



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

US ARMY INSPECTOR GENERAL AGENCY
REPORT OF INVESTIGATION
(Case 13-001)

SEP 16 2013

NAME/POSITION: Major General (MG) Raymond Carpenter, Retired (Ret), former Acting Director, Army National Guard (ADARNG), National Guard Bureau (NGB), Arlington, Virginia

ALLEGATION/FINDING: The allegation that MG (Ret) Carpenter conducted a Release from Active Duty (REFRAD) board improperly was substantiated.

BACKGROUND:

1. On 18 October 2011, the Department of the Army Inspector General Agency (DAIG) received a complaint from (b)(7)(C)

(b)(7)(C) against MG (Ret) Carpenter, MG Timothy Kadavy, Deputy Director, NGB; Brigadier General (BG) Timothy McKeithen, former Chief of Staff (CofS), NGB; and Colonel (COL) (b)(7)(C) former Chief, Human Capital Management (NGB-HCM) Division, NGB. (b)(7)(C) stated that he was informed by the former Chief, Personnel Division (NGB-HRP), that the population considered by the board was reduced to exempt certain Soldiers from consideration. (b)(7)(C) further alleged that certain Soldiers were given exceptions that allowed them to update their records past the suspense date; the standards for the board packets were not in accordance with (IAW) NGB policy; Army National Guard (ARNG) leadership failed to notify eligible Soldiers of the "Call to Active Duty Program"; and NGB demonstrated a pattern of disregard and/or lack of ability to follow instruction, regulation, and policy regarding the management and supervision of Title 10 Soldiers.

2. On 9 November 2011, DAIG received a second complaint against MG (Ret) Carpenter from (b)(7)(C)

(b)(7)(C) (b)(7)(C) alleged that MG (Ret) Carpenter directed the leadership of the NGB-HCM Office to pull at least one officer's packet from the REFRAD Board to shelter that person from removal from the AGR program. (b)(7)(C) further alleged that her promotion packet was removed from consideration once she was selected for REFRAD.

3. On 22 November 2011, DAIG received a third complaint regarding the conduct of the REFRAD board from (b)(7)(C)

(b)(7)(C) (b)(7)(C) alleged that the board was not conducted properly, and when he attempted to obtain information from the NGB leadership on how the board was processed, BG William Stoppel, Deputy Director, Army National Guard (DDARNG), told him that the board results would not be released.

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4. Although (b)(7)(C) and (b)(7)(C) indicated MG Kadavy, BG McKeithen, and COL (b)(7)(C) were involved in decisions involving the REFRAD board, they provided no evidence to support their complaint. Witness testimony also indicated there was no evidence to support their involvement. Accordingly, they were not considered subjects in the inquiry. Further, there was no credible allegation against BG Stoppel, and he was not considered as a subject in this inquiry.

5. MG (Ret) Carpenter approved the board results on 10 August 2011. Approximately 225 officers submitted packets for the board, but only 36 officer's packets appeared before the board. Of the 36 officers, a total of 21 officers (2 COLs, 13 LTCs, and 6 MAJs) were selected for REFRAD.

ALLEGATION: The allegation that MG (Ret) Carpenter conducted a REFRAD board improperly was substantiated. The complainants alleged that MG (Ret) Carpenter incrementally reduced the population of the REFRAD board to exempt select Soldiers from the board process. The complainants further alleged that the board was not IAW standard policies and established procedures. A review of the procedures MG (Ret) Carpenter implemented indicated that this restructuring of the REFRAD board process resulted in the omission of approximately 189 officers from consideration.

STANDARDS:

1. Army Regulation 600-8-24 (Officer Transfers and Discharges), 12 April 2006, with rapid action revision, 13 September 2011, paragraph 2-25b, states that for AGR officers who are not recommended for continuation, Chief, NGB (CNGB); Chief, Army Reserve; and State adjutants general are authorized to order REFRAD. The authority may not be further delegated.

2. Assistant Secretary of the Army (Manpower and Reserve Affairs) (ASA M&RA) memorandum, 16 July 2007, subject: Implementing Guidance for the ARNG AGR Life Cycle Management, states that if the CNGB authorizes an AGR REFRAD board, the board will consider AGR officers who have completed 18 years or more of active federal service (AFS) for those grades under consideration.

3. CNGB memorandum, 13 January 2010, subject: Memorandum of Instruction (MOI)-Fiscal Year (FY) 2010-2012 ARNG AGR REFRAD Boards, states in paragraph 5, IAW the 2007 ASA(M&RA) memorandum, the board "will consider" all AGR officers meeting the eligibility criteria outlined in Annex A.

a. Annex A, paragraph 2a, states that AGR officers eligible for consideration by an AGR REFRAD board include AGR officers who have completed 18 or more years of AFS as of the convene date of the board and whose grade, area of concentration

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(AOC), branch (BR), or functional area (FA) has been identified as overstrength in paragraph 3a.

b. Annex A, paragraph 3a, states the board will select those "least qualified" for future service to be released from the Title 10 AGR Program. The board will select and recommend AGR officers by grade, AOC, BR, or FA.

c. Annex A, paragraph 3b, states that the number of AGR officers that the board must recommend to be released from the Title 10 AGR Program is fixed pursuant to subparagraph 3a. Paragraph 3c states that the DARNG, or his designee, may adjust the board's selection objective up to the convene date of the board.

d. Annex A, paragraph 3d, states that the REFRAD board has the authority to identify AGR officers for possible involuntary separation. Those officers identified will be required to "show cause" for retention in an active status. Officers may be identified for possible involuntary separation regardless of the established selection objectives or whether they are recommended for release from the Title 10 AGR Program.

4. NGB-ARH memorandum, 12 February 2010, subject: ARNG Officer AGR REFRAD Board (NGB-ARH Policy Memo #10-002), states in paragraph 4 that the selection objectives for the AGR REFRAD Board will be developed by grade, AOC, BR, FA, or a combination of these criteria. Selection objectives that would narrow the board population to the point it targets individual Soldiers will not be developed. The policy memorandum provides the following example: The organization has one O5 (43A) in the zone of consideration and creates his or her selection objective by grade or functional area O5 (43A). In this case, the selection objective reduces the considered population to one. This is not the intent of the AGR REFRAD Board, and a new selection objective must be developed to expand the consideration population.

5. ARNG-HCM memorandum, 18 March 2011, subject: Calendar Year 2011 (CY11) ARNG AGR Officer REFRAD Announcement, states in paragraph 2, that the board will be conducted on 20-24 June 2011. Paragraph 3a states that Soldiers eligible for consideration are AGR officers who have completed 18 years or more of AFS as of 31 December (2010) of the CY preceding the board date will be considered if an officer's grade, AOC, BR, or FA has been identified as overstrength. In paragraph 4(e)(3)(a), the suspense date to submit required documents for Official Military Personnel Files inclusion is 9 May 2011.

DOCUMENTS/TESTIMONY:

1. (b)(7)(C) (b)(7)(C) and (b)(7)(C) alleged that the REFRAD board was not conducted properly. (b)(7)(C) and (b)(7)(C) testified that the Board did not conform to the standard of 18 years of AFS. (b)(7)(C) testified that she heard that

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MG (Ret) Carpenter directed COL (b)(7)(C) to pull at least one officer's packet from the REFRAD board to shelter that person from removal from the AGR program.

2. (b)(7)(C) testified that COL (b)(7)(C) CofS, Nebraska National Guard (NENG), and former Chief, Personnel Services (NGB-HRP), notified him of the results of the REFRAD board. COL (b)(7)(C) told him that time-in-grade and other criteria were used for the board. (b)(7)(C) believed that the population was incrementally reduced to exempt select Soldiers. (b)(7)(C) further testified that individuals were allowed to update their packets past the NGB suspense date.

[Investigating Officer (IO) Note: COL (b)(7)(C) believed that the board also used 20 years AFS to further reduce the zone of considered officers; however, the evidence indicated that only time-in-grade was used.]

3. COL (b)(7)(C) testified that he served as the Chief, NGB-HRP, and was required to review the 2011 REFRAD board results after the board president approved them. Because of the small number of individuals considered, he asked about the zone of considered officers and was told that MG (Ret) Carpenter decided to add additional criteria including time-in-grade. He submitted his packet for the REFRAD board, but he did not learn that his packet did not go before the board because of time-in-grade until after the board was completed. He learned about the time-in-grade criteria as a result of his position. He did not believe that narrowing the zone of consideration was IAW NGB MOI. In his current position as the CofS, NENG, his State regularly conducts REFRAD boards, and based on NGB-HCM's policy, the NENG strictly adheres to the 18 years of AFS requirement. COL (b)(7)(C) testified that there was no time-in-service consideration provided in the NGB guidance. His State was not authorized to add any additional criteria, like time-in-grade, because it would give the appearance they were attempting to manipulate the board to favor certain individuals.

4. SFC (b)(7)(C) AGR, Human Resources Board Recorder, NGB, testified that the 2011 REFRAD board was not conducted IAW standard procedures. She received several variations of the selection objectives for the board. Right before the board was scheduled to convene, she received a revised copy of the selection objectives that added a five year time-in-grade requirement for COLs and LTCs and a six year time-in-grade for MAJs. Time-in-grade consideration was not authorized by any policy.

5. (b)(7)(C) GS-13, Human Resource Specialist, NGB-HCM, testified that it was her job to ensure that the board adhered to established policies. The ASA(M&RA) policy states that the zone of considered officers for REFRAD boards were those officers with 18 or more years of AFS. That rule was not flexible and could not be adjusted; however, time-in-grade was used to determine who would be eligible for the 2011 REFRAD board. This additional criteria was not a part of NGB policy. Her office

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did a concurrence memorandum, but only after they were told that NGB Legal concurred with the use of time-in-grade. At that point, she believed that it was over her head.

6. LTC (b)(7)(C) former Branch Chief, NGB-HCM, testified:

a. The zone of considered officers was COLs, LTCs, and MAJs with 18 years of AFS by 31 December 2010, which was initially about 200 officers. MG (Ret) Carpenter did not want that large of a population to go before the board. LTC (b)(7)(C) coordinated with (b)(7)(C) NGB Staff Judge Advocate (NGB-SJA), and LTC (b)(7)(C) NGB Inspector General (NGB-IG), to determine if the zone could be reduced by implementing a time-in-grade requirement. (b)(7)(C) and LTC (b)(7)(C) agreed that it could, so he applied a four-year time-in-grade requirement, which reduced the zone to approximately 71 officers. MG (Ret) Carpenter still thought the population of Soldiers was too large, so LTC (b)(7)(C) re-worked the list several times and came up with five-years time-in-grade for COLs and LTCs and six years for MAJs, which reduced the zone to about 40-50 officers. MG (Ret) (b)(7)(C) rationale was that, if COLs or LTCs had five years time-in-grade, they were probably "stagnant" and not advancing in grade.

b. LTC (b)(7)(C) believed that NGB did not have to inform individuals who went before the board that a time-in-grade requirement was added. He believed that the ASA(M&RA) policy memorandum allowed the ADARNG to change the zone of considered officers up until the board convened, which they did. He knew that the REFRAD board might generate IG complaints; therefore, he worked directly with MG (Ret) Carpenter and did not involve any other staff members in the decisions regarding the board.

[IO Note: ASA(M&RA) policy did not allow the ADARNG to change the zone of considered officers as stated by LTC (b)(7)(C). The CNGB policy recognized only certain selection objectives and allowed the ADARNG to modify those selection objectives (grade, AOC, BFR, FA, or a combination of these criteria) up until the board convened, but it did not allow them to develop/create a new selection objective.]

7. COL (b)(7)(C) former Chief Personnel Policy Division (NGB-HRH), testified:

a. His office was responsible for reviewing and approving the pre-board documents. IAW NGB policy, the zone of consideration was everyone with 18 or more years of AFS. However, the zone was "shaped" to include COLs and LTCs with five years of time-in-grade and MAJs with six years time-in-grade. NGB did not publicize that the zone of consideration was shaped using a time-in-grade requirement. Officers who submitted packets that did not meet the time-in-grade requirement were not notified that their records did not go before the board. He had 18 years of AFS and submitted his packet,

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but did not learn of such a change until after the board was completed. He only learned that this occurred as a result of his position as the Chief, NGB-HRH.

b. In a memorandum, dated 3 August 2012, COL (b)(7)(C) provided his analysis on how NGB was authorized to use time-in-grade to narrow the zone of considered officers. COL (b)(7)(C) stated that this analysis was coordinated with (b)(7)(C). In the memorandum, dated 3 August 2012, COL (b)(7)(C) stated that the base policy governing the REFRAD was the 2007 ASA(M&RA) memorandum as modified by 2009 ASA(M&RA) memorandum. These memoranda provided "broad guidance" as to how life cycle management boards were to be executed, leaving the details of execution to the ARNG.

[IO Note: The memoranda COL (b)(7)(C) referenced did not "provide broad guidance as to how the life cycle management boards will be executed." The 2007 ASA(M&RA) memorandum states that CNGB is the approval authority for AGR REFRAD boards and that once the CNGB authorized a board, the "board will consider" AGR officers who had completed 18 or more years of AFS for the grades under consideration. The 2009 ASA(M&RA) memorandum delegated the "notification requirement authority/approval authority" from CNGB to DARNG. It did not leave "the details of execution to the ARNG" as stated by COL (b)(7)(C).

8. MG (Ret) Carpenter declined to testify, but agreed to respond to the allegation in a written statement to questions provided by DAIG:

a. He authorized the REFRAD board upon the recommendation of the ARNG senior staff, including the G-1, human resources manager, and chief of staff. He was not familiar with anyone being improperly pulled from consideration. His primary concern was to ensure the process was fair and equitable to the officers under consideration. He did not recall specific considerations beyond the requirements of the ASA(M&RA) policy memorandum and accompanying documents that stated officers considered for the board had to have completed 18 or more years of AFS, and the board would not consider any of the criteria prohibited in the memorandum. He received input from key players on the senior staff, including recommendations from the G-1, the human resources manager, and the chief of staff. He also relied on the language of the ASA(M&RA) memorandum, including the NGB MOI, which provided that "[t]he DARNG has authority to modify these selection objectives."

b. He specifically directed that the process be reviewed by his judge advocate with the Office of the Chief Counsel to ensure he was complying with the regulatory and policy guidance. He did not act on the board until the process and result were approved by legal counsel. Based on the senior staff recommendations and the language of the ASA(M&RA) memorandum and the CNGB MOI, he approved by memorandum the appointment of the board with the selection objectives. This was done upon the advice

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of the senior staff and reviewed by the Office of the Chief Counsel. He was not aware of any exception to policy requested or granted, and he did not recall any suggestion that an exception was needed. He received no information and had no basis to suspect that the process was conducted improperly prior to and during the conduct of the board or in approving its results.

ANALYSIS/DISCUSSION:

1. The preponderance of evidence indicated the 2011 REFRAD board was not conducted IAW required procedures, resulting in the omission of approximately 189 officers from the REFRAD board process.
2. The evidence indicated that board announcement letters were sent to all officers with 18 years or more of AFS requiring them to submit their board packets for the 2011 REFRAD Board. Based on this requirement, approximately 225 officers submitted board packets with the belief that their records would appear before the board. Once the list of officers was received, LTC (b)(7)(C) testified that MG (Ret) Carpenter did not want that large of a population to go before the board. To reduce the number of considered officers, LTC (b)(7)(C) testified that he and other members of the NGB staff came up with the idea to use time-in-grade. LTC (b)(7)(C) applied several variations of time-in-grade until he got a number that was acceptable to MG (Ret) Carpenter. The list was reduced from approximately 225 to 36 officers.
3. The board announcement letters did not indicate that time-in-grade would be used as a requirement for the board. The time-in-grade criteria was applied after the board packets were received. LTC (b)(7)(C) believed that NGB did not have to notify the officers of the time-in-grade requirement. By implementing a time-in-grade requirement to the zone of consideration, approximately 189 officers, including the majority of the NGB primary staff, were omitted from appearing before the board.
4. MG (Ret) Carpenter stated that he used time-in-grade as a selection objective; however, NGB-HRH Policy Memo 10-002, paragraph 6b, specifically states that the selection objectives for the AGR REFRAD Board "will be developed by grade, AOC, BR, FA, or a combination of these criteria. Selection objectives that would narrow the board population to the point it targets individual Soldiers will not be developed." Therefore, using time-in-grade as a selection objective was improper.
5. The evidence established that the time-in-grade requirement improperly narrowed the zone of considered officers. Neither the NGB MOI nor the ASA(M&RA) memorandum provides for the use of time-in-grade in any capacity. By adding the time-in-grade criteria, "the board" did not consider all officers with 18 years or more of AFS as required by the ASA(M&RA) memorandum.

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6. In addition to manipulation of the zone of considered officers by implementing a time-in-grade requirement, other inconsistencies with the board were identified.

a. According to the NGB MOI, Annex A, paragraph 2a, AGR officers eligible for consideration by an AGR REFRAD board included AGR officers who had completed 18 or more years of AFS "as of the convene date of the board." The convene date of the board was 20 June 2011; however, NGB established 31 December 2010 as the date for calculated AFS, further shrinking the population of eligible officers. The evidence indicated that if NGB had used the correct board convening date of 20 June 2011 as required by the MOI, more officers would have been included in the zone of considered officers.

b. Even using MG (Ret) Carpenter's time-in-grade criteria, an NGB data query revealed that the below individuals were still omitted from the board. There was no record to determine why these individuals were not considered.

Last	First	Middle	Grade	Current Assignment	Years of AFS	TIG as of 31 Dec10
(b)(7)(C)			(b)(7)(C)	ARNG-AV	26	6
(b)(7)(C)			(b)(7)(C)	NGB-J3/7	18	7
(b)(7)(C)			(b)(7)(C)	N-NC-J5	20	5
(b)(7)(C)			(b)(7)(C)	CSRG-W	18	6
(b)(7)(C)			(b)(7)(C)	NGB-J3/7	19	7

CONCLUSION: The preponderance of evidence indicated that MG (Ret) Carpenter improperly reduced the population of considered officers for the CY 2011 REFRAD board. Time-in-grade was a concept that LTC (b)(7)(C) conceived with the approval of MG (Ret) Carpenter to reduce the number of officers to appear before the board. The evidence indicated that the population was reduced until MG (Ret) Carpenter had a number that he felt was acceptable to appear before the board. This major restructuring of the REFRAD board occurred after the requirements for the board were announced and the board packets were received. This action resulted in the omission of approximately 189 officers from consideration. The evidence indicated that the policy regarding the conduct of the board was established by ASA(M&RA) and supplemented by guidance issued by CNGB. The decision regarding the zone of considered officers that would appear before the board was vested with ASA(M&RA) and/or the CNGB, and not the ADARNG or his staff. Despite this major revision of established policy, there was no documentation, exception to policy, legal opinions, or justification detailing how and why the decisions were made regarding the officers considered/not considered for the board.

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OTHER MATTERS:

1. NGB changed the criteria for the board after the board packets were received. The changes to the board process, to include changes to the zone of considered officers, were not approved prior to the board nor published as a requirement in the board announcement.
2. All officers who were selected for REFRAD should be informed that the board was not conducted IAW established procedures, and NGB should take appropriate action to correct the record.
3. (b)(7)(C) testified that the Policy Division has requested a revision of NGB policy to allow for the DARNG to implement the board as he sees fit. Because of the potential for improper implementation of the board, the CNGB should maintain proper oversight of the board process.
4. (b)(7)(C) alleged that MG (Ret) Carpenter directed pulling one officer's packet from the REFRAD board to shelter that person from removal from the AGR program. MG (Ret) Carpenter stated that he was not familiar with anyone being pulled from consideration. A data query indicated that approximately 189 officers were omitted from the board based on MG (Ret) Carpenter's criteria of five years time-in-grade for COLs and LTCs, and six years for MAJs; however, at least two COLs, two MAJs, and one LTC met the time-in-grade requirement, but their records did not appear before the board. There was no record to determine why these individuals were omitted from the board process.
5. All officers omitted from consideration by the CY 2011 board based on time-in-grade criteria received a generic letter, unsigned, stating that they were not selected by the board, when, in fact, they were not even considered. NGB-HCM memorandum stated that previously considered officers were not eligible for consideration for 12 months from the date of the board's convening date. Therefore, many officers believed that they were exempt from any future boards, which is not necessarily the case.
6. (b)(7)(C) stated that ARNG leadership failed to notify eligible Soldiers of the "Call to Active Duty Program (CAD)." The 2007 ASA(M&RA) memorandum indicated that the CAD program would be announced by the Army G-1 and provided for appropriate dissemination to the ARNG. IAW MILPER Message #10-199, subject: FY11 CAD Regular Army Program for Selected RC Officers, the CAD allowed certain Reserve Component military occupational specialties to continue service in the Active Component. The program was opened to all MAJs and a limited number of CPTs, but it was closed to LTs and LTCs. Although the program did not apply to (b)(7)(C) it did apply to the MAJs who were approved for REFRAD. The evidence indicated that NGB

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may have failed to notify the individuals of the program as stated in the ASA(M&RA) guidance.

7. The spreadsheet listing the consideration roster of 36 officers provided to the board had two different basic active service dates (BASD). One column listed BASD identified by Human Resource Management System (HRMS) and another column listed BASD identified in the Retirement Points Accounting System (RPAS). In some cases, the data was off by several months and, in one case, by several years. HRMS was an internal database NGB created. The board after action review also indicated that some of the data provided in HRMS was inaccurate.

8. (b)(7)(C) testified that NGB-ARH Policy Memo #10-012 improperly required a Department of the Army Form 2-1, Officer Record Brief (ORB) and/or Personnel Qualification Report and a memorandum stating the officer met medical retention standards and deployability standards. NGB policy required these documents for the CY11 REFRAD board; however, witness testimony indicated that these documents were obsolete and no longer required. As such, the policy memorandum needs to be updated to reflect current information/guidance.

9. (b)(7)(C) and (b)(7)(C) testified that select individuals were not notified of the board results within seven days as required by NGB policy. According to the Non-retention for Continued Service memorandum, dated 3 August 2011, addressed to (b)(7)(C) Soldiers were to be allowed a minimum of nine months from the date of notification, not to exceed 12 months to separate from the AGR program unless an earlier release date was requested. Soldiers who were not notified in a timely manner were given an advantage over others who were notified within the seven-day requirement. This is another significant issue with respect to the way that the NGB conducted the CY11 REFRAD board.

10. SFC (b)(7)(C) testified she was required to maintain positive control over the board results; however, the chain of custody was broken when CPT (b)(7)(C) the Officer-In-Charge (OIC), Boards Branch, took the final board results from her to staff it for signatures. The NGB SOP required that she attest to the accuracy of the board's report. Because positive control was not maintained, she could not fully attest to the validity of the board results.

11. SFC (b)(7)(C) testified that she believed that COL (b)(7)(C) former Chief, NGB-HCM, and LTC (b)(7)(C) former, Branch Chief, NGB-HCM, addressed the members of the board without her as the recorder present, in violation of the MOI. The MOI required board members not to communicate with anyone except a recorder or the DARNG's designated representative concerning the board. However, two board members testified that no one from NGB-HCM addressed the board after the board convened and that they never witnessed any improper communications with members

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of the board. A subsequent board was conducted shortly after the REFRAD board, and COL (b)(7)(C) and LTC (b)(7)(C) may have improperly addressed members of that board.

12. SFC (b)(7)(C) testified that a MAJ was added to the list of considered officers when it was learned that the selective objective for REFRAD was six and the list of MAJs was also six. SFC (b)(7)(C) testified that a seventh MAJ was added. SFC (b)(7)(C) could not recall who she informed about the conflict between the number of MAJs on the roster and the selection objective, and she did not know who changed the roster of MAJs. LTC (b)(7)(C) testified that he changed the selection objective memorandum the day before the board convened, but he did not manipulate the list of MAJs. Because of the lack of documentation to verify if the list was manipulated, there is insufficient evidence to conclude that this occurred.

13. (b)(7)(C) testified that the selection objective memorandum was changed after the board convened. SFC (b)(7)(C) indicated that she was unaware of such a change. LTC (b)(7)(C) testified that this did not occur. Due to conflicting information and lack of documentation regarding board process, there is insufficient evidence to determine if an impropriety occurred in this matter.

14. The evidence indicated that the original selection objective memorandum the CNGB signed was not in the official board file as required. SFC (b)(7)(C) testified that no one knew where the original memorandum was. She believed that the document could have been tampered with without the knowledge of MG (Ret) Carpenter. However, MG (Ret) Carpenter stated that he signed the memorandum in question. Therefore, there is no evidence of an impropriety involving the selection objective memorandum.

15. (b)(7)(C) testified that her packet was pulled from the LTC Promotion Board after she was selected for REFRAD. The evidence established that once (b)(7)(C) was selected for REFRAD, she would no longer serve in the title 10 AGR program; therefore, her removal from the promotions board was appropriate.

16. (b)(7)(C) stated that he believed the board did not have minority representation. However, the evidence indicated that the board met diversity requirements by having one female and one minority male on the board.

17. (b)(7)(C) testified that he did not believe the board selected the "most qualified." Although (b)(7)(C) indicated that he believed that he was the most qualified, board voting files indicated he was ranked ninth out of nine officers considered.

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18. (b)(7)(C) testified that he was not provided the results of the board. BG Stoppel told him there was no requirement to publish board results. There is no evidence of an impropriety in this matter.

19. (b)(7)(C) testified that certain Soldiers were given exceptions that allowed them to update their records past the suspense. LTC (b)(7)(C) testified that the results of the 2009 REFRAD board were thrown out because one individual failed to update his record file. Therefore, MG (Ret) Carpenter directed that NGB-HCM obtain 100 percent accountability on all board files. Based on that guidance, LTC (b)(7)(C) testified that he allowed Soldiers to update their board files beyond the suspense date. The evidence indicated that LTC (b)(7)(C) sent an e-mail to all officers who failed to update their records in a timely manner. Although, only the individuals who failed to meet the suspense date were notified that they could still update their records, LTC (b)(7)(C) testified that he did not prohibit anyone else from updating his or her records past the suspense date.

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RECOMMENDATIONS:

1. This report be approved and the case closed.
2. Refer this report to the Office of The Judge Advocate General.
3. Refer the issues regarding the conduct of the REFRAD Board and the issues in Other Matters, paragraph 1-12, to CNGB for appropriate action.
4. Notify the complainants of their right to seek redress through the Army Board for Correction of Military Records (ABCMR).
5. Take no further action regarding the issues in paragraphs 13-20, Other Matters.

(b)(7)(C)

Investigator

(b)(7)(C)

Investigator



PETER M. VANGJEL
Lieutenant General, USA
The Inspector General

LIST OF EXHIBITS

EXHIBIT

ITEM

A Authority/Complaint:

A-1: Directive

A-2: DA Form 1559, IGAR, 17 Oct 11, (b)(7)(C)

A-3: Complaint 18 Nov 11, (b)(7)(C)

A-4: A memorandum, 21 Nov 11, (b)(7)(C) and supporting documents
Supporting documentation from (b)(7)(C) subject: T10 ARNG REFRAD Board,
with 15 enclosures

A-5: Legal Reviews

B Standards:

B-1: AR 600-8-24, date 12 Apr 2006

B-2: An ASA (M&RA) memorandum, 16 Jul 07, subject: Implementing Guidance for
the ARNG AGR Life Cycle Management

B-3: An ASA (M&RA) memorandum, 14 Oct 09, subject: Delegation of Authority of
the ARNG AGR Life Cycle Management

B-4: A memorandum, 13 Jan 10, MOI FY 2010-2012 ARNGUS AGR REFRAD

B-5: A memorandum, 12 Feb 2010, subject: ARNG Officer AGR REFRAD Board
(NGB-ARH Policy Memo #10-002),

B-6: A memorandum, 18 Mar 11, subject: CY11 ARNG AGR Officer REFRAD
Announcement

C Document Summary:

C-1: NGB Board/Panels Standard Operating Procedures, as of 1 Jan 2010 (Draft)

C-2: An e-mail, 29 Mar 11, subject: REFRAD Consideration Roster

C-3: Two memoranda, undated, CY11 AGR Officer REFRAD Selection Objectives

C-4: (b)(7)(C) Consideration Roster file, undated, title: Soldiers Below Not
Considered

C-5: An e-mail, 3 Jun 11, subject: FY11 REFRAD Board, from LTC (b)(7)(C)

C-6: An e-mail, 16 Jun 11, subject: T-10 Officer ASMB, between LTC (b)(7)(C) and
(b)(7)(C)

C-7: A memorandum, 16 Jun 11, subject: T10 Officer AGR REFRAD Board Pre-
Board Reports

C-8: A memorandum, 3 Jun 11, subject: Appointment of CY11 ARNGUS AGR
REFRAD Board

C-9: FY11 REFRAD board results

C-10: Document, undated, subject: AAR for the CY11 ARNGUS AGR REFRAD
Board

C-11: 2011 REFRAD Results for the 9 Colonels on the Board with Individual
Member Scores

C-12: Roster of all Officers With 18 or More Year of AFS

SAIG-IN (ROI 13-001)

C-13: NGB-HCM Roster of Everyone with 18 Years or More of AFS and 5 or More Years of TIG

C-14: A memorandum, 7 Jun 12, subject: Response to Inquiry Concerning Title 10 AGR ASMB-3: Two memoranda, 3 Aug 12, subject: Response to Inquires Use TIG Zone of Consideration for the T10 AGR ASMB (Corrections Highlighted in Yellow and the original)

C-15: A memorandum, 3 Jun 11, subject: Appointment of the CY11 ARNGUS AGR REFRAD Board

C-16: A memorandum, 3 Jun 11, subject: Appointment of the CY11 ARNGUS AGR REFRAD Board – Corrections

C-17: An e-mail, 27 Aug 12, subject: CY11 REFRAD Board Entire Officer Zone of Consideration and Selection Objectives from (b)(7)(C)

C-18: A memorandum, 25 Aug 11, subject: Retention for Continued Service on the Title 10 AGR

C-19: Personnel Files for LTC (b)(7)(C) and LTC (b)(7)(C)

C-20: Assignment Orders #202-7, 21 Jul 11, for COL (b)(7)(C)

C-21: Field Manual 1-0, title: Human Resources Support

C-22: Milper Message Number 11-248, Proponent ARNG-HRZ, title: Guidance to ARNG States on the Implementation of the ORB and Interim Guidance During Regulatory Update

C-23: Milper Message #10-199, subject: FY11 CAD Regular Army Program for Selected RC Officers

C-24: A memorandum, 12 Feb 10, subject: ARNG Officer AGR REFRAD Board Guidance (NGB-ARH Policy Memo #10-002)

C-25: A memorandum, 12 Feb 10, Board Packet Review Process/Board Packet Documents for ARNGUS AGR REFRAD (NGB-ARH Policy Memo #10-012)

C-26: A Memorandum for Record, 16 Oct 12, subject: A Review of the NGB 2011 AGR REFRAD Board

C-27: A Memorandum for Record, 17 Oct 12, subject: A Review of the NGB 2011 AGR REFRAD Board

D Testimony:

D-1: (b)(7)(C)	FOIA: Yes
D-2: (b)(7)(C)	FOIA: Yes
D-3: (b)(7)(C)	FOIA: Yes
D-4: COL (b)(7)(C)	FOIA: Yes
D-5: SFC (b)(7)(C)	FOIA: Yes
D-6: Ms. (b)(7)(C)	FOIA: Yes
D-7: LTC (b)(7)(C)	FOIA: Yes
D-8: COL (b)(7)(C)	FOIA: Yes
D-9: MG (Ret) Carpenter	FOIA: Yes

E Notification: MG (Ret) Carpenter

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