



DEPARTMENT OF THE ARMY  
OFFICE OF THE INSPECTOR GENERAL  
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WASHINGTON DC 20310-1700

AUG 28 2013

US ARMY INSPECTOR GENERAL AGENCY  
REPORT OF INVESTIGATION  
(Case 13-019)  
Executive Summary

**Subjects of investigation:**

**Major General (MG) Michael T. Harrison Sr, Commanding General (CG), US Army Japan (USAR-J) and I Corps (Forward), Camp Zama, Japan**

(b)(7)(C)

**Background:** On 21 May 2013, the Department of the Army Inspector General Agency (DAIG) received a complaint against Colonel (COL) (b)(7)(C) (b)(7)(C) USAR-J, alleging sexual assault and sexual harassment. On 24 May 2013, The Inspector General directed DAIG to investigate senior leader actions involved with the handling of sexual assault and misconduct allegations against subordinates.

**Allegations and findings:**

**1. The allegation MG Harrison failed to investigate allegations against a subordinate military member of his command was substantiated.**

**Synopsis:** On 7 August 2012, the USAR-J IG received allegations against COL (b)(7)(C) that he showed favoritism to (b)(7)(C) to the (b) and that he engaged in an inappropriate relationship with her. (b)(7)(C) was a Japanese local national employed through a Master Labor Contract (MLC). (b)(7)(C) presented two courses of action (COAs) to MG Harrison: COA 1-initiate an Army Regulation (AR) 15-6 investigation or COA 2-counsel COL (b)(7)(C) permanently transfer (b)(7)(C) out of the (b) and direct the (b)(7)(C) to execute a command climate survey. MG Harrison chose COA 2. In late August 2012, MG Harrison became aware of additional allegations against COL (b)(7)(C) and (b)(5) decided not to investigate.

**2. The allegation MG Harrison failed to treat a subordinate with dignity, respect, fairness, and consistency was substantiated.**

**Synopsis:** On 8 August 2012, MG Harrison decided to permanently transfer (b)(7)(C) out of the (b)(7) because he felt removing her would resolve the complaints about COL (b)(7)(C) showing her favoritism and allow her to start in a new work environment. Without investigating the complaints, (b)(7)(C) was abruptly moved out of the (b) and into a temporary detail assignment and treated like a "summer hire." She was then

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moved to another temporary detail job and then permanently transferred to an administrative job in the (b)(7)(C). This permanent transfer created a longer commute and ignored her family situation. MG Harrison assured (b)(7)(C) that she did not do anything wrong when in fact (b)(7)(C) knew she had been moved because her coworkers complained about her and COL (b)(7)(C). Although MG Harrison's decision to transfer (b)(7)(C) was not in violation of the Master Labor Contract, his action was, in effect, a disciplinary action. MG Harrison, in contrast, issued COL (b)(7)(C) an administrative counseling.

**3. The allegation MG Harrison failed to flag a subordinate was substantiated.**

**Synopsis:** Evidence established that MG Harrison directed an AR 15-6 investigation on COL (b)(7)(C) on 11 February 2013. According to regulations, MG Harrison should have directed COL (b)(7)(C) be flagged on 11 February 2013. On 17 May 2013, after MG Harrison was confronted with the requirement to flag his (b)(7)(C) he then realized he should flag COL (b)(7)(C) as well. He testified that COL (b)(7)(C) should have been flagged when they started the investigation in February 2013. MG Harrison decided to flag COL (b)(7)(C) 96 days after initiating the AR 15-6 investigation and further testified the failure to flag COL (b)(7)(C) was another mistake the command made.

**4. The allegation MG Harrison improperly directed an investigation that was the sole investigative responsibility of United States Army Criminal Investigation Command (CID) was substantiated.**

**Synopsis:** On 8 March 2013, MG Harrison received a sexual assault and sexual harassment complaint against COL (b)(7)(C) (b)(7)(C) alleged COL (b)(7)(C) sexually assaulted her during a temporary duty trip in July 2012. (b)(5)  
MG Harrison decided to reopen an AR 15-6 investigation on COL (b)(7)(C). The initial AR 15-6 investigated COL (b)(7)(C) for misconduct involving intoxicated behavior with female patrons at the Camp Zama Community Club (CZCC). MG Harrison decided to reopen and expand the AR 15-6 investigation into the sexual assault and sexual harassment allegations rather than refer to CID. The AR 15-6 investigation found probable suspicion that COL (b)(7)(C) engaged in wrongful sexual contact. MG Harrison decided to refer the sexual assault allegation to CID 71 days after receiving the complaint when it appeared the complaint would appear in the national media.

**5. The allegation MG Harrison failed to take appropriate action by not removing a senior officer from a position of authority was substantiated.**

**Synopsis:** Evidence indicated MG Harrison became aware of a pattern of misconduct by COL (b)(7)(C). In June 2012, MG Harrison was aware COL (b)(7)(C) receiving a letter of concern (LOC) for his public intoxication at the CZCC and perceptions of an improper relationship with one of his MLC employees. (b)(7)(C) In August 2012, MG Harrison

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was aware of multiple complaints against COL (b)(7)(C) for showing favoritism and engaging in an inappropriate relationship with (b)(7)(C) MG Harrison became aware of command climate issues in the (b) in early 2013. On 28 February 2013, an AR 15-6 investigation concluded COL (b)(7)(C) established a pattern of behavior constituting conduct unbecoming an officer and gentleman because of his intoxication and inappropriate behavior with females at the CZCC. On 22 March 2013, the reopened AR 15-6 investigation concluded COL (b)(7)(C) behavior constituted conduct unbecoming of an officer and gentleman, that the preponderance of evidence supported allegations of sexual harassment, and that there was probable suspicion of wrongful sexual contact with (b)(7)(C) MG Harrison decided to suspend COL (b)(7)(C) on 7 June 2013, 78 days after the AR 15-6 investigating officer recommended it, the same day Stars and Stripes published the story about (b)(7)(C) sexual assault complaint.

(b)(7)(C)

Encl  
USAR-J Timeline

  
PETER M. VANGJEL  
Lieutenant General, USA  
The Inspector General

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AS AUTHORIZED BY AR 20-1.



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**US ARMY INSPECTOR GENERAL AGENCY  
REPORT OF INVESTIGATION  
(Case 13-019)**

**NAMES / POSITIONS:**

**Major General (MG) Michael T. Harrison Sr, Commanding General (CG), US Army Japan (USAR-J) and I Corps (Forward), Camp Zama, Japan**

(b)(7)(C)

**ALLEGATION/FINDING # 1: The allegation that MG Harrison failed to investigate allegations against a subordinate military member of his command was substantiated.**

**ALLEGATION/FINDING # 2: The allegation that MG Harrison failed to treat a subordinate with dignity, respect, fairness, and consistency was substantiated.**

**ALLEGATION/FINDING # 3: MG Harrison failed to flag a subordinate was substantiated.**

**ALLEGATION/FINDING # 4: The allegation that MG Harrison Improperly directed an investigation that was the sole investigative responsibility of United States Army Criminal Investigation Command (CID) was substantiated.**

**ALLEGATION/FINDING # 5: The allegation that MG Harrison failed to take appropriate action by not removing a senior officer from a position of authority was substantiated.**

(b)(7)(C)

**BACKGROUND:**

1. On 21 May 2013, the Department of the Army Inspector General Agency (DAIG) received a complaint against Colonel (COL) (b)(7)(C) USAR-J, alleging

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AS AUTHORIZED BY AR 20-1.**

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sexual assault and sexual harassment. Preliminary analysis indicated MG Harrison was responsible for failing to immediately refer the sexual assault allegation to the Criminal Investigation Command (CID). Our analysis indicated MG Harrison failed to take appropriate action. (b)(7)(C)

(b)(7)(C)

2. On 24 May 2013, The Inspector General directed DAIG to investigate senior leader actions involved with the handling of sexual assault and misconduct allegations against subordinates.

3. USAR-J is the Army Component Command of United States Forces, Japan, stationed at Camp Zama, USAR-J. Mainland Japan has roughly 4,000 Soldiers, civilians, contractors and Family Members assigned to different areas, with slightly higher numbers of civilians and contractors than military. Japanese Nationals (local nationals (LN)) comprise over half of the work force.

**ALLEGATION # 1: MG Harrison failed to investigate allegations against a subordinate military member of his command.** Evidence indicated MG Harrison failed to investigate complaints made against his (b) in August 2012.

**STANDARDS:**

1. Army Regulation (AR) 600-20 (Army Command Policy), 18 March 2008, Rapid Action Revision (RAR), 20 September 2012:

a. Paragraph 1-5c(4)(d)4. "All commanding officers . . . are required to take all necessary and proper measures, under the laws, regulations, and customs of the Army."

b. Paragraph 5-8b. "When commanders are apprised of complaints or accusations against military personnel, they will be expected to inquire into the matter and attempt a resolution."

2. AR 195-2 (Criminal Investigation Activities) 15 May 2009, paragraph. 3-3a, states CID is solely responsible for investigating the criminal aspects of those Army related felonies listed in appendix B. Appendix B, table B-1, Offense Investigative Responsibility, reflects: rape, aggravated sexual assault, abusive sexual contact, wrongful sexual contact, etc, are the responsibility of CID.

**DOCUMENTS / TESTIMONY:**

(b)(7)(C)

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(b)(7)(C)  
(b)(7)(C) COL (b)(7)(C) was a geographic bachelor while stationed at USAR-J (b)(7)(C). The USAR-J (b) had 105 authorized personnel including military, civilian, and Master Labor Contract (MLC) employees. An MLC employee, or LN, is equivalent to a general schedule (GS) employee, but the government of Japan funds these employees.

b. (b)(7)(C) was an (b)(7)(C) to the (b) USAR-J. COL (b)(7)(C) USAR-J, until January 2011, hired (b)(7)(C) as an MLC employee in December 2010. In 2013, she was (b)(7)(C) and single. In 2012, she started staying with (b)(7)(C) who lived near Camp Zama, to help care for (b)(7)(C).

2. Initial complaints regarding COL (b)(7)(C)

a. A memorandum for COL (b)(7)(C) 8 June 2012, subject: Letter of Concern (LOC), COL (b)(7)(C) Deputy Commander, USAR-J raised concerns for COL (b)(7)(C) public intoxication at the Camp Zama Community Club (CZCC) and perceptions of an improper relationship between him and one of his MLC employees. COL (b)(7)(C) signed the letter and COL (b)(7)(C) acknowledged receipt on 8 June 2012.

{Investigating officer (IO) note: In his testimony COL (b)(7)(C) stated that the MLC employee referred to in COL (b)(7)(C) LOC was (b)(7)(C).

b. The Inspector General Action Request System (IGARS), Case Number PJ 130024, 7 August 2012, reflected that the USAR-J, Office of the Inspector General (OIG), received a complaint from (b)(7)(C)

(b)(7)(C)

(1) (b)(7)(C) alleged COL (b)(7)(C) showed favoritism to (b)(7)(C) and engaged in an inappropriate relationship with her. (b)(7)(C) initial IGAR reflected that she wanted the IG to investigate her complaint. She also stated that she spoke to the (b)(7)(C) multiple times, and they both said COL (b)(7)(C) saw no issues and refused to take action. She further stated other members of the (b) went to the Equal Employment Office (EEO) regarding (b)(7)(C)

(2) (b)(7)(C) three-page letter described (b)(7)(C) lack of qualifications, her misconduct on the job (b)(7)(C)

(b)(7)(C)

(b)(7)(C)

(b)(7)(C) She stated the situation created an unfair (b) work environment and that this was a "blatant display" of favoritism and manipulation. She also stated there was "widespread" perception

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COL (b)(7)(C) and (b)(7)(C) had an inappropriate relationship, that he took her on all his TDYs as a personal aide, and that if anyone complained about (b)(7)(C) they were reprimanded. She provided 31 pages of documents, which included e-mail communications from COL (b)(7)(C) justifying (b)(7)(C) work performance. (b)(7)(C)  
(b)(7)(C)

(3) The IGARS record of (b)(7)(C) complaint, reflected COL (b)(7)(C) and COL (b)(7)(C) presented two courses of action (COAs) to MG Harrison: COA 1, investigate using an AR 15-6 investigation and COA 2, CG counseling, transfer of MLC, and command climate survey. Rather than direct an AR 15-6 investigation, MG Harrison chose COA 2. COL (b)(7)(C) completed the IGARS record as a USAR-J "assistance" case. The IG Office informed (b)(7)(C) of what actions were taken based on her complaint. The IG considered the matter closed, absent new allegations and or issues that merited further investigation.

(b)(7)(C)

c. In an e-mail, 8 August 2012, subject: COAs.pptx, COL (b)(7)(C) solicited COL (b)(7)(C) input on his COAs in the event they had the chance to brief MG Harrison. An attached power point chart, undated, titled "COAs," reflected two COAs and their respective pros and cons.

(b)(5)

d. In a Memorandum For COL (b)(7)(C) Headquarters and Headquarters Company, USAR-J, undated, subject: LOC, MG Harrison indicated he was very concerned about the command climate in (b)(7)(C) particularly as impacted by COL (b)(7)(C) relationship with (b)(7)(C). He was aware of varied and numerous allegations of perceived and improper favoritism and special treatment for (b)(7)(C). Although the allegations were not yet founded, the widespread and negative perception led to a decline in morale in the (b)(7)(C) and a detrimental view of the (b)(7)(C) by many in the Camp Zama community. In the memorandum, MG Harrison indicated he was counseling COL (b)(7)(C) and that he was initiating a transfer of (b)(7)(C). Her transfer was not punitive but was designed to allow (b)(7)(C) to develop her skills in a new environment. He directed COL (b)(7)(C) to

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have the (b) section complete a climate survey. The LOC concluded with the statement, "Further allegations may result in a more formal investigation."

[IO note: MG Harrison issued the LOC to COL (b)(7)(C) on 10 August 2012.]

e. In an e-mail, 28 August 2012, subject: Whistleblower Issue and Documents-Discussion today with DC, Lieutenant Colonel (LTC) (b)(7)(C) G-1, USAR-J informed COL (b)(7)(C) about documents requiring his review, including: Command (CMD) Policy Memorandum 11-11, titled "Whistleblower Policy and Protection for Local National (LN) Employees," 16 March 2011; a listing of 15 complaint statements; an issue raised by an MLC employee to COL (b)(7)(C) and separate complaints from three (b)(7)(C) MLC employees. In an e-mail, 29 August 2012, COL (b)(7)(C) asked one of his subordinates to print out the documents and prepare a binder and stated "This is a very close hold issue."

[IO note: LTC (b)(7)(C) indicated he received the (b)(7)(C) MLC complaint documentation from the Equal Employment Opportunity (EEO) office on 20-21 August 2012. The complaint documentation contained 73 pages of materials, and LTC (b)(7)(C) included them as attachments to his 28 August 2012 e-mail. According to the CMD Policy 11-11, handling/disposition of MLC complaints are the responsibility of the USAR-J G-1.]

(1) In one of the complaints, a (b)(7)(C) Management Analyst detailed (b)(7)(C) improprieties (b)(7)(C). The statement reflected that when COL (b)(7)(C) was assigned as (b)(7)(C) wrongdoing "escalated." (b)(7)(C) traveled with COL (b)(7)(C) on temporary duty (TDYs) to Headquarters Department of the Army, Hawaii, and other places in Japan, without an official purpose other than saying she was COL (b)(7)(C) personal aide and was there to take care of him. (b)(7)(C) which led to many complaints by people outside of (b)(7)(C). The complaint stated that COL (b)(7)(C) directed the (b)(7)(C) to counsel everyone for gossiping and to avoid having a formal complaint against (b)(7)(C) and COL (b)(7)(C).

(2) In another complaint, a G-3 Administrative Assistant described (b)(7)(C). She accompanied COL (b)(7)(C) on his TDYs as his translator but did not perform translator duty. (b)(7)(C)

(b)(7)(C)  
(b)(7)(C) COL (b)(7)(C) relationship with (b)(7)(C) was "noticeably inappropriate" because they socialized regularly outside the workplace. COL (b)(7)(C) favoritism toward (b)(7)(C) clouded his judgment and affected the (b)(7)(C)

(3) E-mail communications from the USAR-J Garrison EEO established that four (b)(7)(C) MLC employees visited the EEO office on 1, 3, 6, and 7 August 2012, with complaints about COL (b)(7)(C) allowing (b)(7)(C) (b)(7)(C)

(b)(7)(C)

(b)(7)(C) The (b)(7)(C) employees were worried about retaliation. The EEO office made COL (b)(7)(C) garrison commander, aware of the complaints. COL (b)(7)(C) then briefed COL (b)(7)(C). Their intent was to brief COL (b)(7)(C) in detail during the regular EEO update on 24 August 2012.

3. A memorandum for record, from MG Harrison, created 27 November 2012, reflected that he decided not to investigate the allegations presented in August 2012 under AR 15-6 because none of the allegations, even if substantiated, merited a potentially drawn out investigation.

a. MG Harrison stated that the allegations did, however, crystallize issues concerning a damaging widespread and negative perception in the (b)(7)(C) section. A letter of concern for COL (b)(7)(C) moving (b)(7)(C) and directing a climate survey offered the best prospect of addressing and correcting the situation immediately. In his view, COL (b)(7)(C) had an absolutely "stellar" career up to that point, and the letter of concern had a strong effect on him.

b. MG Harrison further stated that later in August his SJA briefed him on additional allegations brought to the EEO office by (b)(7)(C) MLC employees. He (b)(5) (b)(5) to not direct an investigation as a result of the additional allegations. The allegations were largely duplicative of (b)(7)(C) allegations and concerned (b)(7)(C) workplace matters that were no longer an issue because (b)(7)(C) had been moved. He gave the allegation about (b)(7)(C) allegedly (b)(7)(C) COL (b)(7)(C) the same weight as "an unsubstantiated anonymous complaint." He considered the matter closed absent new allegations that merited further investigation.

[IO note: COL (b)(7)(C) stated that he prepared the memorandum for MG Harrison on 27 November 2012 in preparation for (b)(7)(C) office call the next day with MG Harrison. In November 2012, (b)(7)(C) was completing a detail assignment, since being removed from the (b)(7)(C) assignment in August 2012, and was due to be permanently transferred. COL (b)(7)(C) further stated that MG Harrison "fully endorsed it."]

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4. COL (b)(7)(C) testified:

a. He and COL (b)(7)(C) developed the COAs regarding the 7 August 2012 complaints received against COL (b)(7)(C) for favoritism and inappropriate relationship. They discussed the complaint and their concern was that a lot of the allegations were directed against (b)(7)(C). The complainant assessed (b)(7)(C) as a substandard performer who had the favor of COL (b)(7)(C) and the previous (b)(7)(C) COL (b)(7)(C) (b)(5)

(b)(5)

b. COL (b)(7)(C) and MG Harrison looked at the IG complaint and the subsequent complaints that came through the LN whistleblower program. COL (b)(7)(C) testified that

(b)(5)

5. LTC (b)(7)(C) stated that he received the complaint packet from the EEO office on/about 20-21 August 2013. COL (b)(7)(C) told him to review the materials and provide him a summary. He felt the complaints warranted further inquiry.

6. COL (b)(7)(C) testified:

a. COL (b)(7)(C) informed him about an incident involving COL (b)(7)(C) raising his voice to (b)(7)(C) at the CZCC in the June 2012 timeframe. He informed MG Harrison about it, and MG Harrison expressed concern. COL (b)(7)(C) believed he told MG Harrison he was going to issue COL (b)(7)(C) a letter of concern.

b. MG Harrison made him aware of the 7 August 2012 complaint against COL (b)(7)(C). Prior to that he had indications COL (b)(7)(C) had issues regarding drinking at the CZCC.

c. Regarding the 7 August 2012 complaint against COL (b)(7)(C) he was not aware of the COAs the (b)(7)(C) developed. He did, however, recall directing the (b)(7)(C) climate survey.

d. Regarding the 28 August 2012 MLC complaints against COL (b)(7)(C) he recalled reading the documentation.

7. MG Harrison testified:

a. He first met COL (b)(7)(C) when COL (b)(7)(C) was a lieutenant in the Old Guard during 1984-1985. He and COL (b)(7)(C) were assigned to the 25<sup>th</sup> Infantry Division during 1997-1999 and again in Afghanistan during 2006-2007, but COL (b)(7)(C) never worked directly for him. During that time he never observed COL (b)(7)(C) exhibit anything out of character or unusual. When COL (b)(7)(C) was a major (1998-1999), he ingested some of his child's medication and tested positive on a urinalysis test. He was aware that CID investigated the incident. He sought out COL (b)(7)(C) for the (b)(7) assignment, personally recruiting him for the job.

[IO Note: COL (b)(7)(C) urinalysis tested positive for amphetamines.]

b. COL (b)(7)(C) USAR-J IG, made him aware of the 7 August 2012 complaint made against the (b)(7)(C) for favoritism and unprofessional work habits involving (b)(7)(C) and COL (b)(7)(C). He did not experience or observe COL (b)(7)(C) abusing alcohol in any of their previous assignments; however, he did speak to COL (b)(7)(C) about his drinking while at USAR-J.

c. Based on the weight of the complaints, in his view he needed to remove (b)(7)(C). The complaint indicated (b)(7)(C) (b)(7)(C) In his view, it was not an issue of her doing anything wrong, but he was thinking of how to best bring harmony to the (b)(7)(C). He thought the LOC, as a written counseling, would remind COL (b)(7)(C) that he was primarily responsible for creating the right kind of environment. He thought the letter would be a wake-up call. He thought moving (b)(7)(C) to an equivalent job would remedy the perception of favoritism and unfair treatment. In retrospect, it did not look like it was the best decision he could have made, but at the time he felt it was best for the (b)(7)(C) organization. He did not consider moving COL (b)(7)(C) because it looked to him to be more of a personality conflict between (b)(7)(C) and (b)(7)(C). He looked at the complaint on the surface and should have asked more questions. He recalled that the complaint had a comment about the appearance COL (b)(7)(C) and (b)(7)(C) were having an affair, but he did not see any substantiated proof other than a third party saying so. He would have been absolutely shocked if the allegations had merit. In hindsight, he did not think that through in enough depth.

d. It would have been normal to do an investigation, but when he looked at it, it appeared to be bickering between (b)(7)(C) jockeying for or trying to curry favor with the leadership in the (b)(7)(C). He felt he clearly misread the situation as he looked in hindsight at what happened. "My judgment was not the absolute best there."

e. During (b)(7)(C) office visit on 28 November 2012, he told her that she was not accused of any misconduct and the job transfer would be an opportunity for her to work in an environment (b)(7)(C). (b)(7)(C) told him it was unfair, and that he was not treating her correctly. He asked her if COL (b)(7)(C) mistreated her, and she said she did not want to get anyone in trouble. He told her if she was mistreated or harmed, he would do a formal investigation. She would not say, so he told her his door was open whenever she decided to discuss it. In her subsequent request for an office call, MG Harrison was TDY and told her to see COL (b)(7)(C). He did not believe she had any adverse information on COL (b)(7)(C) and he felt the conversation came across as a possible blackmail attempt.

f. He heard about COL (b)(7)(C) drinking from COL (b)(7)(C) on a couple of occasions in late 2012 and from the assistant club manager, CZCC, in January or February 2013. The assistant club manager did not say COL (b)(7)(C) was obnoxious, but that he was a senior leader and liked to dance with patrons on the dance floor while drinking. On a couple of occasions, MG Harrison verbally counseled COL (b)(7)(C). He told COL (b)(7)(C) that if he had a drinking problem, he needed to get help. He also told him that as a senior leader he could not afford to be in public consuming alcohol while he was intoxicated. COL (b)(7)(C) responded that he would be more careful and did not think he had a drinking problem. MG Harrison, however, recognized toward the beginning of 2013 that COL (b)(7)(C) had a drinking problem. COL (b)(7)(C) did not acknowledge it.

g. In February 2013, after receiving allegations that COL (b)(7)(C) had been drinking excessively and trying to force females to dance with him, MG Harrison directed an AR 15-6 investigation. As a result of the findings and recommendations, he issued COL (b)(7)(C) a general officer memorandum of reprimand (GOMOR).

8. MG Harrison's written statement, received 12 July 2013, reflected:

a. His statement was an explanation, not an excuse. There should be no question that he accepted full responsibility.

b. Regarding COL (b)(7)(C) issuing COL (b)(7)(C) a LOC in June 2012, he considered COL (b)(7)(C) actions an isolated event and agreed with the disposition.

c. Regarding the 7 August 2012 complaint, he did not consider the evidence that COL (b)(7)(C) engaged in an improper relationship with (b)(7)(C) compelling. At the time a formal investigation did not seem necessary. He conducted an informal review of the complaint and disposed of the matter based on recommendations of his staff, which appeared reasonable at the time. He used the complaint record provided by the IG as the basis for his LOC. The core of the complaint was a perception of favoritism, which along with (b)(7)(C) conduct, resulted in a problematic working relationship between (b)(7)(C) and other (b)(7)(C) employees. He believed he told COL (b)(7)(C) to refrain from

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any contact with (b)(7)(C) after she was moved because of the perception of an improper relationship.

d. Regarding the complaints received on 28 August 2012, he reviewed the complaints as part of his regular practice. He and the SJA agreed the complaints were duplicative of the 7 August complaint, and he considered the issue resolved.

e. (b)(7)(C)

(b)(7)(C)

(b)(7)(C) He did provide COL (b)(7)(C) a letter of support that he be retained on the promotion list for COL.

(b)(7)(C)

(b)(7)(C)

Additionally the board considered COL (b)(7)(C) 1998 positive urinalysis for amphetamines. A copy of the board results memorandum was not filed in COL (b)(7)(C) performance fiche as required.]

f. He never observed COL (b)(7)(C) drinking too much and never concluded he was drunk.

#### ANALYSIS / DISCUSSION:

1. Evidence established that on 7 August 2012, a (b)(7)(C) employee presented a credible complaint to the IG, USAR-J, alleging COL (b)(7)(C) showed favoritism and engaged in an inappropriate relationship. The complainant requested in writing that (b)(7)(C) complaint be investigated. When COL (b)(7)(C) and COL (b)(7)(C) presented COAs to MG Harrison,

(b)(5), (b)(7)(C)

2. MG Harrison's decision not to investigate after receiving the 7 August 2012 complaint reflected a belief that the source of the problem in the (b)(7)(C) was (b)(7)(C) and that removing her and counseling COL (b)(7)(C) would solve the problem with no lasting effect on their careers. That decision ignored the credible evidence provided in the complaint. MG Harrison did not consider directing the IG to conduct an IG inquiry or investigation, nor did COL (b)(7)(C) propose such a COA. That COA could have determined whether the allegations warranted further investigation. (b)(7)(C)

(b)(7)(C)

3. MG Harrison indicated he moved (b)(7)(C) in early August 2012 because the complaint demonstrated (b)(7)(C). The complaint contained supporting evidence that indicated (b)(7)(C) coworkers were unhappy because (b)(7)(C) was receiving favorable treatment by COL (b)(7)(C) and that COL (b)(7)(C) allowed her to (b)(7)(C). MG Harrison felt the counseling letter would be a wake-up call for COL (b)(7)(C) but evidence indicated COL (b)(7)(C) social behavior was getting progressively worse. Finally, MG Harrison dismissed the allegation that COL (b)(7)(C) engaged in an inappropriate relationship because he did not see any substantiated proof. Without conducting an inquiry into the matter, MG Harrison passed judgment on a credible allegation. No investigative action to substantiate or not substantiate the allegation was taken. Evidence indicated MG Harrison knew COL (b)(7)(C) received a LOC in June 2012 for public intoxication at the CZCC and for creating perceptions of an improper relationship with (b)(7)(C) therefore, he should have responded to the allegations in August with an appropriate inquiry or investigation. In hindsight, MG Harrison felt his decision not to investigate was not the best, but at the time, he felt it was.

4. When additional complaints were brought forward on 28 August 2012, the information provided by three MLC (b) employees added to and corroborated evidence contained in the 7 August 2012 complaint. MG Harrison decided (b)(5) (b)(5) to dismiss the additional complaints. He considered an allegation that COL (b)(7)(C) engaged in an inappropriate relationship the same as an "unsubstantiated anonymous complaint." He viewed the additional complaints as "duplicative," and because (b)(7)(C) had been moved out of (b) the allegations were no longer a concern.

5. In sum, on or about 7 and 28 August 2012, MG Harrison received written complaints from four subordinates who worked for the (b) and approximately 100 pages of material to warrant investigating COL (b)(7)(C) for showing favoritism to (b)(7)(C) and engaging in an inappropriate relationship. Additionally, the evidence indicated COL (b)(7)(C) failed to take appropriate action regarding (b)(7)(C) job performance and may have misused government resources by taking (b)(7)(C) TDY with him to do administrative work and to perform translation duties she was not qualified to perform. Finally, when MG Harrison decided to investigate using an AR 15-6 investigation in February 2013, there was significantly less evidence in the complaint in comparison to the complaints submitted in August 2012. Evidence indicated MG Harrison's long-standing relationship with COL (b)(7)(C) may have influenced his actions.

6. Evidence indicated MG Harrison's actions did not change COL (b)(7)(C) behavior as time passed. COL (b)(7)(C) was the subject of the February 2013 AR 15-6 investigation for allegations of new misconduct involving female patrons at the CZCC.

**CONCLUSION:** The preponderance of evidence established that MG Harrison failed to take appropriate action to investigate credible allegations of misconduct by COL (b)(7)(C) MG Harrison in hindsight admitted he misread the complaints.

**ALLEGATION # 2: MG Harrison failed to treat a subordinate with dignity, respect, fairness, and consistency.** Evidence indicated MG Harrison decision to transfer (b)(7)(C) was an unfair personnel action and impacted her dignity and respect. (b)(7)(C) alleged to DAIG and IG, DOD, that MG Harrison abused his authority by moving her and that her temporary detail and permanent transfer were illegal.

**STANDARDS:**

1. AR 600-100 (Army Leadership), 8 March 2007, paragraph 2-1, states, every leader will treat subordinates with dignity, respect, fairness, and consistency.
2. MLC Letter 1-03, chapter 2 (Personnel Actions), 3 March 2003, states in paragraph 2a., Contracting officer representatives (CORs) are authorized to transfer an employee to a vacant position within the same installation or activity, if it is to a same type of job with the same base pay and allowances. Prior consultation with the local management official or agreement of the employee is not required for such personnel action. Paragraph 1q., Detail, states that a detail is a temporary change of permanent employees to the same or lower grade position in the same basic wage table or position in different basic wage table for a period of 30 days or more, but not to exceed one year.
3. USAR-J Pam 690-1EJ, chapter 25, Requests for Personnel Actions, 1 October 1993, states that authorized representatives are responsible for: Approving personnel actions requested by their subordinate organizations and ensuring that the requested actions are operationally essential and consistent with sound personnel management practices.
4. USAR-J Pam 690-1, chapter 3, Responsibilities, 2 September 2008, paragraph 3c, states that Japanese Employment Support Office (JESO) responsibilities for personnel administration and assistance include approving and processing documents necessary to effect personnel actions.

**DOCUMENTS / TESTIMONY:**

1. A memorandum, USAR-J, 13 August 2012, subject: Detail to a Set of Duties, reflected that from 13 August 2012 through 11 September 2012, (b)(7)(C) was detailed without a change to her position title, grade, status, or basic pay. Effective 13 August 2012, she had to report to (b)(7)(C)

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[IO Note: (b)(7)(C) Civilian Personnel Director, G-1, USAR-J, signed the memorandum as the Component COR and Civilian Personnel Director. (b)(7)(C) signed in acknowledgement on 13 August 2012. (b)(7)(C) prepared a previously unsigned and undated memorandum that detailed (b)(7)(C) to the (b)(7)(C) (b)(7)(C) starting 13 August 2012.]

2. USAR-J Forms 11EJ, Personnel Action Request/Official Notification of IHA Personnel Action, reflected (b)(7)(C) detail to (b)(7) not to exceed 11 September 2013, her termination of detail on 30 November 2012, and her transfer to the (b)(7)(C) on 1 December 2012. (b)(7)(C) transfer indicated she would fill a vacant position.

[IO Note: (b)(7)(C) performed one or more days of detail at (b)(7) before being moved to (b)(7) then completed her detail on 30 November 2012. Effective 1 December 2012 she was permanently transferred to the (b)(7)(C) position at (b)(7). The MLC standards applied to both (b)(7)(C) detail and transfer with regard to maintaining the same type of job, pay and allowances.]

3. On an LN Counseling Form, AJ Form 2444EJ, 6 March 2011, (b)(7)(C) Deputy G-3, USAR-J, recorded (b)(7)(C) initial and mid-year counseling. (b)(7)(C) stated that (b)(7)(C) had been very responsive to taskings, and he was pleased with the execution of her tasks and duties.

4. In an e-mail string, COL (b)(7)(C) and MG Harrison, 8-9 August 2012, subject: Letter of concern and Form 11 and sample, COL (b)(7)(C) sent MG Harrison a draft LOC and sample Form 11EJ to initiate transfer of an MLC employee.

(b)(5)

5. In an e-mail, (b)(7)(C) Chief, JESO, 25 June 2013, subject: RE; Request for information, (b)(7)(C) responded that MLC, paragraph 2 of chapter 2, was the specific authority for (b)(7)(C) transfer. (b)(7)(C) did not have to concur with the transfer. (b)(7)(C) as the COR could sign the personnel action as requestor and endorser. She was not aware MG Harrison had to give his approval in (b)(7)(C) transfer or that he was officially involved in the decision process for MLC personnel

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actions. Although (b)(7)(C) initials did not appear on the personnel action record, she supported the transfer action.

6. In a series of e-mails, (b)(7)(C) 10-25 June 2013, subject: Official matter, (b)(7)(C) stated that MG Harrison gave verbal approval to transfer (b)(7)(C). He was not aware of any other LN personnel actions in which MG Harrison gave his approval. (b)(7)(C) first choice was to send (b)(7)(C) to (b)(7) because the leadership there was strong, and he felt it was a good place for her to hone her skills; however, COL (b)(7) objected. (b)(7)(C) was informed there were complaints made regarding (b)(7)(C) and he needed to transfer her out of (b)(7). He was also informed an investigation was ongoing and having her in the command headquarters building would hinder the investigation. He told (b)(7)(C) there was an investigation regarding a complaint someone made to the IG about her and COL (b)(7)(C).

7. (b)(7)(C) testified:

a. COL (b)(7)(C) hired her for the (b)(7) job. She provided administrative and secretarial support for the (b)(7)(C). Her responsibilities did not change when COL (b)(7)(C) became (b)(7) but COL (b)(7)(C) was very high maintenance. COL (b)(7)(C) thought he was very important and acted like a king. He often asked her to get him coffee or lunch during duty hours, and if she didn't he got upset. The (b)(7) and (b)(7)(C) tried to promote her and told her she was the best (b)(7)(C). She went on long TDYs to provide administrative support and to be an interpreter for bilateral events. She could not translate for technical meetings because she was not a professional military translator.

b. The work environment in (b)(7) was not very good. Civilians who worked in the (b)(7) for a long period and knew their jobs had time on their hands and loved to gossip. The female employees hated each other and talked behind each other's backs. COL (b)(7)(C) tried to make it better, but it did not help.

c. On 13 August 2012, (b)(7)(C) told her someone made a complaint against COL (b)(7)(C) for showing her favoritism, and she had to move because she was the lower ranking employee. (b)(7)(C) told her she was the victim and did not do anything to deserve this. They gave her eight hours to move out of her office and report to (b)(7). She was also told she had to be moved away from COL (b)(7)(C) because of the investigation. COL (b)(7)(C) told her this was how the military worked and that it was MG Harrison's decision. COL (b)(7)(C) told her he went to speak to MG Harrison about how great she was doing in the (b)(7) that she loved her job, and that she would probably resign if she was ordered to move. COL (b)(7)(C) told her MG Harrison said that if she chose to resign, it was her decision.

d. She reported to (b)(7)(C) and they treated her like a summer hire. They did not give her a computer, or a place to sit, and they had her folding and cutting paper. She felt disgraced and complained about it to (b)(7)(C) (b)(7)(C) then found her an opening at (b)(7)(C)

e. In September and November 2012, she complained to COL (b)(7)(C) about her job situation. She did not believe COL (b)(7)(C) had the authority to move her around. COL (b)(7)(C) told her they had to reassign her so they could hire someone to replace her in (b)(7)(C). She decided to speak to MG Harrison because she thought COL (b)(7)(C) would not change his mind about her job. She felt COL (b)(7)(C) disgraced her because he said he could fire her. COL (b)(7)(C) said that in front of (b)(7)(C) (b)(7)(C) USAR-J. He also told her she did not do anything wrong. She told COL (b)(7)(C) that COL (b)(7)(C) did something to her, but she was too scared to say. She knew COL (b)(7)(C) told MG Harrison she was going to file a complaint.

f. When she met with MG Harrison, she said there were positions on Camp Zama that she qualified for. MG Harrison told her he did not have the power to move people around and to apply for the positions. She felt if she applied she would get the jobs, however, she did not get the positions she applied for. MG Harrison told her that if she had a complaint against COL (b)(7)(C) he had a responsibility to investigate and to come back anytime. COL (b)(7)(C) was with MG Harrison in case she made a complaint. When she wanted to have a second office call with MG Harrison, his (b)(7)(C) told her (6 February 2013), she had to make her complaint to the IG. She felt MG Harrison and COL (b)(7)(C) ignored her family situation. Her commute to the (b)(7)(C) was longer because she was staying with her parents to help care for her grandmother.

g. She felt COL (b)(7)(C) visited her on 15 February 2013 because he knew she would file a complaint. She felt he only came by to say something positive to her to cover himself for the investigation.

h. She did not feel safe working back on Camp Zama. She felt someone would attack her. She felt after MG Harrison was suspended people looked at her as "that girl."

(IO Note: (b)(7)(C) concern was passed to the acting CG, USAR-J, MG James Boözer, and the garrison commander for action they deemed appropriate.)

8. COL (b)(7)(C) testified:

a. (b)(7)(C) came to his office in September 2012, 19 November 2012, and late November 2012. She came to see him in September 2012 to ask about getting her job back in (b)(7)(C). He told (b)(7)(C) she could not return to (b)(7)(C) because decisions were

already made about it. He recalled there was "strife" down in (b)(7)(C) with her co-workers and things needed to settle down. He never told (b)(7)(C) he could fire her. He did not have hire and fire authority. He would never take that tone with anyone.

(b)(7)(C)

(2) In their second meeting red flags went up because she tried to blackmail him by saying if she didn't get her job back, she had things that were embarrassing to USAR-J and USARPAC about the (b)(7)(C). He tried to find out what it was, but (b)(7)(C) never said what it was. He told MG Harrison about it.

b. He met with (b)(7)(C) on 15 February 2013 at the (b)(7)(C) to review her options. She wanted to return to (b) but that was not a feasible option. She did take her English test and was qualified for the job there. After speaking to her and her supervisor, he left, thinking (b)(7)(C) was happy about her job.

9. MG Harrison testified that moving (b)(7)(C) was in accordance with the MLC rules and regulations. The JESO informed him that (b)(7)(C) job at the (b)(7)(C) was equal to or had more administrative responsibilities than her job at (b)(7)(C). According to the MLC rules, management had the right and authority to move employees around as required for any number of reasons. It did not have to be related to discipline or misconduct. He was the decision authority for the move. "The buck literally has to stop with me on that one."

10. In MG Harrison's written statement, he did not believe any adverse action against (b)(7)(C) was necessary or appropriate. (b)(5)

(b)(5) He made the decision to transfer in this case because it dealt with a significant issue of command climate in the (b) and he viewed it as a critical issue for the command. He did not recall another instance of an involuntary employee transfer following an IG complaint in 2012. Regarding removing COL (b)(7)(C) from the (b)(7)(C) position in early 2013, MG Harrison stated that COL (b)(7)(C) continued to serve as an excellent (b)(7)(C) and he had no reason to question his duty performance at the time.

#### ANALYSIS / DISCUSSION:

1. On 8 August 2012, MG Harrison decided on a COA that led to (b)(7)(C) transfer out of (b)(7)(C). His decision was based on a single complaint, rather than a result of any investigation or inquiry. (b)(7)(C) only counseling record indicated in March 2012

over a year after beginning to work for the (b)(7)(C) that her immediate (b)(7)(C) was pleased with her performance. MG Harrison made his decision with (b)(5) and without substantiating any facts in the complaint. The complaint alleged COL (b)(7)(C) showed favoritism toward (b)(7)(C) and that he engaged in an inappropriate relationship with her.

2. Although initially (b)(7)(C) felt (b)(7)(C) would be best suited working her detail at (b)(7)(C) experience there was negative. In her testimony, she felt as though she was a "summer hire." (b)(7)(C) found (b)(7)(C) a new detail position in (b)(7)(C) so in the course of a few days, (b)(7)(C) was essentially shuffled out of two USAR-J offices.

3. Although (b)(7)(C) detail to (b)(7)(C) and subsequent transfer to the (b)(7)(C) met the requirements of the MLC Letter and USAR-J Pam, it was inappropriately presented as a permanent reassignment at management direction to enhance her experience and skills. MG Harrison and others in the command, in effect, concealed the actual reason (b)(7)(C) was transferred by telling her she was not in trouble and did nothing wrong. MG Harrison felt that removing (b)(7)(C) from (b)(7)(C) would diffuse the conflict with her coworkers and prevent any more allegations of favoritism. (b)(7)(C) knew the actual reason she was moved was related to coworkers complaining that COL (b)(7)(C) showed her favoritism.

4. The transfer action was unfair and inconsistent with sound personnel practices. While there were allegations that (b)(7)(C) had performance problems and was unqualified for her position in the (b)(7)(C) the complaints were not investigated. The decision to transfer her into another job was based on expediency and not on her (b)(7)(C) Evidence indicated (b)(7)(C) potentially had performance problems ranging from

(b)(7)(C)

if (b)(7)(C) had performance problems and was technically unqualified for the job working directly for the (b)(7)(C) her supervisor had a responsibility to hold her accountable. MG Harrison's decision to move (b)(7)(C) prevented that from happening. The decision to move (b)(7)(C) was not fair to her or to USAR-J. Her movement prevented any potential (b)(7)(C) problems she may have had from being addressed or corrected. Additionally, it was unfair to move (b)(7)(C) and only counsel COL (b)(7)(C) with an LOC because the action inferred (b)(7)(C) was the source of the problems in the (b)(7)(C) without investigating the matter.

**CONCLUSION:** The preponderance of evidence established that MG Harrison failed to treat a subordinate with dignity, respect, fairness, and consistency. By directing (b)(7)(C) job transfer, without investigating complaints involving her and the (b)(7)(C)

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MG Harrison unfairly moved her out of a position that brought her status, responsibility, and positive counseling from the (b)(7)(C). MG Harrison failed to treat (b)(7)(C) with dignity and respect because his actions resulted in her abrupt move out of the (b)(7) and feeling disgraced by the treatment she received while performing temporary detail work and ultimately being permanently transferred to a less prestigious job in the

(b)(7)(C)

**ALLEGATION # 3: MG Harrison failed to flag a subordinate.** Evidence indicated MG Harrison failed to flag COL (b)(7)(C) after directing an AR 15-6 investigation on him.

**STANDARD:** AR 600-8-2 (Suspension of Favorable Personnel Actions), 23 October 2012, paragraph 2-1, Rules for Initiating the Flag, states: A separate flag will be initiated for each investigation, incident, or action. The commander (or general officer staff head) directs the flagging action.

**DOCUMENTS / TESTIMONY:**

1. Department of the Army (DA) Form 1574 (Report of Proceedings By Investigating Officer/Board of Officers), reflected that MG Harrison appointed an AR 15-6 investigation to begin on 11 February 2013. At enclosure 1, the appointment letter directed COL (b)(7)(C) (b)(7)(C) to conduct an informal investigation into allegations that COL (b)(7)(C) committed violations of the Uniformed Code of Military Justice (UCMJ).

2. DA Form 268 (Report to Suspend Favorable Personnel Actions (Flag)), 17 May 2013, reflected that COL (b)(7)(C) received a non-transferrable flag effective 17 May 2013 because he was subject of a commander's investigation.

3. (b)(7)(C)  
(b)(7)(C)  
(b)(7)(C). That triggered recognition that COL (b)(7)(C) had to be flagged as well.

4. COL (b)(7)(C) testified that:

a. He directed investigations against officers several times for MG Harrison, and he probably should have known to flag the subject of an investigation. (b)(7)(C)  
(b)(7)(C) COL (b)(7) they realized they had to flag COL (b)(7)(C) (b)(7)(C). They looked into it and knew they had been doing it wrong. He was never told to flag anyone, and they had been doing it wrong since he had been in USAR-J. The Special Troops Battalion would normally responsible for flagging actions.

(b)(7)(C)

b. MG Harrison and (b)(7)(C) Pacific Director, IMCOM, discussed the (b)(7)(C) That discussion made MG Harrison realize that COL (b)(7)(C) (b)(7) needed to be flagged. COL (b)(7)(C) looked into the matter and knew "we had been doing it wrong." He was never told that they should flag somebody, and they had not flagged anybody under an investigation since he was Deputy Commander.

5. MG Harrison testified on 28 May 2013: COL (b)(7)(C) was flagged "about a week ago." He recognized that COL (b)(7)(C) should have been flagged when they started the investigation in February 2013. MG Harrison admitted that was another mistake they (i.e. the command) made.

**ANALYSIS / DISCUSSION:** Evidence established that MG Harrison directed an AR 15-6 investigation of COL (b)(7)(C) on 11 February 2013. According to AR 600-8-2, MG Harrison as the CG, should have directed COL (b)(7)(C) be flagged on 11 February 2013. On 17 May 2013, after MG Harrison was confronted with the requirement to flag (b) (b)(7)(C) he then realized he should flag COL (b)(7)(C) (b)(7)(C) He testified that COL (b)(7)(C) should have been flagged when they started the investigation in February 2013. MG Harrison further testified that that was another mistake the command made. MG Harrison's decision to flag came 96 days after the AR 15-6 investigation was initiated.

**CONCLUSION:** The preponderance of evidence established that MG Harrison as the CG, USAR-J, failed to flag COL (b)(7)(C) when he directed an AR 15-6 investigation into his actions at the CZCC.

**ALLEGATION # 4: MG Harrison improperly directed an investigation that was the sole investigative responsibility of CID.** Evidence indicated in March 2013, MG Harrison directed an AR 15-6, rather than CID, to investigate a sexual assault allegation.

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**STANDARDS:**

1. AR 195-2 (Criminal Investigation Activities) 15 May 2009, paragraph 3-3a, states: the CID is solely responsible for investigating felonies (offenses punishable by death or confinement for more than 1 year) listed in appendix B. In appendix B: CID is solely responsible for the following offenses listed in appendix B, table B-1: Rape, Rape of a Child, Aggravated Sexual Assault, Aggravated Sexual Assault of a Child, Aggravated Sexual Contact, Aggravated Sexual Abuse of a Child, Aggravated Sexual Contact with a Child, Abusive Sexual Contact, Abusive Sexual Contact with a Child, Indecent Act, Forcible Pandering, Wrongful Sexual Contact.

2. AR 600-20 (Army Command Policy), 18 March 2008, RAR, 27 April 2010, paragraph 8-2, Sexual Assault Policy, states that every Soldier who is aware of a sexual assault should immediately (within 24 hours) report incidents. Paragraph 8-5, Responsibilities, states that unit commanders will report all incidents of sexual assault to CID in accordance with AR 195-1, paragraph 6.

[IO Note: AR 195-2 incorporated and superseded AR 195-1.]

[IO Note: According to AR 600-20, paragraph 8-4a: Sexual assault. Sexual assault is a crime defined as intentional sexual contact, characterized by use of force, physical threat or abuse of authority or when the victim does not or cannot consent. Sexual assault includes rape, nonconsensual sodomy (oral or anal sex), indecent assault (unwanted, inappropriate sexual contact or fondling), or attempts to commit these acts. Sexual assault can occur without regard to gender or spousal relationship or age of victim. "Consent" will not be deemed or construed to mean the failure by the victim to offer physical resistance. Consent is not given when a person uses force, threat of force, or coercion or when the victim is asleep, incapacitated, or unconscious.]

3. Department of Defense (DOD) Instruction 5505.18 (Investigation of Adult Sexual Assault in the DOD), 25 January 2013, states military criminal investigative organizations will initiate investigations of all offenses of adult sexual assault of which they become aware . . . that occur within their jurisdiction regardless of the severity of the allegation.

**DOCUMENTS / TESTIMONY:**

1. In an e-mail (b)(7)(C) 16 June 2013, subject: FW: Meeting Request, (b)(7)(C) stated that she sent her complaint letter to the USAR-J IG office on 7 March 2013.

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[IO note: (b)(7)(C) original five-page complaint letter was dated 14 February 2013. She made several changes and additions in her revised letter dated 8 March 2013; however, the general content and allegations were unchanged. In both versions (b)(7)(C) wrote "attempted rape" on page 4; however, on the 8 March 2013 version, she lined through rape and wrote sexual assault, making the verbiage say "attempted sexual assault" instead of attempted rape.]

2. In an IGAR, (b)(7)(C) 8 March 2013, (b)(7)(C) attached a five-page complaint letter, 8 March 2013. In her letter (b)(7)(C) alleged COL (b)(7)(C) sexually harassed and sexually assaulted her. (b)(7)(C) stated that the assault took place during 19-21 July 2012, while she and COL (b)(7)(C) were TDY to Hawaii for a Yama Sakura Mid- Planning Conference.

[IO Note: Yama Sakura is an annual bi-lateral training exercise between USAR-J and Japan Ground Self Defense Force for contingencies that required US forces to deploy to Japan. COL (b)(7)(C) and (b)(7)(C) stayed at one hotel in Waikiki, while the rest of the USAR-J contingent stayed at a different hotel.]

3. In an e-mail, 8 March 2013, subject: (b)(7)(C) Meeting, COL (b)(7)(C) informed MG Harrison that COL (b)(7)(C) met with (b)(7)(C) that day. (b)(5), (b)(7)(C) pen and inked an important change that indicated she was a victim of an "attempted sexual assault" rather than an "attempted rape." (b)(5)

(b)(5)

4. In a memorandum, USAR-J, undated, subject: Memorandum of Reprimand, MG Harrison stated that he felt given the strong corroboration of communications between COL (b)(7)(C) and (b)(7)(C) her sexual assault allegation was "profoundly troubling." COL (b)(7)(C) put himself in a position where the allegation may be considered credible due to the extensive unofficial contact he had with her. "Indeed, an investigating officer held a probable suspicion that you sexually assaulted your administrative assistant."

5. In an e-mail, Major (MAJ) (b)(7)(C) Public Affairs Officer (PAO), USAR-J, 30 May 2013, subject: RE: Request for Information, MAJ (b)(7) stated that on

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16 May 2013, a Stars and Stripes news reporter queried the command about the investigation regarding (b)(7)(C) sexual assault complaint. On 28 May 2013, USAR-J responded to Stars and Stripes that the matter was under investigation.

6. (b)(7)(C) testified:

a. She provided her five-page complaint letter to the IG in advance of her meeting. When she met with COL (b)(7)(C) on 8 March 2013, he told her he passed her complaint to MG Harrison. (b)(7)(C)

(b)(7)(C)

(b)(7)(C)

c. She did not receive any responses to her complaints and felt everyone was scared of MG Harrison. She felt the media was fair to everyone so she contacted the Stars and Stripes. She felt the Stars and Stripes pushed USAR-J to do the right thing. After she spoke to the media, the next day CID contacted her.

(b)(7)(C)

(b)(7)(C)

8. LTC (b)(7)(C) Deputy SJA, USAR-J, testified:

a. He was not aware of the allegations made against COL (b)(7)(C) in August 2012; however, he became aware of them in October/November 2012. Regarding the sexual assault allegation (b)(7)(C) made in March 2013, LTC (b)(7)(C) did not have input into the decision to merge that allegation with the already initiated AR 15-6 investigation.

(b)(5)

(b)(7)(C) made statements about going public with information embarrassing to the CMD if she did not get her job back. But, she did not seem to express any trauma or negative effect from any kind of assault. Regarding whether the CMD had any discretion to investigate sexual assault allegations, LTC (b)(7)(C) felt the CMD had an obligation to investigate any allegation.

(b)(5)

The evidence gave (b)(7)(C) credibility but did not indicate non-consensual activity. COL (b)(7)(C) felt (b)(7)(C) was very credible, but was not telling all that she knew.

b. LTC (b)(7)(C) thought he contacted CID on 17 May, but did not meet with CID until the afternoon 20 May 2013. He felt referring the matter to CID was the prudent thing to do. He felt it was possible the Stars and Stripes query influenced that decision.

9. COL (b)(7)(C) testified:

a. This was his third assignment to USAR-J. He rated COL (b)(7)(C) He sat on the monthly Sexual Assault Review Board to review reports of sexual assault within the CMD. The board was composed of key staff, such as the SHARP coordinator, SARC representative, PAO, CID, Chaplain, and medical and legal representatives. Sexual assault reports were considered a commander's critical information requirement and reported to the United States Army Pacific Command. They had an increase in sexual assault reports in 2013. They have had cases of senior NCOs taking advantage of young Soldiers, usually involving alcohol use.

b. Regarding (b)(7)(C) complaint of sexual assault on 8 March 2013, COL (b)(7)(C) became aware when the IG told him about it.

c. COL (b)(7)(C) did not believe he was involved in the discussion to merge the sexual assault allegation with the open AR 15-6 investigation. At the time, he did not see a problem with merging the two. He did not know then that sexual assault

allegations had to be referred to CID. He recalled MG Harrison may have discussed using CID a couple of times. When MG Harrison decided to refer the allegations to CID, COL (b)(7)(C) escorted COL (b)(7)(C) to CID for his interview and brought him back.

d. He became aware of the Stars and Stripes query because the PAO told him about it. He informed MG Harrison. They discussed it and because they had an open investigation, they would not respond to the allegations. They would slow roll their response because the Stars and Stripes was not always favorable to them. They hoped to finish their AR 15-6 investigation before the story came out.

10. COL (b)(7)(C) testified:

a. Regarding the allegations (b)(7)(C) presented on 8 March, COL (b)(7)(C) testified that (b)(7)(C) "just showed up" with a five-page typed statement and supporting documents. He thought (b)(7)(C) had called or e-mailed his assistant before coming in. He and his (b)(7)(C) met with (b)(7)(C) to discuss her complaint. COL (b)(7)(C) told (b)(7)(C) they would look into her complaint and get back with her. On page 4 of (b)(7)(C) complaint, COL (b)(7)(C) saw the word "rape," and it really got his attention. He explained the difference between sexual harassment and rape. (b)(7)(C) said she was not raped and inked out the word "rape" and wrote "sexual assault." He did not know why she used the word rape, but he wanted to be clear about it. He asked (b)(7)(C) to explain the July 2012 incident that she called sexual assault. (b)(7)(C) wanted her complaint investigated and felt the CMD inappropriately moved her from her job. COL (b)(7)(C) did not discuss the matter with a SARC representative, but in hindsight he felt maybe he should have. He felt (b)(7)(C) was credible.

b. COL (b)(7)(C) thought he spoke to COL (b)(7)(C) on 8 March 2013. COL (b)(7)(C) showed COL (b)(7)(C) the complaint and indicated he identified five allegations and one issue. (b)(7)(C)

(b)(7)(C)  
(b)(7)(C) COL (b)(7)(C) thought there were several different levels of sexual assault, from someone "massaging your shoulders while you are sitting at your desk after you told them to stop" to someone "ripping your clothes off." COL (b)(7)(C) testified that he never characterized anything as horseplay. He prepared a formal memorandum through the SJA to investigate the allegations. He did not think anyone asked his opinion about merging the allegations with the open AR 15-6 investigation. COL (b)(7)(C) thought COL (b)(7)(C) obtained the IG documents from the SJA.

11. COL (b)(7)(C) testified that, regarding the complaint (b)(7)(C) presented to the IG on 8 March 2013, he and COL (b)(7)(C) discussed it the same day, within a matter of minutes. COL (b)(7)(C) provided him (b)(7)(C) five-page complaint letter and supporting documentation.

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12. MG Harrison testified:

a. The trend of sexual assault complaints had gone up and the common denominator was alcohol.

b. When he received the allegation of sexual assault, he called COL (b)(7)(C) in and asked what his options were. (b)(5), (b)(7)(C)  
(b)(5), (b)(7)(C) MG Harrison thought to himself that he probably should call CID. MG Harrison thought they had a good AR 15-6 officer, and he dismissed the thought of CID. "My gut told me to call CID, and I just simply did not do that." He thought he could get a similar result with the AR 15-6 investigating officer. He thought he mentioned to COL (b)(7)(C) "Shouldn't we call CID?" As time passed he recalled on a couple of occasions he asked should CID be looking at this? He made the decision, unprompted and un-pushed to call CID.

c. He did not feel his relationship with COL (b)(7)(C) influenced his decisions. He was very comfortable in making tough calls.

d. On 17 May 2013 he told his Deputy to contact CID. He recalled it was LTC (b)(7)(C) who made the call or contact with CID. CID initiated their investigation on 20 May 2013.

[IO Note: CID initiated their investigation 73 days after (b)(7)(C) filed her complaint.]

e. (b)(7)(C) sent a copy of her complaint to the Stars and Stripes. The Stars and Stripes wanted a comment, and USAR-J PAO told them the matter was under investigation. He testified that the Stars and Stripes query did not influence his decision to call CID. He testified that it was his "gut" feeling to make the call. He thought about the message from the Chief of Staff, Army (CSA) about how CDRs handle sexual assault cases and he thought about whether he did everything he was supposed to do. "The green light came on." And he thought he needed to call CID. The Chief's message had a big influence. He could not say the Stars and Stripes query did not keep him up at night and it worried him. If the story went out, it would be a major black eye for the Army and "I hold nobody responsible for that but me."

13. In his written statement, MG Harrison stated that on 17 May 2013, after receiving an e-mail from the CSA, he decided to refer (b)(7)(C) allegations to CID without delay. The CSA's e-mail (to all Army general officers) emphasized the seriousness of sexual assault and the need to properly handle such allegations.

[IO Note: On 16 May 2013, the CSA sent a message to the Army stating:  
"Commanders, non-commissioned officers, and law enforcement must ensure that

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every allegation of sexual assault and sexual harassment is thoroughly and professionally investigated and that appropriate action is taken.”

**ANALYSIS / DISCUSSION:** Evidence established that on or about 8 March 2013, MG Harrison, (b)(5) directed an investigation of a sexual assault allegation using a previously opened AR 15-6 investigation. According to AR 195-2, CID had sole responsibility to investigate sexual assault offenses. On 22 March 2013, the AR 15-6 investigating officer found there was probable suspicion of wrongful sexual contact in violation of Article 120, UCMJ. Even MG Harrison's GOMOR issued to COL (b)(7)(C) on 9 April 2013 described "probable suspicion" that COL (b)(7)(C) sexually assaulted (b)(7)(C). Despite that, MG Harrison took no action to involve CID. Given MG Harrison's testimony that he felt he had a good AR 15-6 investigating officer to investigate the sexual assault allegation and that he had COL (b)(7)(C) support, MG Harrison may have felt the matter was properly investigated and resolved. The Stars and Stripes query on 16 May 2013 presented the likelihood (b)(7)(C) complaint of sexual assault would be in the national media. COL (b)(7)(C) made MG Harrison aware of the Stars and Stripes query, and they discussed how to respond to it. On 17 May 2013, one day after the Stars and Stripes query and 56 days after concluding an AR 15-6 investigation on (b)(7)(C) sexual assault complaint, MG Harrison directed that CID be notified. Although the CSA's message on 16 May 2013 emphasized allegations of sexual assault be professionally investigated, it did not say by CID. MG Harrison testified that his "gut" told him that CID should look at the allegation and that he made his decision unprompted. The timing of the Stars and Stripes query and the likelihood of national media exposure suggested otherwise.

**CONCLUSION:** The preponderance of evidence established that MG Harrison failed to refer a sexual assault allegation to CID in a timely manner and instead directed an AR 15-6 investigation.

**ALLEGATION # 5: MG Harrison failed to take appropriate action by not removing a senior officer from a position of authority.** Evidence indicated MG Harrison did not take action to remove COL (b)(7)(C) from the (b) position after an AR 15-6 investigation substantiated COL (b)(7)(C) for misconduct.

**STANDARD:** AR 600-20, paragraph 1-5c, states: All commanding officers and others in authority in the Army are required: (1) To be vigilant in inspecting the conduct of all persons who are placed under their command. (2) To guard against and suppress all dissolute and immoral practices, and to correct, according to the laws and regulations of the Army, all persons who are guilty of them. (3) To take all necessary and proper measures, under the laws, regulations, and customs of the Army.

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**DOCUMENTS / TESTIMONY:**

(b)(7)(C)

2. In an August 2012 LOC, MG Harrison expressed to COL (b)(7)(C) that he was very concerned about the command climate in the (b) and directed him to complete a climate survey.

a. A Memorandum for Record: USAR-J (b) 3 January 2013, subject: Command Climate Survey, reflected the (b) survey was completed on 19 December 2012. The survey included responses from 54 of 81 personnel from (b)(7). The survey results indicated: 21 percent of personnel felt they were not treated with dignity and respect; 10 percent felt that sexual, racial, or other offensive comments or materials were tolerated in the work area; 26 percent felt that civilians were not treated as valued members of the section; and 17 percent stated they were harassed by higher ranking personnel while on duty. Master Sergeant (MSG) (b)(7)(C) Equal Opportunity Advisor (EOA) signed the report.

b. A Memorandum For Deputy Chief of Staff, (b) 11 February 2013, subject: Focus Groups with (b) reflected that focus group session from (b) were completed on 29 January 2013. The focus group results indicated there were more chiefs than workers, too many layers to get documents signed, information staffed, or a decision made; people preferred being TDY, and when they returned there was no structure; there was a lack of guidance; everything was a priority; there were long-term projects with no end in sight; widespread throughout all three groups, people were not treated with dignity and respect; and people were yelled at daily and verbally assaulted. MSG (b)(7) signed the report and COL (b)(7)(C) approved it.

c. In an e-mail, COL (b)(7)(C) indicated he signed off on the climate survey on 22 February 2013 and informed MG Harrison there were issues. He indicated MG Harrison did not read the survey and that COL (b)(7)(C) sent the report back to MSG (b)(7) for information about the focus groups. He did not know if MSG (b)(7) briefed MG Harrison on the report, nor did he know what follow-up action took place. In an e-mail MSG (b)(7)(C) stated she did not brief MG Harrison on the details of the survey.

3. Subsequent complaints regarding COL (b)(7)(C)

a. On 30 January 2013, COL (b)(7) briefed COL (b)(7)(C) that he received a complaint alleging misconduct by COL (b)(7)(C) involving his behavior with females, while

intoxicated, at the CZCC. COL (b)(7)(C) informed MG Harrison, and MG Harrison directed an AR 15-6 investigation. COL (b)(7)(C) received the appointment order on 11 February 2013. The appointment order alleged violations of Article 133, UCMJ, Conduct Unbecoming an Officer and Gentleman, and stated that COL (b)(7)(C) was recently involved in inappropriate conduct at the CZCC by flirting and physically grabbing enlisted, civilian, and local national females. It also alleged that COL (b)(7)(C) grabbed a female from behind, grinded on a junior enlisted Soldier from behind, fondled a female, and was drunk and disorderly in a public place.

[IO Note: CID is also investigating COL (b)(7)(C) alleged sexual assault at the CZCC.]

b. On a DA Form 4856, Developmental Counseling Form, COL (b)(7)(C) recorded the results of a counseling he gave to COL (b)(7)(C) on 8 February 2013. The counseling reflected that COL (b)(7)(C) said he was aware of his actions when he drank alcohol. COL (b)(7)(C) told him that on 18 January 2013 he was jet-lagged and took vitamins before attending back-to-back birthday parties. He admitted keeping someone on the dance floor by pulling on her. COL (b)(7)(C) felt he did not have a drinking problem or need the Army Substance Abuse Program (ASAP). COL (b)(7)(C) indicated he did not need to drink and had gone through a year-long deployment without drinking. COL (b)(7)(C) agreed with COL (b)(7)(C) assessment. If this type of incident occurred again, it would impact COL (b)(7)(C) status as a leader and the integrity of the CMD. COL (b)(7)(C) directed COL (b)(7)(C) to leave the CZCC by 2300, except when attending formal functions with senior CMD leadership, and to avoid public intoxication. COL (b)(7)(C) and COL (b)(7)(C) signed the counseling form on 25 February 2013.

4. Initial AR 15-6 investigation. In a Memorandum For USAR-J and I Corps (Forward), 28 February 2013, subject: Report of Investigation - COL (b)(7)(C) COL (b)(7)(C) provided the results of his AR 15-6 investigation.

[IO Note: The initial AR 15-6 investigation in February 2013 looked at COL (b)(7)(C) inappropriate behavior with female patrons at the CZCC and was unrelated to (b)(7)(C). The same AR 15-6 was reopened and expanded in March 2013 to investigate sexual assault and sexual harassment allegations (b)(7)(C) made against COL (b)(7)(C).

a. In his findings COL (b)(7)(C) stated COL (b)(7)(C) was a highly respected senior officer with unquestioned operational capabilities and superior leadership in his professional capacity as (b)(7)(C). COL (b)(7)(C) was a frequent patron at the Sports Bar and Firelight Lounge at the CZCC. COL (b)(7)(C) was known to consume alcohol there and on several occasions was judged to be intoxicated by numerous patrons of the CZCC. He was reported to be significantly uninhibited and overly flirtatious with female patrons, repeatedly and aggressively asking them to dance and infringing on personal space. He confirmed COL (b)(7)(C) was married, but his behavior was not consistent with a married man. There was a common perception COL (b)(7)(C) behavior when

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intoxicated appeared to include attempts to "pick-up" various females. COL (b)(7)(C) behavior compromised his character as a senior officer and a gentleman and represented compromised judgment for an officer of his caliber and stature. COL (b)(7)(C) behavior, when intoxicated, was prejudicial to good order and discipline for Soldiers assigned to USAR-J/I Corps (Forward), and the Camp Zama Community.

b. In his recommendations COL (b)(7)(C) stated that the findings established a pattern of behavior constituting conduct unbecoming an officer and gentleman, as defined under Article 133 of the UCMJ. He recommended that COL (b)(7)(C) receive formal written counseling and administrative disciplinary action in the form of a GOMOR to be filed in COL (b)(7)(C) local military personnel records jacket, that he be referred to the ASAP, and that he not be extended beyond his date eligible for return from overseas.

5. Reopened AR 15-6 investigation. In a Memorandum For USAR-J and I Corps (Forward), subject: Report of Investigation - COL (b)(7)(C) 22 March 2013, COL (b)(7)(C) provided the results of his reopened AR 15-6 investigation.

a. The investigation included allegations of sexual assault, sexual harassment, and unfair labor practices. In his findings, COL (b)(7)(C) stated COL (b)(7)(C) frequently requested (b)(7)(C) to meet or dine with him during off-duty hours and weekends, gave her a teddy bear gift, and gave her love letters. (b)(7)(C) described numerous occasions when COL (b)(7)(C) consumed substantial amounts of alcohol and drank until he passed out. She described COL (b)(7)(C) repeated, unwanted sexual comments to her daily, even after being told to stop. COL (b)(7)(C) made frequent personal phone calls, sent her text messages, and left voicemail messages to her late at night or during early morning. (b)(7)(C) reported an instance of alleged sexual assault during a TDY in July 2012 while they were at a planning conference for Yama Sakura 63. (b)(7)(C) felt she was being punished for COL (b)(7)(C) wrongdoing when she was moved from the (b)(7)(C)

b. COL (b)(7)(C) concluded that COL (b)(7)(C) actions reasonably constituted conduct unbecoming an officer and gentleman. The preponderance of evidence supported allegations of sexual harassment in violation of Article 93, UCMJ. There was probable suspicion of wrongful sexual contact in violation of Article 120, UCMJ. He found (b)(7)(C) testimony to be compelling and forthright for the most part, and the sworn statement from COL (b)(7)(C) did not address any of the specific allegations against him. COL (b)(7)(C) did not present compelling evidence contrary to the allegation of sexual assault. COL (b)(7)(C) recommended COL (b)(7)(C) receive a GOMOR to be filed in his official military personnel file, referral to the ASAP, and that he be administratively removed from the (b)(7)(C) position and reassigned to the continental United States. He did not recommend proceeding to court martial.

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[IO Note: The AR 15-6 did not specifically investigate COL (b)(7)(C) for inappropriate relationship, however, CID indicated to DAIG it will address the relationship between COL (b)(7)(C) and (b)(7)(C) as they investigate the sexual assault allegation.]

6. In an e-mail string, 4 March 2013 (b)(7)(C) requested an interview with the IG. (b)(7)(C) stated that MG Harrison denied her office call and directed she go directly to the IG to file a complaint. On 5 March 2013, (b)(7)(C) requested an office call with the IG at 1400 on 8 March 2013. On 7 March 2013, she sent a copy of her complaint to (b)(7)(C)

7. (b)(7)(C) met with COL (b)(7)(C) on 8 March 2013 to discuss her complaint. On 8 March 2013, COL (b)(7)(C)(b)(5),(b)(7)(C) (b)(5) allegations of misconduct against COL (b)(7)(C) not involving (b)(7)(C) MG Harrison decided to merge the allegations with the AR 15-6 investigation.

8. In a memorandum for COL (b)(7)(C) subject: Memorandum of Reprimand, undated, MG Harrison stated that on multiple occasions over the last 18 months COL (b)(7)(C) was drunk and disorderly at the CZCC. MG Harrison felt that given strong corroboration of communications between COL (b)(7)(C) and (b)(7)(C) her sexual assault allegation was "profoundly troubling." COL (b)(7)(C) put himself in a position where the allegation may be considered credible due to the extensive unofficial contact he had with her. "Indeed, an investigating officer held a probable suspicion that you sexually assaulted you (b)(7)(C) The memorandum reflected that COL (b)(7)(C) self-reported to ASAP rather than MG Harrison command directing it.

[IO Note: The GOMOR was presented to COL (b)(7)(C) on 9 April 2013.]

9. COL (b)(7)(C) testified:

a. MG Harrison contacted him on/about 11 February 2013, regarding allegations against COL (b)(7)(C) for unprofessional conduct. His investigation focused on COL (b)(7)(C) current behavior, and he wanted to obtain first-hand accounts from witnesses.

b. On 13 March 2013, he received direction to investigate the sexual harassment and assault allegations (b)(7)(C) made against COL (b)(7)(C) He was limited to (b)(7)(C) testimony because what she described occurred in relative privacy, and COL (b)(7)(C) on advice of counsel, decided he would not submit to an interview. (b)(7)(C) definitely wanted the matter investigated. The SJA gave him a copy of (b)(7)(C) IG complaint, as did (b)(7)(C) (b)(7)(C) felt it was an unfair labor practice for her to be moved to a job ten minutes from Camp Zama, which she considered a demotion.

c. When he interviewed (b)(7)(C) she spoke about sexual assault. He was not aware of anyone getting her to change her statement about rape. (b)(7)(C) primary focus was on getting her job back, not the allegation of sexual assault. The most important thing to her was to regain her professional reputation. One of her greatest concerns was transportation to Sagamihara Housing Area. Because she did not have a car, it was easier for her to care for her parents by taking a train to Camp Zama.

[IO Note: (b)(7)(C) testified that she stayed at (b)(7)(C) house near Camp Zama because (b)(7)(C) got sick and her (b)(7)(C) needed daily care.]

d. Regarding the initial AR 15-6 investigation, he testified there was certainly questionable behavior by COL (b)(7)(C). There was, in his opinion, conduct unbecoming an officer. The preponderance of evidence established a pattern of behavior by COL (b)(7)(C) that, in his opinion, was conduct unbecoming an officer.

e. In the reopened AR 15-6 investigation, he did not have any physical evidence regarding the sexual assault. Without corroboration by anyone else and because COL (b)(7)(C) did not respond, he was compelled to believe (b)(7)(C) testimony. He recognized that (b)(7)(C) being much smaller than COL (b)(7)(C) was in a very vulnerable position. He took her testimony at face value. He believed what (b)(7)(C) said had occurred because there was not any contradicting testimony.

f. He did not know a criminal investigation was needed, because he was working with the legal advisor.

g. (b)(7)(C) indicated she was unhappy with MG Harrison's decision to move her, and she intended to go the US Army Pacific Commander. COL (b)(7)(C) told her that was valid, but asked her to give the CMD a chance address her complaint. Regarding whether she could speak to the media, he told her she could speak to anyone she wanted to. He did not prohibit or coerce her not to speak to anyone.

h. While not included in the AR 15-6 investigation, he questioned what happened to (b)(7)(C), but whatever happened was inappropriate. He felt COL (b)(7)(C) a married senior officer, should have never been in (b)(7)(C) room in the middle of the night, especially, because she was one of his employees.

[IO Note: COL (b)(7)(C) was responding to a question whether he believed (b)(7)(C) explanation of what happened in the hotel room in July 2012 was accurate. His response was a personal opinion, not incorporated in the AR 15-6 investigation.]

i. He felt the sexual assault allegation would be difficult to substantiate in a courtroom. He received no pressure regarding the investigation. This was the first time he investigated allegations of sexual harassment and sexual assault.

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10. COL (b)(7)(C) testified:

a. COL (b)(7) informed him about an incident involving COL (b)(7)(C) raising his voice to (b)(7)(C) at the CZCC in the June 2012 timeframe. COL (b)(7)(C) inquired but could not obtain any first-hand information about the complaint. COL (b)(7)(C) counseled COL (b)(7)(C) regarding public intoxication and issued him a LOC on 8 June 2012. He informed MG Harrison about it, and MG Harrison expressed concern. COL (b)(7)(C) believed he told MG Harrison he was going to issue COL (b)(7)(C) an LOC (b)(5) (b)(5) (b)(5) Since he did not have first-hand evidence, the LOC seemed appropriate at that time. MG Harrison was concerned about COL (b)(7)(C) potentially having (b)(7)(C) (b)(7)(C) He never saw COL (b)(7)(C) intoxicated, and he did not think MG Harrison did either.

b. On or about 30 January 2013, COL (b)(7)(C) gave him new information about COL (b)(7)(C) behavior at the CZCC. COL (b)(7)(C) knew COL (b)(7)(C) was working through some issues like (b)(7)(C) He spoke to Command Sergeant Major (b)(7)(C) United States Army Garrison-Japan about COL (b)(7)(C) behavior. He informed MG Harrison and counseled (b)(7)(C) MG Harrison directed the AR 15-6 investigation.

c. He further testified that he and MG Harrison spoke a couple of times about whether to remove COL (b)(7)(C) from the (b)(7)(C) position while the investigation was in progress. He thought MG Harrison was waiting on the outcome of the AR 15-6 investigation. He also considered what impact removing him would have on the training exercises.

11. MG Harrison testified that he did not suspend COL (b)(7)(C) Although he thought about it, he did not think it was necessary.

[IO Note: On 22 March 2013, the AR 15-6 investigating officer's report recommended COL (b)(7)(C) be removed from the (b)(7)(C) position. After the AR 15-6 investigation, MG Harrison kept COL (b)(7)(C) in the (b)(7)(C) position for 78 days until removing him on 7 June 2013.]

12. In MG Harrison's written statement, he stated that he removed COL (b)(7)(C) on 7 June 2013 because he was scheduled to represent USAR-J at a highly visible exercise planning conference in Hawaii. He felt it was inappropriate for him to attend.

**ANALYSIS / DISCUSSION:**

1. Evidence indicated starting in June 2012, COL (b)(7)(C) demonstrated a pattern of misconduct of which MG Harrison was aware.

a. In June 2012, MG Harrison was aware of a LOC COL (b)(7)(C) issued to COL (b)(7)(C) for COL (b)(7)(C) public intoxication at the CZCC and perceptions of an improper relationship with one of his MLC employees, (b)(7)(C)

b. In August 2012, MG Harrison was aware of multiple complaints against COL (b)(7)(C) for showing favoritism and engaging in an inappropriate relationship with (b)(7)(C) yet he chose not to investigate. He, instead, issued COL (b)(7)(C) an LOC.

c. On 28 February 2013, an AR 15-6 investigation, which MG Harrison directed, concluded COL (b)(7)(C) established a pattern of behavior constituting conduct unbecoming an officer and gentleman because of his intoxication and inappropriate behavior with females at the CZCC.

d. On 22 March 2013, the reopened AR 15-6 investigation concluded COL (b)(7)(C) behavior constituted conduct unbecoming of an officer and gentleman, that the preponderance of evidence supported allegations of sexual harassment, and that there was probable suspicion of wrongful sexual contact with (b)(7)(C). The investigating officer, a senior O6 CDR, recommended COL (b)(7)(C) be removed from the (b) position and assigned back to CONUS. MG Harrison had ample evidence to conclude COL (b)(7)(C) had become self-destructive. A reasonable, objective analysis of COL (b)(7)(C) conduct would have led most senior commanders to lose trust and confidence in COL (b)(7)(C) ability to function effectively as the (b)(7)(C).

2. MG Harrison's assumption that removing (b)(7)(C) would resolve the hostile work environment in the (b) was flawed. The climate survey reflected a negative work environment in February 2013, six months after (b)(7)(C) was removed from the (b)(7)(C). The climate survey and group sessions reflected that the leadership of the 81-person (b) was not fostering a positive climate. COL (b)(7)(C) informed MG Harrison there were issues based upon the survey results. Although MG Harrison, in his written statement, indicated climate in the (b) was a "critical issue for the command," there was no credible evidence he took action to review the details of the command climate survey report or follow up on the results.

3. Evidence reflected that as early as December 2011 and into February 2013, COL (b)(7)(C) was going through (b)(7)(C) It was likely MG Harrison was aware of this since COL (b)(7)(C) was also aware.

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4. Given these indicators from multiple sources, MG Harrison chose not to remove COL (b)(7)(C) from the (b)(1) position because he felt it was not necessary at the time. MG Harrison decided to suspend COL (b)(7)(C) on 7 June 2013, 78 days after the AR 15-6 investigating officer recommended it, the same day Stars and Stripes published the story about (b)(7)(C) sexual assault complaint.

**CONCLUSION:** The preponderance of evidence established that MG Harrison failed to remove COL (b)(7)(C) from the (b)(1) position contrary to the recommendation of an AR 15-6 investigating officer and after being made aware of substantial evidence that raised serious concerns about COL (b)(7)(C) fitness to remain in a critical leadership position. His decision to finally remove COL (b)(7)(C) came 78 days after the second AR 15-6 investigation concluded and at the time when the sexual assault complaint was presented in the national media.

(b)(7)(C)

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(b)(7)(C)

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(b)(7)(C)

(b)(7)(C)

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(b)(7)(C)

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(b)(7)(C)

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(b)(7)(C)

**OTHER MATTERS:**

1. USAR-J was not flagging Soldiers under investigation in accordance with AR 600-8-2. COL (b)(7)(C) was flagged 96 days after the AR 15-6 investigation was initiated and only after IMCOM queried USAR-J about flagging the (b)(7)(C) (b)(7)(C). Additionally, COL (b)(7)(C) testified that USAR-J had not previously flagged individuals under investigation.

(b)(7)(C)

3. The allegations against COL (b)(7)(C) are being investigated by CID and DAIG is monitoring. The investigation by CID regarding the allegation of sexual assault by COL (b)(7)(C) remains open. CID has indicated it will address the relationship between COL (b)(7)(C) and (b)(7)(C) in their investigation.

(b)(7)(C)

5. Current DOD policy does not authorize SARC assistance to LN employees in USAR-J. According to the DOD Directive 6495.01, SAPR Program, paragraph 2a(4), and the DOD Instruction 6495.02, SAPR Program Procedures, paragraph 2, only military members and selected non-military members, such as DOD civilian employees and their family dependents 18 years of age and older stationed overseas and eligible for treatment in the military healthcare system are offered (limited) SAPR services.

(b)(7)(C)

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(b)(7)(C)

8. (b)(7)(C) submitted a grievance through the MLC grievance system for her transfer which she claimed was a violation of the Japanese Labor Act. The grievance is ongoing at USAR-J.

9. The allegations made against COL (b)(7)(C) in August 2012 that he showed favoritism and engaged in an inappropriate relationship with (b)(7)(C) were not investigated. Additionally, the evidence indicated COL (b)(7)(C) misused government resources with regard to (b)(7)(C) performing personal services for COL (b)(7)(C).

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**RECOMMENDATIONS:**

1. This report be approved and the case closed.

(b)(7)(C)

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(b)(7)(C)



Colonel, IG  
Investigator

(b)(7)(C)



Investigator

APPROVED:

A handwritten signature in black ink, reading "Peter M. Vangjel". The signature is written in a cursive style.

PETER M. VANGJEL  
Lieutenant General, USA  
The Inspector General

**LIST OF EXHIBITS**

**EXHIBIT ITEM**

**A Authority/Complaint**

- A-1: Directive
- A-2: Complaint
- A-3: Legal Reviews

**B Standards**

- B-1: AR 600-20, Army Command Policy, 18 March 2008
- B-2: AR 195-2, Criminal Investigation Activities, 15 May 2009
- B-3: AR 600-8-2, Suspension of Favorable Personnel Actions, 23 October 2012
- B-4: MLC Contract Letter 1-03, 3 March 2003
- B-5: USAR-J Pam 690-1EJ, 1 October 1993
- B-6: USAR-J Pam 690-1, 2 September 2008
- B-7: AR 20-1, Inspector General Activities and Procedures, 29 November 2010, RAR 3 July 2012
- B-8: DOD Instruction 5505.18, 25 January 2013

**C Documents**

- C-1: (b) USAR-J Organization
- C-2: USAR-J Summary
- C-3: COL (b)(7)(C) ORB
- C-4: (b)(7)(C) personnel data
- C-5: Photographs
- C-6: LOC, 8 June 2012
- C-7: IGARS, 7 August 2012
- C-8: E-mail, COAs and power point chart, 8 August 2012
- C-9: LOC, prepared 10 August 2012
- C-10: E-mail, LTC (b)(7)(C) 28 August 2012
- C-11: MLC Complaints
- C-12: E-mails from EEO regarding MLC complaints
- C-13: MFR, MG Harrison, prepared 27 November 2012
- C-14: MFR, Climate survey (b) 3 January 2013
- C-15: Memorandum for (b) 11 February 2013
- C-16: E-mail from COL (b)(7)(C) regarding (b)(7) survey
- C-17: Complaint regarding COL (b)(7)(C) for CZCC behavior
- C-18: DA Form 4856 Counseling on COL (b)(7)(C)
- C-19: Extract, AR 15-6 Investigation initiated 11 February 2013
- C-20: E-mails from (b)(7)(C)
- C-21: (b)(7)(C) complaint, 14 February 2013

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- C-21A: IGAR, (b)(7)(C) 8 March 2013
- C-21B: Complaint, (b)(7)(C) 8 March 2013
- C-22: E-mail from COL (b)(7)(C) 8 March 2013
- C-23: Extract, reopened AR 15-6 Investigation
- C-24: E-mail from COL (b)(7)(C) regarding flag
- C-25: DA 268 Flag, 17 May 2013
- C-26: E-mail from PAO, 30 May 2013
- C-27: Memorandum for (b)(7)(C) Detail
- C-28: USAR-J Forms 11EJ Personnel Action
- C-29: LN Counseling Form
- C-30: E-mail string between COL (b)(7)(C) and MG Harrison
- C-31: E-mail from (b)(7)(C) JESO
- C-32: E-mails from (b)(7)(C)
- C-33: E-mails from LTC (b)(7)(C)
- C-34: E-mails between COL (b)(7)(C) and (b)(7)(C)
- C-35: Restricted Microfiche data, COL (b)(7)(C)
- C-36: Memorandum for IO, AR 15-6 Investigation, 17 May 2013
- C-37: DOD Directive 6495.01, SAPR Program, 23 January 2012
- C-38: DOD Instruction 6495.02, SAPR Program Procedures, 28 March 2013
- C-39: CSA Message on Sexual Assault and Harassment, 16 May 2013

**D**

**Testimony**

- D-1: (b)(7)(C) (FOIA: Yes)
- D-2: COL (b)(7)(C) (FOIA: No)
- D-3: COL (FOIA: No)
- D-4: LTC (FOIA: Yes)
- D-5: (b)(7)(C) (FOIA: No)
- D-6: COL (b)(7)(C) (FOIA: No)
- D-7: COL (FOIA: Yes)
- D-8: MG Harrison (FOIA: No)
- D-9: MG Harrison (statement) (FOIA: No)

**E**

**Notifications**

- E-1: LTG Wlarcinski
- E-2: MG Harrison (subject)