

(b)(7)(C) And I was like, "Well okay, (b)(7)(C) what now?" I went to the sergeant major. I went to (b)(7)(C) he wasn't too happy. I said, "Why is everybody upset that I found out about it?" And I was upset that the NCOER was changed, everybody I talked to, the sergeant majors, the first sergeants were upset that it was changed. Now I read the regulation for myself because I just had to read it, because even though I do NCOERs, I don't read them a lot and it was told that the only person that can technically change the soldier's NCOER is him. Of course they're trying to make it look like that they were going to change it because it was wrong and when I talked to the brigade sergeant major, he said, "We're going to change it, don't worry about it." I said, "Sergeant major you can't change it, the board is already convening for E-7." Nobody was trying to hurt this soldier, but I said, "You tell me to give you an honest evaluation of the soldier and now you tell me I'm vindictive, I'm mean, I'm spiteful." That what I was told, well I wasn't told in my face. This came through (b)(7)(C) when she talked to (b)(7)(C) "It just seems like she's being vindictive, she's hateful, she's mean." I said, "Well nobody is telling me this stuff, (b)(7)(C) My husband got involved in it because like I said, (b)(7)(C) is (b)(7)(C) good friend and evidently some conversations or some stuff was being said to (b)(7)(C) and it got back to my husband. I don't know if he heard it in rumor control in a roundabout way, but he was really upset and he's talked to (b)(7)(C) a couple of times and the last conversation I had with (b)(7)(C) wasn't a good one and he and I sort of got into a verbal disagreement and that's when he told me basically that if I keep complaining, running to the IG, that he'll move me off Fort Bragg because I wasn't Fort Bragg material anyway.

(b)(7)(C) Because you were what?

(b)(7)(C) I wasn't Fort Bragg material, I wasn't airborne. I couldn't run that well, nobody wanted me anyway and if I keep complaining he was going to move me off Fort Bragg. And I said, "Well sergeant major, I'm here on a compassionate." "Well it doesn't matter, (b)(7)(C) if you're on a compassionate. You've been here 12 months, that's all you need to be according to the regulation." I said, "Well my husband is getting ready to deploy too, I'm supposed to deploy." "It don't matter about that. If you're that unhappy here I can move you off of Fort Bragg or have you retired by 9 December." Now he told my husband that about the retirement and what he told me was that he couldn't do it like he thought he could. I said, "Well sergeant major, first of all I never tried to get out of deployment like its being put out, I never said I was getting ready to retire, that wasn't my husband and I plan. I knew regardless of my Mom's situation I

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had to deploy if my unit was deploying. That was explained to me when I got my compassionate. If your unit deploys, you deploy.

(b)(7)(C) Right.

(b)(7)(C) We had already made arrangements for somebody to actually take care of my Mom's payment and all that, it's just that if something happened, I would have to come back on emergency, go back to deployment, I understood that. But when I got in front of (b)(7)(C) I felt like I was being just beat up, verbally, you know being told, "Well you're not a runner, I've seen your profile, you don't need to be in no leadership position, you're not Fort Bragg material." I said, "Well what is Fort Bragg material?" "Well we're runners here." I said, "So what about leadership, what about leading?" "Well you can't lead from the front." I said, "It's not all about running." He said, "Well it is here, it is here in my world." I said okay. (b)(7)(C) from his S-1 was in there also. At that point I was just really upset, we were just going back and forth and he said, "I'll get you an appointment with EO," which was (b)(7)(C) "I'll get you appointment with the brigade commander, you don't make one, I'll make one for you," which happened a month later. The open-door policy appointment with the brigade commander, when I talked to the brigade--I never talked to (b)(7)(C) again because at that point I never felt--at that point there was nothing else to say, to be honest.

(b)(7)(C) What do you think (b)(7)(C) was trying to achieve when he said to you words similar to if you keep complaining to the blah, blah, blah, to include the IG, then certain things were going to happen. What was he trying to achieve by telling you that?

(b)(7)(C) What I felt was that he was trying to threaten, to basically, "Keep your mouth shut, go on and do your job in your new unit, and forget about what happened." I don't know what the achievement was on his level because when I asked him, I said, "Sergeant major what did you say," because I asked him again when it got to that point and we were getting very loud with each other and he said and I said, "What you're telling me, sergeant major," and I repeated it two or three times, I said, "What you're telling me is if I complain and something is found out as complaint, you're going to move me off Fort Bragg," he said, "Yeah that's what I said." I said, "Are you sure?" At that point I was really like crying, upset, I said, "You know I have nothing else to say to you because you're not even listening." I brought up the NCOER incident with

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(b)(7)(C) he didn't want to hear it, he said. "We're just going to fix your NCOER." I said, "Sergeant major its not about my NCOER at the moment. I'm over my NCOER, if that's what you said I deserve, that's what I got, that was months ago. But at this point you're telling me that I'm not reporting to my unit. I'm not reporting to work, where's the counseling statements, sergeant major? You said somebody said, the only person I could think of was (b)(7)(C) but you said somebody said I'm not reporting to work. Where have I been, I've been on convalescent leave, sergeant major, I came back off convalescent leave, I've been at work every single day." He said, "That's what I was told," I said, "Well sergeant major, I've been told a lot of things. You sit here and tell me"--my husband and I went, not to go back too far, but we went in the meantime when I got moved from 327 or in the process of being moved from 327, I was still in Charlie Company, he said, "That's what the first sergeant says is word." and basically what he meant by that was he said, "You're not going to win going up against the first sergeant." that's what (b)(7)(C) said. He said, "As long as the first sergeant outranks you, he is always going to be right." he didn't say specifically what first sergeant, he just said, "As long as you go up against a first sergeant." Now to bring all this to where I'm at now, I talked to the brigade commander and I explained, we were in there maybe 10 minutes because he had a copy of the actual formal, not formal, but incident I gave him because (b)(7)(C) turned it over to the brigade to handle. He said, "Its not in the EO realms, I'm going to send it to the brigade," and like I said, the brigade commander, (b)(7)(C) talked to me, it was maybe a 10 minute talk and he said, "All that stuff is irrelevant, (b)(7)(C) was threatening you, he was giving you options." I said, "Sir you don't give a soldier option and tell them if they don't do this or if they keep doing something or complaining about something, they're going to PCS you from somewhere and take me out of my family, that's not an option to me." He said, "Well that's what he was giving you, options because we can't move you out of the brigade because we need it."

(b)(7)(C) Your MOS is what again?

(b)(7)(C) It used to be 31 Whiskey, they changed it over to 25 Whiskey.

(b)(7)(C) They changed it? Who?

(b)(7)(C) Department of the Army. They renumbered everything, same name, different number.

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(b)(7)(C) What date did you meet the brigade commander?

(b)(7)(C) It was November the 9th is when I met him and I also had a JAG appointment on the 1st of November because I didn't know and the JAG basically told me, "No, IG is in charge of it, that's where it's going to go, they can't do anything to you," as long as I don't miss formation, as long as I'm not late or physically hit anybody or hurt anybody, she said, "Legally there's nothing they can do to you," because I wanted to cover all bases, that's why I went to everybody. I been to everybody on Fort Bragg and off of Fort Bragg to find out what is going on and why am I being treated different in this case and I asked him, I said, "You know if you don't want me here, you said you can PCS me from Fort Bragg, why can't you give me to another brigade?" He said, "Well your MOS is not over there for one thing and second of all, you're needed in this brigade." I said, "So sergeant major", I'm an assignable over-strength right now, I pulled my ERB this morning. I've been in HHC, 51st since September, why am I surplus personnel? Nobody thinks I know that yet.

(b)(7)(C) Where are you physically working?

(b)(7)(C) I'm working in S-3 position.

(b)(7)(C) Doing what?

(b)(7)(C) They had me in training for two weeks, now they switched me over to the operations side, operations HHC, battalion operations. But my question is, like this morning when I pulled my ERB, why am I still--because surplus personnel is reassignable over-strength. My husband called DA about two weeks ago, I want to say, and he asked them, he said, "Can they move her," and our branch manager is a civilian lady, she stated that, "He can move you if he lifts the code," which is the code they have us in for deployment. My code is until February '06, but she said he can lift it at any time meaning (b)(7)(C) because he has the authority to release people. She said now any time he wants to release--

(b)(7)(C) Well the commander has the authority.

(b)(7)(C) He makes the calls, yeah, based on sergeant major's referral.

(b)(7)(C) Recommendation.

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(b)(7)(C) Recommendation. Since I'm highly recommended--so you mean she said. "At any time they want to remove your code and PCS you from Fort Bragg, they can do it." and I said, "So that means I can leave, as soon as my husband gets on the plane, I can be on assignment, that's what you're telling me?" She said, "Well it would be difficult because they would have to, based on the numbers and the strength at Fort Bragg in our MOS, they would have to lift it for a lot of people." but she said it's not impossible that I could be on assignment. I said, "So this is what I get for sticking up. All this started from me taking care of my soldiers." This whole shenanigans, but there was some underlying effects with the first sergeant and I still don't know why he never liked me, I really don't care. And I thought I was professional, I've worked with people who haven't liked me before, I've been in the Army 20 years, everybody is not going to like you. I've been told I had personality conflicts, I have an issue, you need to fix yourself, you need to take one day at a time. The last thing I was told by the brigade commander, "You need to take one day at a time, just forget about what happened, just go on." I said, "Well sir, I've been over there almost 90 days, why would my new battalion sergeant major treat me so bad if you're giving me another start?"

(b)(7)(C) How has he treated you bad? Define bad.

(b)(7)(C) Well basically in the beginning when I first talked to him, he didn't want to talk to me. He said I wasn't his type of NCO he wanted as a platoon sergeant. Now a week later after I talked to (b)(7)(C) he called me back in his office to sort of try to clean up what he had stated. He said, "Well you must have misunderstood what I said, we really need you here." and this was in front of (b)(7)(C) which is the S-3 sergeant major, who I really actually work directly for, but the battalion sergeant major was the one that assigned me and he said, "Well you must don't bring that mess over in our battalion, we don't even know what's going on," and I didn't say anything, I said, "Well sergeant major, I have nothing to say," because I knew at that point the only reason he called me back in his office because he got a phone call from (b)(7)(C) to clean it up.

(b)(7)(C) So the S-3 NCOIC is a sergeant major?

(b)(7)(C) Yes, they have a sergeant major and a lieutenant colonel or a major, (b)(7)(C) and (b)(7)(C) it's sort of like double people in the same job. And so when I went to everybody, I said, "Well I'm done." That's when I did the

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congressional after I talked to the brigade commander and the reason I talked to the brigade commander was because they were trying, they meaning [REDACTED] and [REDACTED] were trying to say I skipped my chain of command by going to the brigade EO and I did not want that to happen again.

[REDACTED] Say that again.

[REDACTED] [REDACTED] and [REDACTED] mainly was upset because I went to the brigade EO which was [REDACTED] and I didn't want to get in trouble anymore by not going through the right chain of command. so that's why I went through the first sergeant, company commander, I talked to the battalion commander briefly, [REDACTED] I talked to him briefly, maybe five or ten minutes and he didn't want me to go--I don't know what the extent that he knows about it and he was trying to sort of soften the blow with the two and the one, he said, "Well you know everybody doesn't get a two or a one and a one," I said, "Sir where was the justification," and [REDACTED] even said the same thing, well you can't start from the top and work your way up, you've got to start from the bottom and work your way up." I said, "What are you talking about? First sergeant you've been in the Army almost as long as I have, I've been in 20 years, but you outrank me, but come on that doesn't even sound right to a new person. You gotta start from the bottom and work your way to the top." I said, "Evidently if I was good enough to be the rear detachment first sergeant for almost 120 days, if I was good enough to be in all these positions, what are you talking about starting from the bottom, I've been a platoon sergeant for almost two years overseas. What are you talking about, starting from the bottom and working my way to the top? I don't understand that," and that's where the congressional came in because after I talked to the brigade commander, he basically, everything that I had complained about or wanted to bring up, it was, "I read your complaint, I understand, but at this point it doesn't seem like it's"--

[REDACTED] The NCOER on [REDACTED]

[REDACTED] Yes.

[REDACTED] What is the status on that now?

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(b)(7)(C) Approximately. I want to say two weeks ago. I have the paperwork with the approximate dates. I was told I need to take a blank copy over to 327 Signal Battalion and sign it back in.

(b)(7)(C) A blank copy?

(b)(7)(C) A blank NCOER?

(b)(7)(C) A blank NCOER. the original that was supposed to be turned in with myself being the rater. (b)(7)(C) as the senior rater and (b)(7)(C) the reviewer.

(b)(7)(C) You mean just an unsigned?

(b)(7)(C) No signatures.

(b)(7)(C) But had all the data as far as the rated?

(b)(7)(C) It had all the data of the original NCOER. Now I haven't heard from them since that day.

(b)(7)(C) Was it all of the information that you had originally put on the NCOER?

(b)(7)(C) Yes, it was all the original information I had put on the NCOER and I turned in a packet and I signed it in to (b)(7)(C) the S-1 personnel. Now we weren't called back over there to resign it.

(b)(7)(C) Okay, so you turned in an unsigned copy of the original NCOER--

(b)(7)(C) Copy of the original NCOER with the original rater, senior rater--

(b)(7)(C) And you did this last week you said?

(b)(7)(C) No its been a couple of weeks because nobody has called us to resign this.

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(b)(7)(C) Before or after you met the brigade commander?

(b)(7)(C) I turned it in before I met the brigade commander and he said he agreed with me that it was in fact wrong about the NCOER. he said. "That's wrong. I'm going to fix it." But like I said, I hadn't read the regulation for myself. Like I said, I read the important parts about you know. The date I signed that back in was on the. oh here. on November the, I'm sorry, yeah November, I'm getting the dates confused, 041104.

(b)(7)(C) That's November the 4th.

(b)(7)(C) Okay, I've got too many fours. So that's the date I signed it back in and I put down at the bottom, they wanted a copy of the disk and no signatures. because I talked to (b)(7)(C) and he said that you don't have to sign it. but they might require you to sign it. I put the note on the page and I gave it to the sergeant major and said if he had any questions, (b)(7)(C) you can call the IG Office because that's what (b)(7)(C) told me to do, told me that if they had any questions to call him. Now since that date I haven't been called back and I don't think (b)(7)(C) has been called back to re-sign, so the NCOER is probably somewhere.

(b)(7)(C) Now the original NCOER that got gone--

(b)(7)(C) To EREC.

(b)(7)(C) No, the one that you did, that (b)(7)(C) did on (b)(7)(C) did you and (b)(7)(C) sign it?

(b)(7)(C) Yes, we had to get the soldier to sign it and we didn't get a copy of the signatures because it was given to--

(b)(7)(C) But you did sign it and turn in?

(b)(7)(C) Yes, we did sign it that day. the same day that we were told on the 30th of September, we were told to sign it that day and like I said, the soldier was there because (b)(7)(C) was responsible as the senior rater to get his signature and we got all three of our signatures. she and I left and I don't know where that NCOER went to because we didn't get a copy of the signatures. we just had a copy of the one we did without the signatures and that one went over, like I said, November the 11th.

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(b)(7)(C) November 4th.

(b)(7)(C) I'm sorry. November 4th, that's what it was. November the 4th it went over and I had re-signed it back, the original.

(b)(7)(C) You signed it into the battalion?

(b)(7)(C) Yes and I don't know from that point what happened because we weren't called back to re-sign it which we're supposed to re-sign it if you're going to send it back up. So right now I'm still working in HHC 51st, I still have no assignable--like I said I pulled up my ERB because I have to do my records before we will--we're scheduled to deploy in February and March of next year, my battalion, 51st, and we have to do all of our records for the E-8 board regardless of whether you're in the zone or not and when I pulled up my ERB I have no line position number, so I'm basically excess personnel according to the battalion and I haven't got that fixed yet because I started my leave.

(b)(7)(C) Understand.

(b)(7)(C) At that point, that's where it's at now.

(b)(7)(C) We've got another one at 10, right?

(b)(7)(C) Yes.

(b)(7)(C) I'm sorry.

(b)(7)(C) You've actually answered a lot of my questions that I had prepared for you, so that's good.

(b)(7)(C) It's better that you tell us than us ask.

(b)(7)(C) Oh okay.. I sort of get long-winded, I'm sorry. And like I said, a congressional came about because after I just--

(b)(7)(C) You talked to the brigade commander, you were unsatisfied--

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(b)(7)(C) Yes. I didn't feel comfortable with what transpired.

(b)(7)(C) In your complaint to Congresswoman Dole, you wrote that you believe that you have every right to be afraid of what may happen to you and your family. Can you explain what you meant there?

(b)(7)(C) (Crying) I don't think (b)(7)(C) wrote it down, but he had asked me a question, I don't know if it was off the record or on the record about Masons and he asked me did I feel that the first sergeant and the sergeant major and everybody that was involved were Masons, which is that nice little organization and I told him. I said I didn't feel comfortable at home. I told my husband I didn't feel comfortable.

(b)(7)(C) So you feel physically threatened?

(b)(7)(C) It might just be me being paranoid, but yes. I don't think it'll be anything done publicly, but like I said, my husband is deploying by next Tuesday and he's sort of concerned about what's going to happen too, so it's not--I don't know. I just think I feel uncomfortable about the situation, more so of--

(b)(7)(C) (b)(7)(C) is the brigade EOA, right?

(b)(7)(C) Yes sir.

(b)(7)(C) What race is (b)(7)(C)

(b)(7)(C) A white male.

(b)(7)(C) And what race is (b)(7)(C)

(b)(7)(C) A white male.

(b)(7)(C) And what about (b)(7)(C)

(b)(7)(C) A black male.

(b)(7)(C) And who do you believe actually belong to the Masons?

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(b)(7)(C) It was (b)(7)(C) and (b)(7)(C)

(b)(7)(C) Oh okay.

(b)(7)(C) Yeah and that's why I felt that nothing was basically happening to him and I never brought up the Mason part because I told (b)(7)(C) I just really didn't want to--

(b)(7)(C) Understand.

(b)(7)(C) I don't want to get into that.

(b)(7)(C) I need to know for the record what specifically about the Masons would lead you to believe that they might harm you?

(b)(7)(C) I've never been one and I'm not an Eastern Star, but I've been around a lot of them in my Army career. I've seen some stuff they've done.

(b)(7)(C) Like what?

(b)(7)(C) Not physical harm, but it's like threatening harm, like maybe follow people and it wasn't the fact that we knew about it, it was like they came to work and they bragged about it. It didn't happen here, I don't know what's going on here because a lot of the people in my husband's battalion, even one of the NCOs came over the day of the incident and my husband confronted the NCO and they are part of that Masonic group and I've seen how they operate around, like singling, not singling people out--it's hard to explain because if you don't know what's going on you would never really pick it up. Like they will corner people, like in clubs, overseas mostly who I saw, they would corner people in clubs, they would have like some people beat them up, I mean this incident just happened when I was in Korea the last time. They got in trouble, but not as much trouble as they should have based on who was in the group that was investigating it. Now I don't know how--I've heard--soldiers even joke about it. On a daily basis you can walk through. "You better not bother (b)(7)(C) because he's a Mason." he's a what do they call it, a Shriner, that's what he was referred to, as a Shriner and like I've said, I never followed up on it. I don't know if he is, they said well you know these people outrank him as far as sergeant majors in the Army, but he outranks them in the Masonic

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Temple, that's meaning he's a Shriner, so that's how that came about, they said--I mean, you know he's been in two motorcycle accidents back-to-back, I mean there's a lot of other stuff going on and nothing was done to him, nothing at all. He's still in command, he's still a first sergeant. Like the stuff he's done to me is nothing compared to what he's done to soldiers and nothing happened to him at all. He said he got a two and a one and if he got a two and a one on his NCOER, then everybody else deserve one too. I don't know if he one, that wasn't my business or my issue, but it's just really bad when you get to that point. Like I was telling [REDACTED] you get to a point in your career over 20 years that this stuff is happening.

[REDACTED] Okay, so you feel that your physical well being is being threatened?

[REDACTED] Or my husband's, yes. And like I said, my husband is not concerned, he's more concerned about me.

[REDACTED] Do you have children?

[REDACTED]: No, I have a stepdaughter, she's in Arizona, but my Mom is close.

[REDACTED] Have you communicated that feeling to a member of the chain of command, commissioned officer version, or to law enforcement?

[REDACTED] No, only to [REDACTED] and my husband.

[REDACTED] But you did tell [REDACTED]

[REDACTED] Yes and like I said, I don't know if he wrote it down, but I did tell him. That's what I felt personally, I don't know for sure if that's the issue because I never followed up on it.

[REDACTED] What race is [REDACTED]

[REDACTED] Black male. He's the brigade equal opportunity.

[REDACTED] Okay, all right. We'll go on to the next one. You also referred in that letter to a lot of senior soldiers in your position in the letter to Congresswoman Dole. I'm quoting, it says, "A lot of senior soldiers are in the same position." as you.

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(b)(7)(C) Throughout me going through this basically. I've talked to a couple, well one or two NCOs. I've heard through the other NCOs, that I wasn't the only person that has been treated like this. been called you know, not Fort Bragg material. As a matter of fact, there's a (b)(7)(C) I don't know where he works at, but he and I talked briefly last week. I never knew him.

(b)(7)(C) Is that the same sergeant first class that switched positions with you or that came to Charlie Company?

(b)(7)(C) No, no, no, this is a whole different person. this person I've never seen except for, like I said, last week we were doing practice for retirement ceremony and I looked at his name and I said, "I've heard about you," he said, "What do you mean? Your name is (b)(7)(C) too." We talked briefly about what he went through with (b)(7)(C) same similar, it was a (b)(7)(C) that used to be in the brigade, he's now in COSCOM, he went through this similar situation and it just seems certain senior NCOs. Now my husband is in 50th, he's in Bravo, but there's another (b)(7)(C) in HHC 50th, that went through this similar thing because I think his wife was sick last year and I don't know, I think she eventually passed away and it was a lot of stuff going on because he talked to me about my situation and his situation when he found out what I was going through.

(b)(7)(C) That's not the same (b)(7)(C) that you're talking about?

(b)(7)(C) No, no relations.

(b)(7)(C) What rank?

(b)(7)(C) Sergeant first class, he's in HHC 50th, he works in our battalion S-3. We made a joke about it, we said it must be the Wilson name, maybe our name is not liked on Fort Bragg, I don't know. And like I said, (b)(7)(C) I haven't talked to him, I don't even know who he is, but I know because I'm in the same battalion he was in before he was moved to COSCOM and they said he was going through similar. Soldiers talk a lot and that's how I found out about his situation. I said well I'm not concerned about that, I'm not trying to be mean or anything, but I'm going through a lot. I can't really concentrate on what somebody else went through, they said, "But you got to

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understand, it's what you're going through too." He was allegedly called the same names, you're not Fort Bragg material, you're worthless, why are you even here, you shouldn't be in the position you're in. But I don't know if they have profiles, I didn't follow-up on it.

(b)(7)(C) It's something I'll check into.

(b)(7)(C) Like I said, basically mine was told because I was on a profile, that's what I was told, but it just seemed like it was more than that to me.

(b)(7)(C) At the end of your letter to Congresswoman Dole, you also wrote you will more than likely receive a reprimand for sending this. Who do you believe would reprimand you and how?

(b)(7)(C) Probably in an indirect way, probably (b)(7)(C)
(b)(7)(C) I don't know how. Like I said, I'm still looking at my AKO every day to see if I'm on assignment. I'm still checking to see make sure I still have the non-deployable code based on me supposed to be deploying with the brigade, the battalion, and they said as of before I went on leave last Friday, they said we may or may not still deploy and that was my whole purpose of asking to be moved too because I was going to another place to deploy with them in January and now I'm in a position I may or may not deploy, so it's sort of like in limbo. I may deploy, I may come up on assignment, I don't know for sure. The sergeant major I work directly for which is the S-3 sergeant major, I have no problem with, it was just that one incident or two incidents with the battalion sergeant major, but the S-3 sergeant major seems okay. I don't know for sure. (b)(7)(C)
(b)(7)(C) he seems okay, but I don't know what type of influence. He's treated me fairly, the only person I can say in my new chain of command that's treated me very fairly and on the up, legitimate. Like a new soldier just coming in, "I don't care about all that stuff. I just need somebody to work, I need you here, to stay here, we're supposed to be deploying." He's the only one out of my new chain of command that's actually honestly did what I thought how I was going to be treated when I first got there which was to give me a fresh start on everything basically.

(b)(7)(C) And I think I told you before we went on tape that the congressional, because we had originally started your issue here with the IG, your congressional comes through our office, it doesn't go to your chain of command.

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(b)(7)(C) Yes.

(b)(7)(C) So they won't even know.

(b)(7)(C) At that point it wasn't my concern because all of this stuff, anything I do now is magnified and everybody in the whole brigade knows (b)(7)(C) who I am, what happened, the rumor control, the incidents, so it's not like I was trying to hide the congressional at all, so I wasn't even concerned about it getting out.

(b)(7)(C) In your original request for assistance to us, you stated that there was a soldier within your section whose status kept changing whether or not he was going to remain in the company. You also stated that he told you that he didn't want to really come back to the company. Who was he and where is he now?

(b)(7)(C) (b)(7)(C) When I got back to the company the end of October, early November, he was actually supposed to go work at the PLDC Academy, but because of his religious beliefs, he doesn't show his legs or anything, so he chooses to wear long pants year round and I guess according to the academy, everybody had to be one uniform regardless of your--I didn't investigate that, that's what he told us, so he was sent back to the unit and his name is (b)(7)(C) Now when he got back--

(b)(7)(C) So he's back there now?

(b)(7)(C) He's back and well no, he was taken out of the unit like three weeks later because (b)(7)(C) said he didn't want him in his unit. I don't know what happened on that last deployment, but it wasn't--I don't know. So the soldier told me, he said, (b)(7)(C) you know I'm being moved over to the tax center," I said, "No I didn't know you were being moved to the tax center," so he worked at the tax center from I forgot which day in November '03 up until August, until the end of August because he went on leave from 1 to 31 August '04. I was already out of the company when he got back. He's currently in the unit, I don't know his status, I do talk to soldiers, not regular basis, but maybe once a week to say hello, but I don't talk to them about this. I don't talk to them because I don't want it to seem like I'm influencing them and I explained that to them, I'm not trying to ignore them, I just don't want to cause them more problems in the unit. But that soldier was taken out of my platoon from that November until 31 August '04.

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(b)(7)(C) Do you know, is he deploying with them?

(b)(7)(C) I don't know, I don't know, like I said, I didn't follow-up on a lot of the soldiers. I still talk to a few because the spouses still call me, but I don't get into what's going on because I don't want them to get in trouble or something to happen to them if they're seen talking to me.

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

(b)(7)(C) Yes, you may have covered it while I was out of the room. You started to relate some incident that you said, I think that's the word you used, with your husband confronting somebody in an incident?

(b)(7)(C) Right, 31 August the day I was removed from the company, he was waiting for me. I called him, I said, "Look, I'm at the battalion"--

(b)(7)(C) Your husband?

(b)(7)(C) I called my husband on his cell phone.

(b)(7)(C) Okay.

(b)(7)(C) I'm sorry, my husband, and he said, "What's going on," and I said, "I can't tell you what's going on, I'm at the battalion right now," because that's when I had to sign my NCOER, that was 31 August. Now when he gets to the company, I said, "Well something bad happened." He came to the company and he said, "What happened?" I said, "I sort of got cursed out." So he stood at the counter, now I'm over at the battalion commander's office signing my NCOER, he's waiting for me at the company. He said, "I want to talk to your first sergeant." I said, "No I don't think you want to talk to my first sergeant." He said, "Well I'm tired of this because this incident has been going on off and on since almost a year", last October, and I told him, "Hold, let me handle it because it's my situation, it's my company, I'm a big girl, let me handle it." But it sort of upset him that I'm his wife, "Why somebody cursing you out," he said, "All I want to do is talked to the first sergeant and ask him why is he doing this to you," because he wasn't there when the commander talked to myself and the first sergeant, but he was there after when I talked to the commander and said, "Sir this is wrong, if you want to get rid of me, do it the right way, don't do it because, you know, based on this."

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Okay, so my husband came over there, it didn't escalate because the first sergeant never talked to him, but I did have to calm my husband down and I took him outside and I said, "See this is what happens." Now in the meantime, when we were standing outside another soldier from my husband's battalion came over because the first sergeant had called him over there. His name was [REDACTED] or [REDACTED] [REDACTED] he's in Alpha 50th. I said, "Well why is the first sergeant getting all these people involved in this situation. This is just a situation with the unit." So my husband confronted [REDACTED] the next day, I guess they were taking a battalion picture, and he told him, "If you're not in this, you need to stay out of it. I don't know why all of a sudden out of the blue you're going to come over to her company, but this is family business. Why is the first--" well no, at first he told my husband, "I didn't come over there because of that, I just came over there to talk to the first sergeant." He said, "You came over there at 6:00 at night to suddenly talk to the first sergeant when you were on your way home. Stay out of family business, I don't like what I'm hearing about my wife, that's a soldier but it's my wife too." He said, "If you're not in it, stay out of it, if you in it, you need to watch what you're doing, because when you come over there you're attacking me too. What were you going to do to my wife when you showed up? I don't know what you were going to do. Why would first sergeant call you and other people--" I guess the other people didn't show up, that was the only person that showed up that day.

[REDACTED] Okay, so I guess where we're tying all this together is you believe the first sergeant called some people to come over to--

[REDACTED] Right, but the only person that showed up was that one person, was [REDACTED]

[REDACTED] And you think they intended you ill?

[REDACTED] I was outside the company. I don't know if the first sergeant thought something was going to happen to him and he called back up. I don't know what he was thinking at that point. I know my husband was upset about this other person in another company from his battalion showing up with our situation and I relayed that to [REDACTED] I relayed that to--

[REDACTED] Is this other person in the Masons?

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(b)(7)(C) I believe so, yes, it's a tight-knit group.

(b)(7)(C) Has anyone ever said specifically to you that they are going to do grievous bodily harm or anything to you?

(b)(7)(C) No.

(b)(7)(C) Threaten you directly?

(b)(7)(C) No, no direct threats, no.

(b)(7)(C) All right, then that's all I had.

(b)(7)(C) Bravo 50th, right? (b)(7)(C)

(b)(7)(C) No, that's my husband's unit, he's in Alpha 50th.

(b)(7)(C) What's his first name, do you know?

(b)(7)(C) I know what he looks like and I know what he drives, that's the extent that I could tell you about him.

(b)(7)(C) Okay. Do you have anymore?

(b)(7)(C) No, that's it.

(b)(7)(C) Given the topics that we've discussed, do you have anything else you wish to present?

(b)(7)(C) No.

(b)(7)(C) Who else do you think we should talk to and why?

(b)(7)(C) To be honest, I don't want anybody else involved in it because it's getting to the point now that everything that happened in the unit was blamed on me, so I guess now that I'm out of the unit, everything is A-okay with the unit and the soldiers are looking at the incident and looking at the situation and what's happening to me and they

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don't want to be pulled into it. I could pull my whole platoon in here. my former platoon. I could pull the platoon leader in here. she may say something. [REDACTED] She may talk and tell the truth or she may not talk because at some point she started getting nervous too. not because of not saying the truth or a lie. but basically look what's happened to [REDACTED] she got--one of my soldiers told me. I don't know. I want to say his name was. it was a PFC in my former platoon. he said. "Why would I say anything. look what's happened to you. you got 20 years in the Army. what are they going to do to me?" And that's the consensus. I guess I could call [REDACTED] in here. [REDACTED] in here. I could call every NCO. I could even call [REDACTED] because I have no ill will towards [REDACTED] but I just don't like what transpired with that NCOER. If he had a issue. he should have let us know and we asked him at that point did he have a issue. So I don't know if calling anybody in here would do any good or not. I don't know because they may not even at this point with them deploying with that first sergeant--

[REDACTED] But do you want us to continue with this?

[REDACTED] Yes I do.

[REDACTED] Okay, I just wanted to clarify that.

[REDACTED] Yes definitely.

[REDACTED] All right. So do you know of anybody else that you think we should talk to?

[REDACTED] Like I said, I could give you names. but I don't know to what extent they would come in and say anything.

[REDACTED] As an IG, you give us names and we'll tell them to come talk to us.

[REDACTED] There are people in my mind that I know I'm calling in to talk to.

[REDACTED] [REDACTED] [REDACTED] like I said [REDACTED] is in SF training, so he's going to be really unreachable at this point.

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(b)(7)(C) Nobody is unreachable. SF training here?

(b)(7)(C) No.

(b)(7)(C) I don't know.

(b)(7)(C) Fort Benning?

(b)(7)(C) All I know is he said he started training on the 22nd of November. I don't know if it's here.

(b)(7)(C) It may well be here, I don't know.

(b)(7)(C) Okay.

(b)(7)(C) I know he started yesterday. (b)(7)(C) may. Like I said, he wasn't there for the most of the part, but with his NCOER, his case he may--

(b)(7)(C) What's his first name?

(b)(7)(C) I don't know.

(b)(7)(C) That's okay.

(b)(7)(C) He's in Bravo 327. They're still here until I think between the 26th and the 30th and like I said, that's why I didn't want to bring up a lot of soldiers because they're getting ready to deploy with this first sergeant and I don't want to put them in a position.

(b)(7)(C) That's okay, we've got people over there too. Somebody that would lend credit.

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

(b)(7)(C) E-5?

(b)(7)(C) Yes E-5.

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

(b)(7)(C) He was one of my team chiefs in the company. Most of these people. I'm not going to bring the other platoon sergeant because he said he didn't recall that was (b)(7)(C) he said he don't remember or recall a lot of stuff that happened. He didn't see any difference.

(b)(7)(C) Do you know (b)(7)(C) first name?

(b)(7)(C) I'm sorry.

(b)(7)(C) He was a team chief in your platoon?

(b)(7)(C) Yes, they were all team chiefs, I think I've got some of their names. I'm not for sure. I don't know why I don't remember these soldiers.

(b)(7)(C) What would (b)(7)(C) be witness to?

(b)(7)(C) He was witness to the mistreatment basically. I don't think he was really with the NCOER incident. I don't think he knew anything about it. I know it stemmed from (b)(7)(C) not counseling his team chiefs, which he was one of them too. that's how I got in trouble, because he didn't counsel his team chiefs, which he was supposed to do which he didn't do and he was one of (b)(7)(C) team chiefs too, so a lot of the stuff that the soldiers were told, I guess the sergeant major, the day I got moved, the sergeant major talked to 1st Platoon about my alleged moving, what happened, what didn't happen, so they were there for the after effects, I wasn't there because on the 31st I was no longer in the unit, no longer allowed to go over there really, by choice mostly.

(b)(7)(C) Okay.

(b)(7)(C) That it?

(b)(7)(C) Yes.

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

Your testimony is part of an official Inspector General record. Earlier, I advised you that while access is normally restricted to persons who clearly need the information to perform their official duties, your testimony may be released outside official channels. Individual members of the public who do not have an official need to know, may request a copy of this record to include your testimony under the Freedom of Information Act. If there is such a request, do you consent to the release of your testimony outside official channels?

(b)(7)(C) No.

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

(b)(7)(C) No.

(b)(7)(C) The time now is 1010 and the interview is concluded. Thank you.

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

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Allegations

- 1: The allegation that [REDACTED] Commander, 327th Signal Battalion, improperly initiated adverse action against [REDACTED] by reassigning her to different unit, because she registered a command related complaint with the Brigade EOA, in violation of paragraph 5-8c, AR 600-20, was **not substantiated**.
- 2: The allegation that [REDACTED] Commander, B/327th Signal Battalion, improperly initiated adverse action against [REDACTED] by recommending her reassignment to a different unit, because she registered a command related complaint with the Brigade EOA, in violation of paragraph 5-8c, AR 600-20, was **not substantiated**.
- 3: The allegation that [REDACTED] CSM, 327th Signal Battalion, improperly initiated adverse action against [REDACTED] by recommending she be reassigned to a different unit, because she registered a command related complaint with the Brigade EOA, in violation of paragraph 5-8c, AR 600-20, was **not substantiated**.
- 4: The allegation that [REDACTED] ISG, B/327th Signal Battalion, improperly initiated adverse action against [REDACTED] by requesting she be reassigned to a different unit, because she registered a command related complaint with the Brigade EOA, in violation of paragraph 5-8c, AR 600-20, was **not substantiated**.
- 5: 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**.
- 6: 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**.
- 7: The allegation that [REDACTED] ISG, 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**.
- 8: 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**.
- 9: 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**.
- 10: 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**.

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B-87

REPORT OF INVESTIGATIVE INQUIRY

18 July 2005

DIH 05-0261/FJ 04-0265

INTRODUCTION

1. 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 First Sergeant, [REDACTED] and the 327th Signal Battalion Command Sergeant [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 (ANCO) 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 SFC Wilson. 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 issues addressed in her letter to the EOA constituting a AR 600-20 reprisal. [REDACTED] met with [REDACTED]

1

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(b)(7)(C) but refused to sign her NCOER. (b)(7)(C) stated she went to speak to (b)(7)(C) CSM, 327th Signal Battalion and CSM Jordan, CSM, 35th Signal Brigade, about her NCOER. After they looked into the matter they contacted (b)(7)(C) and advised her to sign the document. On 31 August 2004, (b)(7)(C) was ordered by (b)(7)(C) to report to a company formation, which was forming outside the building. (b)(7)(C) disobeyed the order and departed the unit area to speak to (b)(7)(C) about her NCOER. (b)(7)(C) complained (b)(7)(C) raised his voice and allegedly cursed her. (b)(7)(C) prepared a counseling statement that was brought to (b)(7)(C) office where the matter was presented to the Command Sergeant Major in the presence of (b)(7)(C). (b)(7)(C) requested (b)(7)(C) be removed from the company, due to a lack of confidence in her. The following day (b)(7)(C) was re-assigned to C Company, 327th Signal Battalion, in a non platoon sergeant position. (b)(7)(C) contacted the FBIGO and informed this office of the change to her NCOER. During the meeting with (b)(7)(C) from the FBIGO, (b)(7)(C) was given guidance to request a Commander's Inquiry through her Battalion Commander. During the same meeting (b)(7)(C) added an allegation that (b)(7)(C) had re-formulated/completed an NCOER for (b)(7)(C) 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.

CONSIDERATION OF ALLEGATIONS

2. **Allegation 1:** That (b)(7)(C) Commander, 327th Signal Battalion, improperly initiated adverse action against (b)(7)(C) by reassigning her to a different unit, because she registered a command related complaint with the Brigade EOA, in violation of paragraph 5-8c, AR 600-20.

a. Evidence:

(1) **Complaint.** On 1 September 2004, (b)(7)(C) came to the FBIGO and filed an Inspector General Action Request (DA Form 1559). (b)(7)(C) requested an inquiry into the possibility that she was removed as a platoon sergeant, in B Company, 327th Signal Battalion, as form of reprisal after making a command related complaint to the 35th Signal Brigade Equal Opportunity Advisor.

(2) **Standard.** Paragraph 5-8c, Army Regulation 600-20 stated, "Commanders and supervisors are prohibited from initiating any type of disciplinary or adverse action against any soldier or civilian employee because the individual registered a complaint with; an inspector general (including inspectors general of DOD, the other Services, or other Federal agencies; with

a member of the person's chain of command or supervisor; or with an Equal Opportunity Office" (Exhibit D-1).

(3) Documentary Evidence:

(a) Memorandum, HQ Forces Command, SAIG-AC, 16 December 2004, subject: Inspector General Action Request (exhibit E-1).

(b) Transcribed sworn and recorded testimony of [REDACTED] 12 July 2005, subject: Inspector General Inquiry [REDACTED] (Exhibit E-18).

(c) Transcribed sworn and recorded testimony of [REDACTED], 24 November 2004, subject: Inspector General Inquiry [REDACTED] (Exhibit E-2).

(d) Transcribed sworn and recorded testimony of [REDACTED] 23 November 2004, subject: Inspector General Inquiry [REDACTED] (Exhibit E-3).

(e) Transcribed sworn and recorded testimony of [REDACTED] 24 November 2004, subject: Inspector General Inquiry [REDACTED] (Exhibit E-4).

(f) Transcribed sworn and recorded testimony of [REDACTED], 24 November 2004, subject: Inspector General Inquiry [REDACTED] (Exhibit E-5).

(g) Transcribed sworn and recorded testimony of [REDACTED] 24 November 2004, subject: Inspector General Inquiry [REDACTED] (Exhibit E-6).

(h) Transcribed sworn and recorded testimony of [REDACTED] 23 November 2004, subject: Inspector General Inquiry [REDACTED] (Exhibit E-7).

(i) 327th Signal Battalion's Non Commissioned Officers Rating Scheme, 33 November 2004 (Exhibit E-8).

(j) B Company, 327th Signal Battalion, climate assessment, dated 26 August 2004 (Exhibit E-17).

(k) Memorandum, 11 July 2005, subject: conversation with [REDACTED] during Commander/Senior Official Notification (Exhibit E-18).

(4) Complainant's Evidence:

(a) Memorandum from [REDACTED], 12 October 2004, Subject: Items to support departure from the brigade (Exhibit F-1).

(b) Five page letter [REDACTED] presented to brigade EOA outlining incidents, which were found not to be EO appropriate, no date or signature (Exhibit F-2).

b. **Discussion:** On 23 November 2004 [REDACTED] testified that she arrived at Fort Bragg on 15 March 2003 after she and her husband received a compassionate reassignment from Korea. [REDACTED] testified that she was assigned to the 19th Replacement Unit for four months and then transferred to the 327th Signal Battalion's rear detachment. While the unit was deployed she filled in as the rear detachment First Sergeant (Exhibit E-7). [REDACTED] testified that while the unit was deployed she attended the Advanced Non-commissioned Officer School (ANCOG) at Fort Gordon, Georgia. She testified that prior to graduating from the course 1SG [REDACTED], 1SG, Bravo Company, 327th Signal Battalion, called to congratulate her. [REDACTED] testified that [REDACTED] got upset with her after she advised him she wouldn't graduate until 27 October 2003 (Exhibit E-7). [REDACTED] further testified someone called the school on three separate occasions and asked if she was lying about the graduation date. [REDACTED] testified that after returning to the 327th she was placed as a section sergeant and then the platoon sergeant of Bravo Company in April 2004. She testified that she and other NCO's approached [REDACTED] about issues regarding the treatment of Soldiers in the unit and he verbally attacked her (Exhibit E-7). [REDACTED] testified that [REDACTED] told her that it was her section that had the most profiles and that she needed to stop worrying about what's being said and fix that (Exhibit E-7). [REDACTED] testified that there was no interaction with [REDACTED] until July 2004 due to the 1SG being on convalescent leave in May and she taking leave in June (Exhibit E7). [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 the [REDACTED] which gave the appearance that the negative comments dealt with his leadership style. [REDACTED] testified that she spoke to the Brigade EOA in August 2004 and was asked by [REDACTED] to write down all her concerns (Exhibit E-7). [REDACTED] further testified that three days after she gave her written complaint to EOA it was given to [REDACTED] and [REDACTED] due to the matters not being EO related. [REDACTED] testified [REDACTED] called her at home on 31 July 2004 and asked her about the complaint. [REDACTED] testified that the phone call ended after she informed [REDACTED] it was the weekend and she did not have to speak to him and then hung up (Exhibit E7). [REDACTED] testified she met with [REDACTED] and [REDACTED] on 3 August 2004 and [REDACTED] stated he did not want her in his unit, to which she replied, "Okay, fine" (Exhibit E-7). [REDACTED] also testified that [REDACTED] called her health care provider to check up on her profile, which

kept her from running and being deployed. [REDACTED] testified that after the meeting he verbally counseled [REDACTED] about ways he could better handle [REDACTED] (Exhibit E-2). A few weeks after the meeting [REDACTED] was given her NCOER by [REDACTED]. She testified that she noticed the proposed draft, which had been completed by the rater, [REDACTED] Platoon Leader, B Company, 327th Signal Battalion, had been changed (Exhibit E-7). [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] testified that she believed this was due to the command related issues addressed in her letter to the EOA (Exhibit E-7). [REDACTED] further testified she met with [REDACTED] but refused to sign her NCOER. [REDACTED] also testified she spoke 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. When interviewed [REDACTED] testified that he requested that she be moved because of just one incident, but because of numerous incidents which caused him to eventually lose confidence in [REDACTED] (Exhibit E6). [REDACTED] testified that the tension between him and [REDACTED] was due to her beliefs in the chain of command and her inability to listen to reason (Exhibit E-6). [REDACTED] further testified that even after the meeting about her letter to EO, he was still trying to make it work and was willing to keep her in place (Exhibit E-6). [REDACTED] also testified that even after [REDACTED] disobeyed his lawful order and showed blatant disrespect in front of his company and he lost complete trust in her and requested she be moved (Exhibit E-6). [REDACTED] testified that [REDACTED] had problems with the first sergeant, but never came to him about her issues (Exhibit E-2). [REDACTED] further testified that [REDACTED] was asked why she didn't come to him about the issues with the first sergeant, to which she replied, "I don't know" (Exhibit E-2). [REDACTED] testified that after the meeting with [REDACTED] she would send section sergeants to the platoon sergeant meetings and when asked would tell him she had appointments and could not attend (Exhibit E-2). [REDACTED] testified that the change on the NCOER was due to; [REDACTED] being over sensitive about her Soldiers; [REDACTED] change in attitude after the EO meeting; and her ability, not inability to do PT (Exhibit E-2). [REDACTED] further testified that [REDACTED] was verbally counseled for taking over a platoon formation and immediately turning it over to someone else and then leaving the area (Exhibit E-2). [REDACTED] testified that he would go to the gym, which was where [REDACTED] was to do PT and sometimes she was not there. He added that he verbally counseled her on the matter (Exhibit E-2). When asked why and at what

point was the decision to move [REDACTED] from the company, [REDACTED] testified that it was after [REDACTED] disobeyed [REDACTED] lawful order to attend the formation (Exhibit E-2). [REDACTED] further testified that he spoke to [REDACTED] about that matter and advised him he wanted [REDACTED] moved (Exhibit E-2). [REDACTED] testified that he was speaking to [REDACTED] about her needing to sign her NCOER when [REDACTED] came in with a counseling form regarding [REDACTED] disobeying a lawful order. After [REDACTED] heard what had happened he testified that [REDACTED] stated, "hey, based on that, maybe we should give her relief for cause" (Exhibit E-5). [REDACTED] further testified that because [REDACTED] did blatantly disobey an order and disrespected [REDACTED], he was going to move her to Charlie Company (Exhibit E-5). When interviewed, [REDACTED] testified that months prior to the move he had a conversation with [REDACTED] over his concern that [REDACTED] couldn't do PT as a platoon sergeant (Exhibit E-19). [REDACTED] further testified that it was [REDACTED] and [REDACTED] who convinced him she would have no problems (Exhibit E-19). When asked about the letter to EO [REDACTED] testified that he had no knowledge of her complaint until after [REDACTED] moved (Exhibit E-19). [REDACTED] testified that [REDACTED] moved [REDACTED] because she had requested to be moved since she couldn't get along with the first sergeant (Exhibit E-19). On 11 July 2005 the FBIGO contacted [REDACTED] Commander, 35th Signal Brigade, to complete the senior notification and to inform him of the allegation against [REDACTED]. After the notification was completed [REDACTED] stated that he directed the move of [REDACTED] after receiving input of [REDACTED]. He further stated that the move was based on the Soldier's request and the need for the opportunity to have a fresh start, due to her inability to work within the company she had been in. [REDACTED] added that [REDACTED] was doing a good job in Iraq at the present time (Exhibit E-18). The preponderance of credible evidence indicated that from the time [REDACTED] returned from ANCOG she had a poor working relationship with [REDACTED]. Both were verbally counseled on how to better their relationship after the letter to EOA surfaced. The situation came to a head after [REDACTED] disrespected and disobeyed a law full order from [REDACTED] and he requested she be moved. The final decision to move [REDACTED] was made by [REDACTED] who based the decision on the facts he was presented, that [REDACTED] could no longer get along with [REDACTED] and needed a fresh start.

c. **Conclusion:** The allegation that [REDACTED] Commander, 327th Signal Battalion, improperly initiated adverse action against [REDACTED] by reassigning her to different unit, because she registered a command related complaint with the Brigade EOA, in violation of paragraph 5-8c, AR 600-20, was **not substantiated**.

3. **Allegation 2:** That [REDACTED] Commander, B/327th Signal Battalion, improperly initiated adverse action against [REDACTED], by recommending her re-assignment to a different unit, because she registered a command related complaint with the Brigade EOA, in violation of paragraph 5-8c, AR 600-20.

a. Evidence:

(1) **Complaint.** On 1 September 2004, [REDACTED] came to the FBIGO and filed an Inspector General Action Request (DA Form 1559). [REDACTED] requested an inquiry into the possibility that she was removed as a platoon sergeant, B Company, 327th Signal Battalion, as form of reprisal after making a command related complaint to the 35th Signal Brigade EOA.

(2) **Standard.** Paragraph 5-8c, Army Regulation 600-20 stated, "Commanders and supervisors are prohibited from initiating any type of disciplinary or adverse action against any soldier or civilian employee because the individual registered a complaint with; an inspector general (including inspectors general of DOD, the other Services, or other Federal agencies; with a member of the person's chain of command or supervisor; or with an Equal Opportunity Office" (Exhibit D-1).

(3) Documentary Evidence:

(a) Memorandum, HQ Forces Command, SAIG-AC, 16 December 2004, subject: Inspector General Action Request (exhibit E-1).

(b) Transcribed sworn and recorded testimony of [REDACTED] 24 November 2004, subject: Inspector General Inquiry [REDACTED] (Exhibit E-2).

(c) Transcribed sworn and recorded testimony of [REDACTED] 12 July 2005, subject: Inspector General Inquiry [REDACTED] (Exhibit E-18).

(d) Transcribed sworn and recorded testimony of [REDACTED], 23 November 2004, subject: Inspector General Inquiry [REDACTED] (Exhibit E-3).

(e) Transcribed sworn and recorded testimony of [REDACTED] 24 November 2004, subject: Inspector General Inquiry [REDACTED] (Exhibit E-4).

(f) Transcribed sworn and recorded testimony of [REDACTED] 24 November 2004, subject: Inspector General Inquiry [REDACTED] (Exhibit E-5).

(g) Transcribed sworn and recorded testimony of [REDACTED] 24 November 2004, subject: Inspector General Inquiry [REDACTED] (Exhibit E-6).

(h) Transcribed sworn and recorded testimony of [REDACTED] 23 November 2004, subject: Inspector General Inquiry [REDACTED] (Exhibit E-7).

(i) 327th Signal Battalion's Noncommissioned Officers Rating Scheme, 1 January 2004 (Exhibit E-8).

(j) B Company, 327th Signal Battalion, Equal Opportunity Climate Assessment, dated 26 August 2004 (Exhibit E-17).

(k) Memorandum, 11 July 2005, subject: conversation with [REDACTED] during Commander/Senior Official Notification (Exhibit E-19).

(4) Complainant's Evidence:

(a) Memorandum from [REDACTED] 12 October 2004, Subject: Items to support departure from the brigade (Exhibit F-1).

(b) Five page letter [REDACTED] presented to the 35th Signal Brigade EOA outlining incidents, (which were found not to be EO appropriate) no date or signature (Exhibit F-2).

b. **Discussion:** On 23 November 2004 [REDACTED] testified that she arrived at Fort Bragg on 15 March 2003 after she and her husband received a compassionate reassignment from Korea. [REDACTED] testified that she was assigned to the 19th Replacement Unit for four months and then transferred to the 327th Signal Battalion's rear detachment. While the unit was deployed she filled in as the rear detachment First Sergeant (Exhibit E-7). [REDACTED] testified that while the unit was deployed she attended the Advanced Non-commissioned Officer School (ANCOC) at Fort Gordon, Georgia. She testified that prior to graduating from the course [REDACTED] 1SG, Bravo Company, 327th Signal Battalion, called to congratulate her. [REDACTED] testified that [REDACTED] got upset with her after she advised him she wouldn't graduate until 27 October 2003 (Exhibit E-7). SFC Wilson further testified someone called the school on three separate occasions and asked if she was lying about the graduation date. [REDACTED] testified that after returning to the 327th she was placed as a section sergeant and then the platoon sergeant of Bravo Company in April 2004. She testified that she and other NCO's approached [REDACTED] about issues regarding the treatment of Soldiers in the unit and he verbally attacked her (Exhibit E-7). [REDACTED] testified that [REDACTED] told her that it was her section that had the most profiles and that she needed to stop worrying about what's being said and fix that (Exhibit E-7). [REDACTED] testified that there was no interaction with [REDACTED] until July 2004 due to the 1SG being on convalescent leave in May and she taking leave in June (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 the [REDACTED], which gave the appearance that the negative comments dealt with his leadership style. [REDACTED] testified that she spoke to the Brigade EOA in August 2004 and was asked by [REDACTED] to write down all her concerns (Exhibit E-7). [REDACTED] further testified that three days after she gave her written complaint to EOA it was given to [REDACTED] and [REDACTED] due to the matters not being EO related. [REDACTED] testified [REDACTED] called her at home on 31 July 2004 and asked her about the complaint. [REDACTED] testified that the phone call ended after she informed [REDACTED] it was the weekend and she did not have to speak to him and then hung up (Exhibit E7). [REDACTED] testified she met with [REDACTED] and [REDACTED] on 3 August 2004 and [REDACTED] stated he did not want her in his unit, to which she replied, "Okay, fine" (Exhibit E-7). [REDACTED] also testified that [REDACTED] called her health care provider to check up on her profile, which kept her from running and being deployed. [REDACTED] testified that after the meeting he verbally counseled [REDACTED] about ways he could better handle [REDACTED] (Exhibit E-2). A few weeks after the meeting [REDACTED] was given her NCOER by [REDACTED]. She testified that she noticed the proposed draft, which had been completed by the rater, [REDACTED] Platoon Leader, B Company, 327th Signal Battalion, had been changed (Exhibit E-7). [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] testified that she believed this was due to the command related issues addressed in her letter to the EOA (Exhibit E-7). [REDACTED] further testified she met with [REDACTED] but refused to sign her NCOER. [REDACTED] also testified she spoke 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. When interviewed [REDACTED] testified that he requested that she be moved because of just one incident, but because of numerous incidents which caused him to eventually lose confidence in [REDACTED] (Exhibit E6). [REDACTED] testified that the tension between him and [REDACTED] was due to her beliefs in the chain of command and her inability to listen to reason (Exhibit E-6). [REDACTED] further testified that even after the meeting about her letter to EO, he was still trying to make it work and was willing to keep her in place (Exhibit E-6). [REDACTED] also testified that even after [REDACTED] disobeyed his lawful order

and showed blatant disrespect in front of his company and he lost complete trust in her and requested she be moved (Exhibit E-6). [REDACTED] testified that [REDACTED] had problems with the first sergeant, but never came to him about her issues (Exhibit E-2). [REDACTED] further testified that [REDACTED] was asked why she didn't come to him about the issues with the first sergeant, to which she replied, "I don't know" (Exhibit E-2). [REDACTED] testified that after the meeting with [REDACTED] she would send section sergeants to the platoon sergeant meetings and when asked would tell him she had appointments and could not attend (Exhibit E-2). [REDACTED] testified that the change on the NCOER was due to; [REDACTED] being over sensitive about her Soldiers; [REDACTED] change in attitude after the EO meeting; and her ability, not inability to do PT (Exhibit E-2). [REDACTED] further testified that [REDACTED] was verbally counseled for taking over a platoon formation and immediately turning it over to someone else and then leaving the area (Exhibit E-2). [REDACTED] testified that he would go to the gym, which was where [REDACTED] was to do PT and sometimes she was not there. He added that he verbally counseled her on the matter (Exhibit E-2). When asked why and at what point was the decision to move [REDACTED] from the company, [REDACTED] testified that it was after [REDACTED] disobeyed [REDACTED] lawful order to attend the formation (Exhibit E-2). [REDACTED] further testified that he spoke to [REDACTED] about that matter and advised him he wanted [REDACTED] moved (Exhibit E-2). [REDACTED] testified that he was speaking to [REDACTED] about her needing to sign her NCOER when [REDACTED] came in with a counseling form regarding [REDACTED] disobeying a lawful order. After [REDACTED] heard what had happened he testified that [REDACTED] stated, "hey, based on that, maybe we should give her relief for cause" (Exhibit E-5). [REDACTED] further testified that because [REDACTED] did blatantly disobey an order and disrespected [REDACTED] he was going to move her to Charlie Company (Exhibit E-5). When interviewed, [REDACTED] testified that months prior to the move he had a conversation with [REDACTED] over his concern that [REDACTED] couldn't do PT as a platoon sergeant (Exhibit E-19). [REDACTED] further testified that it was [REDACTED] and [REDACTED] who convinced him she would have no problems (Exhibit E-19). When asked about the letter to EO [REDACTED] testified that he had no knowledge of her complaint until after [REDACTED] moved (Exhibit E-19). [REDACTED] testified that [REDACTED] moved [REDACTED] because she had requested to be moved since she couldn't get along with the first sergeant (Exhibit E-19). On 11 July 2005 the FBIGO contacted [REDACTED] Commander, 35th Signal Brigade, to complete the senior notification and to inform him of the allegation against [REDACTED]. After the notification was completed [REDACTED] stated that he directed the move of [REDACTED] after receiving input of [REDACTED]. He further stated that the move was based on the Soldier's request and the need for the opportunity to have a fresh start, due to her inability to work within the company she had been in. [REDACTED] added that [REDACTED] was doing a good job in Iraq at the present time (Exhibit E-18). The preponderance of credible evidence indicated that from the time [REDACTED] returned from ANCOC she had a poor working relationship with [REDACTED]. Both were verbally counseled on how to better their relationship after the letter to EOA surfaced. The situation came to a head after [REDACTED].

disrespected and disobeyed a law full order from [REDACTED] and he requested she be moved. The final decision to move [REDACTED] was made by [REDACTED] who based the decision on the facts he was presented, that [REDACTED] could no longer get along with [REDACTED] and needed a fresh start.

c. **Conclusion:** The allegation that [REDACTED] Commander, B/327th Signal Battalion, improperly initiated adverse action against [REDACTED] by recommending her reassignment to a different unit, because she registered a command related complaint with the Brigade EOA, in violation of paragraph 5-8c, AR 600-20, was **not substantiated**.

4. **Allegation 3:** That [REDACTED], CSM, 327th Signal Battalion, improperly initiated adverse action against [REDACTED] by recommending her be reassigned to a different unit, because she registered a command related complaint with the Brigade EOA, in violation of paragraph 5-8c, AR 600-20.

a. **Evidence:**

(1) **Complaint.** On 1 September 2004, [REDACTED] Charlie 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 removed as the platoon sergeant, Charlie Company, 327th Signal Battalion, as form of reprisal after making an equal opportunity complaint to the brigade EOA.

(2) **Standard.** Paragraph 5-8c, Army Regulation 600-20 stated, "Commanders and supervisors are prohibited from initiating any type of disciplinary or adverse action against any soldier or civilian employee because the individual registered a complaint with; an inspector general (including inspectors general of DOD, the other Services, or other Federal agencies; with a member of the person's chain of command or supervisor; or with an Equal Opportunity Office" (Exhibit D-1).

(3) **Documentary Evidence:**

(a) Memorandum, HQS Forces Command, SAIG-AC, 16 December 2004, subject: Inspector General Action Request (exhibit E-1).

(b) Transcribed sworn and recorded testimony of [REDACTED] 24 November 2004, subject: Inspector General Inquiry [REDACTED] (Exhibit E-2).

(c) Transcribed sworn and recorded testimony of [REDACTED] 12 July 2005, subject: Inspector General Inquiry [REDACTED] (Exhibit E-18).

(d) Transcribed sworn and recorded testimony of [REDACTED] 23 November 2004, subject: Inspector General Inquiry [REDACTED] (Exhibit E-3).

(e) Transcribed sworn and recorded testimony of [REDACTED] 24 November 2004, subject: Inspector General Inquiry [REDACTED] (Exhibit E-4).

(f) Transcribed sworn and recorded testimony of [REDACTED], 24 November 2004, subject: Inspector General Inquiry [REDACTED] (Exhibit E-5).

(g) Transcribed sworn and recorded testimony of [REDACTED] 24 November 2004, subject: Inspector General Inquiry [REDACTED] (Exhibit E-6).

(h) Transcribed sworn and recorded testimony of [REDACTED] 23 November 2004, subject: Inspector General Inquiry [REDACTED] (Exhibit E-7).

(i) 327th Signal Battalion's Non Commissioned Officers Rating Scheme, 1 January 2004 (Exhibit E-8).

(j) B Company, 327th Signal Battalion, Equal Opportunity Climate Assessment, dated 26 August 2004 (Exhibit E-17).

(k) Memorandum, 11 July 2005, subject: conversation with [REDACTED] during Commander/Senior Official Notification (Exhibit E-19).

(4) Complainant's Evidence:

(a) Memorandum from [REDACTED] 12 October 2004, Subject: Items to support departure from the brigade (Exhibit F-1).

(b) Five page letter [REDACTED] presented to the 35th Signal Brigade EOA outlining incidents, (which were found not to be EO appropriate) no date or signature (Exhibit F-2).

b. **Discussion:** On 23 November 2004 [REDACTED] testified that she arrived at Fort Bragg on 15 March 2003 after she and her husband received a compassionate reassignment from Korea. [REDACTED] testified that she was assigned to the 19th Replacement Unit for four months and then transferred to the 327th Signal Battalion's rear detachment. While the unit was deployed she filled in as the rear detachment [REDACTED] (Exhibit E-7). [REDACTED] testified

that while the unit was deployed she attended the Advanced Non-commissioned Officer School (ANCOC) at Fort Gordon, Georgia. She testified that prior to graduating from the course (b)(7)(C) (b)(7)(C) 1SG, Bravo Company, 327th Signal Battalion, called to congratulate her. (b)(7)(C) testified that (b)(7)(C) got upset with her after she advised him she wouldn't graduate until 27 October 2003 (Exhibit E-7). (b)(7)(C) further testified someone called the school on three separate occasions and asked if she was lying about the graduation date. (b)(7)(C) testified that after returning to the 327th she was placed as a section sergeant and then the platoon sergeant of Bravo Company in April 2004. She testified that she and other NCO's approached (b)(7)(C) about issues regarding the treatment of Soldiers in the unit and he verbally attacked her (Exhibit E-7). (b)(7)(C) testified that (b)(7)(C) told her that it was her section that had the most profiles and that she needed to stop worrying about what's being said and fix that (Exhibit E-7). (b)(7)(C) testified that there was no interaction with (b)(7)(C) until July 2004 due to the 1SG being on convalescent leave in May and she taking leave in June (Exhibit E7). (b)(7)(C) 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 (b)(7)(C) referred to was completed by (b)(7)(C) 35th Signal Brigade EOA, on 13 August 2004. The Climate Assessment listed both positive and negative comments about (b)(7)(C) (Exhibit E-17). There were no recommendations in the report discussing any corrective action towards the (b)(7)(C) which gave the appearance that the negative comments dealt with his leadership style. (b)(7)(C) testified that she spoke to the Brigade EOA in August 2004 and was asked by (b)(7)(C) to write down all her concerns (Exhibit E-7). SFC Wilson further testified that three days after she gave her written complaint to EOA it was given to (b)(7)(C) and (b)(7)(C) due to the matters not being EO related. (b)(7)(C) testified (b)(7)(C) called her at home on 31 July 2004 and asked her about the complaint. (b)(7)(C) testified that the phone call ended after she informed (b)(7)(C) it was the weekend and she did not have to speak to him and then hung up (Exhibit E7). (b)(7)(C) testified she met with (b)(7)(C) and (b)(7)(C) on 3 August 2004 and (b)(7)(C) stated he did not want her in his unit, to which she replied, "Okay, fine" (Exhibit E-7). (b)(7)(C) also testified that (b)(7)(C) called her health care provider to check up on her profile, which kept her from running and being deployed. (b)(7)(C) testified that after the meeting he verbally counseled (b)(7)(C) about ways he could better handle (b)(7)(C) (Exhibit E-2). A few weeks after the meeting (b)(7)(C) was given her NCOER by (b)(7)(C). She testified that she noticed the proposed draft, which had been completed by the rater, (b)(7)(C) (b)(7)(C) Platoon Leader, B Company, 327th Signal Battalion, had been changed (Exhibit E-7). (b)(7)(C) believed the senior rater portion of the report had been changed by the senior rater, (b)(7)(C) due solely to the influence of (b)(7)(C). 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". (b)(7)(C) testified that she believed this was due to the command related issues addressed in her letter to the EOA (Exhibit E-7). (b)(7)(C) further testified she met with (b)(7)(C) but refused to sign her NCOER. (b)(7)(C) also testified she spoke

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. When interviewed [REDACTED] testified that he requested that she be moved because of just one incident, but because of numerous incidents which caused him to eventually lose confidence in [REDACTED] (Exhibit E-6). [REDACTED] testified that the tension between him and [REDACTED] was due to her beliefs in the chain of command and her inability to listen to reason (Exhibit E-6). [REDACTED] further testified that even after the meeting about her letter to EO, he was still trying to make it work and was willing to keep her in place (Exhibit E-6). [REDACTED] also testified that even after [REDACTED] disobeyed his lawful order and showed blatant disrespect in front of his company and he lost complete trust in her and requested she be moved (Exhibit E-6). [REDACTED] testified that [REDACTED] had problems with the first sergeant, but never came to him about her issues (Exhibit E-2). [REDACTED] further testified that [REDACTED] was asked why she didn't come to him about the issues with the first sergeant, to which she replied, "I don't know" (Exhibit E-2). [REDACTED] testified that after the meeting with [REDACTED] she would send section sergeants to the platoon sergeant meetings and when asked would tell him she had appointments and could not attend (Exhibit E-2). [REDACTED] testified that the change on the NCOER was due to; [REDACTED] being over sensitive about her Soldiers; [REDACTED] change in attitude after the EO meeting; and her ability, not inability to do PT (Exhibit E-2). [REDACTED] further testified that [REDACTED] was verbally counseled for taking over a platoon formation and immediately turning it over to someone else and then leaving the area (Exhibit E-2). [REDACTED] testified that he would go to the gym, which was where [REDACTED] was to do PT and sometimes she was not there. He added that he verbally counseled her on the matter (Exhibit E-2). When asked why and at what point was the decision to move [REDACTED] from the company, [REDACTED] testified that it was after [REDACTED] disobeyed [REDACTED] lawful order to attend the formation (Exhibit E-2). [REDACTED] further testified that he spoke to [REDACTED] about that matter and advised him he wanted [REDACTED] moved (Exhibit E-2). [REDACTED] testified that he was speaking to [REDACTED] about her needing to sign her NCOER when [REDACTED] came in with a counseling form regarding [REDACTED] disobeying a lawful order. After [REDACTED] heard what had happened he testified that [REDACTED] stated, "hey, based on that, maybe we should give her relief for cause" (Exhibit E-5). [REDACTED] further testified that because [REDACTED] did blatantly disobey an order and disrespected [REDACTED] he was going to move her to Charlie Company (Exhibit E-5). When interviewed, [REDACTED] testified that months prior to the move he had a conversation with [REDACTED] over his concern that [REDACTED] couldn't do

PT as a platoon sergeant (Exhibit E-19). [REDACTED] further testified that it was [REDACTED] and [REDACTED] who convinced him she would have no problems (Exhibit E-19). When asked about the letter to EO [REDACTED] testified that he had no knowledge of her complaint until after [REDACTED] moved (Exhibit E-19). [REDACTED] testified that [REDACTED] moved [REDACTED] because she had requested to be moved since she couldn't get along with the first sergeant (Exhibit E-19). On 11 July 2005 the FBIGO contacted [REDACTED] Commander, 35th Signal Brigade, to complete the senior notification and to inform him of the allegation against [REDACTED]. After the notification was completed [REDACTED] stated that he directed the move of [REDACTED] after receiving input of [REDACTED]. He further stated that the move was based on the Soldier's request and the need for the opportunity to have a fresh start, due to her inability to work within the company she had been in. [REDACTED] added that [REDACTED] was doing a good job in Iraq at the present time (Exhibit E-18). The preponderance of credible evidence indicated that from the time [REDACTED] returned from ANCOG she had a poor working relationship with 1SG Fulton. Both were verbally counseled on how to better their relationship after the letter to EOA surfaced. The situation came to a head after [REDACTED] disrespected and disobeyed a law full order from [REDACTED] and he requested she be moved. The final decision to move [REDACTED] was made by [REDACTED] who based the decision on the facts he was presented, that [REDACTED] could no longer get along with [REDACTED] and needed a fresh start.

c. **Conclusion:** The allegation that [REDACTED] CSM, 327th Signal Battalion, improperly initiated adverse action against [REDACTED], by recommending she be reassigned to a different unit, because she registered a command related complaint with the Brigade EOA, in violation of paragraph 5-8c, AR 600-20, was **not substantiated**.

5. **Allegation 4:** That [REDACTED] 1SG, B/327th Signal Battalion, improperly initiated adverse action against [REDACTED] by requesting she be reassigned to a different unit, because she registered a command related complaint with the Brigade EOA, in violation of paragraph 5-8c, AR 600-20.

a. **Evidence:**

(1) **Complaint.** On 1 September 2004, [REDACTED] Charlie 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 removed as the platoon sergeant, Charlie Company, 327th Signal Battalion, as form of reprisal after making a command related complaint to the brigade EOA.

(2) **Standard.** Paragraph 5-8c, Army Regulation 600-20 stated, "Commanders and supervisors are prohibited from initiating any type of disciplinary or adverse action against any soldier or civilian employee because the individual registered a complaint with; an inspector general (including inspectors general of DOD, the other Services, or other Federal agencies; with a member of the person's chain of command or supervisor; or with an Equal Opportunity Office" (Exhibit D-1).

(3) **Documentary Evidence:**

(a) Memorandum, HQS Forces Command, SAIG-AC, 16 December 2004, subject: Inspector General Action Request (exhibit E-1).

(b) Transcribed sworn and recorded testimony of [REDACTED] 24 November 2004, subject: Inspector General Inquiry [REDACTED] (Exhibit E-2).

(c) Transcribed sworn and recorded testimony of [REDACTED] 12 July 2005, subject: Inspector General Inquiry [REDACTED] (Exhibit E-18).

(d) Transcribed sworn and recorded testimony of [REDACTED] 23 November 2004, subject: Inspector General Inquiry [REDACTED] (Exhibit E-3).

(e) Transcribed sworn and recorded testimony of [REDACTED] 24 November 2004, subject: Inspector General Inquiry [REDACTED] (Exhibit E-4).

(f) Transcribed sworn and recorded testimony of [REDACTED] 24 November 2004, subject: Inspector General Inquiry [REDACTED] (Exhibit E-5).

(g) Transcribed sworn and recorded testimony of [REDACTED] 24 November 2004, subject: Inspector General Inquiry [REDACTED] (Exhibit E-6).

(h) Transcribed sworn and recorded testimony of [REDACTED] 23 November 2004, subject: Inspector General Inquiry [REDACTED] (Exhibit E-7).

(i) 327th Signal Battalion's Noncommissioned Officers Rating Scheme, 1 January 2004 (Exhibit E-8).

(j) B Company, 327th Signal Battalion, Equal Opportunity Climate Assessment, dated 26 August 2004 (Exhibit E-17).

(k) Memorandum, 11 July 2005, subject: conversation with [REDACTED] during Commander/Senior Official Notification (Exhibit E-19).

(4) **Complainant's Evidence:**

(a) Memorandum from [REDACTED] 12 October 2004, Subject: Items to support departure from the brigade (Exhibit F-1).

(b) Five page letter [REDACTED] presented to the 35th Signal Brigade EOA outlining incidents, (which were found not to be EO appropriate) no date or signature (Exhibit F-2).

b. Discussion: On 23 November 2004 [REDACTED] testified that she arrived at Fort Bragg on 15 March 2003 after she and her husband received a compassionate reassignment from Korea. [REDACTED] testified that she was assigned to the 19th Replacement Unit for four months and then transferred to the 327th Signal Battalion's rear detachment. While the unit was deployed she filled in as the rear detachment First Sergeant (Exhibit E-7). [REDACTED] testified that while the unit was deployed she attended the Advanced Non-commissioned Officer School (ANCOC) at Fort Gordon, Georgia. She testified that prior to graduating from the course [REDACTED] 1SG, Bravo Company, 327th Signal Battalion, called to congratulate her. [REDACTED] testified that [REDACTED] got upset with her after she advised him she wouldn't graduate until 27 October 2003 (Exhibit E-7). [REDACTED] further testified someone called the school on three separate occasions and asked if she was lying about the graduation date. [REDACTED] testified that after returning to the 327th she was placed as a section sergeant and then the platoon sergeant of Bravo Company in April 2004. She testified that she and other NCO's approached [REDACTED] about issues regarding the treatment of Soldiers in the unit and he verbally attacked her (Exhibit E-7). [REDACTED] testified that [REDACTED] told her that it was her section that had the most profiles and that she needed to stop worrying about what's being said and fix that (Exhibit E-7). [REDACTED] testified that there was no interaction with [REDACTED] until July 2004 due to the 1SG being on convalescent leave in May and she taking leave in June (Exhibit E7). [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 the [REDACTED], which gave the appearance that the negative comments dealt with his leadership style. [REDACTED] testified that she spoke to the Brigade EOA in August 2004 and was asked by [REDACTED] to write down all her concerns (Exhibit E-7). [REDACTED] further testified that three days after she gave her written complaint to EOA it was given to [REDACTED] and [REDACTED], due to the matters not being EO related. [REDACTED] testified [REDACTED] called her at home on 31 July 2004 and asked her about the

complaint. [REDACTED] testified that the phone call ended after she informed [REDACTED] it was the weekend and she did not have to speak to him and then hung up (Exhibit E7). [REDACTED] testified she met with [REDACTED] and [REDACTED] on 3 August 2004 and [REDACTED] stated he did not want her in his unit, to which she replied, "Okay, fine" (Exhibit E-7). [REDACTED] also testified that [REDACTED] called her health care provider to check up on her profile, which kept her from running and being deployed. [REDACTED] testified that after the meeting he verbally counseled [REDACTED] about ways he could better handle [REDACTED] (Exhibit E-2). A few weeks after the meeting [REDACTED] was given her NCOER by [REDACTED]. She testified that she noticed the proposed draft, which had been completed by the rater, [REDACTED] Platoon Leader, B Company, 327th Signal Battalion, had been changed (Exhibit E-7). [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] testified that she believed this was due to the command related issues addressed in her letter to the EOA (Exhibit E-7). [REDACTED] further testified she m [REDACTED] but refused to sign her NCOER. [REDACTED] also testified she spoke 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. When interviewed [REDACTED] testified that he requested that she be moved because of just one incident, but because of numerous incidents which caused him to eventually lose confidence in [REDACTED] (Exhibit E6). [REDACTED] testified that the tension between him and [REDACTED] was due to her beliefs in the chain of command and her inability to listen to reason (Exhibit E-6). [REDACTED] further testified that even after the meeting about her letter to EO, he was still trying to make it work and was willing to keep her in place (Exhibit E-6). [REDACTED] also testified that even after [REDACTED] disobeyed his lawful order and showed blatant disrespect in front of his company and he lost complete trust in her and requested she be moved (Exhibit E-6). [REDACTED] testified that [REDACTED] had problems with the first sergeant, but never came to him about her issues (Exhibit E-2). [REDACTED] further testified that [REDACTED] was asked why she didn't come to him about the issues with the first sergeant, to which she replied, "I don't know" (Exhibit E-2). [REDACTED] testified that after the meeting with [REDACTED] she would send section sergeants to the platoon sergeant meetings and when asked would tell him she had appointments and could not attend (Exhibit E-2). [REDACTED] testified that the change on the NCOER was due to; [REDACTED] being over sensitive about her Soldiers; [REDACTED] change in attitude after the EO meeting; and her

ability, not inability to do PT (Exhibit E-2). [REDACTED] further testified that [REDACTED] was verbally counseled for taking over a platoon formation and immediately turning it over to someone else and then leaving the area (Exhibit E-2). [REDACTED] testified that he would go to the gym, which was where [REDACTED] was to do PT and sometimes she was not there. He added that he verbally counseled her on the matter (Exhibit E-2). When asked why and at what point was the decision to move [REDACTED] from the company, [REDACTED] testified that it was after [REDACTED] disobeyed [REDACTED] lawful order to attend the formation (Exhibit E-2). [REDACTED] further testified that he spoke to [REDACTED] about that matter and advised him he wanted [REDACTED] moved (Exhibit E-2). [REDACTED] testified that he was speaking to [REDACTED] about her needing to sign her NCOER when [REDACTED] came in with a counseling form regarding [REDACTED] disobeying a lawful order. After [REDACTED] heard what had happened he testified that [REDACTED] stated, "hey, based on that, maybe we should give her relief for cause" (Exhibit E-5). [REDACTED] further testified that because [REDACTED] did blatantly disobey an order and disrespected [REDACTED] he was going to move her to Charlie Company (Exhibit E-5). When interviewed, [REDACTED] testified that months prior to the move he had a conversation with [REDACTED] over his concern that [REDACTED] couldn't do PT as a platoon sergeant (Exhibit E-19). [REDACTED] further testified that it was [REDACTED] and [REDACTED] who convinced him she would have no problems (Exhibit E-19). When asked about the letter to EO [REDACTED] testified that he had no knowledge of her complaint until after [REDACTED] moved (Exhibit E-19). [REDACTED] testified that [REDACTED] moved [REDACTED] because she had requested to be moved since she couldn't get along with the first sergeant (Exhibit E-19). On 11 July 2005 the FBIGO contacted [REDACTED] Commander, 35th Signal Brigade, to complete the senior notification and to inform him of the allegation against [REDACTED]. After the notification was completed [REDACTED] stated that he directed the move of [REDACTED] after receiving input of [REDACTED]. He further stated that the move was based on the Soldier's request and the need for the opportunity to have a fresh start, due to her inability to work within the company she had been in. [REDACTED] added that [REDACTED] was doing a good job in Iraq at the present time (Exhibit E-18). The preponderance of credible evidence indicated that from the time [REDACTED] returned from ANCOG she had a poor working relationship with [REDACTED]. Both were verbally counseled on how to better their relationship after the letter to EOA surfaced. The situation came to a head after [REDACTED] disrespected and disobeyed a law full order from [REDACTED] and he requested she be moved. The final decision to move [REDACTED] was made by [REDACTED] who based the decision on the facts he was presented, that [REDACTED] could no longer get along with [REDACTED] and needed a fresh start.

c. **Conclusion:** The allegation that [REDACTED] 1SG, B/327th Signal Battalion, improperly initiated adverse action against [REDACTED] by requesting she be reassigned to a different unit, because she registered a command related complaint with the Brigade EOA, in violation of paragraph 5-8c, AR 600-20, was **not substantiated**.

6. **Allegation 5:** 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.

a. Evidence:

(1) **Complaint.** During October 2004, [REDACTED] returned to the FBIGO and verbally added she had been the rater for [REDACTED] B Company, 327th Signal Battalion. [REDACTED] alleged that after she completed the NCOER for [REDACTED] and had been transferred from the Company, [REDACTED] placed himself as the rater and changed some of the content of the report. [REDACTED] further alleged that the senior rater was also changed and the report was later submitted to USAREC.

(2) **Standard.** Paragraph 1-4b, Army Regulation 623-205 stated, "The commanders at all levels will ensure that rating chains correspond as nearly as practical to the chain of command and supervision within an organization...(1)(e)...each rating official is fully qualified to meet his or her responsibilities...(1)(g) reports are prepared by the rating officials designated in the published rating scheme" (Exhibit D-2).

(3) Documentary Evidence:

(a) Memorandum, HQS Forces Command, SAIG-AC, 16 December 2004, subject: Inspector General Action Request (exhibit E-1).

(b) Transcribed sworn and recorded testimony of [REDACTED], 24 November 2004, subject: Inspector General Inquiry [REDACTED] (Exhibit E-2).

(c) Transcribed sworn and recorded testimony of [REDACTED] 24 November 2004, subject: Inspector General Inquiry [REDACTED] (Exhibit E-4).

(d) Transcribed sworn and recorded testimony of [REDACTED] 24 November 2004, subject: Inspector General Inquiry [REDACTED] (Exhibit E-6).

(e) Transcribed sworn and recorded testimony of [REDACTED] 23 November 2004, subject: Inspector General Inquiry [REDACTED] (Exhibit E-7).

(f) 327th Signal Battalion's Non Commissioned Officers Rating Scheme, 1 January 2004 (Exhibit E-8).

(g) NCOER of [REDACTED] USAREC copy, dated 30 September 2004 (Exhibit E-9).

(h) NCOER of [REDACTED] proposed final, (edited) undated (Exhibit E-10).

(i) NCOER of [REDACTED] proposed final, (unedited) undated (Exhibit E-11).

(j) Counseling packet for [REDACTED], dated 10 June 04 (Exhibit E-12).

(4) Complainant's Evidence:

(a) Memorandum from [REDACTED], 12 October 2004, Subject: Items to support departure from the brigade (Exhibit F-1).

(b) Five page letter [REDACTED] presented to the 35th Signal Brigade EOA outlining incidents, (which were found not to be EO appropriate) no date or signature (Exhibit F-2).

b. **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.

c. **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**.

7. **Allegation 6:** 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.

a. **Evidence:**

(1) **Complaint.** During October 2004, [REDACTED] returned to the FBIGO and verbally advised she had been the rater for [REDACTED] B Company, 327th Signal Battalion. [REDACTED] alleged that after she completed the NCOER for [REDACTED] and had been transferred from the Company, [REDACTED] placed himself as the rater and changed some of the content of the report. [REDACTED] further alleged that the senior rater was also changed and the report was later submitted to USAREC.

(2) **Standard.** Paragraph 2-10a, Army Regulation 623-205 stated, "The senior rater uses his or her position and experience to evaluate the rated NCO from a broad organizational

perspective. His or her evaluation is the link between the day-to-day observation of the rated NCO's performance by the rater and the longer-term evaluation of the rated NCO's potential by DA selection boards...b...Normally, to evaluate an NCO, the senior rater must be designated and serve in that capacity for at least 60 rated days" (Exhibit D-3).

(3) Documentary Evidence:

(a) Memorandum, HQS Forces Command, SAIG-AC, 16 December 2004, subject: Inspector General Action Request (exhibit E-1).

(b) Transcribed sworn and recorded testimony of [REDACTED] 24 November 2004, subject: Inspector General Inquiry [REDACTED] (Exhibit E-2).

(c) Transcribed sworn and recorded testimony of [REDACTED], 24 November 2004, subject: Inspector General Inquiry [REDACTED] (Exhibit E-4).

(d) Transcribed sworn and recorded testimony of [REDACTED] 24 November 2004, subject: Inspector General Inquiry [REDACTED] (Exhibit E-6).

(e) Transcribed sworn and recorded testimony of [REDACTED] 23 November 2004, subject: Inspector General Inquiry [REDACTED] (Exhibit E-7).

(f) 327th Signal Battalion's Non Commissioned Officers Rating Scheme, 1 January 2004 (Exhibit E-8).

(g) NCOER of [REDACTED], USAREC copy, dated 30 September 2004 (Exhibit E-9).

(h) NCOER of [REDACTED] proposed final, (edited) undated (Exhibit E-10).

(i) NCOER of [REDACTED], proposed final, (unedited) undated (Exhibit E-11).

(j) Counseling packet for [REDACTED] dated 10 June 04 (Exhibit E-12).

(4) Complainant's Evidence:

(a) Memorandum from [REDACTED] 12 October 2004, Subject: Items to support departure from the brigade (Exhibit F-1).

(b) Five page letter [REDACTED] presented to the 35th Signal Brigade EOA outlining incidents, (which were found not to be EO appropriate) no date or signature (Exhibit F-2).

b. 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]

(b)(7)(C) further testified that he asked (b)(7)(C) 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 (b)(7)(C) improperly served as the senior rater on (b)(7)(C) NCOER, with a thru date of August 2004, in violation of paragraph 2-10, AR 623-205.

c. **Conclusion:** The allegation that (b)(7)(C) XO, B Company 327th Signal Battalion, improperly served as the senior rater on (b)(7)(C) NCOER, with a thru date of August 2004, in violation of paragraph 2-10, AR 623-205, was **substantiated**.

8. **Allegation 7:** That (b)(7)(C) 1SG, B Company 327th Signal Battalion, improperly served as the rater on (b)(7)(C) NCOER, with a thru date of August 2004, in violation of paragraph 2-8a, AR 623-205.

a. **Evidence:**

(1) **Complaint.** During October 2004, (b)(7)(C) returned to the FBIGO and verbally added she had been the rater for (b)(7)(C), B Company, 327th Signal Battalion. (b)(7)(C) alleged that after she completed the NCOER for (b)(7)(C) and had been transferred from the Company, (b)(7)(C) placed himself as the rater and changed some of the content of the report. (b)(7)(C) further alleged that the senior rater was also changed and the report was later submitted to USAREC.

(2) **Standard.** Paragraph 2-8, Army Regulation 623-205 stated, "The rater is the person in the rating chain who is most familiar with the day-to-day performance of the rated NCO. Most directly guides the rated NCO's participation in the organization's mission. Has been designated and has served in that capacity for at least 90 rated days" (Exhibit D-4).

(3) **Documentary Evidence:**

(a) Memorandum, HQS Forces Command, SAIG-AC, 16 December 2004, subject: Inspector General Action Request (exhibit E-1).

(b) Transcribed sworn and recorded testimony of (b)(7)(C), 24 November 2004, subject: Inspector General Inquiry (b)(7)(C) (Exhibit E-2).

(c) Transcribed sworn and recorded testimony of (b)(7)(C) 24 November 2004, subject: Inspector General Inquiry (b)(7)(C) (Exhibit E-4).

(d) Transcribed sworn and recorded testimony of [REDACTED] 24 November 2004, subject: Inspector General Inquiry [REDACTED] (Exhibit E-6).

(e) Transcribed sworn and recorded testimony of [REDACTED], 23 November 2004, subject: Inspector General Inquiry [REDACTED] (Exhibit E-7).

(f) 327th Signal Battalion's Non Commissioned Officers Rating Scheme, 1 January 2004 (Exhibit E-8).

(g) NCOER of [REDACTED] USAREC copy, dated 30 September 2004 (Exhibit E-9).

(h) NCOER of [REDACTED] proposed final, (edited) undated (Exhibit E-10).

(i) NCOER of [REDACTED] proposed final, (unedited) undated (Exhibit E-11).

(j) Counseling packet for [REDACTED] dated 10 June 04 (Exhibit E-12).

(4) Complainant's Evidence:

(a) Memorandum from [REDACTED] 12 October 2004, Subject: Items to support departure from the brigade (Exhibit F-1).

(b) Five page letter [REDACTED] presented to brigade EOA outlining incidents, (which were found not to be EO appropriate) no date or signature (Exhibit F-2).

b. 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). 1LT Pittman further testified that it was CPT [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.

c. **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**.

9. **Allegation 8:** 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.

a. **Evidence:**

(1) **Complaint.** During October 2004, [REDACTED] returned to the FBIGO and verbally added she had been the rater for [REDACTED] B Company, 327th Signal Battalion. [REDACTED] alleged that after she completed the NCOER for [REDACTED] and had been transferred from the Company, [REDACTED] placed himself as the rater and changed some of the content of the report. [REDACTED] further alleged that the senior rater was also changed and the report was later submitted to USAREC.

(2) **Standard.** Paragraph 2-13, Army Regulation 623-205 stated, "The reviewer will ensure that the proper rater and senior rater complete the report. Examine the evaluations rendered by the rater and senior rater to ensure they are clear, consistent, and just, in accordance with known facts. Special care must be taken to ensure the specific bullet comments support the appropriate excellence, success, or needs improvement ratings in part" (Exhibit D-5).

(3) **Documentary Evidence.**

(a) Memorandum, HQS Forces Command, SAIG-AC, 16 December 2004, subject: Inspector General Action Request (exhibit E-1).

(b) Transcribed sworn and recorded testimony of [REDACTED] 24 November 2004, subject: Inspector General Inquiry [REDACTED] (Exhibit E-2).

(c) Transcribed sworn and recorded testimony of [REDACTED] 24 November 2004, subject: Inspector General Inquiry [REDACTED] (Exhibit E-4).

(d) Transcribed sworn and recorded testimony of [REDACTED] 24 November 2004, subject: Inspector General Inquiry [REDACTED] (Exhibit E-6).

(e) Transcribed sworn and recorded testimony of [REDACTED] 23 November 2004, subject: Inspector General Inquiry [REDACTED] (Exhibit E-7).

(f) 327th Signal Battalion's Non Commissioned Officers Rating Scheme, 1 January 2004 (Exhibit E-8).

(g) NCOER of [REDACTED] USAREC copy, dated 30 September 2004 (Exhibit E-9).

(h) NCOER of [REDACTED] proposed final, (edited) undated (Exhibit E-10).

(i) NCOER of [REDACTED] proposed final, (unedited) undated (Exhibit E-11).

(j) Counseling packet for [REDACTED] dated 10 June 04 (Exhibit E-12).

(4) Complainant's Evidence:

(a) Memorandum from [REDACTED] 12 October 2004, Subject: Items to support departure from the brigade (Exhibit F-1).

(b) Five page letter [REDACTED] presented to brigade EOA outlining incidents, (which were found not to be EO appropriate) no date or signature (Exhibit F-2).

b. 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 has 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 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 (b)(7)(C) (Exhibit E-4). (b)(7)(C) also testified that (b)(7)(C) informed him he had rewritten the NCOER (Exhibit E-4). (b)(7)(C) further testified that it was (b)(7)(C) 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). (b)(7)(C) testified that he made repeated attempts to contact (b)(7)(C) and (b)(7)(C) so they could make corrections to (b)(7)(C) original NCOER, but all attempts failed so a new NCOER was recreated by himself and (b)(7)(C) (Exhibit E-2). (b)(7)(C) also testified that it was (b)(7)(C) who changed the bullets on (b)(7)(C) NCOER based on what was going on with (b)(7)(C) (Exhibit E-2). (b)(7)(C) further testified that he solicited (b)(7)(C) 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 (b)(7)(C) improperly authenticated (b)(7)(C) NCOER, with a thru date of August 2004, in violation of paragraph 2-13, AR 623-205.

c. **Conclusion:** The allegation that (b)(7)(C) Company Commander, B Company 327th Signal Battalion, improperly authenticated (b)(7)(C) NCOER, with a thru date of August 2004, in violation of paragraph 2-13, AR 623-205, was **substantiated**.

10. **Allegation 9:** That (b)(7)(C) 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 (b)(7)(C) NCOER, in violation of paragraph 6-3, AR 623-205.

a. **Evidence:**

(1) **Complaint.** On 26 August 2004 when (b)(7)(C) received her NCOER, she noticed the proposed draft, which had been completed by her rater, (b)(7)(C) platoon leader, B Company, 327th Signal Battalion, had been changed. (b)(7)(C) believed the senior rater portion of the report had been changed by the senior rater, (b)(7)(C) due solely by the influence of (b)(7)(C). The change was in the overall potential block. It was proposed by the rater as a one block, but was changed by the senior rater to a two block. (b)(7)(C) alleged this change was due to the command related issues she addressed in her letter that had been taken to the brigade EOA. (b)(7)(C) was given guidance by the FBIGO, IAW AR 623-205, on how she could present the matter to the command and request a 15-6 investigation.

(2) **Standard.** Paragraph 6-3, Army Regulation 623-205 stated, "Commanders are required to look into alleged errors, injustices, and illegalities in NCO-ERs. The rated NCO or anyone having knowledge of the alleged illegality, injustice, or violation may bring such matters to the commander's attention. The primary purpose of the Commander's Inquiry is to provide a greater degree of command involvement in preventing obvious injustices to the rated NCO and

to correct errors before they become a matter of permanent record. A secondary purpose is to obtain command involvement in clarifying errors or injustices after the evaluation report is accepted at USAEREC, CNGB, a State Adjutant General's office, or AR-PERSCOM. However, in these after-the-fact cases, this paragraph is not intended to be a substitute for the appeals process, which is the primary means of addressing errors and injustices after they have become a matter of permanent record. The provisions of AR 15-6 do not normally apply to inquiries of this nature; however, the commander may determine that the provisions of AR 15-6 apply in specific instances" (Exhibit D-7).

(3) Documentary Evidence.

(a) Memorandum, HQS Forces Command, SAIG-AC, 16 December 2004, subject: Inspector General Action Request (exhibit E-1).

(b) Transcribed sworn and recorded testimony of [REDACTED] 24 November 2004, subject: Inspector General Inquiry [REDACTED] (Exhibit E-2).

(c) Transcribed sworn and recorded testimony of [REDACTED] 23 November 2004, subject: Inspector General Inquiry [REDACTED] (Exhibit E-7).

(4) Complainant's Evidence:

(a) Memorandum from [REDACTED] 12 October 2004, Subject: Items to support departure from the brigade (Exhibit F-1).

(b) Five page letter [REDACTED] presented to brigade EOA outlining incidents, (which were found not to be EO appropriate) no date or signature (Exhibit F-2).

b. **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). 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.

c. **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**.

11. **Allegation 10:** 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.

a. **Evidence:**

(1) **Complaint.** In August 2004 [REDACTED] went and spoke to the 35th Signal Brigade EOA, [REDACTED] about issues she stated had previously been discussed but not corrected with [REDACTED] and [REDACTED]. After speaking to the EOA [REDACTED] composed a five-page, hand written, document outlining her issues. Approximately three days later [REDACTED] took the list to [REDACTED] and [REDACTED] and advised them to handle the matter at their level, as it dealt only with command related issues.

(2) **Standard.** Paragraph 6-2g (14 thru 15), Army Regulation 600-20 stated, "Take appropriate action to prevent incidents of intimidation, harassment, or reprisal against individuals who file an EO complaint. Take appropriate action against those who violate Army policy" (Exhibit D-7).

(3) **Documentary Evidence.**

(a) Memorandum, HQS Forces Command, SAIG-AC, 16 December 2004, subject: Inspector General Action Request (exhibit E-1).

(b) Transcribed sworn and recorded testimony of [REDACTED] 24 November 2004, subject: Inspector General Inquiry [REDACTED] (Exhibit E-2).

(c) Transcribed sworn and recorded testimony of [REDACTED] 23 November 2004, subject: Inspector General Inquiry ([REDACTED]) (Exhibit E-7).

(d) B Company, 327th Signal Battalion, climate assessment, dated 26 August 2004 (Exhibit E-17).

(4) Complainant's Evidence:

(a) Memorandum from [REDACTED] 12 October 2004, Subject: Items to support departure from the brigade (Exhibit F-1).

(b) Five page letter [REDACTED] presented to brigade EOA outlining incidents, (which were found not to be EO appropriate) no date or signature (Exhibit F-2).

b. 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] testified that [REDACTED] issues dealt with her perceptions that he liked one platoon more than 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] Fulton further testified that after the meeting about the letter he believed everything was going well again until the matter of the NCOER. The testimony of all involved lead 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.

c. 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**.

12. **Other Matters.** None

13. **Recommendation.** This report be approved and the case closed.

CONCUR:


Assistant Inspector General
Investigating/Inquiry Officer


Inspector General

Encl
Exhibit List

- A. Not used.
- B. Not used.
- C. Original Complaint.
- D. Standards.

- D-1. Paragraph 5-8c, Army Regulation 600-20.
- D-2. Paragraph 1-4b, Army Regulation 623-205.
- D-3. Paragraph 2-10, Army Regulation 623-205.
- D-4. Paragraph 2-8, Army Regulation 623-205.
- D-5. Paragraph 2-13, Army Regulation 623-205.
- D-6. Paragraph 3-8c, Army Regulation 623-205.
- D-7. Paragraph 6-3, Army Regulation 623-205.
- D-8. Paragraph 6-2 g. (14 thru 15) AR 600-20.

E. Documentary Evidence.

E-1. Memorandum, HQS Forces Command, SAIG-AC, 16 December 2004, subject:
Inspector General Action Request.

E-2. Transcribed sworn and recorded testimony of [REDACTED] 24 November 2004, subject: Inspector General Inquiry [REDACTED]

E-3. Transcribed sworn and recorded testimony of [REDACTED], 23 November 2004, subject: Inspector General Inquiry [REDACTED]

E-4. Transcribed sworn and recorded testimony of [REDACTED] 24 November 2004, subject: Inspector General Inquiry [REDACTED]

E-5. Transcribed sworn and recorded testimony of [REDACTED], 24 November 2004, subject: Inspector General Inquiry [REDACTED]

E-6. Transcribed sworn and recorded testimony of [REDACTED], 24 November 2004, subject: Inspector General Inquiry [REDACTED]

E-7. Transcribed sworn and recorded testimony of [REDACTED] 23 November 2004, subject: Inspector General Inquiry [REDACTED]

E-8. 327th Signal Battalion's Non Commissioned Officers Rating Scheme, 1 January 2004.

E-9. NCOER of [REDACTED] USAREC copy, dated 30 September 2004.

E-10. NCOER of [REDACTED] proposed final, (edited) undated.

E-11. NCOER of [REDACTED] proposed final, (unedited) undated.

E-12. Counseling packet for [REDACTED] dated 10 June 04.

E-13. NCOER of [REDACTED] USAREC copy, dated 13 September 2004.

E-14. NCOER of [REDACTED] proposed final, (unedited) undated.

E-15. NCOER of [REDACTED] proposed final, (edited) undated.

E-16. DA Form 4856, [REDACTED] counseling statement, dated 31 August 2004.

E-17. B Company, 327th Signal Battalion, Equal Opportunity Climate Assessment, dated 26 August 2004.

E-18. Transcribed sworn and recorded testimony of [REDACTED] 12 July 2005, subject: Inspector General Inquiry [REDACTED]

E-19. Memorandum, 11 July 2005, subject: conversation with [REDACTED] during Commander/Senior Official Notification.

F. Complainant's Evidence.

F-1. Memorandum from [REDACTED] 12 October 2004, Subject: Items to support departure from the brigade.

F-2. Five page letter [REDACTED] presented to the 35th Signal Brigade EOA outlining incidents, (which were found not to be EO appropriate) no date or signature.

G. Legal Review.

REPORT OF INVESTIGATIVE INQUIRY

18 July 2005

DIH 05-0261/FJ 04-0265

INTRODUCTION

1. 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 First Sergeant, [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 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

1

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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 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.

CONSIDERATION OF ALLEGATIONS

2. **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.

a. Evidence:

(1) **Complaint.** On or about 1 October 2004, [REDACTED] returned to the FBIGO and verbally added she had been the rater for [REDACTED] B Company, 327th Signal Battalion. [REDACTED] alleged that after she completed the NCOER for [REDACTED] and had been transferred from the Company, [REDACTED] placed himself as the rater and changed some of the content of the report. [REDACTED] further alleged that the senior rater was also changed and the report was later submitted to USAEREC.

(2) **Standard.** Paragraph 1-4b, Army Regulation 623-205 stated, "The commanders at all levels will ensure that rating chains correspond as nearly as practical to the chain of command and supervision within an organization...(1)(e)...each rating official is fully qualified to meet his or her responsibilities...(1)(g) reports are prepared by the rating officials designated in the published rating scheme" (Exhibit D-1).

(3) **Documentary Evidence:**

(a) Memorandum, HQS Forces Command, SAIG-AC, 16 December 2004, subject: Inspector General Action Request (exhibit E-1).

(b) Transcribed sworn and recorded testimony of [REDACTED] 24 November 2004, subject: Inspector General Inquiry [REDACTED] (Exhibit E-2).

(c) Transcribed sworn and recorded testimony of [REDACTED] 24 November 2004, subject: Inspector General Inquiry [REDACTED] (Exhibit E-4).

(d) Transcribed sworn and recorded testimony of [REDACTED] 24 November 2004, subject: Inspector General Inquiry [REDACTED] (Exhibit E-6).

(e) Transcribed sworn and recorded testimony of [REDACTED] 23 November 2004, subject: Inspector General Inquiry [REDACTED] (Exhibit E-7).

(f) 327th Signal Battalion's Non Commissioned Officers Rating Scheme, 1 January 2004 (Exhibit E-8).

(g) NCOER of [REDACTED] USAEREC copy, dated 30 September 2004 (Exhibit E-9).

(h) NCOER of [REDACTED] proposed final, (edited) undated (Exhibit E-10).

(i) NCOER of [REDACTED], proposed final, (unedited) undated (Exhibit E-11).

(j) Counseling packet for [REDACTED] dated 10 June 04 (Exhibit E-12).

(4) **Complainant's Evidence:**

(a) Memorandum from [REDACTED] 12 October 2004, Subject: Items to support departure from the brigade (Exhibit F-1).

(b) Five page letter [REDACTED] presented to the 35th Signal Brigade EOA outlining incidents, (which were found not to be EO appropriate) no date or signature (Exhibit F-2).

b. Discussion: On or about 1 October 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 USAEREC had [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 USAEREC. [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). ISG Fulton 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

(b)(7)(C) NCOER based on what was going on with (b)(7)(C) (Exhibit E-2). (b)(7)(C) further testified that he asked (b)(7)(C) 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 (b)(7)(C) improperly failed to perform his responsibilities as the commander on (b)(7)(C) NCOER, with a thru date of August 2004, in violation of paragraph 1-4, AR 623-205.

c. **Conclusion:** The allegation that (b)(7)(C) Commander, B/327th Signal Battalion, improperly failed to perform his responsibilities as the commander on (b)(7)(C) NCOER, with a thru date of August 2004, in violation of paragraph 1-4, AR 623-205, was substantiated.

3. **Allegation 2:** That (b)(7)(C) DET RICHARD E. FRUMAN, XO, B Company 327th Signal Battalion, improperly served as the senior rater on (b)(7)(C) NCOER, with a thru date of August 2004, in violation of paragraph 2-10, AR 623-205.

a. **Evidence:**

(1) **Complaint.** During October 2004, (b)(7)(C) returned to the FBIGO and verbally added she had been the rater for (b)(7)(C) B Company, 327th Signal Battalion. (b)(7)(C) alleged that after she completed the NCOER for (b)(7)(C) and had been transferred from the Company, (b)(7)(C) placed himself as the rater and changed some of the content of the report. (b)(7)(C) further alleged that the senior rater was also changed and the report was later submitted to USAREC.

(2) **Standard.** Paragraph 2-10a, Army Regulation 623-205 stated, "The senior rater uses his or her position and experience to evaluate the rated NCO from a broad organizational perspective. His or her evaluation is the link between the day-to-day observation of the rated NCO's performance by the rater and the longer-term evaluation of the rated NCO's potential by DA selection boards...b...Normally, to evaluate an NCO, the senior rater must be designated and serve in that capacity for at least 60 rated days" (Exhibit D-2).

(3) **Documentary Evidence:**

(a) Memorandum, HQS Forces Command, SAIG-AC, 16 December 2004, subject: Inspector General Action Request (exhibit E-1).

(b) Transcribed sworn and recorded testimony of (b)(7)(C), 24 November 2004, subject: Inspector General Inquiry (b)(7)(C) (Exhibit E-2).

(c) Transcribed sworn and recorded testimony of [REDACTED] 24 November 2004, subject: Inspector General Inquiry [REDACTED] (Exhibit E-4).

(d) Transcribed sworn and recorded testimony of [REDACTED] 24 November 2004, subject: Inspector General Inquiry [REDACTED] (Exhibit E-6).

(e) Transcribed sworn and recorded testimony of [REDACTED] 23 November 2004, subject: Inspector General Inquiry [REDACTED] (Exhibit E-7).

(f) 327th Signal Battalion's Non Commissioned Officers Rating Scheme, 1 January 2004 (Exhibit E-8).

(g) NCOER of [REDACTED] USAEREC copy, dated 30 September 2004 (Exhibit E-9).

(h) NCOER of [REDACTED] proposed final, (edited) undated (Exhibit E-10).

(i) NCOER of [REDACTED] proposed final, (unedited) undated (Exhibit E-11).

(j) Counseling packet for [REDACTED] dated 10 June 04 (Exhibit E-12).

(4) Complainant's Evidence:

(a) Memorandum from [REDACTED] 12 October 2004, Subject: Items to support departure from the brigade (Exhibit F-1).

(b) Five page letter [REDACTED] presented to the 35th Signal Brigade EOA outlining incidents, (which were found not to be EO appropriate) no date or signature (Exhibit F-2).

b. 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 USAEREC had [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 USAEREC. [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.

c. **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**.

4. **Allegation 3:** That [REDACTED] ISG, 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.

a. Evidence:

(1) **Complaint.** During October 2004, [REDACTED] returned to the FBIGO and verbally added she had been the rater for [REDACTED] B Company, 327th Signal Battalion. [REDACTED] alleged that after she completed the NCOER for [REDACTED] and had been transferred from the Company, [REDACTED] placed himself as the rater and changed some of the content of the report. [REDACTED] further alleged that the senior rater was also changed and the report was later submitted to USAREC.

(2) **Standard.** Paragraph 2-8, Army Regulation 623-205 stated, "The rater is the person in the rating chain who is most familiar with the day-to-day performance of the rated NCO. Most directly guides the rated NCO's participation in the organization's mission. Has been designated and has served in that capacity for at least 90 rated days" (Exhibit D-3).

(3) **Documentary Evidence:**

(a) Memorandum, HQS Forces Command, SAIG-AC, 16 December 2004, subject: Inspector General Action Request (exhibit E-1).

(b) Transcribed sworn and recorded testimony of [REDACTED] 24 November 2004, subject: Inspector General Inquiry [REDACTED] (Exhibit E-2).

(c) Transcribed sworn and recorded testimony of [REDACTED] 24 November 2004, subject: Inspector General Inquiry [REDACTED] (Exhibit E-4).

(d) Transcribed sworn and recorded testimony of [REDACTED] 24 November 2004, subject: Inspector General Inquiry [REDACTED] (Exhibit E-6).

(e) Transcribed sworn and recorded testimony of [REDACTED] 23 November 2004, subject: Inspector General Inquiry [REDACTED] (Exhibit E-7).

(f) 327th Signal Battalion's Non Commissioned Officers Rating Scheme, 1 January 2004 (Exhibit E-8).

(g) NCOER of [REDACTED] USAEREC copy, dated 30 September 2004 (Exhibit E-9).

(h) NCOER of [REDACTED], proposed final, (edited) undated (Exhibit E-10).

(i) NCOER of [REDACTED] proposed final, (unedited) undated (Exhibit E-11).

(j) Counseling packet for [REDACTED] dated 10 June 04 (Exhibit E-12).

(4) Complainant's Evidence:

(a) Memorandum from [REDACTED] 12 October 2004, Subject: Items to support departure from the brigade (Exhibit F-1).

(b) Five page letter [REDACTED] presented to brigade EOA outlining incidents, (which were found not to be EO appropriate) no date or signature (Exhibit F-2).

b. 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 USAEREC had [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 USAEREC. [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.

c. **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**.

5. **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.

a. **Evidence:**

(1) **Complaint.** During October 2004, [REDACTED] returned to the FBIGO and verbally added she had been the rater for [REDACTED] B Company, 327th Signal Battalion. [REDACTED] alleged that after she completed the NCOER for [REDACTED] and had been transferred from the Company, [REDACTED] placed himself as the rater and changed some of the content of the report. [REDACTED] further alleged that the senior rater was also changed and the report was later submitted to USAREC.

(2) **Standard.** Paragraph 2-13, Army Regulation 623-205 stated, "The reviewer will ensure that the proper rater and senior rater complete the report. Examine the evaluations rendered by the rater and senior rater to ensure they are clear, consistent, and just, in accordance with known facts. Special care must be taken to ensure the specific bullet comments support the appropriate excellence, success, or needs improvement ratings in part" (Exhibit D-4).

(3) **Documentary Evidence.**

(a) Memorandum, HQS Forces Command, SAIG-AC, 16 December 2004, subject: Inspector General Action Request (exhibit E-1).

(b) Transcribed sworn and recorded testimony of [REDACTED] 24 November 2004, subject: Inspector General Inquiry [REDACTED] (Exhibit E-2).

(c) Transcribed sworn and recorded testimony of [REDACTED] 24 November 2004, subject: Inspector General Inquiry [REDACTED] (Exhibit E-4).

(d) Transcribed sworn and recorded testimony of [REDACTED] 24 November 2004, subject: Inspector General Inquiry [REDACTED] (Exhibit E-6).

(e) Transcribed sworn and recorded testimony of [REDACTED] 23 November 2004, subject: Inspector General Inquiry [REDACTED] (Exhibit E-7).

(f) 327th Signal Battalion's Non Commissioned Officers Rating Scheme, 1 January 2004 (Exhibit E-8).

(g) NCOER of [REDACTED] USAEREC copy, dated 30 September 2004 (Exhibit E-9).

(h) NCOER of [REDACTED] proposed final, (edited) undated (Exhibit E-10).

(i) NCOER of [REDACTED] proposed final, (unedited) undated (Exhibit E-11).

(j) Counseling packet for [REDACTED] dated 10 June 04 (Exhibit E-12).

(4) Complainant's Evidence:

(a) Memorandum from [REDACTED] 12 October 2004, Subject: Items to support departure from the brigade (Exhibit F-1).

(b) Five page letter [REDACTED] presented to brigade EOA outlining incidents, (which were found not to be EO appropriate) no date or signature (Exhibit F-2).

b. 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 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 USAEREC had [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 USAEREC. [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.

c. **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.

6. **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.

a. **Evidence:**

(1) **Complaint.** On 26 August 2004 when [REDACTED] received her NCOER, she noticed the proposed draft, which had been completed by her 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 by the influence of [REDACTED]. The change was in the overall potential block. It was proposed by the rater as a one block, but was changed by the senior rater to a two block. [REDACTED] alleged this change was due to the command related issues she addressed in her letter that had been taken to the brigade EOA. [REDACTED] was given guidance by the FBIGO, IAW AR 623-205, on how she could present the matter to the command and request a 15-6 investigation.

(2) **Standard.** Paragraph 6-3, Army Regulation 623-205 stated, "Commanders are required to look into alleged errors, injustices, and illegalities in NCO-ERs. The rated NCO or anyone having knowledge of the alleged illegality, injustice, or violation may bring such matters to the commander's attention. The primary purpose of the Commander's Inquiry is to provide a greater degree of command involvement in preventing obvious injustices to the rated NCO and to correct errors before they become a matter of permanent record. A secondary purpose is to obtain command involvement in clarifying errors or injustices after the evaluation report is accepted at USAEREC, CNGB, a State Adjutant General's office, or AR-PERSCOM. However, in these after-the-fact cases, this paragraph is not intended to be a substitute for the appeals process, which is the primary means of addressing errors and injustices after they have become a matter of permanent record. The provisions of AR 15-6 do not normally apply to inquiries of this nature; however, the commander may determine that the provisions of AR 15-6 apply in specific instances" (Exhibit D-5).

(3) **Documentary Evidence.**

(a) Memorandum, HQS Forces Command, SAIG-AC, 16 December 2004, subject: Inspector General Action Request (exhibit E-1).

(b) Transcribed sworn and recorded testimony of [REDACTED] 24 November 2004, subject: Inspector General Inquiry [REDACTED] (Exhibit E-2).

(c) Transcribed sworn and recorded testimony of [REDACTED] 23 November 2004, subject: Inspector General Inquiry [REDACTED] (Exhibit E-7).

(d) DA Form 4856, [REDACTED] counseling statement, dated 31 August 2004 (Exhibit E-16).

(e) Transcribed sworn and recorded testimony of [REDACTED] 23 November 2004, subject: Inspector General Inquiry [REDACTED] (Exhibit E-3).

(4) Complainant's Evidence:

(a) Memorandum from [REDACTED] 12 October 2004, Subject: Items to support departure from the brigade (Exhibit F-1).

(b) Five page letter [REDACTED] presented to brigade EOA outlining incidents, (which were found not to be EO appropriate) no date or signature (Exhibit F-2).

b. **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 SFC Wilson 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 (b)(7)(C) had received (Exhibit E-3). The counseling statement given to (b)(7)(C) from (b)(7)(C) was dated 30 August 2004 (Exhibit E-16). In the Key Points Discussion block (b)(7)(C) 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 (b)(7)(C) own testimony the preponderance of evidence clearly showed (b)(7)(C) could not have failed to initiate a commander's inquiry in the alleged errors, injustices, or illegalities in relation to (b)(7)(C) NCOER due to no request ever being made for him to do so.

c. **Conclusion:** The allegation that (b)(7)(C) 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 (b)(7)(C) NCOER, in violation of paragraph 6-3 thru 6-5, AR 623-205, was **not substantiated**.

7. **Allegation 6:** That (b)(7)(C) Company Commander, B Company 327th Signal Battalion, improperly failed to take action when he received a written complaint from (b)(7)(C) via the Brigade EOA, in violation of paragraph 6-2g (14 thru 15) AR 600-20.

a. **Evidence:**

(1) **Complaint.** In August 2004 (b)(7)(C) went and spoke to the 35th Signal Brigade EOA, (b)(7)(C) about issues she stated had previously been discussed but not corrected with (b)(7)(C) and (b)(7)(C). After speaking to the EOA (b)(7)(C) composed a five-page, hand written, document outlining her issues. Approximately three days later (b)(7)(C) took the list to (b)(7)(C) and (b)(7)(C) and advised them to handle the matter at their level, as it dealt only with command related issues.

(2) **Standard.** Paragraph 6-2g (14 thru 15), Army Regulation 600-20 stated, "Take appropriate action to prevent incidents of intimidation, harassment, or reprisal against individuals who file an EO complaint. Take appropriate action against those who violate Army policy" (Exhibit D-6).

(3) **Documentary Evidence.**

(a) Memorandum, HQS Forces Command, SAIG-AC, 16 December 2004, subject: Inspector General Action Request (exhibit E-1).

(b) Transcribed sworn and recorded testimony of [REDACTED] 24 November 2004, subject: Inspector General Inquiry [REDACTED] (Exhibit E-2).

(c) Transcribed sworn and recorded testimony of [REDACTED] 23 November 2004, subject: Inspector General Inquiry [REDACTED] (Exhibit E-7).

(d) B Company, 327th Signal Battalion, climate assessment, dated 26 August 2004 (Exhibit E-17).

(4) Complainant's Evidence:

(a) Memorandum from [REDACTED] 12 October 2004, Subject: Items to support departure from the brigade (Exhibit F-1).

(b) Five page letter [REDACTED] presented to brigade EOA outlining incidents, (which were found not to be EO appropriate) no date or signature (Exhibit F-2).

b. 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 than 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.

c. **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**.

12. **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.

13. **Recommendation.** This report be approved and the case closed.

CONCUR:

[REDACTED]

Assistant Inspector General
Investigating/Inquiry Officer

[REDACTED]

Inspector General

Encl
Exhibit List

- A. Not used.
- B. Not used.
- C. Original Complaint.
- D. Standards.
 - D-1. Paragraph 1-4b, Army Regulation 623-205.
 - D-2. Paragraph 2-10, Army Regulation 623-205.
 - D-3. Paragraph 2-8, Army Regulation 623-205.
 - D-4. Paragraph 2-13, Army Regulation 623-205.
 - D-5. Paragraph 6-3, Army Regulation 623-205.

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under FOIA. Exemptions 5, 6 & 7 apply.

D-6. Paragraph 6-2 g. (14 thru 15) AR 600-20.

E. Documentary Evidence.

E-1. Memorandum, HQS Forces Command, SAIG-AC, 16 December 2004, subject: Inspector General Action Request.

E-2. Transcribed sworn and recorded testimony of [REDACTED], 24 November 2004, subject: Inspector General Inquiry [REDACTED].

E-3. Transcribed sworn and recorded testimony of [REDACTED], 23 November 2004, subject: Inspector General Inquiry [REDACTED].

E-4. Transcribed sworn and recorded testimony of [REDACTED], 24 November 2004, subject: Inspector General Inquiry [REDACTED].

E-5. Transcribed sworn and recorded testimony of [REDACTED], 24 November 2004, subject: Inspector General Inquiry [REDACTED].

E-6. Transcribed sworn and recorded testimony of [REDACTED], 24 November 2004, subject: Inspector General Inquiry [REDACTED].

E-7. Transcribed sworn and recorded testimony of [REDACTED], 23 November 2004, subject: Inspector General Inquiry [REDACTED].

E-8. 327th Signal Battalion's Non Commissioned Officers Rating Scheme, 1 January 2004.

E-9. NCOER of [REDACTED] USAEREC copy, dated 30 September 2004.

E-10. NCOER of [REDACTED] proposed final, (edited) undated.

E-11. NCOER of [REDACTED] proposed final, (unedited) undated.

E-12. Counseling packet for [REDACTED] dated 10 June 04.

E-13. NCOER of [REDACTED] USAEREC copy, dated 13 September 2004.

E-14. NCOER of [REDACTED] proposed final, (unedited) undated.

E-15. NCOER of [REDACTED] proposed final, (edited) undated.

E-16. DA Form 4856, [REDACTED] counseling statement, dated 31 August 2004.

E-17. B Company, 327th Signal Battalion, Equal Opportunity Climate Assessment, dated 26 August 2004.

F. Complainant's Evidence.

F-1. Memorandum from [REDACTED] 12 October 2004, Subject: Items to support departure from the brigade.

F-2. Five page letter [REDACTED] presented to the 35th Signal Brigade EOA outlining incidents, (which were found not to be EO appropriate) no date or signature.

G. Legal Review.