

Enclosure 32



DEPARTMENT OF THE ARMY
528TH SUSTAINMENT BRIGADE (SPECIAL OPERATIONS) (AIRBORNE)
BLDG X-4047 NEW DAWN DRIVE
FORT BRAGG, NORTH CAROLINA 28310

AOSC-MI

16-June-2012

MEMORANDUM FOR RECORD

SUBJECT: SFC Forbes, Michael J. Timeline of AR 15-6 Investigation

The following timeline (prepared by the SFC Forbes) is accurate and complete to the best of his knowledge:

2LT Tolston Findings and Recommendations (20230222, signed 20230413)
Investigation Timeline

Summary: This investigation, with its procedural flaws and surprising choice of a 2LT to conduct an investigation of a Senior NCO, reinforces why a post-command CPT or higher should have been selected instead. The IO had 42 days to investigate; the IO gathered evidence on only 10 of those allotted days, with the bulk of the IOs data gathering occurred between 20230119 that was included in the findings.

It is extremely troubling that after conducting interviews and reviewing SS evidence, the IO spent massive amounts of time generating MFRs to augment her witnesses' SSs and waited until one day before her extension deadline to ask questions of SFC Forbes (the Subject). He requested, under the advice of CPT Carras', his suspect rights Legal Assistance Lawyer, to review the request with his representation. SFC Forbes responded on 20230223 (one day after the IO deadline), which may indicate the IO did not consider SFC Forbes' answer. Notably, he requested clarification of the vague questions concerning the counterproductive leader charge in his answer to the IO. He received no response, likely due to the deadline that had already passed for another extension request. This is highly unorthodox and did not provide SFC Forbes the opportunity to due process to refute the allegations with the IO in the time provided by COL Brunson.

Further flaws are as follows:

- 1) The investigation IO's findings and recommendations memo and all supplemental MFRs were dated 22FEB2023 but not signed by 2LT Tolston until 13APR2023, but then were modified by the BDE CDR on 20230420; and modified again on 20230522 to add back the disrespect charge.
- 2) The IO was in possession of evidentiary allegations for months, even after the she requested an extension; the evidentiary allegations of multiple events were not brought forth to SFC Forbes to address during the investigation, thereby forcing these matters to be refuted in rebuttal of a General Officer Memorandum

- of Reprimand (GOMOR) because of an incomplete assessment by the IO. This is a highly unorthodox IO procedure and cumbersome for the rebuttal of a Personnel Action such as a GOMOR.
- 3) Unit Psychologist (MAJ Racaza) complained about SFC Forbes on 30NOV2022 to the BDE CDR, SFC Forbes addressed this incident with a replied email from the BDE CDR; SFC Forbes understood the issue as resolved when released from the mandate to participate in the SDI event in that email exchange - See Reprisal Catalyst Events & Timeline Folder (20221201 email 1of2; 2of2 is identical with the COL indicating he read it twice) for this exchange.
 - 4) MAJ Racaza brought the same 30NOV2022 complaint at an unknown time (circa 6 weeks later), which was at least part of the reason for the appointment of the IO for an investigation on 12JAN2023 that SFC Forbes was the unwitting subject of, as MAJ Racaza was the named Officer that SFC Forbes allegedly disrespected in the IO appointment order; MAJ Racaza then submitted a sworn statement against SFC Forbes on 19JAN2023 for the same 30NOV2022 discussion in the same investigation she was a catalyst for.
 - 5) The BDE CDR influenced the assignment of SFC Forbes back to STB to be ordered by CPT Korista to be escorted to an eCDBHE while he was an unwitting subject of 2LT Tolston's investigation.
 - 6) The only documented report of MAJ Racaza's is her 3rd complaint of the 30NOV2022 discussion, which was in the form of a sworn statement provided to the IO on the day of SFC Forbes' release from WAMC emergency room and only **after** a "fit-for-duty" result from the eCDBHE that MAJ Racaza provided the regulatory basis for CPT Korista to order the unwitting SFC Forbes to participate in. Would MAJ Racaza still have created the sworn statement if the diagnosis result from the eCDBHE was more severe? We will never know.
 - 7) SFC Forbes was not flagged by CPT Korista, or anyone, until 07FEB2023 at which time he became a witting subject; furthermore, the flag was not entered into IPPS-A through HRC until he received his GOMOR on 01JUN2023. The motivation for this failure to follow Army Regulations could be explained as leverage for SFC Forbes to remain silent regarding the further pursuit of the evidentiary truth associated with CSM Emekaekwue's assaulting him, MAJ Racaza's multiple complaints about the same discussion on 30NOV2022, MAJ Racaza's conflict of interest and multiple violations of the APA Code of Conduct in her recommendation to have SFC Forbes ordered to eCDBHE. Moreover, MAJ Racaza violated many APA Code of Conduct Principles in her solicitation and implementation of the Strengths Deployment Inventory through COL Brunson. This ultimately resulted in COL Brunson's clandestine investigation of SFC Forbes, via this poorly executed investigation that denied SFC Forbes the opportunity to persuade the IO through testimony of alleged wrongs.
 - 8) Notably, SFC Forbes documented the situation the same day (on 30NOV2022) whereas the only recorded documentation of MAJ Racaza's allegations occurred

after the investigation began (over 6 weeks later) and post-eCDBHE mundane result findings.

- 9) The IO used a disputed allegation as evidence in her findings by stating "I find that SFC Forbes engaged in disrespectful behavior towards MAJ Rhea Racaza.... This can be supported by MAJ Racaza[']s statement claiming that SFC Forbes demanded aggressively that she provide him with information and cut her off without letting her explain or answer any questions."
- 10) The investigation is predominated by generalizations, uncorroborated opinions, hearsay, falsifications and the aforementioned ill-intent by leaders of the unit.

The Investigation began on 12JAN2023;

- **20220112 NO INVESTIGATION ACTIONS TAKEN BY IO**
- **20220113 NO INVESTIGATION ACTIONS TAKEN BY IO**
- **20220114 NO INVESTIGATION ACTIONS TAKEN BY IO**
- **20220115 NO INVESTIGATION ACTIONS TAKEN BY IO**
- **20220116 NO INVESTIGATION ACTIONS TAKEN BY IO**
- 20230117 (0607) CPT Lowrie texted me that CPT Korista wanted to meet with us both at 1330.
- **20230117 (1500) Legal meeting with CPT Dycus[, 95th CA BDE and IO]**
- 20230117 (1330) SFC Forbes met with CPT Lowrie and CPT Korista and was dismissed by CPT Korista for being "assigned to 389th MI BN" at 1340.
- **20230117 (1500) LEGAL MEETING WITH CPT DYCUS (95th CA BDE).**
- 20230117 (1554) BDE directed move to "Revoke" SFC Forbes assignment to 389th MI BN via a BDE directed Personnel Action on 20221220.
- 20230117 (1555) BDE directed move to "Attach" SFC Forbes to 389th MI BN via a BDE directed Personnel Action thereby assigned him back under the authority of CPT Korista the Company CDR, HHC, STB, 528th SB.
- 20230117 (~1600) CPT Davenport, Company CDR, HHC, 389th MI BN, 528th SB, calls SFC Forbes into her office while CPT Korista was on the phone with her and notified SFC Forbes to be at CPT Korista's office on 20230118 at 1600.
- **20220118 NO INVESTIGATION ACTIONS TAKEN BY IO**
- 20230118 (~1000) SFC Forbes travels to 1SFC for in-person request open-door with MG Angle. He was persuaded to meet with CSM Munter on 20230119 at 0900.
- 20230118 (1600) SFC Forbes arrives with CPT Devine, 389th Chaplain, at SFC Forbes request. He nearly immediately asked to attend a mental health "Safety Check" at WAMC. SFC Forbes immediately notified CPT Korista that he had no suicidal or homicidal ideations, and was not suffering from any symptoms of a Personality Disorder. These are the only three reasons a CDBHE can be ordered and then only after a Psychology consult. SFC Forbes continued to refuse the repeated attempts to get him to attend the "Safety Check" voluntarily. Finally, in

front of all present, CPT Korista admitted he was ordering SFC Forbes to an eCDBHE. SFC then, and only then, complied with the order. Notably, SFC Forbes is still an unwitting subject of a BDE level investigation at this time.

- 20230118 (1743) SFC Forbes is admitted to the emergency room with armband emplaced. During this event SFC Forbes was ordered to strip, put on a hospital gown, watch a medical worker inventory the contents of his uniform and was not allowed a charging cord to continue to attempt to keep his wife calm. His wife, who was extremely angry about this, got no sleep that night and commented during a telephonic meeting, "They were trying to piss him off" and later said, "They are hunting him."
- 20230119 (~0318) SFC Forbes is released with "No duty limitations" and, "No follow-up needed" by Mr. Brian Lanier, a Behavioral Health Provider at WAMC. This can be seen in the DA Form 3822, which took 3 months (20230420) and 5 requests for SFC Forbes to receive a copy. The form indicates a billable diagnosis code of R45.89 with the words, "OTHER SYMPTOMS AND SIGNS INVOLVING EMOTIONAL STATE" noted. This document is in the Exhibit E folder (para 4.). Further clarification can be found on page 18 of 71 of SFC Forbes medical records associated with this incident, where Dr. Christopher Anderson, the Emergency Room Physician, wrote under "Diagnosis," which reads "Stress;" all of this was after being screened for "Depression" and "Substance Misuse." This was a 9.5 hours ordeal that, if held earlier in the day could have lasted 50 minutes (the amount of time the assessment did last with Dr. Anderson) with an unbiased (other than MAJ Racaza) Psychologist or Clinical Social Worker during normal business hours. No evidence was procured to support the investigation during this heavy-handed order by CPT Korista that was recommended by MAJ Racaza.
- **20230119 (1245) Witness meeting with MAJ Racaza [and IO.]**
- 20230119 (1252) MAJ Racaza provides the first on-record written statement that my client has to date of the 30NOV2022 communication wherein my client lawfully and professionally requested the "scope and statutory support" of the SDI event that MAJ Racaza was lawfully obligated to answer.
- **20230119 (1350) Witness meeting with SGT Aldeguer [and IO.]**
- **20230120 (1100) Witness meeting with 1SG Morgan [and IO.]**
- **20230120 (1400) Witness meeting with MAJ CH Rivera [and IO.]**
- **20230120 Extension request**
- **20230121 NO INVESTIGATION ACTIONS TAKEN BY IO**
- **20230122 NO INVESTIGATION ACTIONS TAKEN BY IO**
- **20230123 NO INVESTIGATION ACTIONS TAKEN BY IO**
- **20230124 (1450) Witness meeting with CPT Lowrie [and IO.]**
- **20230124 Extension request approved**
- **20230125 (1000) Witness meeting with MAJ Weber [and IO.]**
- **20230125 (1100) Witness meeting with CPT Korista [and IO.]**

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- 20230125 (1400) Witness meeting with PFC Scheffing [and IO.]
- 20230126 (1400) Witness meeting with CSM Emekaekwue [and IO.]
- 20230127 (1030) Witness meeting with LTC Furlow [and IO.]
- 20230127 (1200) Witness meeting with 1LT Lyons [and IO.]
- 20230127 (1400) Witness meeting with LTC Furlow [and IO.]
- 20230128 NO INVESTIGATION ACTIONS TAKEN BY IO
- 20230129 NO INVESTIGATION ACTIONS TAKEN BY IO
- 20230130 NO INVESTIGATION ACTIONS TAKEN BY IO
- 20230131 NO INVESTIGATION ACTIONS TAKEN BY IO
- 20230201 NO INVESTIGATION ACTIONS TAKEN BY IO
- 20230202 NO INVESTIGATION ACTIONS TAKEN BY IO
- 20230203 NO INVESTIGATION ACTIONS TAKEN BY IO
- 20230204 NO INVESTIGATION ACTIONS TAKEN BY IO
- 20230205 NO INVESTIGATION ACTIONS TAKEN BY IO
- 20230206 NO INVESTIGATION ACTIONS TAKEN BY IO
- 20230207 NO INVESTIGATION ACTIONS TAKEN BY IO
- 20230207 CPT Korista provide SFC Forbes with a counseling and flag. Flag is not submitted to IPPS-A (HRC) until circa 20230601.
- 20220208 NO INVESTIGATION ACTIONS TAKEN BY IO
- 20220209 Witness meeting with Mrs. Margarret Lindquist over phone
- 20220210 NO INVESTIGATION ACTIONS TAKEN BY IO
- 20220211 NO INVESTIGATION ACTIONS TAKEN BY IO
- 20220212 NO INVESTIGATION ACTIONS TAKEN BY IO
- 20220213 NO INVESTIGATION ACTIONS TAKEN BY IO
- 20220214 NO INVESTIGATION ACTIONS TAKEN BY IO
- 20220215 NO INVESTIGATION ACTIONS TAKEN BY IO
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- 20220217 NO INVESTIGATION ACTIONS TAKEN BY IO
- 20220218 NO INVESTIGATION ACTIONS TAKEN BY IO
- 20220219 NO INVESTIGATION ACTIONS TAKEN BY IO
- 20220220 NO INVESTIGATION ACTIONS TAKEN BY IO
- 20230221 (1600) M[FR] for accused sent to CPT Carras. 2LT Tolston notifies SFC Forbes of suspect questions for the investigation. Questions about counterproductive leadership are vague (See Exhibit S).
- 20220522 2LT TOLSTON's INVESTIGATION ENDS PER THE EXTENSION GRANTED BY COL BRUNSON. ALL MEMOS ARE BACKDATED TO THIS DATE. SHE DID NOT INCLUDE SFC FORBES' RESPONSE ON 20230523 THAT CAME IN AFTER REQUESTED ATTORNEY CONSULT AND DID NOT CLARIFY THE QUESTION TO PROVIDE ANY FIDELITY ON THE EMBEDDED ALLEGATIONS AGAINST HIM.

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- 20230223 SFC Forbes responds to 2LT Tolston questions and requests clarification regarding counterproductive leadership question vagueness. He gets none (See Exhibit 1).
- 2020420 SFC Forbes finally receives missing 10 pages of medical records refuting all of CPT Koristas alleged symptoms but "stress" and thievery (which is refuted elsewhere) that he indicated on FB 1462-E.
- 20230501 SFC Forbes is presented with a DA 4856 from 1SG Kelley, Amanda, HHC, 389th MI BN wherein she notifies him she is recommending him to the Company CDR, CPT Davenport, Hollis, HHC, 389th MI BN for "Failure to follow direct orders" and "counterproductive leadership." SFC Forbes disagreed with the counseling as he is not guilty of those allegations. Again, the event did not produce any evidence for the still open and modifiable investigation as seen by COL Brunson's memo dated 20230522 wherein he provided a "Clarification of Approved findings dated 20 April 2023."
- 20230511 SFC Forbes is presented with a DA 4856 from CPT Davenport that notified him that the "BDE Commander has recommended that you receive a ...GOMOR." SFC Forbes disagreed with the counseling as he feels this is unwarranted and he has professionally enforced regulations. Again, the event did not produce any evidence for the still open and modifiable investigation as seen by COL Brunson's memo dated 20230522 wherein he provided a "Clarification of Approved findings dated 20 April 2023."
- 20230601 SFC Forbes receives a GOMOR from BG Ferguson (DCO, 1SFC), a Military Protection Order (MPO) from CPT Korista and a DA 4856 from CPT Lowrie wherein she is contemplating writing a Relief for Cause NCOER. Notably, CPT Lowrie has only worked with him for 2 months and he has not been anything but a 389th Mentor since being assigned to 389th MI BN on 20221220, which is an unofficial and unheard of role for a Senior NCO.

FORBES.MICHAEL.J. Digitally signed by
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