

Enclosure 34



DEPARTMENT OF THE ARMY
HEADQUARTERS, 528TH SUSTAINMENT BRIGADE (SPECIAL OPERATIONS) (AIRBORNE)
BUILDING X-4047 NEW DAWN DRIVE
FORT BRAGG NORTH CAROLINA 28310-8500

AOSC-JA

21 February 2023

MEMORANDUM FOR RECORD

SUBJECT: Informal Army Regulation (AR) 15-6 Investigation – Questions for the accused.

1. This memorandum documents the questions for the accused that will be asked during the interview.
2. Question 1. On or about 30 November 2022 did you engage in disrespectful behavior towards MAJ Rhea Racaza?
 - a. Is 30 November 2022 the correct date of the interaction? What is the approximate time of the interaction?
 - b. If so what are the facts and circumstances surrounding that interaction?
 - c. Do you know of any other witnesses to the interaction?
3. Question 2. Have you engaged in counterproductive or toxic leadership behaviors within the brigade or battalion S2 section as discussed in AR 600-10, chapter 1-11d and ADP 6-22?
 - a. How would you describe your leadership style?
 - b. Do you know of any other witnesses to the interaction?
4. The point of contact for this memorandum is the undersigned, available at mirriam.g.tolston.mil@socom.mil or 910-432-1143.

Digitally signed by
TOLSTON, MIRRIAM, G.
ERMAINE.1538958630
538958630
Date: 2023.02.21 16:08:10 -0500

MIRRIAM G. TOLSTON
2LT, SC
Investigating Officer

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is PMG.

PRIVACY ACT STATEMENT

AUTHORITY: Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).
PRINCIPAL PURPOSE: To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.
ROUTINE USES: Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.
DISCLOSURE: Disclosure of your SSN and other information is voluntary.

1. LOCATION Ft. Bragg, NC	2. DATE (YYYYMMDD) 20230223	3. TIME 1345	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME Forbes, Michael J.	6. SSN 188-54-7907	7. GRADE/STATUS E-7	
8. ORGANIZATION OR ADDRESS 528th Sustainment Brigade Special Operations (SO) Airborne (A), 4047 New Dawn Drive, Ft. Bragg, NC 28310			

9. I, Michael J. Forbes, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

2LT Tolston: This Sworn Statement pertains to the Investigating Officer's (2LT Tolston, Mirriam G.) Memorandum For Record, dated 21FEB23, in which she asked 2 questions ("Question 1" had 3 sub-questions and "Question 2" had 2 sub-questions. Their respective answers, follow the enumeration provided, are as follows:

Q1: No.

Q1a: Yes, that date is correct. The time for the interaction can be easily identified by contacting 1SFC IG office; I left a follow-up call to prior interactions on their voicemail after MAJ Racaza and I spoke. I had begun a series of communications with them prior to 0925 on 30NOV22 regarding my serious concerns about the mandated directive for my, and all Section BDE Staff's, participation in the 3rd party corporate relationship involved in PII-identifiable, behavioral, data-gathering in the Strengths Deployment Inventory (SDI) announced as "voluntary" when MAJ Racaza initially brought it up at the end of the BDE CDR's 'Scrub' meeting on 280930RNOV2022. In fact, during our discussion, IG encouraged me to attempt to get more information from the source.

Q1b: 301100RNOV22 (exact time unk; 1SFC has voicemail immediately following MAJ Racaza's accusation and deflection to answer my scope and statutory support questions). I went to MAJ Racaza's office and requested the scope and regulatory basis of the mandatory nature of the SDI 2.0. During this communication MAJ Racaza repeatedly asked me, "Why do you want to know?" Initially, I stated, "I am curious about the make-up of the assessment." Later, I stated, "The other day you said it was voluntary but yesterday the BDE CDR made in mandatory in an email. So I want to understand why?" She kept asking me "Why?," evidently looking for some different answer. I then said, "Ma'am if you can't provide anything, that is ok. I can google it." She then accused me of being "angry" and I, witnessing her aggressive verbal accusation and demeanor, I immediately attempted to diffuse the situation by saying, "Ma'am, it's ok, its ok (she had thrown papers back in a box), I am sorry I asked. Just pretend I never did." I began to leave. MAJ Racaza followed me up the stairs and as I went straight down the hall to my office as MAJ Racaza took a right and marched directly into the Command Suite. I immediately called IG to let them know what was occurring and requested a meeting ASAP. Note: To date, MAJ Racaza has not provided any information regarding my questions.

Q1c: No. We were alone in her small office. She was digging through a box in the corner behind her desk.

Q2: No.

Q2a: Professional; I do my best to follow regulations / provide truthful guidance to protect CDRs, supervisors, peers & Soldiers.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF Michael J. Forbes

TAKEN AT Fort Bragg, NC

DATED

20230223

9. STATEMENT (Continued)

Q2b: Not applicable. I don't understand what witnesses you want to view a leadership style that spans two excellent NCOERs while I was BDE NCOIC and Acting OIC. Clarification is needed.

AFFIDAVIT

I, Michael J. Forbes, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[Handwritten Signature]

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 23 day of February, 2023 at Fort Bragg, NC

Brendy D. Dan
Beverly A. Dennis
XV-III Airborne Legal Asst. Office
ORGANIZATION OR ADDRESS

[Handwritten Signature]

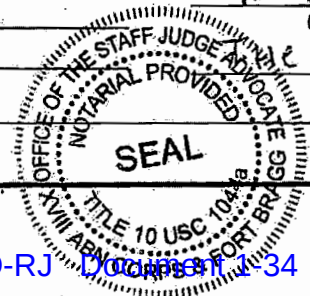
(Signature of Person Administering Oath)

Justin Egan
XVIII ABN Corps
ORGANIZATION OR ADDRESS

Mia Hernandez, SSA, Paralegal
10 USC 1044a
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

Mia Hernandez PAGE 2 OF 2 PAGES
SSA, US ARMY



JUDGE ADVOCATE
PURSUANT TO 10 USC 1044g
COMMISSION INDEFINITE