



NATIONAL GUARD BUREAU

111 SOUTH GEORGE MASON DRIVE
ARLINGTON VA 22204-1382

ARNG-HQZ-A

10 September 2022

MEMORANDUM FOR RECORD

SUBJECT: Timeline of Events and Circumstances Surrounding CPT Jose Moreno and [REDACTED] Legal Matters in Response to Director, Army National Guard (DARNG) Serious Incident Report (SIR) 22-0483: Negative Media.

1. Purpose. To provide my account of the facts surrounding the legal matters of CPT Jose Moreno.
2. Background. On 14 July 2022, Arlington County Police executed an arrest warrant at the Herbert R. Temple, Jr., Army National Guard Readiness Center (TARC), on behalf of Prince William County (PWC) Police, to take CPT Jose Moreno into custody for assault and domestic abuse. MAJ Matt Jordan, HHC Commander, ARNG, immediately initiated a no contact order and coordinated through CPT Moreno's chain of command. MG Baldwin notified the Director, Army National Guard (DARNG), LTG Jensen of the matter that same day. Until 22 August 2022, MAJ Jordan continued to serve as the primary point of contact (POC) and action officer for the case. On 22 August 2022, MAJ Jordan recused himself of the case because of potential bias against the subject, CPT Moreno. Then, Resident Agent in Charge (RAC) Daniels from Fort Myer CID notified me that I would serve as the primary POC moving forward. Since 22 August 2022, I have been serving as the primary POC and action officer for military legal matters concerning CPT Moreno's case.
3. The facts and circumstances described herein are recalled to the best of my ability from face-to-face meetings, telephone conversations, e-mails, and documents.
4. Timeline of Events.
 - a. 14JUL22. CPT Moreno was arrested while on duty at TARC. CSM Gary, HQ BN Command Sergeant Major, notified me that a Soldier was being arrested and he was assisting with the process. MAJ Marable, CPT Moreno's immediate supervisor, met with me to discuss his concerns about how the events unfolded. At my request, MAJ Marable provided an MFR to document the events and his concerns with how the arrest process was executed by TARC Provost Marshal Officers.
 - b. 15JUL22.

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(1) I scheduled a meeting with PMO to discuss concerns with how CPT Moreno was arrested, to identify a process that facilitates discretion while serving the interests of law enforcement, and develop a better relationship with PMO and the BN.

(2) MAJ Jordan notified Ms. Benz, MAJ Marable, and CPT Searls (CPT Moreno's leadership) that he would serve as their POC for matters concerning CPT Moreno's legal matters. MAJ Marable notified the command that CPT Moreno posted bail and that he had a court date set for 14 August 2022. Additionally, MAJ Jordan notified CPT Moreno's leadership that CPT Moreno would be flagged, that they should determine CPT Moreno's work status (i.e. telework, report for duty, leave, etc.), and requested insight to assess if CPT Moreno was a security risk to determine whether to informally or formally suspend his clearance.

(3) In response to MAJ Jordan's e-mail, I directed him to contact CPT Slaughter, his counterpart at Fort Myer to find out how they handle similar matters and to discuss how to handle cases like this (e.g. domestic violence), ensuring we do all that is required such as securing weapons, etc.

(4) MAJ Jordan contacted CPT Moreno's leadership to confirm if CPT Moreno had access to firearms and/or if there were firearms in the house; if the answer was yes, then we need to mitigate risk by having a supervisor (to witness) and a trusted weapons custodian (to secure the weapons). MAJ Jordan issued a no contact order through CPT Moreno's leadership. He instructed CPT Moreno's leadership to notify CPT Moreno of the no contact order, stating specifically that CPT Moreno is not to go within 2 miles of the residence unless escorted by leadership or law enforcement, and that he would be issuing a military protective order (MPO). (False Narrative and Statement)

(5) CPT Searls confirmed that all information was relayed to CPT Moreno. CHE also stated that MAJ Marable spoke with CPT Moreno around 1450 and CPT Moreno stated that he had coordinated with MAJ Fontaine to secure his weapons, that he acknowledged the no contact order, and he informed leadership he was staying with a fellow G3 Soldier. CPT Searls informed the command that CPT Moreno was teleworking until further notice, all his classified tasks were passed to a teammate, CPT Moreno would be on leave from 18-22 July 2022, and that his first court appearance was 18 July 2022.

c. 18JUL22. MAJ Marable stated there were no significant updates. ICW Ms. Kidd, TARC Activity Security Branch Chief, MAJ Jordan formally suspended CPT Moreno's

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clearance due to the class 6 felony charge. Additionally, MAJ Jordan flagged CPT Moreno under code M (law enforcement investigation). CPT Moreno's court date was rescheduled to 27 September due to improper service. (False Narrative and Statement)

d. 21JUL22. Company and battalion command teams met with PMO and developed process for serving arrest warrants on Soldiers present for duty at TARC.

e. 26JUL22. I forwarded what legal documents we had to LTC Ridgel, HQ BN, ARNG SJA POC. We discussed the case. From an adverse action perspective, the command was in a hold status until civilian legal matters resolved and the CID investigation complete. The command would continue to remain engaged and follow-up as court dates came about.

f. 22AUG22.

(1) MAJ Jordan signed the MPO and e-mailed to RAC Daniels with supporting documentation (i.e. warrants, court documents, and clearance suspension paperwork).

(2) RAC Daniels called me to notify me that MAJ Jordan should recuse himself because of a biased comment in an e-mail earlier the same day. The comment was "This disgusting behavior makes me sick to my stomach." As such, to protect the integrity of the case I took over as the command's primary POC and action officer.

(3) After receiving the phone call from RAC Daniels, I immediately researched the details of the case, status of events, and actions pending. MAJ Jordan and I spoke with [REDACTED] Family Advocacy Program (FAP) [REDACTED], on the phone and I introduced myself. She stated that she would like to coordinate a meeting with [REDACTED], to which I agreed. MAJ Jordan provided [REDACTED] contact information by forwarding an e-mail chain between him and various elements in the Fort Myer FAP office, CID, and MDW SJA. The e-mail from 22AUG22 revealed several concerns from [REDACTED] perspective:

(a) [REDACTED] the victim, stated weapons were still in the home where she lived. Of note, CPT Moreno had vacated the residence and was compliant with the *ex parte* CPO and no contact order. Regardless, [REDACTED] had to coordinate with PWC police o/a 19AUG22 to have the weapons removed from the home. PWC police stated they were told by CPT Moreno that the weapons were already removed

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from the home. Additionally, PWC police stated some of the weapons/accessories may be considered illegal to possess in Virginia. (False Narrative and Statement)

(b) [REDACTED] is distrustful of the command because no one reached out to see how she and her children were doing. As well, she felt 'the command afforded several courtesies (e.g. not visiting or confirming weapons were removed from the home) that significantly compromised her safety and the safety of her child'. (False Narrative and Statement)

(c) As a result of her concerns, she wanted to meet with MAJ Jordan's supervisor and the commanding officer over all NGB. [REDACTED] intends to file IG and Congressional complaints to address her issues of concern if she is not given the opportunity to meet with leadership. (False Narrative and Statement)

(d) Child Protective Services was delayed in providing appropriate services due to a delay in notification. At the time of this e-mail, [REDACTED] stated that from a safety perspective all bases were now covered to include CID notified, weapons secured, protective order scanned into National Criminal Information Center (NCIC), CPT Moreno was flagged, and an MPO in place that was in addition to the *ex parte* Civilian Protective Order issued 14JUL22. A copy of the MPO was provided to [REDACTED] at her request to provide to CPS, PWC Police, and for her records. (False Narrative and Statement)

(e) [REDACTED] advised that she would contact CPT Moreno for [REDACTED]; after which, [REDACTED] behavioral health and SUDCC evaluation.

(4) I e-mailed MAJ Marable and CPT Searls to determine if CPT Moreno had attended the 14AUG22 court date that was previously relayed to the command teams.

(5) After reevaluating the situation, I realized we may not have been executing MDW SIR/CCIR actions IAW their protocol. I contacted LTC Jay Bao, HQ BN, USA Battalion Commander, to ask if he sends a 5 W's report for any MDW withhold policy misconduct. He provided the CCIR matrix. I immediately tasked my S3 to contact ARNG Watch and HQ BN, USA's S3 and develop HQ BN, ARNG CCIR process that is nested with MDW, JBM-HH, and ARNG Watch. I had previously tasked the CSM on 16MAR22 to action this task; however, he failed to complete it and did not conduct a proper task hand. (False Narrative and Statement)

g. 23AUG22.

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(1) MAJ Marable replied to my e-mail stating that he was unsure if CPT Moreno went to court on 14AUG22 but that he had been to court at some point since his arrest. CPT Moreno was now under the leadership of LTC Stewart Adams, SIG Chief, G3/5/7.

(2) I messaged LTC Adams and scheduled a meeting with him the same day. I informed LTC Adams of the matters involving CPT Moreno; asked about CPT Moreno's work schedule and demeanor; if LTC Adams believed CPT Moreno to be a threat to himself or others; advised that I would be the POC for any military legal matters concerning CPT Moreno; and asked that he continue to support and assess CPT Moreno – contacting me if anything changes. LTC Adams stated that CPT Moreno reports to work most days but does telework, he doesn't appear to be a threat and is professional in the office, that he understood the need to support CPT Moreno through the process and that there would be times I will command direct CPT Moreno to attend various appointments.

(3) I e-mailed CPT Moreno to notify him that moving forward I would be his POC instead of MAJ Jordan. Furthermore, I informed him that all orders (verbal or written), to include the MPO were still in effect and asked if he attended the 14AUG22 court date that MAJ Marable had mentioned. Lastly, I told him that if he had any questions or concerns as we address his matters, to reach out soonest.

(4) MAJ Jordan resent the MPO with signatures.

(5) CPT Moreno responded to my e-mail with his notice to appear for 27SEP22 and 27OCT22, stating that he was not tracking a 14AUG22 court date.

h. 24AUG22.

(1) [REDACTED] e-mailed me to coordinate a meeting with [REDACTED]. She stated that [REDACTED] wanted to pass along information about inappropriate behavior within the command structure such as steroid use, fraternization, and cover-ups by leadership. Additionally, [REDACTED] to support her allegations. [REDACTED] also wanted to address her concerns over how her case had been handled and how she felt the safety of her and her children were significantly compromised due to command's involvement in the situation. [REDACTED] stated that given her availability this week, that we may need to push it to next week.

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(2) After reading the e-mail, I spoke with LTC Donna Ridgel, SJA to HQ BN, ARNG for guidance. She advised that I not take any physical evidence to protect any investigation that may follow because of possible concerns with how [REDACTED] came into possession of the evidence. We agreed that after I met with [REDACTED] I would follow-up with SJA and CID to ensure we followed proper procedures should any allegations warrant further action.

(3) I replied to [REDACTED] stating that I am willing to meet with [REDACTED] and hear her concerns; however, I will not take any documentation/evidence with me from the meeting. I provided availability on Tuesday, Wednesday, and Thursday of the following week.

(4) [REDACTED] confirmed with [REDACTED] that Tuesday, 30AUG22 at 1000 worked for all parties involved. As well, [REDACTED] set clear expectations that I will listen to all that [REDACTED] has to say but will not take any physical evidence with me. (False Narrative and Statement)

i. 25AGU22.

(1) [REDACTED] informed me that CPT Moreno was to report [REDACTED] on 26AUG22 at 1400.

(2) I e-mailed CPT Moreno to acknowledge the appointment notification and advise me of where he is staying, his current work status (e.g. report daily, telework, etc.), any requirements to check in with leadership, and confirm firearms were removed from his residence o/a 15JUL22.

(3) CPT Moreno confirmed receipt and acknowledged the meeting. As well, he stated that he was staying with LTC Ryan Nelson, gave LTC Nelson's address, that he reports to TARC and will be teleworking on Mondays, and that PWC police were told of the location of his weapons and that they're now in possession of them. (False Narrative and Statement)

(4) I replied to CPT Moreno asking if his leadership had imposed any additional requirements such as making contact with his supervisor during the week or weekends, what date did PWC secure the weapons, and if MAJ Fontaine had in fact secured the weapons from his residence o/a 15JUL22 as we had been notified. (False Narrative and Statement)

(5) CPT Moreno replied that he was not required to contact his supervisor outside of regular personnel status accountability during the week. CPT Moreno stated that when PWC asked to secure his weapons, he provided them MAJ Fontaine's

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information and that MAJ Fontaine said he was never contacted – stating this conversation occurred on 15JUL22. (False Narrative and Statement)

(6) I sent an initial CCIR to JBM-HH BDE command teams, TARC command teams, TARC SJA, MDW SJA team, CID, and FAP. I excluded ARNG leadership as they were made aware of the incident the day it occurred on 14JUL22. I acknowledged the extreme delay in this CCIR and that we (HQ BN, ARNG) are actively pursuing integration and execution IAW the established notification processes for MDW/IMCOM CCIRs.

j. 26AUG22. COL Bowling, JBM-HH Commander, responded to the CCIR thanking us for the information, acknowledging the assessed risk as low, and offering help from him and his team as needed.

k. 30AGU22.

(1) I met [REDACTED] in her office prior to meeting [REDACTED]. [REDACTED] gave me some background on [REDACTED] situation to include her previous relationship and military matters. The context was important to understand why [REDACTED] is concerned with the handling of her case and weary of leadership. Of note, [REDACTED] has two children from a previous relationship. [REDACTED] deceased ex-husband committed crimes against them and was in jail where he committed suicide. Additionally, [REDACTED] stated that [REDACTED]. [REDACTED] but either left Service and/or was administratively separated. Noteworthy, [REDACTED] spoke of her prior service in a way that led me to believe she was no longer serving. Afterwards, [REDACTED] showed me two videos provided by [REDACTED]. The first was CPT Moreno striking [REDACTED] his son, who was standing on the bed with enough force that [REDACTED] was knocked down. Additionally, the second video shows [REDACTED] in what appears to be a state of shock in a living room. She sits on the floor and CPT Moreno appears holding [REDACTED] saying that he didn't mean to hit her face. He appears concerned for her at first, starts to walk away, then turns back and tells her she's fine and to get up. (False Narrative and Statement)

(2) Immediately following my initial meeting with [REDACTED] I met with [REDACTED] for an hour. [REDACTED] facilitated the meeting. I expressed my sympathy for the situation she is going through, that the command is here not only for the Soldier and the leadership – but the victims too, that we will do what we can to support her as we navigate this process. [REDACTED] expressed her concerns and lack of trust and faith with leadership. I acknowledged that actions may not have occurred as she wanted; however, the

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command took appropriate steps to address the situation as we understood it. I also expressed that in any situation there are always things that can be done better. The command learned from the concerns raised regarding her situation and we improved our processes and developed additional check and balances. Specifically, [REDACTED] expressed concerns with the following: (False Narrative and Statement)

(a) The MPO was signed 23AUG22, but CPT Moreno was arrested 14JUL22. I stated that while the MPO was signed last week, the verbal no contact order and order to remove firearms on 15JUL22 from the home were just as valid as a written order. Additionally, [REDACTED] had a valid *ex parte* CPO in place since 14JUL22. (False Narrative and Statement)

(b) The firearms were never secured from the home and nobody from the leadership confirmed. I informed her that we immediately instructed his leadership to secure the weapons and we were given confirmation the same day that the weapons were secured. She expressed concern that we did not physically validate this. I acknowledged but did not address this comment specifically. I referred to what we had been informed by his leadership. (False Narrative and Statement)

(c) Nobody from the command contacted her about her or her child's well-being. I apologized and said that I am now involved and will be checking in regularly.

(d) Her loss of trust and lack of faith with the command to address anything going on inside the building. I acknowledged how she perceived our actions but reassured her that MAJ Jordan and the command were always actioning in her best interest. That MAJ Jordan is very diligent in his duties and is extremely concerned with the well-being of all parties involved. (False Narrative and Statement)

(e) Her concern that CPT Moreno would try to kill her and himself. She stated that on several occasions CPT Moreno has described in detail how he would kill her and then himself. Most recently, she alleges that he plans to carry out a murder-suicide event on his birthday 22SEP22. [REDACTED] addressed this by reminding her of the safety plan they've developed and that she'd speak with me about implementing additional control measures for CPT Moreno. As of 11SEP22, I have not seen the safety plan [REDACTED] mentioned. (False Narrative and Statement)

(f) Lastly, [REDACTED] raised allegations of steroid use, fraternization, adultery, leadership misconduct, and cover-up within NGB. She stated there were approximately 30 individuals that could be implicated for one or more of the allegations.

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[REDACTED] stated that she has evidence to support her allegations because of coming into possession of CPT Moreno's phone. Allegedly, CPT Moreno misplaced his phone and a woman who found it called the last person he messaged, which was [REDACTED] asking if she wanted his phone. When [REDACTED] acquired CPT Moreno's phone, she discovered texts, pictures, and videos to support the allegations of steroid use, fraternization, adultery, leadership misconduct, and cover-up within NGB. After going into some detail, I asked if she could recall some of the names. She mentioned by name officers from Captain to Colonel, some enlisted Staff Sergeants and above, and civilians. She stated that I should have been aware of this. I explained to her that while the command is new, the way building's organizational structure is designed does not afford me an opportunity to observe behaviors of various directorates. Using [REDACTED] [REDACTED] former military service for a framework, I expressed our command structure is not like a normal line unit. We are administratively responsible for the Soldier's assigned to TARC; however, they have their own chain of support/command. The directorate leadership or someone from that section would need to make the command aware of issues for us to assess and if necessary, act against. I stated that since she has brought this to my attention, that I would meet with my legal advisor and my leadership to address how to proceed. I told her that we would act IAW applicable procedures, policies, and regulations. **(False Narrative and Statement)**

(3) I ended the meeting by providing my business card to [REDACTED]. [REDACTED] C [REDACTED] and I all agreed that I would continue to work through [REDACTED] instead of contacting [REDACTED] directly. [REDACTED] walked me out and said she would be in touch.

(4) After returning to the office, I immediately started calling my advisors. I contacted LTC Ridgel regarding the allegations. After speaking with her, I spoke with CID RAC Battleman, RAC Daniels replacement, to inquire if they would be willing to investigate these matters. That I had great concern about investigating internally due to the information coming from [REDACTED] suggesting leadership cover-ups, misconduct, and threats to her safety. RAC Battleman advised that due to the way in which the evidence (phone) was acquired and that no victim had come forward regarding the nude pictures allegedly being texted between Soldiers or the adultery allegations, they would not be best suited to investigate. He said they may investigate the steroid use; however, he wanted to contact a military narcotics unit recently established in the Washington, D.C. area first. I contact CPT Markeson, MDW TC, to discuss options for confinement of an officer who resides off post.

I. 31AUG22.

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(1) After discussing matters with MDW and ARNG SJAs, I updated CPT Moreno's MPO. I corrected administrative errors and clarified information to support the issuance of the MPO. Additionally, I issued written orders in a memorandum further restricting CPT Moreno from being near weapons, that he must check-in with leadership twice a day when not present for duty, and to notify both his technical (LTC Adams) and administrative (LTC Shepherd) chains of command any time he relocates.

(2) I advised [REDACTED] that I was adding more restrictions and requirements on CPT Moreno. She mentioned the possibility of confinement to post and provided administrative corrections to make on the second MPO from the first one. I made the corrections and added the command directed evaluations. I told her that CPT Markeson and her Chief Justice were looking into options for confinement. (False Narrative and Statement)

(3) I coordinated with LTC Mitchell, ARNG CoS XO, to schedule a meeting with MG Baldwin (ARNG CoS), LTC Ridgel (HQ BN, ARNG SJA), I to discuss the allegations that [REDACTED] had mentioned the day before.

m. 01SEP22.

(1) I spoke with [REDACTED] and completed the paperwork for command directed behavioral health evaluations. [REDACTED] informed me that the Incident Determination Committee (IDC) meeting for CPT Moreno's FAP case has been scheduled for [REDACTED]. I told her I would be out of the office and asked what my options were.

(2) I spoke with LTC Nelson about the requirement for CPT Moreno to not be around weapons, notify me if CPT Moreno vacates his apartment, and to let me know if he or CPT Moreno needed anything. Additionally, due to weapons in LTC Nelson's home that I was ordering CPT Moreno to vacate his residence. I sent an event-oriented DA 4856 counseling to LTC Nelson for signature. He returned the counseling on 06SEP22.

(3) I met with CPT Moreno at 1630 and issued the new MPO and MFR to him. We reviewed the administrative data for accuracy, I read through the entire MPO and MFR, and asked if he had any questions. CPT Moreno said that he understood and acknowledged all. LTC Mitchell, ARNG CoS XO, served as my witness. CPT Moreno and I both signed the MPO and MFR.

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(4) I spoke with LTC Adams about the requirements I had imposed on CPT Moreno. I asked that he advise me if CPT Moreno does not check in, if his demeanor changes, or if he or CPT Moreno need anything. I instructed him that anytime CPT Moreno relocates, that he should be notified as well.

(5) I e-mailed the updated MPO and MFR to TARC SJA, MDW SJA, CID, and FAP.

n. 02SEP22.

(1) [REDACTED] coordinated for a behavioral health evaluation on 08SEP22 at 1400. I coordinated for an escort with 1SG Lenwood and notified CPT Moreno.

(2) [REDACTED] replied to my concern for the IDC advising that my XO could attend in my stead. I tasked MAJ Stumbo, my S3/XO, to serve as my representative, complete the training, and contact [REDACTED] soonest.

(3) I e-mailed [REDACTED] to check-in on [REDACTED] and see how she, [REDACTED] and her other two kids were doing. As well, I wanted to make sure that I'd addressed what I could of what she asked for on Tuesday and to see if there was anything else [REDACTED] is seeking that I could assist with. [REDACTED] replied that she had checked in with her this morning and [REDACTED] felt reassured by the updates in the MPO and the actions that I'd taken thus far. [REDACTED] said she would let her know that I reached out to check on her and the children and follow-up to see if there is anything else we can do to support her. (False Narrative and Statement)

(4) I received an e-mail from [REDACTED] Department of Social Services, asking for an address to get a letter to CPT Moreno. On 04SEP22, I provided his current location's address and also advised she could have it sent to NGB proper. (False Narrative and Statement)

o. 06SEP22.

(1) LTC Adams notified the command that CPT Moreno had tested positive for COVID using a home-test kit. CPT Moreno was to quarantine until Monday, 12SEP22 but would continue to telework.

(2) As a result of CPT Moreno's test, I contacted [REDACTED] reschedule his behavioral health appointment to the following week. She responded with sympathy and

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said she cancelled his appointment and would get back to me with a new date and time. She e-mailed the same day with his new appointment for 13SEP22 at 1300, advising that the clinic only requires a 5-day quarantine and to wear a mask. (False Narrative and Statement)

(3) I e-mailed [REDACTED] asking for the names of those involved in the steroid use only. I wanted to commend direct a urinalysis prior to opening, or initiate nearly simultaneously, an investigation into all the allegations to prevent tipping off potential subjects. As mentioned, I also informed her that I was coordinating for an investigation into all the allegations that [REDACTED] had brought forward. (False Narrative and Statement)

(4) LTC Ridgel and I met with MG Baldwin regarding the allegations raised. I required his assistance to appoint an O7/Brigadier General investigating officer (IO) from outside TARC as a result of at least two O6/Colonels being involved. He acknowledged and I would follow up with him on the status of an IO the following week.
p. 07SEP22.

(1) [REDACTED] e-mailed me asking if CPT Moreno went to a military treatment facility (MTF) for confirmation of a positive test because she did not see a record if it in the system. I replied that he did not, that it was a home-test kit. [REDACTED] replied that it was her understanding active duty service members cannot be sick in quarters unless they go to an MTF, or at a minimum, consult with their PCM. She recommended that he contact his PCM for additional guidance. Of note, CPT Moreno was not sick in quarters; rather, he was teleworking while quarantining because of a positive COVID test. Regardless, I asked [REDACTED] to provide the policy/guidance she was referencing because if true, then NGB may not be following proper procedures. (False Narrative and Statement)

(2) As a result of [REDACTED] e-mail, I asked CSM Gary and 1SG Lenwood what TARC's protocol was for COVID testing and quarantining. Their responses indicated that there was no requirement to go to an MTF unless symptoms were severe and how a test was verified positive was section dependent. I stated there would be more to follow as I was assessing if we needed to adjust our policies or not regarding testing (referencing my request to [REDACTED] on policies/guidance).

(3) I informed CPT Moreno of the new date and time for his behavior health evaluation to which he acknowledged.

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(4) I contacted my UPL, LTC Bao, and RAC Battleman regarding a command directed urinalysis for steroid use to ensure we executed the event IAW applicable laws and regulations. LTC Bao said that he had no insight and directed me to Mr. Himmelberger. RAC Battleman stated that urine should be sufficient and to have my UPL contact the Fort Myer Drug Testing Coordinator. SSG Runyon, UPL, contacted Mr. the DTC and received the necessary paperwork to request steroid testing and advised that we coordinate with our local SJA for submission. (Improper Procedure of Regulation)

q. 08SEP22.

(1) [REDACTED] replied to the COVID testing request with a "best practice" email on tracking Soldiers and COVID. She said that because CPT Moreno has proven untrustworthy and named as a subject of distributing steroids, that I should take more precaution in his matters. She asked if the service member provides his location by dropping a pin or if the command is physically able to verify his whereabouts during the week and weekend. I did not respond to her e-mail as I had already provided information to [REDACTED] on the precautions I put in place. (False Narrative and Statement)

(2) Detective Laura Moore contacted me with questions about CPT Moreno's MPO. She was responsible for putting his MPO in NCIC and asked about Brady Indicators and race for CPT Moreno and [REDACTED]. After seeking counsel from LTC Ridgel on the Brady Indicator, I replied to Det. Moore and we finally resolved matters on 09SEP22.

r. 09SEP22.

(1) LTC Nelson contacted me regarding an award for processing. I used this opportunity to ask him how CPT Moreno was doing; at which point he stated that he had moved out the day before but was symptomatic.

(2) I e-mailed CPT Moreno to see how he was feeling. He responded stating that he was doing ok. He did not provide information that he had moved. I replied asking where he was staying. He responded by saying he moved Wednesday evening and was residing in CPT Lindsey Burke's apartment, provided the address, her phone number, and that no weapons were present in the home.

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SUBJECT: Timeline of Events and Circumstances Surrounding CPT Jose Moreno and [REDACTED] Legal Matters in Response to DARNG SIR 22-0483: Negative Media.

(3) I contacted LTC Adams and asked that we speak once or twice a week about CPT Moreno. I notified him that he'd moved. He told me that CPT Moreno was teleworking.

(4) I called CPT Burke and informed her that while CPT Moreno is staying with her that he is not to be around firearms; to notify me if CPT Moreno vacates her residence; and to let me know if she or CPT Moreno needed anything. I e-mailed an event-oriented DA Form 4856 counseling for her to sign acknowledging our discussion and advised that I would follow-up with her upon my return from leave. She has until COB, Monday 12SEP22 to respond.

(5) I instructed CSM Gary to determine the COVID testing requirements by MTF for Fort Myer, Fort Belvoir, Walter Reed, and Fort Meade. Additionally, to nest those requirements, if any, with any guidance issued by HQDA, MDW, or the Washington Headquarters Service. Once the requirements are understood, to determine if HQ BN, ARNG should develop and issue policies to clarify COVID testing, reporting, and quarantining guidance for TARC-assigned Soldiers.

(6) LTC Bao, HQ BN, USA, forwarded an e-mail chain from JBM-HH's Director, Public Affairs regarding the FAP case making the news. I immediately notified MG Baldwin and initiated an SIR IAW DARNG's CCIR #7: Incident of concern to the ARNG enterprise based on the gravity, nature, potential for significant adverse publicity, or consequences of the incident; as well as, I included our SJA, LTC Ridgel. The article can be found at: <https://militarycorruption.com/national-guard-leadership/>.

(7) I e-mailed [REDACTED] to follow up on my earlier request for names of those individuals involved in the steroid use allegation. I sent a separate e-mail asking how [REDACTED] and her children are doing and if there is anything else we can do to support her. To date I have not received a response. (False Narrative and Statement)

5. The point of contact is LTC Colleen Shepherd, Battalion Commander, HQ BN, ARNG, [REDACTED] or [REDACTED]

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COLLEEN M. SHEPHERD
LTC, AD
Commanding