

**INVESTIGATION INTO EQUAL OPPORTUNITY  
VIOLATION  
BY LTC COLLEEN SHEPHERD  
HHBN, 36TH INFANTRY DIVISION  
TASK FORCE SPARTAN**

**Report of Investigation AR 15-6  
LTC Michelle Hinojosa  
Investigating Officer  
HHBN, 36TH Infantry Division  
Task Force Spartan**

# TABLE OF CONTENTS

## **Enclosures**

1. Enclosure I: DA Form 1574-1
2. Enclosure II: Findings and Recommendations Memorandum
3. Enclosure III: Appointment Memorandum
4. Enclosure IV: MEO Formal Complaint (DA Form 7279)
5. Enclosure V: Investigation Chronology
6. Enclosure VI: Index of Exhibits

## **Exhibits**

7. Exhibit A: Sworn Statement from
8. Exhibit B: [REDACTED]
9. Exhibit C: Sworn Statement from ([REDACTED])
10. Exhibit D: Sworn Statement from ([REDACTED])
11. Exhibit E: Sworn Statement from [REDACTED]
12. Exhibit F: Sworn Statement from ([REDACTED])
13. Exhibit G: Sworn Statement from ([REDACTED])
14. Exhibit H: Sworn Statement from ([REDACTED])

**ENCLOSURE**

**I**

# REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER

Note. Completed forms may contain personally identifiable information and require handling as set forth in AR 340-21.  
For use of this form, see AR 15-6; the proponent agency is OTJAG.

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

## SECTION I - APPOINTMENT

Appointed by Chief of Staff, COL Michael J. Hunt

(Appointing authority)

on 20210404 (Date) (Attach enclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)

## SECTION II - TIMELINE

- The (investigation) commenced at Camp Arifjan, Kuwait at 0830  
(Place) (Time)  
on 20210406  
(Date)
- The (investigating officer) finished gathering/hearing evidence a 1100 on 20210412 and completed  
(Time) (Date)  
findings and recommendations at 1700 on 20210413  
(Time) (Date)

## SECTION III - CHECKLIST FOR PROCEEDINGS

### A. COMPLETE IN ALL CASES

	YES	NO <sup>1/</sup>	NA <sup>2/</sup>
1. Enclosures (para 3-13, AR 15-6) Are the following enclosed and numbered consecutively with Roman numerals: (Attached in order listed)			
a. The memorandum of appointment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. All other written communications to or from the appointing authority?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Privacy Act Statements (Certificate, if statement provided orally)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Explanation by the investigating officer of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Any other significant papers (other than evidence) relating to administrative aspects of the investigation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. An Executive Summary, Index of Exhibits, Chronology of the Investigation and lists of all persons interviewed and evidence gathered. (Complex, serious and/or high profile cases)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Exhibits (para 3-14, AR 15-6)			
a. Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Is an index of all exhibits offered to or considered by investigating officer attached before the first exhibit?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Are descriptions or diagrams included of locations visited by the investigating officer (Appendix C-3, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an exhibit or recorded?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

FOOTNOTES: <sup>1/</sup> Explain all negative answers on an attached sheet.

<sup>2/</sup> Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation.

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

The (investigating officer), having carefully considered the evidence, finds: *[Each paragraph should be one conclusion based on the evidence gathered during the investigation. These findings should provide answers to each question posed by the appointing authority in the appointment memorandum. The evidence that supports each finding must be cited.]*

See all findings in enclosed memorandum.

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

In view of the above findings, the (investigating officer) recommends: *[Each paragraph should be one recommendation based on the findings in Section IV. Address what actions, if any, should be taken with regard to the individuals involved, the unit leadership, and any steps that can be taken to prevent the occurrence in the future. Recommendations do not need to be adverse or punitive. For example, the investigation results can be used as a training tool.]*

See all recommendations in enclosed memorandum.

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

THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE.

LTC Michelle Hinojosa

(Investigating Officer)

**SECTION VII - ACTION BY APPROVING AUTHORITY** (para 2-8, AR 15-6)

The findings and recommendations of the (investigating officer) are:

a) Approved.



b) Approved with the following modifications:

(1) The following findings of fact are added/deleted:

(2) The following findings of fact are modified as follows:

(3) The following recommendations are added/deleted:

(4) The following recommendations are modified as follows:

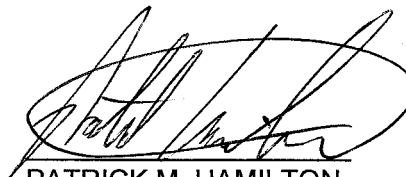
(5) The action recommended in recommendation \_\_\_\_\_ has been accomplished by \_\_\_\_\_

(6) Recommendation(s) \_\_\_\_\_ is not appropriate for action by this command; however, a copy of this investigation is being furnished to \_\_\_\_\_ for such action as deemed appropriate.

c) Disapproved.

d) The report is (incomplete), (ambiguous), (erroneous) and/or (specify deficiency) with respect to \_\_\_\_\_

It is, therefore, hereby returned to the IO for corrective action as follows \_\_\_\_\_



PATRICK M. HAMILTON  
Major General, USA  
Commanding General

**ENCLOSURE**

**II**



DEPARTMENT OF THE ARMY  
HEADQUARTERS, 36TH INFANTRY DIVISION (FORWARD)  
TASK FORCE SPARTAN  
CAMP ARIFJAN, KUWAIT  
APO, AE 09306-0000

ACTF-OSS-MD

13 April 2021

MEMORANDUM FOR CHIEF OF STAFF, Colonel Michael J. Hunt, Task Force Spartan, 36th Infantry Division, Camp Arifjan, Kuwait, APO AE 09306

SUBJECT: AR 15-6 Investigation Findings and Recommendations

1. References.

- a. Memorandum of Appointment, 4APR21
- b. Army Regulation 15-6, Procedures for Administrative Investigations and Boards of Officers, 1 April 2016.
- c. Army Regulation 600-20, Army Command Policy, 24 July 2020.
- d. Army Regulation 600-100, Army Profession and Leadership Policy, 15 April 2017.
- e. Task Force Spartan Command Policy Memorandum 2021-06, Harassment Prevention and Response dated 30 December 2020.

2. Background. I was appointed on 4APR21 to conduct an AR 15-6 investigation into the facts and circumstances of a Formal MEO Complaint.

3. Summary. Based on the interviews conducted throughout this investigation there is evidence to support the allegations that LTC Shepherd engaged in a pattern of "bullying" and "singling out". There is no evidence to support that LTC Shepherd engaged in acts of creating a "toxic work environment", or "harassed"

4. Overview. I conducted eight (8) formal interviews with associated sworn statements with Soldiers of various ranks and positions that may have witnessed the alleged "bullying and singling out" of

- a. did not corroborate any of the allegations against LTC Shepherd. did state that LTC Shepherd expects a lot and is very candid when expectations are not met.

ACTF-OSS-MD

SUBJECT: Findings and Recommendations for AR 15-6 Investigation Army Regulation  
(AR) 15-6 Investigation – LTC Colleen Shepherd

b. [REDACTED] did not corroborate on allegations two, or three against LTC Shepherd. [REDACTED] did corroborate on allegations one and four of “bullying and singling out”

[REDACTED] states that LTC Shepherd is particularly hard on this is noticeably different from how she treats him and says that she is not as hard on other members of the G5 section. [REDACTED] perceives that LTC Shepherd micromanages things that [REDACTED] is assigned and it is perceived as aggressive. [REDACTED] confirms that LTC Shepherd appeared to kick her foot in direction and it did not appear jokingly when he had approached her for guidance regarding a product.

c. [REDACTED] did not corroborate on any allegations against LTC Shepherd.

d. [REDACTED] did not corroborate on any allegations against LTC Shepherd. [REDACTED] did note that LTC Shepherd was agitated after their meeting regarding a read-ahead product that was not produced by

e. [REDACTED] did not corroborate on any allegations against LTC Shepherd.

f. [REDACTED] did not corroborate on any allegations against LTC Shepherd. [REDACTED] does give an example of when she did a countdown for [REDACTED] to produce slides for review. During our interview [REDACTED] did not regard this as a regular practice that LTC Shepherd did to those in the shop.

g. [REDACTED] did corroborate on all four allegations against LTC Shepherd. He has felt that he has been treated differently versus the remainder of the staff in the G5 section by LTC Shepherd. She has reprimanded him for asking others in the section for assistance or guidance and for calling other staff sections with questions, while noting that she has not done that to others in the section.

h. [REDACTED] did not corroborate on all four allegations against [REDACTED] did state that [REDACTED] has had to be extremely explicit and detailed with her instructions to [REDACTED] on all projects. [REDACTED] did express how livid and upset she was with [REDACTED] on the date of the touchpoint with [REDACTED]. [REDACTED] admitted to singling out along with others in the section during a team huddle later that same day when addressing communication methods.

i. Notable event during interviews

(1) Corroborations

(a) Corroboration one: [REDACTED] note that [REDACTED] has to make repeated corrections to products after review from LTC Shepherd.

ACTF-OSS-MD

SUBJECT: Findings and Recommendations for AR 15-6 Investigation Army Regulation  
(AR) 15-6 Investigation – LTC Colleen Shepherd

(b) Corroboration two: [REDACTED] noted how [REDACTED] stress and anxiety level increased and physical health has deteriorated in the past couple of months i.e. shaking his leg, losing weight, not sleeping.

(c) Corroboration three: [REDACTED] have noted how LTC Shepherd can become agitated and aggressive when expectations are not met the initial time for products.

(2) Different response by one soldier: [REDACTED] seemed indifferent to how LTC Shepherd treats those within the section.

5. Findings. After investigating the facts and circumstances surrounding the claim

a. Question one. Unsubstantiated

(1) AR 600-20 para 4-19a(2) states that bullying can include acts of aggression with intent; While LTC Shepherd behaved in an unprofessional manner towards [REDACTED] after the touchpoint with [REDACTED] it was not with an intent to harm him.

b. Question two. Unsubstantiated

(1) A toxic work environment was not presented by any witnesses in interviews or on their sworn statements.

c. Question three. Unsubstantiated

(1) Harassment of the complainant was not witnessed or presented during interviews or on sworn statements.

d. Question four. Unsubstantiated

(1) LTC Shepherd has treated [REDACTED] differently than [REDACTED] during the course of their time working together. This is due to [REDACTED] work not meeting the standard. Multiple personnel in the section stated in interviews how [REDACTED] seems to have to correct his products multiple times versus others when reviewed by LTC Shepherd. However, there was not intent to single him out from his peers for any other matters, he was still included in all section gatherings.

e. While I did not "substantiate" the allegations of "bullying", LTC Shepherds management style and treatment of a subordinate officer in her section (who was struggling) was not without fault. LTC Shepherd did cause stress and harm to

ACTF-OSS-MD

SUBJECT: Findings and Recommendations for AR 15-6 Investigation Army Regulation  
(AR) 15-6 Investigation – LTC Colleen Shepherd

who was trying to put forth his best product for the section. For this particular officer her technique and style did not work.

6. Recommendations. In view of the above findings, I recommend:

a. Complainant be reassigned to another section outside of the G5.

b. Subject attend an Effective Communication Course for Leaders at the Fortitude Clinic in the Wellness Center.

7. Closing Remarks.

8. The point of contact for this memorandum is the undersigned [REDACTED]  
[REDACTED]

[REDACTED]  
MICHELLE E. HINOJOSA  
LTC, MS  
Investigating Officer

**ENCLOSURE**

**III**



DEPARTMENT OF THE ARMY  
HEADQUARTERS, 36TH INFANTRY DIVISION (FORWARD)  
TASK FORCE SPARTAN  
CAMP ARIFJAN, KUWAIT  
APO AE 09306-0000

S: 14 April 2021

ACTF-OSS-CS

4 April 2021

MEMORANDUM FOR LTC Michelle Hinojosa, Chief Medical Operations, 36th Infantry Division, Task Force Spartan, Camp Arifjan, Kuwait

SUBJECT: Appointment as Investigating Officer for Army Regulation 15-6 Investigation; Formal MEO Complaint TFS-21-F014

1. Appointment. You are hereby appointed as an Investigating Officer (IO) pursuant to Army Regulation (AR) 15-6, *Procedures for Administrative Investigations and Boards of Officers*, to conduct an administrative investigation into facts and circumstances concerning allegations described in the enclosed Formal MEO Complaint (DA Form 7279) filed by Complainant on 2 April 2021 ("the Complaint"). You have 10 days to conduct this investigation. Your responsibilities as an IO take precedence over all other military duties. Contact your legal advisor, [REDACTED] or email at [REDACTED] before you begin the inquiry for an IO briefing.

2. General Instructions.

a. The purpose of an AR 15-6 investigation is to elicit facts to substantiate or unsubstantiate the allegations listed in paragraph 3. Upon completion of the investigation, you will complete a report that conforms to the requirements in paragraph 5, and AR 15-6.

b. If circumstances arise which you feel may cause me to consider enlarging, restricting, or terminating the investigation, consult your legal advisor and report to me, together with recommended actions to resolve. If you encounter evidence that an individual senior to you may have committed misconduct or your investigation may result in findings which are adverse to a person senior to yourself, stop the inquiry and arrange to meet with me.

3. Scope of Investigation. Determine whether or not facts and circumstances described below are substantiated or unsubstantiated by a "greater weight of the evidence."

a. Determine whether or not, LTC Colleen Shepherd:

ACTF-OSS-CS

SUBJECT: Appointment as Investigating Officer for Army Regulation 15-6  
Investigation; Formal MEO Complaint TFS-21-F014

(1) From 27 February 2021 to present did LTC Shepherd engage in acts of "bullying" toward the Complainant as defined by AR 600-20, US Army MEO Policy;

(2) From 27 February 2021 to present did LTC Shepherd create a "toxic work environment" in the TFS/36<sup>th</sup> ID G5 Section as defined by AR 600-20, US Army MEO Policy;

(3) From 27 February 2021 to present did LTC Shepherd "harass" the Complainant as defined by AR 600-2-, US Army MEO Policy; and

(4) From 27 February 2021 to present did LTC Shepherd engage in a pattern of "singling out" the Complainant for improper treatment.

4. Conducting the Investigation.

a. Consult with your legal advisor prior to making substantive efforts in the investigation. Your legal advisor will assist with any legal issues during the investigation; to include developing an investigation plan and preparing findings and recommendations. After investigation, submit a draft report to the legal advisor, who will arrange for a legal review.

b. You may request that additional individuals or subject matter experts be appointed, in writing, to accompany you and assist with your investigation. Please coordinate such requests with your legal adviser.

c. Evidence Collection.

(1) Conduct this investigation using the procedures outlined in Chapter 4, and the general guidance provided in Chapter 3, AR 15-6.

(2) To the extent possible, all witness statements will be written and sworn. Record witness statements on a DA Form 2823 (*Sworn Statement*). If it is impracticable to obtain a written and/or sworn statement from a particular witness, you may attest to the accuracy of any transcription or summary of such witness testimony in whatever form it appears within your report of investigation. In accordance with AR 340-1, provide a Privacy Act statement to a witness if you do not use a DA Form 2823 to record the statement of that witness.

(3) No U.S. military or civilian witness can be ordered to provide information that may incriminate him or herself. You may order a military or Federal Government civilian employee witness to provide a statement if you believe they have relevant information that would not be self-incriminating. If, (either prior to or during any interview), you come to suspect a person may have engaged in criminal conduct, you will consult with your

ACTF-OSS-CS

SUBJECT: Appointment as Investigating Officer for Army Regulation 15-6  
Investigation; Formal MEO Complaint TFS-21-F014

legal advisor and inform the undersigned Appointing Authority. Under no circumstances should you attempt to elicit any information from a suspect without first advising that person of his/her rights under Article 31, UCMJ, or the Fifth Amendment of the U.S. Constitution as appropriate. Document your rights advisement and witness waivers of their Article 31 rights on a DA Form 3881 (*Rights Warning Procedure/Waiver Certificate*).

(4) Where a civilian employee is a member of a bargaining unit and reasonably believes the inquiry could lead to disciplinary action, the employee may have a representative from the bargaining unit present during questioning. You will consult your legal advisor if you have any questions regarding these procedures.

(5) During the investigation, if you determine that a Soldier's status has changed from favorable to unfavorable, as defined in AR 600-8-2, *Suspension of Favorable Personnel Actions*, you must notify me immediately and consult with your legal advisor, to ensure that a flag is initiated against that Soldier.

#### 5. Report of Investigation.

a. General. Your report of the investigation will be typed. Attach all required enclosures and exhibits. Your completed packet will be digitally scanned and whole and submitted to your Legal Adviser NLT the above stated Suspense Date.

b. Assembly. Your completed Preliminary Inquiry will include:

(1) Table of Contents (consisting of all enclosures)

(2) This memorandum of appointment;

(3) A memorandum with your findings and recommendations

(a) Findings. You will reach your findings by preponderance of evidence that you gather. A finding is clear and concise statement of facts that can be readily deduced from evidence in the record. In your report, develop specific findings and cite the evidence that supports your findings. If evidence conflicts (e.g. conflicting witness statements), make a finding as to which evidence is more credible and why you believe it to be more credible.

(b) Recommendations. Make recommendations supported by findings, and what changes, if any, are needed in terms of policy, procedure, resources, doctrine, training and leadership to avoid incidents of this nature in the future. Each recommendation shall refer to the finding(s) which it supports, and should comport with the guidance in

ACTF-OSS-CS

SUBJECT: Appointment as Investigating Officer for Army Regulation 15-6  
Investigation; Formal MEO Complaint TFS-21-F014


AR 15-6. If applicable, you will recommend administrative, non-judicial, or criminal dispositions of any violations of policy, orders, or regulations committed by the personnel involved in this investigation.

- (4) A detailed chronology of the daily actions you took during your investigation;
- (5) An index of all attached exhibits;
- (6) All exhibits, labeled and numbered;
- (7) A list of the witnesses you interviewed;
- (8) If applicable, proper classification markings for each paragraph, page, and exhibit included within your report of investigation;

c. Submission. This inquiry is to be completed and submitted to me by 14 April 2021. You will provide a report to the legal advisor, who will arrange for a legal review. After legal review, submit to me in hard copy and in electronic form. You may not release any information related to this investigation to anyone, other than your legal advisor, without my prior approval.

6. The point of contact for this memorandum is [REDACTED], at DSN [REDACTED]  
[REDACTED]

Encl

  
MICHAEL J. HUNT  
COL, GS, USA  
Chief of Staff

# **ENCLOSURE**

## **IV**

**EQUAL OPPORTUNITY AND HARASSMENT COMPLAINT FORM**

For use of this form, see AR 600-20; the proponent agency is DCS, G-1.

**PRIVACY ACT STATEMENT**

**AUTHORITY:** 10 USC 7013, Secretary of the Army: DoDD 1350.2, Department of Defense Military Equal Opportunity (MEO) Program; DOD Instruction 1020.03 Harassment Prevention and Response in the Army in the Armed Forces; AR 600-20, Army Command Policy.

**PRINCIPAL PURPOSE:** To provide a means for filing complaint based on discrimination due to (race, color, sex (to include gender identity), religion, national origin, or sexual orientation) and harassment due to (hazing, bullying, or other discriminatory harassment). Information provided will be used to process the discrimination or harassment complaint and will be shared with the Soldiers Commander. For additional information see the System of Records Notice A0600-20 SAMR, Soldiers Equal Opportunity Investigative Files (<https://dpcl.d.defense.gov/Privacy/SORNsIndex/DOD-Component-Notices/Army-Article-List/>).

**ROUTINE USES:** There are no specific routine uses anticipated for this form, however, it may be subject to a number of proper and necessary routine uses identified in the system of records notice specific in the purpose statement above.

**DISCLOSURE:** Voluntary, however, failure to provide all the requested information could lead to rejection of complaint for inadequate data.

1. NAME	2. RANK	3. UNIT 36 ID, OPS Co
4. RACE/ETHNIC GROUP White (Not of Hispanic Origin)	5. SEX M	6. DATE (YYYYMMDD) 20210402

**PART I - COMPLAINT**

**7a. NATURE OF COMPLAINT.** (Give, in as much detail as possible, the basis for your complaint; describe the incident/behavior(s) and date(s) of the occurrence(s); the names of parties involved, witnesses, and to whom it may have been previously reported; plus, any additional information that would be helpful in resolving your complaint. I understand submitting a false EO complaint is punishable under UCMJ. Attach additional sheets, as needed.)

This complaint addresses the toxic and hostile work environment within the TFS DIV G5, and specifically addresses a pattern of bullying displayed by the G5 OIC, LTC Colleen Shepherd. This complaint speaks in detail to the ongoing harassment and bullying that has been inflicted on me from FEB21 through the present, as well as the resultant psychological harm he has incurred from this deliberate and calculated pattern of abuse.

**7b. REQUESTED REMEDY.** (What do you think the final outcome should be?)

is reassigned to another section outside of the G5 for the remainder of the deployment. LTC Shepherd attend an Anger Management course and an Effective Communication course at the Fortitude Clinic at the Wellness Center, located at the Combat Operational Stress Control facility.

**8a. AFFIDAVIT.**

I, \_\_\_\_\_ have read or have had read to me this statement which begins on this page (page 1) and ends on page 1. I fully understand the contents of the entire statement made by me. The statement is true. I have initialed all corrections. I made the statement without threat of punishment, and without coercion, unlawful influence, or unlawful inducement. I understand submitting a false EO complaint is punishable under UCMJ.

Digitally signed by

Date: 2021.04.02 11:45:36 +03'00'

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this

02 day of APRIL, 2021 at Camp Arifjan, Kuwait

BENDER.HAROLD.BENJAMI  
N.1270993989

Digitally signed by  
BENDER.HAROLD.BENJAMI.N.1270993989  
Date: 2021.04.02 11:47:00 +03'00'

Harold Benjamin Bender

(Signature of Person Administering Oath) (Typed/Printed Name of Person Administering Oath)

**8b. AGENCY RECEIVING COMPLAINT.**

I acknowledge receipt of this complaint from \_\_\_\_\_ (name/rank)

of OPS CO, 36ID HHBN (unit) on 2 APRIL 2021 (date).

I understand I have 3 calendar days (next drill period for reserve soldiers) in which to refer this complaint to the appropriate commander of the complainant.

8c. NAME PEDRO O. AGAPAY III	8d. RANK LTC	8e. DATE (YYYYMMDD) 20210402
8f. AGENCY TASK FORCE FORCE SPART MILITARY EO OFFICE	8g. SIGNATURE AGAPAY.PEDRO.OLIVEROS.III.1170240690	Digitally signed by AGAPAY.PEDRO.OLIVEROS.III.1170240690 Date: 2021.04.02 11:48:59 +03'00'

**9a. ACKNOWLEDGEMENT.**

I acknowledge receipt of this complaint, on behalf of (complainant's name) \_\_\_\_\_  
submitted to me by (name, rank, alternative agency) \_\_\_\_\_

LTC PEDRO O. AGAPAY, TASK FORCE SPARTAN MEO OFFICE

on 2 APRIL 2021. I understand I have 5 calendar days (AC/RC) from the date of receipt in which to initiate an investigation into the complaint, implement a plan to prevent reprisal, and reported complaint to the first SPCMCA when processed at the battalion or company level, or first GCMCA when processed at the brigade level and above. I also have 30 calendar days (three MUTA (90 days) - for USAR) in which to complete an investigation from the acknowledge date on the DA Form 7279. The legal sufficiency review will be conducted within 14 calendar days from the date the investigation is completed.

9b. NAME PATRICK M. HAMILTON	9c. RANK MG	9d. DATE (YYYYMMDD)
9e. ORGANIZATION HQS, TASK FORCE SPARTAN/36ID	9f. SIGNATURE HAMILTON,PATRICK,MICHAEL.1134540172 <small>Digitally signed by HAMILTON,PATRICK,MICHAEL.1134540172 Date: 2021.04.02 13:22:26 +03'00'</small>	

**PART II - RESULTS OF INVESTIGATION**

10a. I (name of commander) PATRICK M. HAMILTON reviewed the report of investigation into your allegations. I ☐ concur ☐ nonconcur with the findings of the investigating officer. I find that your allegations are:  
☐ substantiated ☐ unsubstantiated. I base my decision on the following points:

10b. SIGNATURE OF COMMANDER	10c. DATE (YYYYMMDD)
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**PART III - ACTIONS TO RESOLVE COMPLAINT**

11a. The command has done (or will do) the following actions to resolve this complaint and continue to prevent acts of reprisal:

11b. ADVISEMENT TO COMPLAINANT/SUBJECT: You have the right to appeal these actions to resolve the complaint. You will have 7 calendar days (next MUTA-4 for USAR) to submit your appeal in writing (timeline applies to both the first and second appeal requests.)

11c. SIGNATURE OF COMMANDER	11d. DATE (YYYYMMDD)
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11e. ACKNOWLEDGEMENT BY THE COMPLAINANT AND SUBJECT(S) OF THE COMPLAINT OF FINDINGS, FEEDBACK, AND APPEALS OPTIONS

_____ (Signature of Complainant)	_____ (Date)
_____ (Signature of Subject(s) of Complaint)	_____ (Date)

FOR ADDITIONAL SUBJECT(S) OF COMPLAINT, USE A BLANK SHEET OF PAPER.

**PART IV - APPEAL**

12a. I elect to appeal the outcome of my complaint for the following reasons:

☐ Continuation sheet(s) is attached ☐ Continuation sheet(s) is not attached

12b. COMPLAINANT'S SIGNATURE	12c. DATE (YYYYMMDD)
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12d. SUBJECT'S SIGNATURE	12e. DATE (YYYYMMDD)
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12f. I have reviewed the complaint file, the investigative findings, and other information regarding this case. My findings are:

12g. SIGNATURE OF APPELLATE AUTHORITY	12h. DATE (YYYYMMDD)
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12i. I acknowledge being counseled concerning the outcome of this appeal.

12j. COMPLAINANT'S SIGNATURE	12k. DATE (YYYYMMDD)
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12l. SUBJECT'S SIGNATURE	12m. DATE (YYYYMMDD)
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STATEMENT OF \_\_\_\_\_ TAKEN AT CAKU MEO Office DATED 02APR21

STATEMENT

I am submitting this complaint to address a sustained and persistent pattern of bullying that has been an ongoing problem in the TFS G5 office. This complaint identifies LTC Colleen Shepherd as the person committing the bullying. This complaint will address items in chronological order.

On or about 27FEB21 I was preparing an IPR slidedeck to present to MG Hamilton that discussed an overview of the 36 ID redeployment plan. When I presented the deck to LTC Shepherd for review, she asked me to list Admin and Medical tasks specific to redeployment. After several revisions, in which I attempted to describe them, she became furious and stated "where the FUCK are the admin and medical tasks that I asked for?" I regarded this outburst as inappropriate, unprofessional, and calculated to intimidate.

On or about 061445MAR21 I was in the War Room setting up for a Working Group briefing that I was leading. SPC Seth Lopez (G35) and CPT Garcia (G6) were present assisting me get the SIPR up and running. LTC Shepherd entered the room and began discussing the Monte Cassino WARNORD. I reminded her that WARNO I had already published, and she asked me how many WARNORDs are there by doctrine. I replied that I did not know, and she stated, "you're a joke of an officer, there's an E4 standing behind you that knows that. It's three." This comment was made to me with a SPC standing directly behind me, and a CPT within earshot.

Sometime in early MAR21 (exact date unknown), CW3 McCallister came to the G5 and I discussed the movement overlay with him for approximately 20 minutes. After he left the office, LTC Shepherd demanded to know why I had just "wasted 20 minutes" having a conversation with him. When I explained what I was discussing she rolled her eyes, shook her head and said, "whatever". Later that same day, MAJ Riedel (G35) came down to the G5 and gave me a copy of an ARCENT order that stipulated movement timelines for TFS. After he left, she demanded to know why I asked him for a copy of that order, and again, gave a dismissive and insulting response, specifically, rolling her eyes and shaking her head as if in disgust.

On or about 28MAR21, I received short-notice information from ASG-K that they planned on inviting MG Hamilton (BG Burkett ended up going instead) to their NEO ROC Drill on 31MAR21. LTC Shepherd was of the understanding that 31MAR21 was an ASG-K ROC rehearsal, with the ROC drill on 15APR21. She tasked me with preparing a read ahead for BG Burkett, and I admit that I did not accomplish that task. On 30MAR21, she realized that BG Burkett was going to the ROC Drill, and became furious with me that I had not prepared the read ahead, and blamed me for not telling her that he was going on 31MAR21 instead of 15APR21. BG Burkett called both of us into his office, and while he was asking us questions, LTC Shepherd attempted to start verbally counseling me in a demeaning and aggressive manner, and BG Burkett intervened and asked her to withhold her comments. BG Burkett explained to me that he simply needed a read ahead and tasked me to prepare it. After leaving his office, LTC Shepherd took me outside of Bldg 506 (latrine side) and began yelling obscenities at me ("what the FUCK just happened in there? You just made me look like SHIT in front of my senior rater! You're a FUCKING officer in the US Army, NOT the Texas National Guard, NOT the Texas State Militia, and you need to FUCKING act like one! This shit has been a recurring problem with you and it's making me hard to want to give you a good OER!"). I found this exchange to be inappropriate (as Soldiers were within earshot), unprofessional, and calculated to intimidate me. We returned to the G5 Office, and I approached LTC Shepherd's desk to continue discussing the way forward, and she began to demand how I could have missed this deadline. As I offered explanations, she turned in her chair, and began kicking her leg out towards me repeatedly, and stated, "get away, get away, get the FUCK out of here!" As a law enforcement officer in Texas, I know from training and experience that behavior like this is indicative of an imminent assault, and I did fear for my personal safety in that instant.

In addition to the described events, the atmosphere in the G5 is the most toxic environment I have ever worked in. There is rarely conversation or comfortable interaction within the office. I have been chastised by LTC Shepherd for asking MAJ O'Connell for advice. I have been ostracized by LTC Shepherd by being the only officer to not receive an internal G5 Coin, despite my efforts on Monte Cassino and redeployment. I am the only one in the office that is routinely subjected to this barrage of insanity. I have been subjected to nearly 2 solid months of harassment, insults, bullying, unstable temper outbursts, and other such behavior consistent with bullying.

I have visited the BHO within the past 48 hours, and I am now taking Zolofit for depression and anxiety. I am losing weight, have lost my appetite, and am suffering from insomnia, to include mild panic attacks and dizzy spells. LTC Shepherd's behavior has caused psychological injury and is adversely impacting my health and wellbeing.

I am not going to tolerate or accept it any longer.

NOTHING FOLLOWS

INITIALS OF PERSON MAKING STATEMENT

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PAGE 1 OF 1 PAGES



DEPARTMENT OF THE ARMY  
HEADQUARTERS, 36TH INFANTRY DIVISION (FORWARD)  
TASK FORCE SPARTAN  
CAMP ARIFJAN, KUWAIT  
APO AE 09306-0000

ACTF-OSS-EO

6 April 2021

MEMORANDUM FOR RECORD

SUBJECT: Investigating Officer (IO)'s Brief for Military Equal Opportunity (MEO) or Harassment Formal Complaint

1. Reference. Army Regulation (AR) 600-20, Army Command Policy, 24 July 2020.
2. Purpose of MEO or harassment investigation.
  - a. Determine to the maximum extent possible what actually occurred, to assess the validity of allegations made by the complainant, to advise the commander of any leadership or management concerns which might contribute to perceptions of unlawful discrimination and poor unit command climate, and to recommend appropriate corrective actions.
  - b. Ensure the focus of the investigation is placed squarely on assessing the validity of the allegations and void shifting the focus of the investigation against the complainant.
3. Actions of the IO.
  - a. Obtain a copy of orders appointing as the IO, the initiated DA Form 7279, which identifies the complainant and lists the allegations to be investigated, and the reprisal plan.
  - b. Meet with the servicing Staff Judge Advocate (SJA) or legal advisor to review how the conduct of the investigation should be conducted under AR 15-6 and AR 600-20.
  - c. Meet with the servicing MEO professional to obtain a list of suggested investigation questions.
  - d. Keep the servicing MEO professional informed of the ongoing status of the investigation.
  - e. Inform all individuals involved that you are the IO of a MEO or harassment complaint and that they are not to discuss any part of the investigation with anyone.
  - f. Submit the investigative report packet to the servicing MEO professional prior to submitting it to the SJA for legal sufficiency review. The MEO professional will provide

ACTF-OSS-EO

SUBJECT: Investigating Officer (IO)'s Brief for Military Equal Opportunity (MEO) or Harassment Formal Complaint

a memorandum documenting the review that is to be included in the packet when submitting it for legal sufficiency review. Assemble the packet in the following order when submitting to the MEO professional for review:

- (1) DA Form 1574-1 (Report of Proceedings by Investigative Officer).
  - (2) Appointing order.
  - (3) Copy of the DA Form 7279 with attached continuation sheets.
  - (4) List of questions developed with MEO professional.
  - (5) Copy of the completed/initialed commander's reprisal plan.
  - (6) Exhibits (with an index) of statements/synopses of interviews with complainant, subject, named witnesses (with DA Form 3881, if necessary), chain of command, and third-party personnel.
  - (7) Description/assessment of unit policies.
  - (8) Written approval from the appointing authority for any approved extensions.
  - (9) Written explanation of extenuating circumstances that prevented the IO from interviewing any complainant, subject, named witness, chain of command, and third-party personnel.
4. Timeliness of action.
- a. Be aware of when the investigative report packet is due to the servicing legal office for legal sufficiency review; allow time to submit it to the servicing MEO professional for review prior to the legal sufficiency review.
  - b. If the investigation is not likely to be completed and reviewed by the time stated in the appointing orders, request for an extension through the servicing SJA or legal advisor. The approval of extension must be in writing from the next higher commander.
5. The MEO professional will provide suggested investigation questions and remain available for consultation and assistance throughout the conduct of the investigation.
6. Protection against reprisal or retaliation.
- a. Department of Army personnel are prohibited from taking any action that discourages a Soldier or Family Member from filing a complaint or seeking assistance

ACTF-OSS-EO

SUBJECT: Investigating Officer (IO)'s Brief for Military Equal Opportunity (MEO) or Harassment Formal Complaint

when resolving MEO or harassment matters. Personnel are also prohibited from taking any disciplinary or adverse action against a Soldier for filing a complaint, seeking assistance, or cooperating with an investigating official in a MEO or harassment investigation. (This does not preclude taking action against individuals who intentionally file complaints they know to be false or baseless.)

b. It is the responsibility of the chain of command to ensure that the complainant is protected from reprisal or retaliation for filing a MEO or harassment complaint. Should Soldiers or Family Members be threatened with such an act, or should an act of reprisal or retaliation occur, the circumstance of that should be immediately reported to the chain of command. Allegations of threats or acts of reprisal or retaliation will be referred to the Inspector General.

7. Actions against Soldiers submitting false complaints. Soldiers who knowingly submit a false equal opportunity complaint (a complaint containing information or allegations that the complainant knew to be false) may be punished under the UCMJ.

Articles:

107 False Official Statements

131 Perjury

134 False Swearing

8. The IO acknowledges being briefed by the MEO professional regarding the responsibilities as an IO of a MEO or harassment complaint.

HINOJOSA.MICHELLE.E  
LIZABETH.1030994562

Digitally signed by

Date: 2021.04.06 08:26:17 +03'00'

IO's Signature/Name/Date

9. Point of contact for this memorandum is the undersigned at D [REDACTED]  
[REDACTED]

AGAPAY.PEDRO.OLIV  
EROS.III. [REDACTED]

PEDRO O. AGAPAY III  
LTC, AD (FA30)  
Task Force Spartan EO Program Manager

# **ENCLOSURE**

## **V**



DEPARTMENT OF THE ARMY  
HEADQUARTERS, 36<sup>TH</sup> INFANTRY DIVISION  
TASK FORCE SPARTAN (FORWARD)  
CAMP ARIFJAN, KUWAIT  
APO AE 09306-0000

ACTF-OSS-MD

13 April 2021

MEMORANDUM FOR RECORD

SUBJECT: Chronology of Investigation Formal MEO Complaint 2 April 2021 Camp Arifjan, Kuwait

1. Outlined below is a chronology of the investigating officer's (IO) actions for this investigation:

a. 03 APR 21:

1. Approximately 1330(z): TF Spartan CoS informed LTC Hinojosa of her appointment to be the IO for this investigation

b. 05 APR 21

1. Approximately 1100(z): IO met with TF Spartan Legal ( ) for advisement on the IO duties and responsibilities while conducting an AR 15-6 investigation

c. 06 APR 21

1. Approximately 0530 IO(z): IO met with TF Spartan MEO ( ) for advisement on the IO duties and responsibilities while conducting an AR 15-6 investigation
2. 0600(z): IO sets up interview appointment with ( ) and notifies that I will be the IO for his complaint, sets up time for an interview with ( ) later in the day, 1300(z).
3. 0630(z): IO Notifies ( ) of required interview and to email IO with a date/time for an interview)
4. 1300(z): IO interviews ( ) at the Annex

d. 07 APR21

1. 0820(z): IO sends ( ) his sworn statement for review and signature

ACTF-OSS-MD

SUBJECT: Chronology of Investigation Formal MEO Complaint 2 April 2021 Camp Arifjan, Kuwait

2. 0900(z): [REDACTED] sends IO back his sworn statement signed, is administered his sworn statement oath and IO signs
3. 1330(z): IO interviews [REDACTED]
4. 1412(z): IO sends [REDACTED] sworn statement for review and signature

e. 08 APR 21

1. 0852(z): [REDACTED] sworn statement signed, is administered his sworn statement oath and IO signs
2. 0800(z) IO interviews [REDACTED]
3. 1030(z) IO interviews [REDACTED]
4. 1547(z): IO sends [REDACTED] sworn statement for review and signature
5. 1557(z): IO sends [REDACTED] sworn statement for review and signature

f. 09 APR 21

1. 0515(z): [REDACTED] sends IO back [REDACTED] sworn statement signed, is administered his sworn statement oath and IO signs
2. 1011(z): [REDACTED] sends IO back [REDACTED] sworn statement signed, is administered his sworn statement oath and IO signs
3. 0500(z): IO interviews [REDACTED] fills in his sworn statement, is administered the sworn statement oath, signs and IO signs
4. 0700(z): IO interviews [REDACTED] fills in his sworn statement, is administered the sworn statement oath, signs and IO signs
5. 0800(z): IO interviews [REDACTED] fills in his sworn statement, is administered the sworn statement oath, signs and IO signs

g. 10 APR 21

1. 0500(z): IO administers I [REDACTED]

ACTF-OSS-MD

SUBJECT: Chronology of Investigation Formal MEO Complaint 2 April 2021 Camp Arifjan, Kuwait

2. 1249(z): IO sends [REDACTED] sworn statement for review and signature
  3. 0605(z): [REDACTED] sends IO back [REDACTED] sworn statement signed, is administered her sworn statement oath and IO signs
- h. 12 APR 21
1. 1000(z): IO reviewed collected documents and started to prepare packet
- i. 13 APR 21
1. 0500(z): IO prepared findings and recommendations
  2. IO forwarded investigation to MEO Professional

2. The point of contact for this memorandum is the undersigned at DSN [REDACTED]  
[REDACTED]

[REDACTED]  
Michelle Hinojosa  
LTC, MS  
Investigating Officer

# **ENCLOSURE**

## **VI**

Index of Exhibits

Exhibit A: Sworn Statement from

Exhibit B: [REDACTED] Sworn Statement from ([REDACTED])

Exhibit C: Sworn Statement from [REDACTED]

Exhibit D: Sworn Statement from ([REDACTED])

Exhibit E: Sworn Statement from [REDACTED]

Exhibit F: Sworn Statement from ([REDACTED])

Exhibit G: Sworn Statement from ([REDACTED])

Exhibit H: Sworn Statement from ([REDACTED])

# **EXHIBIT**

# **A**

## 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 Camp Arifjan, Kuwait	2. DATE (YYYYMMDD) 20210406	3. TIME 1630	4. FILE NUMBER FS-21-014
5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS	
8. ORGANIZATION OR ADDRESS 36ID (FWD), HHBN APO, AE 09306			
9. I, _____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: On 06APR21, LTC Hinojosa conducted an interview with me in her office at the Annex. The statement contained herein describes answers to specific questions asked of me during this interview.  Prior to February 27th (about mid February), there was a noted change in atmosphere of the G5 shop, and this change was noted by others in the G5 shop. MAJ O'Connell discussed and noted LTC Shepherd's change in attitude on a Signal app text conversation, in a text message sent by MAJ O'Connell to myself and CPT Vanarsdall.  In regards to the incident that occurred on the 27FEB21, I cannot recall if any witnesses were present to observe LTC Shepherd's outburst regarding the requested Admin and Medical tasks on the Redeployment IPR deck.  The office atmosphere is toxic; there is no conversation amongst the staff or each other in the office. LTC Shepherd has reprimanded me for calling other staff sections to ask questions, and it got to a point where I would leave the G5 office to use the SIPR phone outside of the SCIF to place telephone calls.  The mood in the office is noticeably lighter when LTC Shepherd is not present.  Prior to filing my MEO complaint, I did not discuss the problems in the G5 with the chain of command; I initially thought I could endure it for the remainder of the deployment. I have talked about this problem with MAJ O'Connell, and he did state that LTC Shepherd had some personal issues going on at home, a divorce being one, but I never addressed it upward. I have talked about this problem with members of my Catholic rosary group that I meet with at the chapel, but they are not 36ID personnel.  After the meeting with BG Burkett (concerning the ROC drill), and after LTC Shepherd took me outside of Bldg 506 to berate and reprimand me, we returned to the G5 office. She and I continued to discuss the situation, at which point she began kicking her leg toward me and yelling at me to "get the fuck out" and "get the fuck away". While MAJ O'Connell was present in the office during this incident, I do not know if he observed it. I cannot recall if CPT Vanarsdall was present during this outburst.  On 02APR21, right after I filed my complaint, I was approached by LTC Shepherd and she asked me if I was doing ok. I told her no, that I was not and had filed a 15-6 MEO complaint against her. She asked to speak to me outside, and during this conversation I reminded her of the time she called me a "joke of an officer" in front of a SPC and a CPT.			
10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT SB SB		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.

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

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

9. STATEMENT (Continued)

At first she claimed to not remember this, but then conceded by stating that I "should have said something to her". I replied, "no ma'am, you are a LTC, you should have not said it all". LTC Shepherd struck a conciliatory tone with me during this conversation, but I do not know if this is genuine or an effort to lessen the blow of any outcomes of this investigation.

\*\*\*\*\*NOTHING FOLLOWS\*\*\*\*\*

INITIALS OF PERSON MAKING STATEMENT

SB

SB

PAGE 2 OF 2 PAGES

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

9. STATEMENT (Continued)

AFFIDAVIT

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

Digitally signed by BURTON,SCOTT.CHARLES.1046113650  
Date: 2021.04.07 12:02:57 +03'00'

\_\_\_\_\_  
(Signature of Person Making Statement)

WITNESSES:

LTC Michelle Hinojosa

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

36ID, HHBN

APO, AE 09306

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

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 7 day of April, 2021  
at Camp Arifjan, Kuwait

HINOJOSA.MICHELLE.ELIZABETH

\_\_\_\_\_  
(Signature of Person Administering Oath)

Michelle E. Hinojosa

\_\_\_\_\_  
(Typed Name of Person Administering Oath)

Investigating Officer

\_\_\_\_\_  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE \_\_\_\_ OF \_\_\_\_ PAGES

# **EXHIBIT**

# **B**





## 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).

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

1. LOCATION Camp Arifjan, Kuwait	2. DATE (YYYYMMDD) 20210410	3. TIME 0800	4. FILE NUMBER TFS-21-F014
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS	
8. ORGANIZATION OR ADDRESS 36ID, HHBn			

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

I attended MEO training 06APR21. I don't recall attending MEO training prior to this with the division, unless it was FHTX or PMT.

When correcting Soldiers: If it is the first or second time, the correction is done verbally. We identify the mistake, talk through the changes needed, and correct it. If it is a repetitive mistake, then we move from verbal into formal counseling that is documented. We will review the process or doctrine and determine if corrective training is necessary. If so, then I will have the SM give a class/LPD on the subject; if more than one person is making similar mistakes we will conduct a collaborative LPD (assignments given to all).

When expectations are set, not met, and the mistake effects the section overall, then the counseling will be a one-way conversation. I will always hold Soldiers accountable and enforce standards, both professionally and personally.

I have given all personnel in the G5 section an initial counseling and normally follow up with quarterly counsellings. [REDACTED] was given his initial counseling a little later than the rest of the section, due to his joining later. I planned on doing my quarterly counsellings this week, but when I was informed by [REDACTED] of his filing a complaint, I decided to wait as I didn't want it to seem like a retaliatory action. [REDACTED] hasn't been performing satisfactorily and his counseling was going to reflect that, but that he can still improve. I plan on completing the rest of the sections counsellings in the next week or two. I also give regular feedback as we go; often this takes place as quick feedback at the end of a meeting, what went really well, what needs improvements, etc.

I thought that the working relationship between [REDACTED] and I was fine. We had good conversation and asked how each other were doing. As a section we did dinners, cookouts, fun runs, and movie nights. Then [REDACTED] started to pull away from the team. One night in March, [REDACTED] didn't come to movie night because he said he was tired. Then I noticed overtime that he had stopped being social with the group. Additionally, he stopped doing things he normally did such as asking others to join for lunch, offering to grab me a sandwich from the DFAC, and say hello at the beginning of the day or goodbye at the end of the day.

In reference to the 27FEB21 preparation of the IPR slide deck for [REDACTED] The purpose of the brief was to present key parts of the redeployment order and receive approval of the mission statement, commander's intent to include key tasks, and provide a time line/plan-to-plan for the CG's review. In reviewing the slides, I asked [REDACTED] to add "administratively and medically clear all Soldiers" to the key tasks. After reviewing the slides again, he failed to put this on there. Again, I told him to add the task. Again, he did not do it and I had asked him multiple times to fix the deficiency. I may have said "What the fuck, man?!" in exasperation, but it was not directed in a negative manner towards him. I literally wrote it out and said add this to key tasks. From this and other instances where he didn't make corrections or develop products based on guidance, I realized that I need to be very explicit with him.

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

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

STATEMENT OF [REDACTED] TAKEN AT Camp Arifjan, Kuwait DATED 20210410

## 9. STATEMENT (Continued)

In reference to the 06MAR21 War Room set up I have no recollection of it. I don't think that I would say that, it is not professional.

In reference to when he had a conversation with [REDACTED], I did talk to [REDACTED] afterwards. I may have said that 20 minutes were wasted, but it was because he did not need to be involved in that level of detail. As the redeployment planner, I needed him to stay at the 10,000 foot level and not get too involved. All he needed to do was track information and requirements, not understand the minutia of the task. It was the responsibility of the subject matter expert/lead action officer to know details of the tasks. I told him that if he gets too involved, then he creates more work for himself and the people that are supposed to do the work don't, leaving him with all the planning, coordinating, and actioning of everything.

The morning of 30MAR21, I talked to [REDACTED] asked how he was doing, how his family was doing - it was a good conversation.

Afterwards, we briefly talked about the rehearsal to the 31MAR21 ROC drill. This was new and he mentioned it as a passing comment. I thought to myself, "That's odd. Why would you have a rehearsal to the rehearsal?" I wrote it on the team's board and we moved on about our business. The team's board is a two-week outlook of major events and meetings. I thought it was odd because my understanding of the 31MAR21 ROC drill was that it was a rehearsal for the actual ROC drill scheduled for 15APR21. So why would there be a rehearsal to the rehearsal? At some point in the week prior that had changed and was not clearly communicated by [REDACTED] to myself or the team. Other members were confused too.

Regardless, expectations had been set previously and repeated many times when it came to any products going outside of the shop or when command group members attended different briefings/rehearsals. All products were to come to me prior to leaving the shop, read ahead packets were to be created, and command group members prepped to attend the event by us beforehand.

Every Tuesday I have a standing touch point with [REDACTED] I was attending by myself this week. When I walked in [REDACTED] wanted more clarification about the ROC drill he was attending tomorrow. I was surprised, told him that tomorrow wasn't for him it was for [REDACTED] and that I didn't think he was going until 15APR21, that we (G5) would never not prepare him for something or give a read ahead packet/prep meeting. [REDACTED] came in and confirmed the date was 31MAR21, that [REDACTED] was attending it, and that [REDACTED] provided the script as a read ahead. I asked [REDACTED] to get [REDACTED] and bring him into the office. [REDACTED] starts explaining to [REDACTED] will attend tomorrow. I was taken by surprise and caught flat-footed. I was livid. It felt like a setup, it looked like I don't have control of my shop and it's only four people, and that I'm not aware of what is being completed in my shop. [REDACTED] was instructed to build the packet and dismissed to go get started. I stayed in [REDACTED] office to complete the touch point. We scheduled the read-ahead and brief for the next morning.

When I returned to the office I requested [REDACTED] to go outside with me. We walked outside and down a little ways, I looked around to make sure nobody was around. I did go off on him and used the F-word multiple times, but it was not directed towards him. I even said to him that I know I'm saying the F-word a lot, but it wasn't to him, I was upset. I repeated that the expectations were not being met by him, that we never just send something given to us without analysis to a general officer. That we always create a read ahead packet and a preparatory meeting and I reiterated how I had just stated this to the entire section the previous week.

We went in separate directions afterward and returned to the office separately. I don't recall him coming back over to my desk, but if he did I would have given him guidance on what to focus on. I had given him an initial deadline to have the slides ready by 1600, he had them completed around 1700, but needed to do some readjustments. I asked [REDACTED] around 1800 if he was done and he replied that he was done after I had given additional corrections shortly after 1700. I asked why he didn't tell me he was ready and he said that he thought I was busy. I told him that I am always busy but tell me you're ready so that I can say "ok, let's go over them now" or "give me 15 minutes", etc. We went over the slides and I provided additional feedback. I told him to have the corrections done by 0900, we would rehearse, and then present to BG Burkett at 1030 on 31MAR21.

That same afternoon, I called a Team meeting, reiterated our communication methods, calendar, white-board, etc. I called out the importance of making sure what I'm saying and reporting is correct. That I'm not just CC'ing them on my reports for no reason. They should be reading and checking it for accuracy, then telling me if there is an error. I called [REDACTED] out for not correcting the ROC rehearsal I had listed for 31MAR21 and the ROC drill for 15APR21 on the CG Plans Update. I also called others out for issues in misreporting information regarding their planning efforts and time lines.

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES

## 9. STATEMENT (Continued)

Wednesday morning, just before [REDACTED] and I conducted the [REDACTED], I talked to him about why I was hard on him the day before. I told him that I see the potential in him and that he knows better. He acknowledged that he understood. We completed the rehearsal and brief, and [REDACTED] was pleased. [REDACTED] did a good job on the brief to [REDACTED].

Friday around noon, 02APR21, it was just me, [REDACTED] in the office. [REDACTED] asked to talk to me outside. [REDACTED] was concerned about [REDACTED] that [REDACTED] was shaky, that he had told him he hadn't been eating much or sleeping well. I said that I had noticed he was off too and that I would talk to him later on that day.

Later on that day, I asked [REDACTED] to talk to me outside of [REDACTED] office outside - we sat down on the t-wall. I asked him what was going on, if he was ok. He seemed frustrated and hesitant to tell me, but he told me that he had filed a 15-6 against me. I told him that that sucked and that was his right to do. I asked him why he hadn't said anything to me prior or even told others in the shop. He said that he had lost trust and felt like he couldn't. That hurt too. [REDACTED]

[REDACTED] I told him that it's important that he goes home healthy, his family needs him to be healthy, and that I'll support whatever he wants to do (as in redeploy early to address things, etc). I recommended that he talk to someone (BH doctor) outside of the 36th and that I don't take any of this conversation lightly. His health and well-being was most important to me. I told him to take the rest of the day off, for which he was thankful as he had only got 3-4 hours of sleep.

When [REDACTED] joined the team, I knew he had had difficulties as the BN XO. I told him that he had a clean slate with me, that I wasn't going to judge him for the past, only for what he brought to us moving forward. Apparently the division had a difficult time deploying and [REDACTED] was involved. As a result of being the redeployment planner, we had many touchpoints with the CoS and G3. There were comments made about it and it felt unnecessary, I asked that they stop making comments on how messed up it was deploying out here during briefings as [REDACTED] had been released from the HHBN XO position prior to coming to my shop. I'm loyal to my team and as long as they do the right thing, I will always advocate for them but do not betray the team.

I never felt that my interactions with [REDACTED] were over the top. I do have high standards and expectations that were communicated to all. I was holding him accountable. On Saturday, I talked to [REDACTED] again about how I genuinely care about him and he informed me about being assigned to a FLIPL and that he may not be in the shop any more. [REDACTED] seemed more like his normal self after Friday. He rejoined the team for social and development activities to include brunches and LPDs. I wish that he would have talked to me about his struggles and or issues. It's frustrating because it could have been handled at a lower level. I could have realized he needed a different approach. He is a team player and has good intentions.

Aside, if he finishes with the FLIPL I would like him to return to the team. I have no ill will towards him and we need the help.

## AFFIDAVIT

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

## WITNESSES:

Michelle Hinojosa

ORGANIZATION OR ADDRESS

36ID, HHBN

APO, AE 09306

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 12th day of April, 2021 at Camp Arifjan, Kuwait

HINOJOSA.MICHELLE.ELIZABETH.1030994562 Digitally signed by HINOJOSA.MICHELLE.ELIZABETH.1030994562  
Date: 2021.04.12 10:42:53 +0300

(Signature of Person Administering Oath)

Michelle Hinojosa

(Typed Name of Person Administering Oath)

Investigating Officer

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

# **EXHIBIT**

# **C**

## 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 Camp Arifjan, Kuwait	2. DATE (YYYYMMDD) 20210407	3. TIME 1630	4. FILE NUMBER TFS-21-F014
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS 36ID, HHBN, APO AE 09306			

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

I have not witnessed LTC Shepherd bully [REDACTED] or anyone else in the section.

The work environment in the TFS G5 section is not "toxic".

I have not witnessed LTC Shepherd harass [REDACTED]

LTC Shepherd has not singled out anyone in the office.

I believe LTC Shepherd treats everyone the same in the office. She expects a lot and is very candid with you when you are not meeting her expectations. Nothing follows.

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

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

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

STATEMENT OF [REDACTED] TAKEN AT Camp Arifjan, Kuwait DATED 20210407

9. STATEMENT (Continued)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 3 PAGES

STATEMENT OF [REDACTED] TAKEN AT Camp Arifjan, Kuwait DATED 20210407

9. STATEMENT (Continued)

**AFFIDAVIT**

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

**WITNESSES:**

Michelle E. Hinojosa

ORGANIZATION OR ADDRESS

36ID, HHBN

APO, AE09306

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 8th day of April, 2021 at Camp Arifjan, Kuwait

HINOJOSA, MICHELLE, ELIZABETH

(Signature of Person Administering Oath)

Michelle E. Hinojosa

(Typed Name of Person Administering Oath)

Investigating Officer

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 3 OF 3 PAGES

# **EXHIBIT**

# **D**

## 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 Camp Arifjan, Kuwait	2. DATE (YYYYMMDD) 20210408	3. TIME 1100	4. FILE NUMBER TFS-21-F014
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS 36ID, HHBN			

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

I did not notice any events occur prior to February 27.

There was a morning when [REDACTED] were both busy working on projects. I helped [REDACTED] out in the morning on questions he had. Later that morning, [REDACTED] went to LTC Shepherd for feedback, she gave him feedback and said that he needed to do this on his own and not ask me for help.

The workplace environment has its good and bad days, a lot depends on the stress, workload, or current schedule, but I would not describe it as toxic.

LTC Shepherd is particularly hard on [REDACTED] He produces products that do not meet her intent, then he goes back and redoes the work, and it still doesn't meet her intent. This often results in escalated tension between the two of them. She is more directive towards him, but they don't work well together. Maybe she pays particular attention to his work because she expects that his work will go in front of general officers.

This is noticeably different than how she interacts with me. She is not as hard on other members of the G5 section.

LTC Shepherd still includes [REDACTED] and considers him as part of the team. He is still invited to social events, but he sometimes declines.

The overall environment is not toxic or hostile, but I have noticed a difference in [REDACTED] Overall he was less inclined to talk or include himself in conversation. He is constantly working. The time difference he spends in the office compared to other members is noticeable, and he is reworking products if they do not meet LTC Shepherd's expectations.

She has high expectations at his rank, but it seems that she micromanages things he does, which can be perceived as aggressive.

On 30MAR, after the meeting with BG Burkett, I walked back into the office from a KLE. [REDACTED] was in her office space, he was talking to her. LTC Shepherd was acting aggressive and they both looked stressed. She said "Go on, get out of here. You have an hour to get this done." LTC Shepherd appeared to kick her foot in his direction. She did not seem to do it jokingly.

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

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

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

STATEMENT OF [REDACTED] TAKEN AT Camp Arifjan, Kuwait DATED 20210408

9. STATEMENT (Continued)

My perception is that [REDACTED] doesn't produce what is needed and I asked LTC Shepherd if I could help. She said no, that she had laid it all out for him and that he should know her expectations.

Tension exists on projects that he is working, mostly due to LTC Shepherd's criticism of his work, and he feels that can't associate with her on a personal level. [REDACTED] has declined to socialize with the G5 group and said that work is stressing him out.

I have noticed LTC Shepherd's leadership style can be very intense at times, and she has very high expectations of field grade officers. However, [REDACTED] has told me that he does not understand why he is not meeting her expectations, nor does he see any rewards for any progress he makes.

On 02APR, I came to work and noticed [REDACTED] seemed very shaky and distressed. [REDACTED] he said that he was tired of how LTC Shepherd was treating him. I told him to make sure he at lunch that day and that I would talk to LTC Shepherd.

When LTC Shepherd arrived in the office on 02APR, I spoke to her outside, telling her I was concerned about how [REDACTED] was doing. She said that she didn't realize how stressed he was over work and that she would change her approach to leading him.

I have not witnessed any blatant bullying.

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 3 PAGES

STATEMENT OF [REDACTED] TAKEN AT Camp Arifjan, Kuwait DATED 20210408

9. STATEMENT (Continued)

**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.

**WITNESSES:**

Michelle E. Hinojosa

ORGANIZATION OR ADDRESS

36ID, HHBN

APO, AE 09306

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10th day of April, 2021 at Camp Arifjan, Kuwait

HINOJOSA, MICHELLE, ELIZABETH

(Signature of Person Administering Oath)

Michelle E. Hinojosa

(Typed Name of Person Administering Oath)

Investigating Officer

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

**EXHIBIT**

**E**

# 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.

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

1. LOCATION Camp Arifjan, Kuwait	2. DATE (YYYYMMDD) 20210408	3. TIME 1330	4. FILE NUMBER TFS-21-F014
5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS E4	
8. ORGANIZATION OR ADDRESS 36ID, HHBN			

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

On 06MAR21 I was assisting [REDACTED] set up the conference room for a briefing. LTC Shepherd asked [REDACTED] how many WARNOs are in the MDMP process and I recalled just learning that and held up three fingers. She said something to I'm not certain, but it may have been "Are you serious?" Then LTC Shepherd said

[REDACTED] turned around and saw I held up three fingers and turned back to LTC Shepherd to discuss the WARNO's and the OPORD process, he said he was trying to publish the OPORD after the first WARNO.

LTC Shepherd left shortly after that.

[REDACTED]

<input checked="" type="checkbox"/> EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 1 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"

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

9. STATEMENT *(Continued)*

INITIALS OF PERSON MAKING STATEMENT

PAGE \_\_\_\_\_ OF \_\_\_\_\_ PAGES

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

9. STATEMENT (Continued)

AFFIDAVIT

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WITNESSES:

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

OR ADDRESS

36ID, HHBN

APO, AE 09306

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 9th day of April, 2021 at Camp Arifjan, Kuwait

HINOJOSA, MICHELLE, ELIZABETH

(Signature of Person Administering Oath)

Michelle E. Hinojosa

(Typed Name of Person Administering Oath)

Investigating Officer

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE \_\_\_\_ OF \_\_\_\_ PAGES

# **EXHIBIT**

# **F**

# 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.

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

1. LOCATION Camp Arifan, Kuwait	2. DATE (YYYYMMDD) 20210409	3. TIME 1000	4. FILE NUMBER TPS-21-F014
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8. ORGANIZATION OR ADDRESS

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

I what do I recall taking place between [REDACTED] and LTC Sheppard on 30 MAR 21 in [REDACTED]. I asked LTC Sheppard [REDACTED] because I needed to schedule a prep brief for a [REDACTED] that was scheduled for the [REDACTED] provided a summary [REDACTED] action officer, paragraph on the [REDACTED] plan a couple of days prior [REDACTED] and scheduled the rehearsal with my Aide-de-camp. However, no prep session was included. After reading the info provided, I told LTC Sheppard I needed more info on the conduct of the [REDACTED] ASG noted Rehearsal. She left and brought [REDACTED] back in to first, confirm I was required at the next day event. He confirmed and she was indeed surprised. Next she asked why he didn't schedule a prep and reminded him that was the section's standard practice. He started to provide an answer and acknowledged he should have, at which point she asked several additional "why-not" type questions. I asked each of them to sit down and I told her this was not the place to have that discussion. I then explained to [REDACTED] specifically, the types of questions I had to inform his prep and we scheduled it for the next morning. I held LTC Shepard back briefly to acknowledge that while [REDACTED]

10. EXHIBIT	11. INITIALS [REDACTED] EMENT	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" DATED [REDACTED]

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

STATEMENT OF 

9. STATEMENT (Continued)

it was perhaps a teachable moment, I felt we had time and I had no concerns.

2. Did you witness any demeaning language or tone on the part of LIC Sheppard? No. She was clearly agitated, but I didn't hear anything or see anything that I thought was unusual.

3. Have you ever witnessed her being overly aggressive?  
No.

INITIALS OF PERSON 

PAGE 2 OF 2 PAGES

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

9. STATEMENT (Continued)

AFFIDAVIT

WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY  
BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORR  
CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT  
THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL

WITNESSES:

Michelle E. Hinojosa

ORGANIZATION OR ADDRESS

361D, HHBn  
APD, #E 09306

ORGANIZATION OR ADDRESS

administer oaths, this 9th day of April, 2021  
at Camp Arifjan, Kuwait

Michelle E. Hinojosa

(Signature of Person Administering Oath)

Michelle E. Hinojosa

(Typed Name of Person Administering Oath)

Investigating Officer

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE \_\_\_\_ OF \_\_\_\_ PAGES

# **EXHIBIT**

# **G**

# SWORN STATEMENT

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

## PRIVACY ACT STATEMENT

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

1. LOCATION Came Arabian Kuwait	2. DATE (YYYYMMDD) 20210409	3. TIME 0805	4. FILE NUMBER TFS-21-F014
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9. I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Recollect the moment / Time when the event took place. I was working on projecting presentation while the conversation was being held. Because I was primarily focused on the presentation I do not remember <sup>exactly</sup> what LTC Shepherd said. I do recall it had to do with ~~the~~ how many WARNORDs are published before an order, and a reference to <sup>knowing</sup> didn't seem happy at the answer. I have not witnessed the comment that was made. I have not witnessed any other setting that has had a similar outcome. I was under the impression they had a good working relationship.

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

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

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

9. STATEMENT *(Continued)*

INITIALS OF PERSON MAKING STATEMENT

PAGE \_\_\_\_\_ OF \_\_\_\_\_ PAGES

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

9. STATEMENT (Continued)

AFFIDAVIT

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

WITNESSES:

Michelle Hinojosa

ORGANIZATION OR ADDRESS

361D, HH Bn.  
APC, AE 09304

ORGANIZATION OR ADDRESS

administer oaths, this 9th day of April, 2021  
at Camp Arifjan, Kuwait.

Michelle E. Hinojosa  
(Signature of Person Administering Oath)

Michelle E. Hinojosa  
(Typed Name of Person Administering Oath)

Investigating officer  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE \_\_\_\_ OF \_\_\_\_ PAGES

# **EXHIBIT**

# **H**

# 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).

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

1. LOCATION Camp Anfin. Kuwait	2. DATE (YYYYMMDD) 20210409	3. TIME 1050	4. FILE NUMBER TFS-21-FOH
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8. ORGANIZATION OR ADDRESS  
TFS C5 36TD

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

I arrived at the GS shop just a short while before 1400 on 30MAR21. LTC Shepherd and [REDACTED] were the only two people inside when I arrived. I began to start into my research, and I asked to look at something I had found. He replied that he could not look at the moment because he was under a tight deadline to produce a slide deck.

I then noticed stress in [REDACTED] voice and observed that his leg was tapping very rapidly. A few minutes later, LTC Shepherd told [REDACTED] "let's go take a walk." The two of them then left the room. Once everyone in the section was back in the room, LTC Shepherd called everyone for a team huddle.

LTC Shepherd stated that she wanted to stress the importance of reporting information up the chain of command. She reviewed the methods we as a shop

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

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

STATEMENT OF

9 APR 21

## 9. STATEMENT (Continued)

were required to track and report information. She emphasized the CG's Planning Update slide that she emails to everyone each week. She said that she sends the slides out for everyone to review for accuracy, and if there are errors they must be reported to her. She said that she did not want to brief bad information to the CG.

She did not provide a reason why she was talking about reporting information, and she did not name anyone. However, I inferred that someone in the shop did provide incorrect information. I assumed that [redacted] was the subject of her meeting due to his nervousness and LTC Shepherd's agitation.

Later, I noticed that [redacted] grew more nervous as his deadline approached, and LTC Shepherd reminded him about 15 till the hour that his time was nearly up. She told him that she wanted to see his slides printed. She would review his slides, and she had him make corrections at least twice.

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES

STATEMENT OF

TAKEN AT

Camp Arifjan, Kuwait

DATED

9 APR 21

## 9. STATEMENT (Continued)

Everyone in the shop worked later that day - past 1800. Once everyone but

LTC Shepherd does not single anyone out from what I have seen. She can come off as abrasive if she thinks a subordinate is going in the wrong direction with a task or brain storming session. By abrasive I mean, elevated tone and pitch, stern expression, & full admonishment - followed by an explanation of where or how she wants the subject to go or be. These episodes pass quickly, and she does not seem to harbor any grudges from them.

READ OR HAVE HAD READ TO ME THIS STATEMENT

WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

## WITNESSES:

Michelle Hingor

ORGANIZATION OR ADDRESS

301D, HHBn  
APO, AE 09306

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 9th day of April, 2021 at Camp Arifjan, Kuwait

Michelle Hingor

(Signature of Person Administering Oath)

Michelle Hingor

(Typed Name of Person Administering Oath)

Investigating Officer

(Authority To Administer Oaths)

INITIALS

STATEMENT

PAGE 3 OF 3 PAGES

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