out of the Army yet and I take this personally because if I did something wrong, I should have been told before it was time for my NCOER." In the meantime, [REDACTED] was in the process of moving, she was upset because the whole time the first sergeant said his major complaint with me and her was we were too close. I said, "Now ever since I've been in the Army there was no issue with the platoon sergeant and the platoon leader being so close. Is it because we're females, is it because we're black females, what is the problem with all of a sudden this issue with me and her being too close, what do you not like? Because if I miss a meeting and she sits in on the meeting, I won't go against what she said and vice versa? Because whatever she said, me and her will talk about it later on like, "You shouldn't have said that, that was jacked up.

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we're going to fix this." but we don't do it in front of the commander and first sergeant. the same thing with the commander and first sergeant. You should want a close-knit group. Our platoon got close because [REDACTED] was not officially my platoon leader until October and we officially didn't become really close until we went to JRTC. we were the only two females in the platoon. I was a section sergeant. she was the platoon leader. so that's how that transpired and it has continued on when I was platoon sergeant. The soldiers were fine with it, nobody had a problem with it, the families were fine with it. As a matter of fact, the spouses liked it because they could get along with us more, they could talk to us. So to fast forward all of that, basically when it came to my NCOER, I went back and forth to [REDACTED]. I said, "Sergeant major, you know something is wrong," so basically when I went to him, he said [REDACTED] was at fault because she didn't fight enough to get the two changed back to the one. I said, "Sergeant major she sat there and we didn't argue with the commander, but we were trying to explain to him what justified the two and the one. Sergeant major, we just came from his office three hours. She went in there an hour by herself and she was upset, so now everything is [REDACTED] fault because I got a two and a one," and I said okay so when I was on the phone with [REDACTED] I hung up because I was upset and he said, "You need to go report to battalion sergeant major ASAP and sign your NCOER." I went to the back and grabbed my beret, now at the same time formation was supposed to happen. I sent one of my other NCOs, I said, "Look I gotta go sign this NCOER, they're not going to leave me alone." I grabbed my beret, I turn around and here is the first sergeant, maybe as close as you and I are (approximately three feet), he said, "Get your f-ing ass in formation," I said, "First sergeant, I was told." "I don't give an F what you were told, you do what I tell you." "First sergeant, you don't need to curse at me." "You don't tell me what the F to do." Now the company is in the backup outside, it was really quiet, so they could hear. One of my NCOs and [REDACTED] was sitting in the office. I said, [REDACTED] something's getting ready to happen." and he kept walking towards me, he said, "You get your F-ing ass in formation, you get it in there right now. I don't give an F what you gotta do, this is my formation, this is my company, you do what the F I do." I grabbed my beret and I went across the street. Now when I was sitting in there waiting for the sergeant major to talk to me, the first sergeant came in with a counseling statement, he said, "Sergeant major before she signs that, you need to look at this counseling statement. She disrespected me as a senior noncommissioned officer." I said, "Sergeant major, hold up, he cursed me. You know all this exploded, all this got out of hand, this is in front of the soldiers." "I did not curse you in front of the soldiers." I said, "Yes you did, we can go ask everybody in the company, everybody heard you." he said, "No we're not going to go that far." and the

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sergeant major is like. "I'm just pissed off at both of you all. you all got some issues with your personalities. you need to just sign this NCOER. [REDACTED]" he threw the counseling statement. I don't know what he did with it. he threw it to the side. he said. "You need to sign this NCOER right now." I was upset. but I signed it. the same day I got the counseling statement from the commander. I signed the NCOER. he said. "Well as of right now you're in Charlie Company," I said okay. 1 September I report to Charlie Company. I find out I'm in a section sergeant position. Now two weeks before this. [REDACTED] had already said, "I heard rumors that I was moving over to Bravo." Now he moved over because he was a section sergeant from one company to another. but they took me from platoon sergeant to section sergeant in another company.

[REDACTED] You did not have any idea that you were moving to Charlie?

[REDACTED] No.

[REDACTED] Until that day when the sergeant major said that?

[REDACTED] Right. [REDACTED] said he had heard rumors. but he didn't know who was being moved and then that day. the 31<sup>st</sup> of August. [REDACTED] said, "You are no longer in Bravo. you are in Charlie Company 327." I reported to the first sergeant, which is [REDACTED] I think he's already deployed. The next day he said, "The only position I have open for you is section sergeant." I said. "So just like that, nobody even took into consideration what's going on." He said. "I got an NCO assigned. you don't outrank anybody and that's where you're going." I said okay. went back to the sergeant major and said. "Sergeant major, look I understand what's going on. Couldn't you put me in S-3 or something until this situation blows over." "No, that's the only spot I got open for you. [REDACTED] that's where you're going to stay." I said. "Sergeant major, do you know what this looks like? This looks like I was having reprisals done. It looks like you're punishing me for opening my mouth and speaking up about what's right and wrong." He said, "Well if [REDACTED] would have changed your NCOER, then all of this would have been washed over." I said. "No. as long as I didn't say anything against [REDACTED] I was an okay NCO. As long as I agreed to everything he said. I was an okay NCO. but as soon as I had an issue with something. I was the worst NCO on earth." That's why he recently told the commander I need to move from--he didn't want me no longer in his unit or she had to go. that was his statement. he said. "Sir that's why I told you she got to go." And they kept playing on my profile--

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(b)(7)(C) That was when you were in his office back in August?

(b)(7)(C) Right. early August. yes. So at that point. I was really upset. That's when I think I officially came to the IG on the 1<sup>st</sup> of September and talked to (b)(7)(C) and he gave me over to (b)(7)(C) and at that point, I know I came to the IG, I went back to (b)(7)(C) a couple of times because I told him. I said, "Sergeant major this is not right." He said he blessed off on the move, I said, "So you already knew I was moving to a section sergeant position."

(b)(7)(C) When you came to the IG and you spoke to (b)(7)(C) and then at some point you also spoke to me--

(b)(7)(C) Right, it was only a few seconds, a few minutes about the whistleblower and you said you don't think it fit.

(b)(7)(C) But you spoke to all three of us. At some point and I don't know if it was that point, but at some point later, did (b)(7)(C) give you any guidance as to how to proceed in the issue involving the NCOER that you disagreed with?

(b)(7)(C) Yes, he told me to look into the regulation and try to do a rebuttal I think.

(b)(7)(C) An appeal.

(b)(7)(C) An appeal.

(b)(7)(C) Commander's inquiry?

(b)(7)(C) Commander's inquiry. So he told me to do a commander's inquiry, but I didn't because I was like it's not about the NCOER, it's about what happened around the NCOER. But he did tell me that at that point, yes, I didn't do it.

(b)(7)(C) That you had that option?

(b)(7)(C) Yes, I had that option. I went back and forth to EO which is (b)(7)(C) and he said, to fast forward a little bit, he said that basically what I

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had was not in the realms of EO. it was more in the realms of IG because he said even though it could have been borderline EO. there was nothing done to me racially. morally or to fit the guidelines of actual EO. I wasn't called on by name. I wasn't singled out because of my race. but I said. "Are you sure because it just seems really weird that you had two females in charge of a platoon and both of them are gone."

(b)(7)(C) Had that issue come up before about you all being so close?

(b)(7)(C) Well no. it was being said in a joking way. I didn't hear it from the soldiers. the first time I heard it was from First Sergeant Fulton and then when (b)(7)(C) brought me in a couple of times, he mentioned it.

(b)(7)(C) Mentioned it how?

(b)(7)(C) He just said--well when he put her in the platoon leader's position, she was the platoon leader and company XO, he said, "Well she's more of the XO now, you need to break the strings, break the ties. You all are still too close." I said, "Well sir, you just took her a couple of days ago, of course we've still got stuff in the platoon we've got to handle because at that point, we didn't even know we were getting another platoon leader.

(b)(7)(C) At what point did you get a new platoon leader?

(b)(7)(C) After I left actually.

(b)(7)(C) Okay.

(b)(7)(C) After I left, he was in schools. airborne school and we didn't even know. We heard a name.

(b)(7)(C) Who was that?

(b)(7)(C) First lieutenant, oh what is his name. because he's involved in the incident with the NCOER also. (b)(7)(C) but it's another platoon leader, two of them came. I think it's (b)(7)(C) but I know (b)(7)(C) took over the XO position.

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(b)(7)(C) Oh, he took over the XO position?

(b)(7)(C) Yes. He was supposed to take the platoon leader position, but now I was told he's the XO and that's how the NCOER incident came about. When I left, of course I had to do change of rating NCOERs. I had to do three change of rating NCOERs. In the meantime when I got moved I requested through (b)(7)(C) and (b)(7)(C) also. I said, "Look I don't feel comfortable in this battalion anymore. I need to leave." (b)(7)(C) got really upset that I left. He didn't throw me out the office, but he said, "I need to make a phone call, you can go." so that was 8 October. 8 October. I went to brigade, got my orders, now I reported--

(b)(7)(C) From the S-1?

(b)(7)(C) Brigade S-1, yes, it was Sergeant First Class, I forgot his name, he works over in the S-1. The next day I went to 51<sup>st</sup> HHC where I was assigned according to my orders, but I wasn't supposed to report until the 10<sup>th</sup>. Now I meet Command (b)(7)(C) I said, "I'm (b)(7)(C) "Oh you're (b)(7)(C) I thought it was strange but I didn't say anything, he said, "Oh you're the (b)(7)(C) (b)(7)(C)" and I said yes and he said, "First of all you're in BDUs at PT time. I'm not even going to talk to you," I said, (b)(7)(C) "I've got to go to the hospital." "What are you talking about, there's no hospital appointment at 6:30 in the morning," I said. "Sergeant major, I've got a hospital appointment," because I didn't tell them I had surgery until the next day. He said, "Well I'm not going to talk to you right now, you either come back today or tomorrow when I've time for you, because technically you don't even belong to me anyway." I said, "Well sergeant major, I was just here in the little corner of 327<sup>th</sup>," he said, "I don't care where you were, sergeant. What'd I tell you, this is PT time, you're in BDUs at PT time and you report back when you belong to me." I was not a happy person, so I didn't come back until the next afternoon which was the 10<sup>th</sup> and then he was like, I said, "Sergeant major, what I was trying to tell you yesterday is I have a scheduled surgery. Where are you going to have me working at?" "I don't know where I'm going to put you at right now. (b)(7)(C), come back on Monday." I said okay and when I get back Monday, I reported at 9:00, but that Friday conversation was, "Well maybe you and the first sergeant got a personality conflict. Maybe something wrong with your personality." I said, "Well sergeant major, what are you talking about. You all don't even know me over here." He said, "Well you know sometimes the first sergeants and the platoon sergeants clash, but that's okay because it doesn't matter. All that stuff that happened over there, sometimes you'll run into people that is just not going

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to get along with you." I said, "Well sergeant major, I'm supposed to get a fresh start over here, why are we bringing up all this stuff? Why are you bringing up stuff that happened and you don't technically supposed to know about it? I'm not stupid, I know people talk and signal is the worse people for communication as far as they can talk, but they can't communicate, if you know what I mean." So basically, I was like, "Sergeant major all I wanted was a fresh start." He said, "Well you know, all the stuff that went on over there, I'm not concerned about." I said, "Well sergeant major, I have a profile," he said, "Oh I know you got a profile, sergeant, I was already told you got a profile." I said, "But what does that have to do with me leading from the front." He said, "Well you're not going to be a platoon sergeant in my battalion. Come back on Monday and I'll tell you where you're going to work at." I said, "Okay sergeant major, so why is it I have people in my company with profiles in platoon sergeant positions? Is it only just [REDACTED] can't be a platoon sergeant with a profile? You got people getting promoted to E-7/E-8 that have profiles in a leadership position. Is it only [REDACTED] you don't want in a platoon sergeant position or is it all profiles or only profiles like mine are not in the positions." He said, "Well you're going to work in my S-3, you're not going to be in charge of any soldiers." He said that Monday, which should have been like the 13<sup>th</sup> of October, or September, I'm sorry, because I had a hospital appointment on the 17<sup>th</sup> and then I had my surgery on the 20<sup>th</sup>. Now the 21<sup>st</sup> through the 27<sup>th</sup> of September, I was on convalescent leave. In the meantime, I still had to do these three NCOERs, I mean it was like every day. They weren't calling me, they were calling [REDACTED] [REDACTED] "You need to get hold of that person, you're the senior rater, where are the NCOERs." I said, "L T, I'm a little--the medicine got me, but you know I got them." I gave them to her, we turned them in to the company which was Bravo 327<sup>th</sup>, three section sergeants, it was a [REDACTED] which is sergeant first class; [REDACTED] and [REDACTED] those were the three NCOERs that was due. Now I went on leave the 21<sup>st</sup> through the 27<sup>th</sup> of September, which was convalescent leave. I came back and went on sick call, because for some reason I was running a fever after the surgery, so I went back, they put me on two days quarters, I came in on those days, on the Friday before I came off convalescent leave, we went over to the company because [REDACTED] requested that he had a copy of the NCOERs and he wanted a copy of [REDACTED] counseling packet, because at the time in question his NCOER wasn't looking like everybody wanted it to look, which was they wanted me to do a complete the record for the promotion board and I said, "He doesn't deserve a complete the record, you know his track record is as worse as I do." So we gave them to the commander, the first sergeant, [REDACTED] walked it in there to him, I stood at the counter. The next day I guess nobody was happy with it, so the next

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week I went in. I came off convalescent leave. it was like the end of September and I came back to the IG Office on the 30<sup>th</sup> of September. I was still on convalescent leave, but that same day I was sick and had 101 degree temperature. but I was in BDUs. I came back to work that day and [REDACTED] said. [REDACTED] they want the NCOERs today. they don't care. [REDACTED] said that [REDACTED] said he never received a packet from me." I said. "Well L. T. I told you to sign it to [REDACTED] but you didn't. you gave it to him in his hand. He said he doesn't recall us giving him a packet. okay fine. I've got a copy of it." I came back into work. I went on sick call at 1200. I went back to HHC 327, the battalion headquarters. She and I stood over there forever and one NCO showed up which was [REDACTED] he was on leave. but he showed up. he signed his NCOER. [REDACTED] and [REDACTED] did not show up. They were told to be there at 1030, I showed up at 1200 as soon as I got off emergency sick call. I came over there. they didn't show up until like 1:30. Now the conversation was, [REDACTED] told us that he was told by [REDACTED] don't even worry about showing up at 1030. show up when you want to. Now I can't confirm that because of course the first sergeant is going to say that's hearsay. But the soldier is a good soldier, he has no reason to lie to me. I don't think. Now [REDACTED] looked at his NCOER. we went over it, he and I and [REDACTED] and he signed it. [REDACTED] took like an additional 30 minutes to get there. so it was more like 1330/1345 when he showed up and [REDACTED] and I took him to a separate room because we didn't want to talk in front of like the secretary, the driver and everybody. so we took him to a separate room and we said. [REDACTED] now we can get down to business or you can lie." and he said. "Well [REDACTED] I don't know what you're talking about," I said. "Okay [REDACTED] first of all you went to jumpmaster school three times, okay? The first two times you didn't pass. I didn't even know you didn't pass. You took it upon yourself. I guess you had to be there at 4:30. if you don't show up. they said don't worry about showing up. So when you didn't show up, you didn't come back to work, you didn't call. I had to find out through another soldier that you didn't even pass the jumpmaster course two times." All three times he went. I didn't even know what dates he went to school and this had been going on for awhile. he had just came off of convalescent leave, he had just came off of TDY. I said. [REDACTED] when are you going to be a section sergeant and be around these soldiers. because most--" the soldiers had a complaint against him and that went to the point when he actually got moved to Charlie Company 327. in the spot that I vacated. Now of course it's being said that he was moved to help out the company as far as having jumpmasters. but that wasn't the reason he was moved. The reason he was moved because the soldiers had a legitimate complaint. which I didn't know about because the

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soldiers told me they didn't want to tell me because I was already in the hot seat as the platoon sergeant and all of this happened after I left. He left the company. I want to say between the 10<sup>th</sup> and the 15<sup>th</sup> of September, right after I did. He went to Charlie Company in the section sergeant position I had just vacated. So right now he's currently in Charlie Company. Now the NCOER, he signed it and I said, [REDACTED] I've got counseling statements on you, your initial counseling, [REDACTED] gave you a counseling, because as a section sergeant, you don't disappear from PT formation, you don't do that kind of stuff. You don't not come to the motor pool on Mondays and Tuesdays and Wednesdays, it is a given, they don't even want you to make appointments during that time unless it's an emergency because of motor maintenance, signal maintenance and every Monday morning, he and I would get into a, not a confrontation, but an argument about why he wanted to leave the motor pool at 10 am, why he wanted to leave the motor pool at 9:30 am when we just get there at 9. He even confronted [REDACTED] because he said, the soldiers are coming to you and not me and [REDACTED] told him because you are never around, the soldiers go to who is around. Now when all this transpired, of course, nobody told me about it until right at the end, right before I got moved. I said, "Well [REDACTED] if you have an issue with me, here's a counseling statement you signed. You lied to me. Paperwork that's supposed to be turned in on the vehicles on Mondays", he didn't turn it, he told me the motor maintenance NCO told him don't worry about it, hold on until the next day. I called the motor maintenance NCO and he said, "When have I ever told you not to turn in paperwork especially deadline equipment and we're getting ready to deploy, [REDACTED] it doesn't make sense." So I gave him a counseling statement and I said, "Now this counseling statement says you're lying to me and you lied on a senior noncommissioned officer. If you don't agree with it, write a rebuttal. I have no problem with it." He never wrote a rebuttal, he signed the counseling statement. Throughout the whole thing, he was being counseled because he was either late for formation once a week, not showing up, so I said, "Okay [REDACTED] take out all of that, take out the late for formations, take out the not going to jumpmaster school, you know what type of NCO you were. This NCOER rating is based on what you've done. I cannot give you an efficient change of rater if I lie on this. What about the other two NCOs, they busted their butts, they covered down on you and you were never here because if you had an issue with me." I don't know if it was coerced, but he always went to the first sergeant. He never told, he never asked me, if I said no, it was like Mom and Dad, if I said no he went to first sergeant and first sergeant said yes. First sergeant denied it, he said he don't recall because he talked to so many soldiers on a daily basis that he don't remember talking to [REDACTED] Now when I talked to the first sergeant about my NCOER, he

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said. "Well I think some of your NCOs want to file a IG or EO complaint on you." I said. "Okay, you know what, first sergeant, fine, great, because if I'm doing something wrong, it's going to come out, but if they're doing something wrong and want to file false claims then, it's going to come out too." He said. "Well [REDACTED] we're not going to make it a big issue." I said. "Yes, so all of a sudden I've got a question about my NCOER, now you're saying soldiers got a complaint against me, certain NCOs." I said okay, fine, I left it alone. [REDACTED] even told me the last time I talked to him, he said. "Some soldiers are supposed to come to me and file an EO complaint on you, but it's been six weeks and they haven't come yet." I said, "Okay let them file it, I'm not afraid, I haven't done anything wrong, I've told the truth, I haven't made up any of this." So me and L T signed the NCOER, [REDACTED] signed the NCOER and the next thing I know, the NCOER was changed.

[REDACTED] By who?

[REDACTED] I don't know.

[REDACTED] Before we go into that, I need to back up because I don't want to get into--something you had said, you said that [REDACTED] got reassigned to another company because of something that happened. What specifically happened?

[REDACTED] What happened was, we finally found after all the pushing around we had a command climate, because it was supposed to be done within a certain time of the commander coming to the unit and it kept getting pushed and moved and pushed and moved and then we finally had one.

[REDACTED] Okay. So it was as a result of the command climate survey?

[REDACTED] Right and I was told that I didn't have any complaints against me, I told them that I don't care, if I'm doing something wrong, then I need to know.

[REDACTED] I needed to get a meat about, because you just kind of glossed over the command climate.

[REDACTED] The command climate, all right and of course it's being told, no they didn't move him because of that, he was moved basically because they needed a jumpmaster or whatever, okay, but he was moved. Now when it came down that his

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NCOER was changed, the rater ended up being [REDACTED] the senior rater was [REDACTED] had just got there in September, and the reviewer was [REDACTED]

[REDACTED] And you've provided us a copy that I do have on file.

[REDACTED] And I had all three NCOERs and I said, "So if you changed his NCOER, why didn't you change the other two? Why was his NCOER changed after"--I didn't know anything about it and the reason that it came about was because I came to [REDACTED] and told him, "Look this soldier is getting ready to file a complaint on me about his NCOER," and he said we had to wait until it goes forward and when it went forward, I went to--

[REDACTED] We're going to take a little break while we change tapes.

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(b)(7)(C) Okay, go ahead and continue.

(b)(7)(C) The NCOER came about, basically because I came to (b)(7)(C) saying, "Look the soldiers are planning on filing an IG complaint, that's what I was told." and he said, "It doesn't matter, it has to come up through us anyway." I said, "Okay, I'm just letting you know because it's about his NCOER. I have a copy of all his packet. I have everything."

(b)(7)(C) And I have that as well.

(b)(7)(C) And the (b)(7)(C) can't find his copy either, but I have a copy. So after that incident, I called (b)(7)(C) and I was really upset because I went to the battalion, I went to HHC 327, the headquarters, and I asked the clerk could I look at a copy of the NCOER and she said, "Well you can't take it because it's violating the soldier's rights," I said, "I know, but I'm the rater," and she said, "No you're not the rater," I said, "What do you mean I'm not the rater, I did all three of them?" She said, "According to this NCOER, sergeant, you are not on here so technically you can't look at it," I said, "Well can I ask you who is the rater?" She said, (b)(7)(C) "I said, (b)(7)(C) ? I need to see that." She said, "You can't take it, you can stand right here," so she let me look at it and that's when I saw who the rater, the senior rater and the reviewer were and I called (b)(7)(C) and I told him what happened. He asked for the information on the soldier and then I called (b)(7)(C) and said, (b)(7)(C) this is crazy. How can you just change a whole NCOER?" And (b)(7)(C) got involved at that point and (b)(7)(C) said the NCOER he got was the one that was changed, not the original one, so they were like what happened to the original NCOER? I said, "I don't know, we gave everything to the chain of command."

(b)(7)(C) Is there a published rating scheme?

(b)(7)(C) I have it.

(b)(7)(C) You've got it?

(b)(7)(C) Yes.

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