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The Duty of Supporting Soldiers

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Abstract

When a soldier in our charge is requesting for our reference for their past performance and character when they are receiving UCMJ, we as leaders have the duty and morale responsibility to stand up and support our soldiers who we are in charge of. Often, we are quick to fear what the higher chain of command perceives a weakness if we professionally support the past performance and future potential of our soldiers who are receiving punishment under UCMJ or court martial. Recently, I was ordered to speak on behalf of one my past NCO's Court Martial.

The Duty of Supporting Soldiers

An ethical dilemma that all Army leaders have and will always face is, we as leaders are accountable for soldiers in our command and must honestly support our soldier no matter what the past performance was, positive or negative. When a soldier gets into trouble and is going to receive either punishment under the Uniform Code of Military Justice (Article 15), a Court Martial, or being Chaptered from the Army, we are often faced with the dilemma of having to provide character statements, or references.

In January 2007, I was informed of a situation regarding 18 soldiers in the regiment; with 8 of the soldiers assigned to my company. The Colonel residing over the UCMJ dismissed 4 soldiers UCMJ, due to insufficient evidence. Allegedly, they all received false college transcripts from an accredited college via one of my NCOs. The 14 soldiers were read their Article 32 rights, interviewed and finally charged with submitting false records for promotion. We all were surprised to find out that the interviews all pointed to my SSG and the Battalion Promotion NCO would receive court-martials.

The events that led to the incident occurred prior to my arrival to the unit in the summer of 2005. Each soldier received a signed, with a professionally raised seal, transcript from a college for 83 semester hours each from a Non Commissioned Officer in my company. They all claimed to have paid my Staff Sergeant, a Section Sergeant, who claimed he could get soldier's college credit from a friend he made at while attending BNCOC; this friend's wife worked for the college; where they matriculate soldier's military experience, from actual training certificates and the Enlisted Records Brief, for college credit and the soldiers would receive the credit much quicker than the local college for the about the same price that other institutions charge, over \$200 for each soldier.

In October 2007, 10 days prior to the General Court Martial convening, the former NCO requested that I speak on his behalf as the defendant, I explained that I would speak on his stellar performance while he worked in my company; I informed him I could not speak on his behalf as a truthful soldier, since I believed the NCO was guilty of ruining others careers. I was then ordered to speak on his behalf as an excellent NCO, who recently became a commissioned officer. While under my leadership as a Company First Sergeant, his performance was nothing but outstanding for the 18 months while in my company, he was a go to NCO for any company training event and was an outstanding leader for his soldiers. The commander and myself personally supported him through his reinstatement of his security clearance, caused by a divorce and bankruptcy; I mentored him to earn the rank of Sergeant First Class in the summer of 2006. In late 2005, he desired to become an officer and the entire command recommended that he attend Officer Candidate School in September 2006; he became a commissioned officer in our Army in December 2006. After his commissioning and just prior to the incident, his high reputation was the basis for his selection to become the assistant S4 in a newly formed Battalion.

Unfortunately, I felt that I was prejudiced since the April and May 2007 UCMJs. I had to speak on the behalf of eight of my NCOs and soldiers who received UCMJ Article 15 actions that were the result of the former SSG's action. Because of the trust that the soldiers possessed for the NCO, they were administratively demoted, if they were promoted with the college transcripts, and all were obligated to pay back any pay received with the promotion, as well as any bonus received if the soldier reenlisted. Two superb Staff Sergeants that were administratively demoted had to pay in excess of \$10,000 each.

The ethical dilemma that this situation creates, just like many others may face on any given day is: When we as leaders in charge of soldiers are asked to speak or write a letter on an

exceptional soldier's behalf reference character and their performance it is simple to speak on the positive impact they have made to the team. As soon as a soldier gets in trouble or is charged with an offense, we assume the worst and are forced to support the command.

However, we cannot turn away from our soldiers. We as leaders cannot forget the Army's values of LDRSHIP (Loyalty, Duty, Respect, Selfless Service, Honor, Integrity and Personal Courage) and we have the Duty and Personal Courage to speak about the soldier's performance assigned in our charge, whether positive or negative. We are all aware as leaders that FM6-22 the Army's Leadership Field Manual describes duty as "fulfilling your obligations". We as leaders have the obligation of ensuring our soldiers and NCOs get have someone to speak on their behalf, describing their accomplishments while working under our tenure as a NCO, from squad leader to Battalion Command Sergeant Major.

Out of the eight Field Grade Article 15s that my soldiers received, I had the obligation to represent them and stand with them as their First Sergeant in front of the Regiment Chain of Command, leaders who really do not know the character of the charged soldiers or NCOs and speak on the soldiers behalf, discussing past performance and future potential. The Chain of Command imposing the UCMJ will only receive a brief background of what makes that soldier a soldier, or in this case what makes an excellent Non Commissioned Officer, definitely not enough to paint a clear picture of what the soldier is or was in the past. For each soldier that I characterized to the Regimental Commander, I described the soldier using a NCOER process: the soldier's performance up to and during the incident, as well as the soldier's future potential to serve in the regiment or Army. The future potential thought process assisted greatly during the punishment phase, and the regimental commander supported each punishment that I recommended. The decision for continued regimental service would not be decided by the RCO

until both court martial were complete. Since most were administratively reduced, I described the impact that each has endured and thought that reduction in rank be suspended for 90-180 days and they each receive extra duty for 30days. As far as potential, I recommended that all but one be allowed to stay in the regiment. The RCO recommended having all 14 soldiers reassigned to other Army units.

Although leaders cannot support or defend what initiated and caused the soldier's actions resulting in the outcome of receiving punishment, but we should always have the courage to perform our morale duty to stand up for our soldier's character and performance while they worked for us. In this case, the soldiers were ignorant of not personally taking care of their personal education, reviewing the official documents, and ignorance by selecting to take the easy wrong over the hard right; ignorance is not an excuse and these soldiers must be held accountable and they were held to the unit's high standard.

Leaders must have the "personal or morale courage" to explain the soldier's character and performance, either positive or negative, and what their future potential is. The fear of what the higher leadership command thinks or perceives is irrelevant to the issue of honestly speaking on the soldier's behalf. Often, I think leaders fear what the higher level will think and fear a possible blacklist per say or retaliation such as: reassignment, removal from leadership positions or get overlooked for future leadership positions. We also must support our subordinate NCOs who are in the situation of standing up for their soldier's performance.

The fear of retaliation is not an excuse to not speak on behalf of the soldier. Four days before the trial, the defense attorney regarding the case called me. He stated, "that I was one of the two who accepted the request for testimony." I also explained to the defense council, that my testimony probably would not benefit the defendant. They wanted me to speak on his

truthfulness as a NCO while he worked for me. I explained that I had been a participant in 8 of the 14 UCMJ actions and that I could not testify on his truthfulness since I felt that I was prejudiced on the information. However, I also stated that I had no issues with speaking on his character and outstanding performance while assigned to my company and to let the court decide if he was guilty of providing 14 false documents to soldiers and NCOs.

The former SSG was found guilty of providing false college transcripts to 11 soldiers and charged with 11 felony counts with an administrative punishment in the form of a General Letter of Reprimand. He will testify at the General Court Martial for the provider of the false college transcripts and have his rank reviewed by a commissioned officer board of inquiry. His fate may be that he is forced to resign his commission and be chaptered from the military.

In closing, we must as leaders ensure that we always perform our duty and obligation, to our soldiers who are in need of a character reference; I am not saying that we support what the soldier is charged with all we need to discuss is their past performance and future potential as soldiers in our Army. Our soldiers need to know that they have the assurance of having their leaders from squad leader to company commander by their side. This is a very unfortunate situation for all involved, this soldier was a leader who was the epitome of the Non Commissioned Officer Corps and had a great future in our Army. The soldiers involved were also greatly impacted by this event, they may still have a future in the military, but at what cost?