

12

13

14

---

**C1**

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

**AUTHORITY:** Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).

**PRINCIPAL PURPOSE:** To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.

**ROUTINE USES:** Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.

**DISCLOSURE:** Disclosure of your SSN and other information is voluntary.

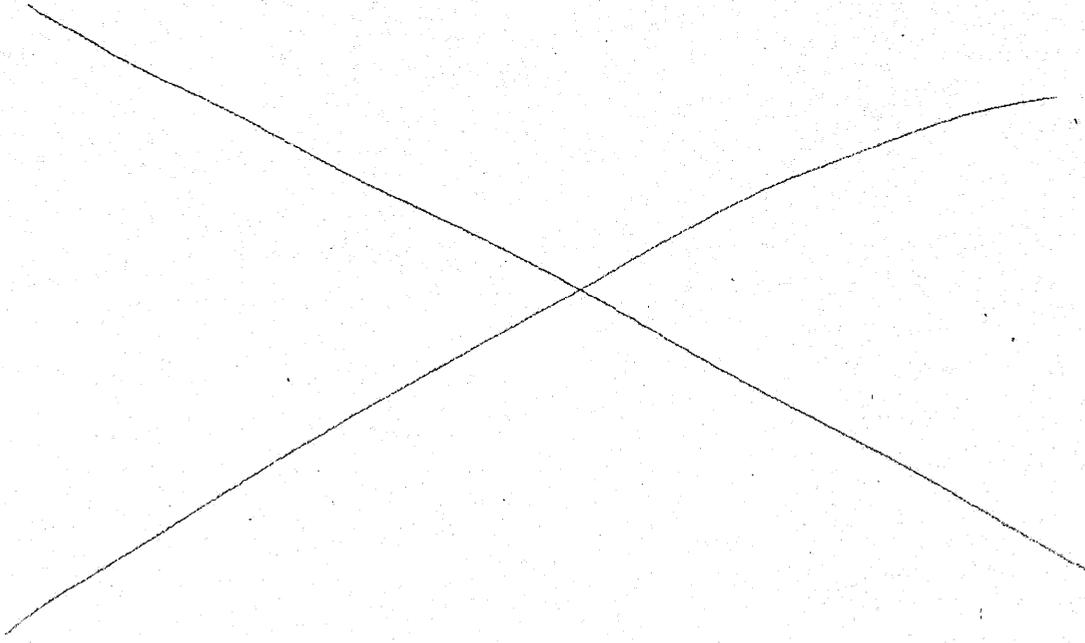
1. LOCATION FORT BRAGG USA	2. DATE (YYYYMMDD) 20070124	3. TIME 1142	4. FILE NUMBER
-------------------------------	--------------------------------	-----------------	----------------

5. LAST NAME FIRST NAME MIDDLE NAME	6. SSN	7. GRADE/STATUS CIV
-------------------------------------	--------	------------------------

8. ORGANIZATION OR ADDRESS  
Office of the Inspector General XRTT APOC

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

my statement is contained in the attached document, dtd 24 January 2007, consisting of 13 pages, titled "Statement of Emmitt Robinson re: 15-6 investigation. ——— NOTHING FOLLOWS ———"



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

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"

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

EXHIBIT C-1

STATEMENT OF [REDACTED] TAKEN AT 1147 DATED 2007 01 24

9. STATEMENT (Continued)

[Large area crossed out with a large X]

AFFIDAVIT

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

[REDACTED]  
(Signature of Person Making Statement)

WITNESSES:

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

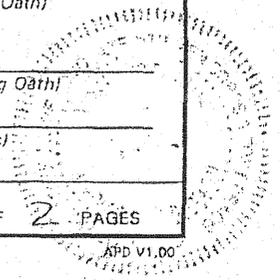
Subscribed and sworn to before me, a person authorized by law to administer oaths, this 24th day of January, 2007 at CISA Fort Belvoir DC

[REDACTED]  
(Signature of Person Administering Oath)

[REDACTED]  
(Typed Name of Person Administering Oath)

[REDACTED]  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT XJ [REDACTED]



24 January 2007

STATEMENT OF

(b)(7)(C)

re: IS-6 Investigation

(b)(7)(C)

The following statement is submitted in response to the AR 15-6 Investigating Office (b)(7)(C) Office of the Inspector General, FORSCOM), pertaining to allegations against (b)(7)(C) Inspector General, XVIII Airborne Corps and Fort Bragg.)

The allegation from Office of the Special Counsel is that (b)(7)(C) violated AR 20-1, Inspector General Activities and Procedures (AR 20-1) and abused his authority by either delaying, hindering or failing to order investigations into whistleblower allegations and other allegations of wrongdoing in order to protect his colleagues. Specifically, examples included his failure to investigate allegations of whistle blower reprisal allegations filed by (b)(7)(C) and (b)(7)(C) delayed investigation into the allegations that (b)(7)(C) Commander, 327<sup>th</sup> Signal Battalion, condoned the consumption of alcoholic beverages by members of his unit, while deployed to Louisiana; delayed investigation into allegations that (b)(7)(C) Commander, 50<sup>th</sup> Signal Battalion, physically assaulted (b)(7)(C) and was engaging in an inappropriate relationship with a female Staff Sergeant; and the refusal to investigate the allegation that the 35<sup>th</sup> Signal Brigade, (b)(7)(C) had knowledge of (b)(7)(C) allegations against (b)(7)(C) misconduct and covered up the allegations by (b)(7)(C). The issues in paragraphs g (attempted to influence the outcome of an ongoing inquiry against (b)(7)(C) and h (failed to take action to require (b)(7)(C) Cdr, 35<sup>th</sup> Signal Brigade, to comply with the Army's Stop Loss/Stop Movement Policy) are incidents of similar abuses of authority.

a. Allegations by (b)(7)(C) (b)(7)(C) S4, Dragon Brigade, initially filed a complaint with the XVIII Airborne Corps and Fort Bragg Inspector General Office, around August/September 2005. She complained that the Provisional Commander of the Dragon Brigade (b)(7)(C) was attempting to improperly influence the results of a Report of Survey. (b)(7)(C) complained that (b)(7)(C) had twice directed the Investigating Officer to further investigate, even though the Office of the Staff Judge Advocate (SJA) had ruled the Report of Survey was legally insufficient. I reviewed the complaint and the report of survey and determined the case was still being reviewed by SJA, therefore still in due process. I informed (b)(7)(C) that when a matter is in due process that the IG Office did not become involved. I further explained that after due process she felt an error existed, she could return to the IG Office. During her complaint (b)(7)(C) added that she felt (b)(7)(C) was attempting to direct the outcome of the Report of Survey and compared his misconduct as contradictory to his actions toward her. She made numerous allegations against (b)(7)(C) and members of her unit. She alleged that the Supply Sergeant of HHC, XVIII Airborne Corps and Fort Bragg, had purchased four watches for members of the Dragon Brigade Headquarters. She alleged that the watches were purchased with the unit's Impact Credit Card and were an improper purchase. She alleged the watches were given to member of the Dragon Brigade Staff without accountability being established as required by AR 735-5, Chapter 2-2a-e. She alleged that (b)(7)(C) had received one of the watches and had recently stated that he had lost the watch (purchased at a cost of more \$300 dollars). She further stated that soon after stating he (b)(7)(C) had lost the watch, that (b)(7)(C) reported that when he

(b)(7)(C)

(b)(7)(C)

returned from leave that someone had broken into his office and stolen items of his field gear (TA 50-901) and the watch that he had earlier stated he had lost. (b)(7)(C) stated that not only had there not been a report of survey/financial liability establishment for the lost/stolen property but that (b)(7)(C) had obtained replacements for his stolen field gear from the HHC Supply Sergeant and that the Supply Sergeant had taken some of the items from subordinates within the supply room. As a result of the allegations and at the direction of the Deputy Inspector General (b)(7)(C) and the Rear Corps IG (b)(7)(C) I initiated a preliminary analysis. I, along with (b)(7)(C) interviewed the unit supply sergeant and the HHC, Company Commander and other members of the unit. It was established that the unit had improperly purchased watches for members of the unit, using the Impact Credit Card; that the watches were unaccounted for as far as receipted or controlled by the supply system in violation of AR 735-5; that other questionable purchases had been made with the unit's Impact Credit Card; that (b)(7)(C) had stated initially that he had lost the watch and subsequently stated the watch had been stolen at the same time his field gear was stolen; that the unit Supply Sergeant had, at the request of (b)(7)(C) replaced the stolen field gear and taken some items from subordinates and gave the items to (b)(7)(C) that proper investigative/report of survey procedures had not been followed at the time government property was reported stolen, to include a written statement detailing the loss/theft and notification of military police for a report of larceny of government property since the property was allegedly stolen (AR 735-5, para 12-1b&c).

b. After her initial visit, (b)(7)(C) returned and alleged she was being reprimed against by (b)(7)(C). She complained that three sergeants first class (herself included) received a complete-the-record noncommissioned officer evaluation report (NCOER), with the rater being the Brigade S4, (b)(7)(C) the senior rater was (b)(7)(C) and (b)(7)(C) was the reviewer on all three NCOERs. She alleged that the NCOERs of the two other sergeants first class were processed and signed off on by (b)(7)(C) and (b)(7)(C). She alleged her NCOER was not processed by (b)(7)(C) because she had complained to the Fort Bragg Inspector General. Preliminary analysis revealed the Dragon Brigade S4 (b)(7)(C) initiated a complete-the-record noncommissioned officer report on (b)(7)(C) for the period December 2004 through August 2005, with Principal Duty Title of "Brigade S4 NCOIC". (b)(7)(C) was the Senior Rater and completed his portion of the NCOER and forwarded it to Iraq for action by (b)(7)(C) as the Reviewer. Initially (b)(7)(C) the action officer stated to myself and (b)(7)(C) Deputy Inspector General, that all members of the rating chain, specifically (b)(7)(C) had the option of completing the report, since the report was optional. I disagreed with his assessment since he could not offer a source document that supported his assertion. At the direction of (b)(7)(C) I contacted (b)(7)(C) Enlisted Records and Evaluation Center, Fort Benjamin Harrison, Indiana, proponent for AR 623-205 and asked for a reading on who had the option on submission/completion of a complete-the-record NCOER. On 27 September 2005, (b)(7)(C) responded via email that "In accordance with AR 623-205, Chap 3, Para 33, there is no provision for the Senior Rater to have the option of approving or disapproving the submission of a Complete the Record NCOER." The email from (b)(7)(C) is on file in the (b)(7)(C) case file with the XVIII Abn Corps IGO.

[REDACTED] later informed [REDACTED] and me that there was no adverse personnel action against [REDACTED] because she had been rated in the same position previously, therefore she did not qualify for a complete-the-record NCOER. I disagreed with the assessment after comparing the two NCOERs. [REDACTED] stated he had consulted FORSCOM IGO and DAIG and both agreed though the duty position titles were different, the job descriptions were basically the same. I pointed out that in her previous NCOER she was rated as a Property Book NCO and the complete-the-record report she was rated as the Dragon Brigade S4 NCOIC and had additional duties as the Brigade Property Book Officer. I further pointed out that of the three noncommissioned officers receiving a complete the record NCOER, [REDACTED] was the only one that was stopped. I pointed out that withholding or threatening to withhold a favor personnel action was a form of reprisal. I did not make final decisions and it was determined that a declination would be submitted stating no reprisal existed. (During an IG Inquiry interview in August 06, I was informed by [REDACTED] FORSCOM IGO and the investigating officer of this AR 15-6 that the declination was actually based on a determination that nonsubmission of a complete the record NCO was not an adverse personnel action. [REDACTED] stated the decision that no adverse personnel action was made by [REDACTED] himself and an individual at DAIG. I am unaware if anyone from the proponent was queried about the matter, even though a person entitled to a complete-the-record NCOER can use non-receipt as justification to obtain an enlisted stand-by advisory board for further promotion consideration. The complete the record NCOER is only used during a DA Centralized Enlisted Selection Board and is filed with the results of the promotion board. Receipt of a complete-the-record NCOER enhances a person's competitiveness for promotion and is used solely for promotion consideration selection so logically it would appear a decision to stop finalization of a submitted NCOER would remove that enhanced competitiveness and be less favorable to the noncommissioned officer. Withholding or threatening to withhold a favor personnel action is identified as a form or reprisal and evaluation reports are specifically referred to in Title 10, Section 1034, USC)

c. Later (January 06 timeframe) [REDACTED] contacted me at the IGO and stated she had been reassigned to Fort Jackson, South Carolina, and had not received her change of rater/annual NCOER. She complained that it was delayed in reprisal for her identifying to the IG wrongdoing by soldiers and officers assigned to Dragon Brigade Headquarters. I explained to [REDACTED] that unless the NCOER was late for more than sixty days (not forwarded to Enlisted Records and Evaluation Center within sixty days) no standard had been violated. I further stated that I would contact the Dragon Brigade and determine the status of her NCOER. I contacted the Brigade S1 and ascertained the NCOER had been completed by the Rater and Senior Rater and had been forwarded via internet digits to the Reviewer [REDACTED] in Iraq. I relayed the information to [REDACTED] and then emailed the IG in Iraq asking for a status. As the Corps Headquarters was returning from Iraq I emailed several times to several members still in Iraq identifying the potential for a problem, to include [REDACTED], [REDACTED] and [REDACTED] and asked for assistance in obtaining the NCOER before it was late. [REDACTED] responded he had spoken to the Dragon Brigade S1 and he was aware the NCOER was due and was unable to get it completed. I was later notified the NCOER was being hand carried back from

Iraq by the Dragon Brigade Command Sergeant Major. On 2 Feb 06, [REDACTED] called [REDACTED] and alleged Whistleblower reprisal saying non receipt of her NCOER was a continuation of reprisal for her having contacted the IG and making allegations against the command. She asked that this allegation of reprisal be added to her first allegation of reprisal. She also asked for the status of her initial allegation, stating she had not heard anything since she had filed the complaint. I referred her to [REDACTED] for a status since he was the action officer. I then briefed [REDACTED] on the situation and together on 2 Feb 06 we initiated the preliminary analysis and interviewed [REDACTED] Dragon Brigade S4; [REDACTED] rater. [REDACTED] seemed unaware the NCOER was still pending and was unaware of any problems. He showed copies of the NCOERs he had submitted on [REDACTED] to include the complete the record and the annual/change of rater. [REDACTED] specifically stated no one in the change of command or the administrative section had contacted him about any problems or issues with any of the NCOERs he had submitted on [REDACTED]. When he was asked if he was aware the complete the record NCOER had not been completed and was not forwarded to USAEREC, he stated he thought the NCOER had been finalized and forwarded and he had not been queried by anyone in relation to the complete the record NCOER, the accuracy of the NCOER or the appropriateness of the complete the record NCOER.. When asked if [REDACTED] had been previously rated in the position annotated on the complete the record NCOER, [REDACTED] disagreed and stated she had not because an S4 NCOIC is different from a Property Book Officer. On 9 or 10 Feb 06, I prepared a memorandum to [REDACTED] summarizing the situation. My assessment was that [REDACTED] had telephonically registered an allegation of Whistleblower Reprisal on 2 February 2006 (she had identified her protected communication as a complaint filed with the XVIII Abn Corps IGO and she had identified the adverse personnel action as the withholding of her enlisted evaluation report); that so far the preliminary analysis had determined the unit had failed to comply with regulatory requirements on a timely processing of [REDACTED] NCOER, primarily [REDACTED] the Dragon Brigade Commander as the reviewer; and that a check with the Enlisted Evaluation Section of the Personnel Service Battalion revealed the NCOER had not been submitted for forwarding to USAEREC as of 9 Feb 06. I recommended in the memorandum that a declination be submitted on [REDACTED] allegation of Whistleblower Reprisal, stating that failure to submit an NCOER in a timely manner is not an adverse personnel action but instead a regulatory violation. I recommended an allegation against [REDACTED] for failure to comply with the regulatory requirements of AR 623-205, para 1-4b(j) by not completing and forwarding an NCOER to USAEREC not later than 60 days after the ending period of the NCOER (basis seeming to be that [REDACTED] did not appear to be aggressively pursuing submission but that an inquiry could determine if valid cause existed for the delay, i.e. redeployment delays, etc. On 13 February 06, at the direction of [REDACTED] I interviewed [REDACTED] the Senior Rater on both NCOERs. During this interview, [REDACTED] offered that [REDACTED] NCOER had been completed and signed by [REDACTED] and given to the Dragon Brigade S1 for processing on 10 Feb 06. [REDACTED] stated that [REDACTED] identified an error with the NCOER by identifying [REDACTED] as the Dragon Brigade S4 NCOIC when in actuality she was the S4 NCOIC of a Provisional Battalion. [REDACTED] offered that no bullets were changed but all references to Brigade were changed to Battalion and that [REDACTED] had signed the NCOER on Friday, 10 Feb 06, and received

[REDACTED]

(b)(7)(C)

a copy. During the interview (b)(7)(C) confirmed that since (b)(7)(C) was rated from January 05 as the Provisional Battalion S4 NCOIC this was the first time she was rated in the position. (b)(7)(C) concurred that the reason used for not completing the complete the record NCOER was because (b)(7)(C) had allegedly been rated in the position previously. When asked to explain how the situation "squared" now since her annual/change of rater reflected the same time period of the withheld complete the record. (b)(7)(C) did not offer a verbal response but he did shrug his shoulders and blushed slightly. On 13 Feb 06, at 1424 I emailed (b)(7)(C) with the results of the interview with (b)(7)(C) and closed with an assessment that since the annual/change of rater reflected her duties as a Provisional Battalion S4 NCOIC then the explanation for the refusal of the complete the record was in question. Upon digital receipt of the NCOERs, from (b)(7)(C), (b)(7)(C) and I reviewed the NCOERs and the timelines. We both agreed that (b)(7)(C) had officially registered a Whistleblower Reprisal allegation against members of the Dragon Brigade Command structure. We agreed that her allegation that she had not received her annual/change of rater NCOER was not an adverse personnel action since the preliminary analysis revealed it was submitted late and not actually withheld and that the delay in time did not affect her career or potential for promotion since a promotion selection board was not ongoing when the change of rater/annual report was due. We agreed that preliminary analysis revealed that a contention that (b)(7)(C) had been rated in her position previously was not factual based on the changes to her annual/change of rater NCOER. We discussed the possibility that (b)(7)(C) preventing submission of (b)(7)(C) complete the record NCOER might have been motivated by reprisal. Areas that would have warranted further review would have been to review the complete the record NCOERs on the two other Sergeants First Class to see if they were rated on their complete the record NCOERs as Dragon Brigade or Provisional Battalion. We agreed that certain regulatory requirements existed since (b)(7)(C) had made an allegation of Whistleblower Reprisal. Since (b)(7)(C) had established she had made a protected to communication and at the time of her allegation of reprisal a favor personnel action had been withheld (an evaluation report that was past due without knowledge of why or when it was being submitted). Either an advisory had to be prepared and forwarded through FORSCOM IG to DAIG or a declination had to be prepared and forwarded through FORSCOM to DAIG. Regardless of any other facts, either an advisory or a declination had to be prepared. Final determinations are not made at the XVIII Abn Corps IGO Office. We also agreed the initial allegation needed further review to determine if an amendment to the declination was warranted. (b)(7)(C) presented the situation to (b)(7)(C) and soon after (b)(7)(C) entered (b)(7)(C) office. (b)(7)(C) asked if I had the case files on the times (b)(7)(C) had telephoned in reference to allegations about her NCOER and I pulled the files from the cabinet and handed them to (b)(7)(C). The door was closed as (b)(7)(C) and (b)(7)(C) had a discussion. Soon after (b)(7)(C) left (b)(7)(C) office, (b)(7)(C) informed me that (b)(7)(C) told him that "we" (b)(7)(C) and I) failed to stop (b)(7)(C) from reprising against (b)(7)(C) and that (b)(7)(C) allegation of Whistleblower Reprisal would be closed as an assistance case and would not be handled as a whistleblower and no notification would be made to FORSCOM or DAIG. I queried (b)(7)(C) if he ensured (b)(7)(C) was aware of the required actions to submit a declination as a

5 APR 06

minimum and he stated he had ensured [redacted] was aware and that [redacted] was extremely angry at him and me. I closed the case as an assistance case (I think the case number was FJ 06-0218) as ordered by [redacted] through [redacted]. In my opinion the facts warranted a declination of the 2 Feb 06 allegation of Whistleblower Reprisal (annual/change of rater NCOER) and further review of the initial allegation of Whistleblower Reprisal (complete the record NCOER). A favor personnel action was withhold when [redacted] stopped the submission of the complete the record NCOER on [redacted], since the NCOER was not available for review by the Master Sergeant Selection Board and subsequent actions by [redacted] (changing duty position from Brigade to Battalion) clearly established she met the requirements for submission of the complete the record NCOER and the fact that the Rater on the complete the record NCOER was not aware, until informed by the Inspector General more than five months later, that the NCOER was not finalized and submitted, based on a decision of the Reviewer without consult with the Rater. In order to fully investigate this situation, [redacted] should be interviewed as well as [redacted] and [redacted] of the Dragon Brigade. Additionally, the records maintained by the Dragon Brigade S4 and the Dragon Brigade Administrative Sections, to include the records of the NCOERs, the processing records, the NCOERs on the two other noncommissioned officers that received complete the record NCOERs. Additionally, a review of the cases of [redacted] will support the sequence of events and the facts of this statement, to include allegations being closed as assistance and the changing "justifications" why an allegation of whistleblower reprisal was not reprisal. [redacted] case file from the Feb 06 allegation should contain the memorandums and emails I referenced in this statement.

d. Mid to late 2004, [redacted] came to me in the Inspector General's Office and filed a complaint alleging she was assaulted by her Battalion Commander (then [redacted] 50<sup>th</sup> Signal Bn). [redacted] further alleged that [redacted] maintained an improper sexual relationship one of his subordinate female sergeant while deployed to Iraq and continued the improper sexual relationship after they redeployed to Fort Bragg. [redacted] reported that the husband of the female noncommissioned officer had confronted [redacted] about the improper relationship in the Battalion Headquarters of the 50<sup>th</sup> Signal Battalion. [redacted] third allegation was that she had complained about the assault and improper relationship to her Brigade Commander, [redacted] (then 35<sup>th</sup> Signal Bde) and that [redacted] did not investigate her complaint and covered up the offenses. I discussed the allegations with [redacted] Deputy Inspector General, and [redacted] case was referred to [redacted] Inquires and Investigations, of the IG Office. [redacted] interviewed the complainant and after discussing with [redacted] Three allegations were identified: the alleged assault, the alleged improper relationship and the alleged cover up by [redacted] [redacted] can provide details that I am not fully aware of. I will only address what I know to be a fact as I was involved. [redacted] prepared a request to the [redacted] Signal Brigade Commander, to be signed by [redacted] requesting he conduct a Commander's Inquiry into the allegations against [redacted] 50<sup>th</sup> Signal Battalion. [redacted] would not sign the referral for a Commander's Inquiry. I am not sure what he relayed to [redacted] or [redacted] about not signing the referral but I was present when he made the statement that he was not going to "straddle units with

6/15

distractors while they are preparing for deployment." Although [REDACTED] had done the preliminary analysis for the referral, [REDACTED] became angry at him and blocked the referral. Notable is that at the same time this case was unfolding is when the case pertaining to allegations against [REDACTED] (Commander, 327<sup>th</sup> Signal Battalion) was active. The allegations by [REDACTED] 35<sup>th</sup> Signal Brigade, were also around this same time. (Both will be addressed later in this sworn statement). After the referral was blocked by [REDACTED] I was instructed to contact the husband of the female noncommissioned officer and interview him in relation to the report that he had confronted [REDACTED] about a sexual relationship with his wife. He was at the time a noncommissioned officer assigned to a unit within the 82d Airborne Division. During the interview he confirmed what [REDACTED] alleged. He confirmed that he had letters written to his wife from [REDACTED] and that he had been witness to a liaison between his wife and [REDACTED]. As a result of the liaison he testified that he confronted [REDACTED] in the 50<sup>th</sup> Signal Battalion Headquarters and that the Staff Duty NCO was a witness to the confrontation. As a result of the interview with the husband, I interviewed the Staff Duty NCO and he confirmed the altercation and testified that he entered the altercation in the staff duty journal and also contacted the Battalion Command Sergeant Major. I interviewed the Battalion Command Sergeant Major and he confirmed both the confrontation within the noncommissioned officer and his Battalion Commander, along with information of a perceived improper relationship while the two were deployed to Iraq. He further offered information about the alleged assault that occurred in Iraq. The testimony of the three confirmed a strong probability the allegations were accurate and also offered reasonable probability that the Brigade Commander was aware of the allegations, although neither the husband or the Battalion Command Sergeant Major were ever interviewed by the Brigade Commander, [REDACTED], prior to interview by the members of the Corps Inspector General. [REDACTED] interviewed the former Executive Officer of the 50<sup>th</sup> Signal Battalion and he confirmed the alleged altercation between the Battalion Commander and the husband of the noncommissioned officer. [REDACTED] can provide details of his interview with the former Battalion Executive Officer, but indications were that he made members at the 35<sup>th</sup> Signal Brigade Headquarters aware of the incident. After these interviews, [REDACTED] again became the primary action officer on the case. The case resulted in involvement by the Corps Commander, [REDACTED] and as a result of an investigation, [REDACTED] was removed from [REDACTED] of the 50<sup>th</sup> Signal Battalion. I was told his replacement as Commander instead of relief of command was because he requested from the Corps Commander that since his unit was close to deployment that he be allowed to bring the new commander on line and then he would retire. The allegation against [REDACTED] (That he improperly failed to conduct an investigation/inquiry into allegations made by [REDACTED] against [REDACTED] in violation of paragraph 5-8b, AR 600-20.) was not properly addressed. [REDACTED] told me that when he talked to [REDACTED] about the alleged misconduct of [REDACTED] that [REDACTED] denied any knowledge of the alleged misconduct with the subordinate noncommissioned officer assigned to [REDACTED] Battalion and that [REDACTED] allegedly conducted an inquiry into the allegations of [REDACTED] that [REDACTED] had assaulted her. My response was that if he received a complaint of wrongdoing then according to AR 600-20 he would have had to have made a written acknowledgement of the complaint and that document

(b)(7)(C)

was needed as a part of the case file. I further pointed out to (b)(7)(C) that the testimony of the Battalion Command Sergeant Major and the former Battalion Executive Officer created a reasonable probability that (b)(7)(C) was aware of the alleged improper relationship between (b)(7)(C) and the female subordinate and that that probability required that the allegation of a cover-up be addressed. This conversation occurred in my office. In December 2004, (b)(7)(C) employment in the 18<sup>th</sup> Airborne Corps Inspector General Office, was terminated. I returned from an absence in either late November or early December 04 and was informed by (b)(7)(C) that he was told by (b)(7)(C) that (b)(7)(C) directed that either (b)(7)(C) resign or he would be involuntarily terminated. Since (b)(7)(C) was serving in a Temporary Position, he resigned so as not to have a termination on his record (according to (b)(7)(C) to me). After hearing that (b)(7)(C) was told to resign, realizing the imminent deployment of members of the Inspector General Office and the backlog of cases, I approached (b)(7)(C) about the possibility of affording (b)(7)(C) the opportunity to "change his ways of doing business." (b)(7)(C) had agreed that he would route everything through (b)(7)(C) and that if he encountered a confrontational situation he would refer the matter to either (b)(7)(C) or me. I explained my concern was the possible negative impact of losing the key person in the Inquiry and Investigations Division. (b)(7)(C) was programmed to become the Chief of Inspections as soon as the element of the office deployed (within a month or so). (b)(7)(C) stated to me (b)(7)(C) had alienated Brigade Commanders and embarrassed the office on too many occasions. (b)(7)(C) stated he would not deploy and leave the problem for (b)(7)(C) or (b)(7)(C) to deal with, that he would resolve it himself. (The preceding information about (b)(7)(C) termination was provided to show how I again became involved in the (b)(7)(C) case.) (b)(7)(C) departure left numerous open inquires open and although (b)(7)(C) and a new hire at the time (b)(7)(C) were working cases, I was directed to finalize some cases. One of those was the (b)(7)(C) case. In order to finalize a case, the case has to contain documentation that shows that corrective actions had been finalized. Part of the corrective action on (b)(7)(C) was a (b)(7)(C) (both (b)(7)(C) and the female noncommissioned officer were (b)(7)(C) by (b)(7)(C) and documentation to support (b)(7)(C) retirement. In May 2005, I obtained copies of the (b)(7)(C) and found that (b)(7)(C) retirement was pending at the Installation Adjutant General's Office. Further inquiry revealed (b)(7)(C) had requested a retirement date of 1 September 2005, ten to eleven months after being given the guidance to retire as part of his misconduct. I briefed (b)(7)(C) and pointed out that the retirement date seemed unlikely considering the seriousness of his misconduct and that coincidentally the date gave (b)(7)(C) exactly three years, to the day, in rank as a LTC and would allow him to retain his rank upon retirement. At the direction of (b)(7)(C) I contacted (b)(7)(C) and he provided an email (dated 2 Feb 05) from (b)(7)(C) in Iraq, that directed him to submit his retirement with an effective date of 1 Sep 2005. (b)(7)(C) offered that he had asked (b)(7)(C) for a date and received the email in return but could not provide a copy of his request to (b)(7)(C) and I discussed the timeline and agreed the file needed to contain documentation that reflected (b)(7)(C) was aware of and agreed with the retirement date. I emailed (b)(7)(C) in Iraq and provided him details on the matter to ensure

8.17.13

(b)(7)(C)

(b)(7)(C)

the Corps Commander concurred prior to closing the case and he responded via email that the Corps Commander concurred with the retirement date. In turn, I emailed the Installation Adjutant General that the Corps Commander had concurred with processing the retirement packet with a 1 Sep 05 date and information copied to (b)(7)(C) and (b)(7)(C) emailed back (20 May 06) with a message that contained sarcasm and what I perceived to be a veiled threat:

"Dear (b)(7)(C) Your insightful message to other concerned parties has captured the very essence of our Commanding General's words and intentions. May God Bless you. Who can accurately say just where our democratic system of government – yes, even our way of life – might be without Inspectors General such as you. Moreover, you are one profound writin' Carolinian. As (b)(7)(C) would say, "you go, (b)(7)(C) Just go. Somewhere. Anywhere." Okay, that's your nice moment for the day. Back on your head. Airborne, (b)(7)(C)

My finalization of the case indicated that the allegation against (b)(7)(C) was never addressed and the file did not contain any documentation to support that (b)(7)(C) had complied with the provisions of paragraph 5-86, AR 600-20. (b)(7)(C) was lead on how the case was handled and did not allow an allegation against (b)(7)(C). To completely address this allegation (b)(7)(C) (now (b)(7)(C) and (b)(7)(C) should be interviewed. The issue at hand is not whether (b)(7)(C) knew about the misconduct but whether (b)(7)(C) blocked inquiry into an allegation that (b)(7)(C) failed to investigate the allegations of (b)(7)(C) and covered up the misconduct of (b)(7)(C). (b)(7)(C) also stated during her visit to the Inspector General that she had reported her complaint against (b)(7)(C) to (b)(7)(C) while in Iraq and that she was offered reassignment upon return to Fort Bragg. The Battalion Command Sergeant Major of the 50<sup>th</sup> Signal Battalion also testified during the IGPA that he reported the allegations of misconduct by LTC Thomas to the Brigade (b)(7)(C). A (b)(7)(C) does not normally handle issues of an officer but only the (b)(7)(C) can reveal if he ever informed (b)(7)(C) of the allegations against (b)(7)(C) and if so, when. However, an investigation into the allegation would determine if (b)(7)(C) did know about the misconduct, covered up the misconduct and failed to investigate the allegations of (b)(7)(C).

c. In the summer of 2004, a soldier from the 327<sup>th</sup> Signal Battalion, came into the Inspector General Office and complained about punishment for misconduct while deployed to Louisiana, with his unit. He complained that he was punished and did not concur with the punishment. His complaint indicated that the Battalion Commander, (b)(7)(C) had allowed soldiers to consume alcoholic beverages while deployed and that such an action was a violation of regulation. (b)(7)(C) was the action officer on the case and prepared a request to (b)(7)(C) Commander, 35<sup>th</sup> Signal Brigade, for a commander's inquiry. (b)(7)(C) would not sign the request and stated he would not saddle units with distractors when they were preparing for deployment to a war zone. I was in his office on a different matter when he broached the issue of allegations against leaders in units preparing for deployment. He was visibly

(b)(7)(C)

angered and showed frustration. Though this matter was eventually referred for inquiry by the 35<sup>th</sup> Signal Brigade Commander, a review of emails that should be in the case file, specifically and email to (b)(7)(C) (Dep Cdr, 35<sup>th</sup> Sig Bde) and (b)(7)(C) (Dep IG, XVIII Abn Corps), dated 22 August 04, will show that (b)(7)(C) continued his involvement with recommendations on how the Brigade Commander, (b)(7)(C) could assist to close the issues. He recommended that (b)(7)(C) contact the Corps Commander to obtain approval for him (b)(7)(C) to handle (b)(7)(C) violation of XVIII Abn Corps Policy and that his actions would be sufficient to document the issue was handled and corrective action taken. He also notified (b)(7)(C) that he would have to provide the Corps IG with a copy of a Company Commander's inquiry on complaints and allegations from a soldier within the unit, citing the copy was needed to comply with paragraph 5-8, AR 600-20 requiring complaints be acknowledged and documented in writing and that documentation must be included in the record. (b)(7)(C) acknowledge his agreement and intent to comply on 25 Aug 04. NOTE: These recommendations to (b)(7)(C) are clear indicators that (b)(7)(C) and (b)(7)(C) were both aware that allegations and complaints must be addressed in writing and documentation included in the records. A complete review of the case file will determine if the email to (b)(7)(C) was before, during or after the case was via memorandum for a commander's inquiry. An interview of (b)(7)(C) and (b)(7)(C) would be necessary to completely investigate (b)(7)(C) action during this case, as well as a review of the timeline of the complaint to determine if the allegations were reported to DAIG (against an officer in the rank of LTC within two days) as required by AR 600-20 and if not then why?

f. (b)(7)(C) 35<sup>th</sup> Signal Brigade initially complained that prior to her assignment to Fort Bragg she was contacted by her Unit First Sergeant and he developed a perception of her and that since her assignment she has been mistreated by her First Sergeant. After members of her unit were contacted by the Inspector she stated she had an office call with the Brigade (b)(7)(C) and that instead of trying to resolve the problem that (b)(7)(C) told her that since she was reassigned to Fort Bragg on a compassionate reassignment that after her one year stabilization expired he could have her reassigned off of Fort Bragg. She complained his threat was in reprisal. I briefed (b)(7)(C) on the complaint and the case was referred to (b)(7)(C) and (b)(7)(C) as action officers. Once the situation was briefed to (b)(7)(C) instead of following procedures, (b)(7)(C) directed that I call the Brigade (b)(7)(C) and ensure he knew about the Whistleblower Protection Act. (This was not the first time I was directed to make such a telephone call "CSM to CSM". Following orders, I telephoned (b)(7)(C) and said something to the effect, "I realize you are aware of a soldier's right to complain to the Inspector General but want to make sure others in your command understand." I also talked to him about concerns that someone might say or do something improper as they deal with (b)(7)(C) issues. He assured me no one was going to abuse (b)(7)(C) but typically emitted an arrogance toward being challenged. I ended the conversation without further conversation. Subsequently (b)(7)(C) returned and complained that she was being reassigned to another Battalion and that she was being removed from her (b)(7)(C) position.

(b)(7)(C)

Again she felt her reassignment was reprisal since she was removed from a leadership position. Of note, reassignment within a Brigade is at the authority of the Brigade Commander as the approval authority. Although a Brigade Command Sergeant Major normally makes the decisions on reassignments of noncommissioned officers within their Brigade, the S1 normally publishes the orders, but individual unit procedures dictate where the Commander's concurrence is needed prior to the reassignment. A full inquiry into (b)(7)(C) allegations would have determined who the Responsible Management Officials would have been on her allegation of Whistleblower Reprisal. However, (b)(7)(C) allegations of reprisal were not processed as required and neither an advisory nor a declination was processed due to (b)(7)(C) actions. To fully determine the extent on this case, (b)(7)(C), (b)(7)(C), (b)(7)(C) and (b)(7)(C) should be interviewed. (b)(7)(C) became the action officer on the case after (b)(7)(C) employment termination. Additionally, a review of the statement submitted by (b)(7)(C) that was included in (b)(7)(C) proposed removal of me from my civilian position (dated Feb 06), supports that I made a telephone call to (b)(7)(C) in the fall of 2004. (b)(7)(C) makes reference to my telephone call to him in the fall of 2004 and (b)(7)(C) also makes reference by saying in a specification of my proposed removal... "In the fall of 2004, while conducting an investigation at 35<sup>th</sup> Signal Brigade, you approached the Command in an unprofessional accusatory manner. An interview of (b)(7)(C) should reveal the content of the conversation, since he remembered the conversation in February 2006, after two years, he should still remember the conversation.

g. In 2004, around September to October, while (b)(7)(C) was at the IG Worldwide conference, (b)(7)(C) received a Military Police Blotter Report citing (b)(7)(C) the 82d Inspector General, for assault on a noncommissioned officer. (b)(7)(C) in compliance with AR 20-1, reported the allegation to DAIG and opened a case. Preliminary analysis revealed that (b)(7)(C) was running (for PT) in an area of the 82d Abn Division and that he observed a person riding a bicycle in an area designated as closed to vehicles, to include bicycles. According to witness testimony (a road guard assigned to the 82d Replacement Company) (b)(7)(C) knocked the noncommissioned officer from the bicycle and when asked if it appeared (b)(7)(C) was trying to stop the soldier and knocked the noncommissioned officer from the vehicle to avoid being run over by the bicycle, the witness stated it appeared (b)(7)(C) intention knocked the noncommissioned officer off of the vehicle. Again the timeline for referrals for commander's inquiry can be provided more accurately by (b)(7)(C) and a review of the file. In the file should be an email from (b)(7)(C) to (b)(7)(C) 82d Airborne Corps Headquarters (Chief of Staff?), dated 7 October 2004. In the email (b)(7)(C) relays that he may have found a way not to substantiate the allegation against (b)(7)(C) and he would pursue aggressively through SJA channels. He stated he firmly believed that (b)(7)(C) intended to stop the bicyclist and enforce the policy, not do any harm and that he would discuss with the Corps and 82d SJAs. He continued with saying he did not want to substantiate unless other options are not possible, due to the potential and what he believed to be unwarranted adverse future effects. The inspector general is supposed to be an impartial fact finder for the Commander. The facts did not point toward not substantiating and due

to "inner office" oversight an allegation was substantiated against [REDACTED] for the incident. Again [REDACTED] and [REDACTED] and [REDACTED] must be interviewed and the case file thoroughly reviewed to ascertain the handling of this case.

h. In August 2005, members of the 50<sup>th</sup> Signal Battalion redeployed to Fort Bragg ahead of their initial return date. Approximately 50 soldiers from the unit were affected by Department Army Stop Loss/Stop Movement Program (MILPER Message Number 04-032) and approximately fifteen (15) complained to the Inspector General. The policy dictated that soldiers scheduled for separation or permanent change of station would be held no longer than ninety (90) days after their return from deployment. The soldiers that returned from Iraq in August 2005 should have been separated from the Army no later than November 2005. I contacted [REDACTED] Corps G1, and he confirmed the soldiers should have been separated and were being improperly held past the authority of the Stop Loss/Stop Movement Program. [REDACTED] stated the unit, 35<sup>th</sup> Signal Brigade, had failed to report the return of the unit and soldiers to the Corps G1 and therefore the information could not be reported to Human Resources Command (HRC) so the data could be input into the system that would reflect the new separation dates. Although the unit was contacted, no action was taken to resolve the systemic issue (35<sup>th</sup> Signal Brigade did not then and as far as I know never has reported the early return date of August 2005. The number of soldiers complaining to the Inspector General continued to increase and some of the initial complainant relayed their unit was not assisting with their separation even though they were aware of the improper retention. At the direction of [REDACTED] I telephoned [REDACTED] the Brigade CSM, and informed him of the problem and asked for his help. His response was that he had "...been home less than a week and already got three calls from the IG. Give a brother a break." He then stated his unit was doing everything needed to separate the soldiers. I explained that our follow up on the cases revealed the soldiers were not being assisted and that more involvement at a higher level might be needed. [REDACTED] stated he would look into it. The problem continued and along with [REDACTED] we worked with the soldiers and the Installation Adjutant General Section to obtain orders for soldiers. Additionally, [REDACTED] proactively briefed units (16 MP Bde and 525<sup>th</sup> MI Bde) that had early returns on possible pitfalls ahead. The problems at 35<sup>th</sup> Signal Brigade did not improve and new complaints were being received. At the direction of [REDACTED] and [REDACTED] I met with the Brigade Deputy Commander with the intent to inform him of the degree of the problem and to ask for his assistance in resolving the problem. Instead of help the Brigade XO informed me that [REDACTED] was "on top of it" and there was not a problem. He also informed me that the Headquarters had not been back long and that they had been to "...war for a year and people have to take leave." I thanked him and left and returned to inform [REDACTED] and [REDACTED] that it did not appear the 35<sup>th</sup> Signal Brigade intended to address the problem, to include reporting the return of soldiers and units early. Upon [REDACTED] return from Iraq, one of the first issues brought to his attention was the problem in the 35<sup>th</sup> Signal Brigade, along with a request that he contact the Brigade Commander and ask that the correct action be taken to assist with timely separation of soldiers being improperly held past their ETS and PCS dates. The next thing I hear from the 35<sup>th</sup> Signal Brigade about the Stop Loss/Stop Movement problem is in statements written by [REDACTED] (Cdr, 35<sup>th</sup> Signal Brigade) and