

In the United States Court of Federal Claims

MICHAEL J. FORBES, <i>pro se.</i>)	
)	
<i>Plaintiff,</i>)	
)	
v.)	No. 1:2024-cv-01953
)	
THE UNITED STATES)	AMENDED COMPLAINT
)	
<i>Defendant.</i>)	

This 9th day of December, 2024

JURISDICTION AND VENUE

1. The basis for this Court’s jurisdiction is founded on the Privacy Act of 1974, 5 USC § 552a, (e)(3), (e)(5), (e)(10), (g)(1)(C) and (D), (g)(4), and (g)(5), as a cause of action, *see Kassel v. US VETERANS’ ADMIN., 709 F. Supp. 1194 (D.N.H. 1989)*, and the Department of Defense Privacy Program, *see DOD 5400.11-R, C10.2 and 3*, as well as adjudication of the associated retaliatory investigation resulting in the Plaintiff’s separation from service, which resulted in loss of, an earned promotion sequence number, contracted pay, and retirement benefits, that are the, effects of retaliation under the Military Whistleblowers Protection Act (MWPA) of 1988 and, damages under the Privacy Act, *see MWPA, 10 USC § 1034, and 5 USC § 552a*.

2. Additional basis for the US Court of Federal Claims jurisdiction and venue is found under the Tucker Act, 28 USC § 1491, which covers ”any claim against the United States founded ... upon... any Act of Congress,” with the courts finding that that veteran or service member claims for back pay are within the Tucker Act’s ambit, *see e.g., Martinez v. United States, 333 F.3d 1295, 1303 and Reaves v. United States, 14-09C (Fed. Cl. 2016)*. Moreover, the Plaintiff’s Privacy Act, (g)(1)(C) and (D) relief requested herein for damages claimed under the Privacy Act (g)(4) and (g)(5) provisions, prior to and after December 1, 2024, exceeds \$10,000, which gives the Claims Court exclusive jurisdiction, *see Randall v. United States, 95 F.3d 339, 347 (4th Circuit 1996), and; 28 USC § 1491*.

STATEMENT OF FACTS

3. Prior to joining the Army at the age of 38, Plaintiff, a recently separated from Active Duty Sergeant First Class, served the public as a 14-year licensed Financial Professional with an unblemished record.

4. Plaintiff is a 17 year, 9 month and 19 day veteran Sergeant First Class, also, with an unblemished record of service in the United States Army, prior to the events in this Complaint.
5. Plaintiff has deployed 5 times totaling 33 months and was most recently stationed in Fayetteville, NC.
6. Plaintiff has a Masters degree in Business Administration (University of Pittsburgh) and a Bachelor of Science in Accounting (Pennsylvania State University).
7. Plaintiff has maintained a Top Secret security clearance and has been a trusted Personnel Security Manager for multiple Commanders over the course of his entire Army career.
8. On November 29, 2022, the Plaintiff's Brigade Commander ordered, and the Command Operational Psychologist supported/directed, the Plaintiff to become a client of an online corporate surrogate (Corestrengths), for the collection of personally-identifiable Plaintiff information; information that, if provided, would be owned by the corporate surrogate and be provided back to the Brigade Commander and Command Operational Psychologist via the coerced Plaintiff's participation in the surrogate's online tool entitled Strength Deployment Inventory (SDI), *see Exhibits 1 (Brigade Commander's Brunson's Order), 2 (Civilian directive of Racaza as Corestrengths Facilitator), and 3 (Email from Field Grade Officer Racaza)*.
9. On November 30, 2022, the Plaintiff began a series of protected communications with an Inspector General (IG) for assistance, regarding the Privacy Act violations, *see Exhibit 4*.
10. Plaintiff did not disrespect the Command Operational Psychologist, who has not, up until she left the unit, provided any of the Plaintiff-requested, informed-consent information, required by statute, in any statutory-compliant form (which "departs substantially from the required standards appropriate to that officer's rank or position)," *see Manual for Courts Martial (2024), Article 89, "Special defense-unprotected victim."* Nor, to date, has the Army provided this information.
11. On December 12, 2022, the Plaintiff was assaulted by a Command Sergeant Major during the morning Battalion formation.
12. On December 19, 2022, the Plaintiff was removed by the Brigade Commander from his position as Non-Commissioned Officer in Charge of the Personnel Security Office and multiple other appointed duties.
13. On January 12, 2023, the Plaintiff was unwittingly named as a suspect in an internal investigation due, initially, to a complaint levied by the Command Operational Psychologist that centered on his request for informed consent information on November 30, 2022; a week later, on January 18, 2023 and during the same open investigation, the same Command

Operational Psychologist complainant authorized an after-hours emergency Command-Directed Behavioral Health Evaluation of the Plaintiff.

14. After two personnel actions documents were presented to the Plaintiff (which resulted from the aforementioned investigation), the issuance of a General Officer Memorandum of Reprimand, dated May 30, 2023, and the imposition of a Relief for Cause Non-Commissioned Officer Evaluation Report, dated July 12, 2023, the Plaintiff was identified for consideration by the Qualitative Management Program (QMP). Both documents cited the investigated ‘disrespect of an Officer’ on November 30, 2022.
15. Plaintiff has expressed no view or behavior that could be reasonably interpreted as disrespectful, counterproductive, racist, trans-phobic, or involved in thievery or blackmail, as allegations in the internal investigation purported. The Plaintiff simply followed regulations and asked appropriate questions. The Plaintiff has asserted and expressed his innocence continuously and repeatedly since being removed from his position on December 19, 2022.
16. By two memoranda, both dated May 29, 2024, the Army expressed its decision of “Denial of Continued Active Duty Service under the Qualitative Management Program (QMP),” which is an involuntary separation; the letters purported to state, but stated no reasons for separation, except its decision.
17. Plaintiff and his family have exhausted all of their savings (and have gone into debt) in an effort to gain acknowledgment of the blatant Privacy Act violations that caused the controversy and to remediate the harms caused to the Plaintiff by the defendant.
18. Consistently, the Plaintiff has been harmed due to Defendant’s negligence (failure to follow their own regulations). Most recently, the Plaintiff was denied regulation-required transition stages to help secure future employment. This compounded the damages caused by the Defendant’s wrongful involuntary separation of the Plaintiff.

CLAIMS

19. On November 29, 2022, the Army unlawfully ordered the Plaintiff to become a client of a corporate surrogate (via performing the aforementioned SDI), for the collection and receipt of the Plaintiff’s personally-identifiable information and beliefs without established administrative safeguards to protect against any anticipated threats or hazards to the data’s security or integrity, which could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom information is maintained in violation of Executive Orders No. M-10-22 (2010) and M-10-23 (2010), and the Privacy Act, *see 5 USC § 552a, (e)(2), and (e)(10)*.
20. The Army, through multiple Officers, when presented with an Inspector General-recommended request (to the Plaintiff, on November 30, 2022, during a protected communication) for the “statutory support and scope” (statutory informed-consent information requirements) of an ordered corporate (third-party) behavioral health assessment entitled “Strengths Deployment Inventory (SDI),” knowingly, willfully, and deliberately retaliated via a complaint and an associated launched and corrupted investigation (not

collecting information to the greatest extent practicable) regarding the Plaintiff (*see Exhibit 5*) in violation of retaliation under the MWPA, and the Privacy Act; *see 10 USC § 1034, and 5 USC § 552a, (e)(2), (e)(3)(A-D), and (e)(5), also see Kassel (1989)*. The SDI task was not required to be accomplished by the Plaintiff due to statute or by executive order of the President, and hence not incident to the Plaintiff's service requirement and this status was corroborated by the Inspector General's Office, *see 5 USC § 552a (e)(1) and (e)(7)*.

21. The Army, upon ordering the Plaintiff's involvement in the purchased corporate (third-party) behavioral health assessment (SDI) that directly promotes Diversity, Equity and Inclusion doctrine, knowingly, willfully, and deliberately failed to ask the Plaintiff for the information it wanted, and willfully and negligently denied the Plaintiff's right to formally express his denial of consent, and hence, to retain a copy of this denial on a statute-compliant consent form, in violation of multiple laws and regulations: *the Privacy Act (e)(3)(A-D); the MWPA, 10 USC § 1034; and Defense Regulation "Protection of Human Subjects in Medical Experimentations," 32 CFR Part 219.116(a)(b) and (c); and HHS Regulation "The Common Rule," 45 CFR § 46 Subpart A*.
22. The Army's order conflicted with the Plaintiff's statutory right to express his choice to consent or not, a violation of the 1st Amendment, the 5th Amendment's due process clause, and the Privacy Act; *see 5 USC § 552a (e)(3)(A-D)*.
23. On November 30, 2022, the Plaintiff was harmed by the Inspector General (IG) when it failed to address the Plaintiff's Call-in Inspector General Assistance Request (IGAR) in violation of the Inspector General Activities and Procedures regulation; *see Army Regulation 20-1, Ch. 6-1, f., and also see The US Army Inspector General School's training manual, doctrine entitled "The Assistance and Investigations Guide," Section 2-2-2*.
24. On December 2, 2022, the Army ordered a second, and separate, third-party Behavioral Health Evaluation that was embedded in a published, unlawful and falsified order for the Plaintiff to participate in the personally-identifiable Human Protection and Wellness program that has direct research ties to Diversity, Equity and Inclusion implementation and is linked to the search for prohibited extremist behaviors in the military. This information (a baseline holistic health survey) also was ordered without the requisite safeguards to the Plaintiff's right to expressly document his informed consent or non-consent prior to the Agency asking for it, *see 5 USC § 552a (e)(3)(A-D) and (e)(10)*.
25. On February 9, 2023, the Plaintiff was harmed when he became a suspect in a second-referred investigation stemming from the Plaintiff's Inspector General Complaint, a violation of the Military Whistleblower Protection Act; *see MWPA, 10 USC § 1034*
26. Plaintiff is also being irreparably harmed by the recent Affirmative Defense added to the Military Whistleblowers Protection Act (MWPA) and made effective on December 23, 2016; *see MWPA, 10 USC § 1034, and also National Defense Authorization Act for (NDAA), Fiscal Year 2017*. (See further discussion below under "Constitutional Claims")

27. The Army failed to act when presented with a request for a stay of separation due to unit Commander knowingly, willfully, and deliberately denying the Plaintiff's redress request for the unit Commanders negligence to fulfill their responsibilities "[n]A[ccordance]W[ith] public Law 101-510, Section 1144" of ensuring Soldiers report to "a mandatory Pre[-] separation Briefing 120-180 days prior to separation with the Soldier for Life," as per Army Regulation 635-8 (Ch. 4-3, b.), *see Exhibit 6 (redress denial), 7 (Article 138 denial), and 8 (separation orders)*.

CONSTITUTIONAL CLAIMS

28. First Amendment overbreadth doctrine prohibits laws or regulations that regulate speech if "a substantial number of [their] applications are unconstitutional, judged in relation to the statute's plainly legitimate sweep," *see United States v. Stevens, 559 U.S. 460, 473 (2010), citing Washington State Grange v. Washington State Republican Party 552 US 442 (2007)*.
29. The Affirmative Defense added to the MWPA (*see 10 USC § 1034, (b)(2)(C)*) is facially overbroad as it sweeps in the authority for any Commander to investigate limitless amount of "allegations of collateral misconduct" on any Soldier that voices any concern about an unlawful, or unsafe, action that is protected by the MWPA, and hence the First Amendment. For example, the added clause of the Affirmative Defense allows for the Commander to investigate any conceivable "matter unrelated to the protected communication," as long as they get approval from one of three sources, which could promulgate an "under the microscope" understanding amongst service members in our military. This could prohibit protected communication activity such as questioning the lawfulness of an order, reporting wrongdoing, or merely requesting that Inspector General assist and intervene. This also, could prohibit expressions in open dialogue such as stating that "maybe the Inspector General can help or let me call the Judge Advocate General for the answer."
30. The added Affirmative Defense in the MWPA is overbroad on its face because its unconstitutional applications are substantial in relation to its legitimate applications as they chill lawful, expected, and sought after communications. In fact, it would be difficult to find any Agency in the US Government that does not have an active, publicized, and promoted Whistleblower Protection Program or Policy.
31. Plaintiff is being irreparably harmed by the Affirmative Defense added to the MWPA in 2016, *see MWPA, 10 § USC 1034*.
32. The failure of the command to provide the required minimum 120-days of pre-separation preparation, as per Army Regulation 635-8, also is a significant violation of the Fifth Amendment's Due Process Clause.
33. Plaintiff has no other adequate legal remedy than declaratory and injunctive relief by this Court from the retaliatory investigation that led to the Plaintiff's separation, *see MWPA, 10 USC § 1034, the Privacy Act 5 USC § 552a, (e)(5), and Kassel 709 F. Supp. at 1205 (1989)*.

CONCLUSION

- 34. For causes listed above, the Plaintiff requests:
- 35. an immediate reinstatement and stay of separation until such time as unit Commanders remediate their failures to perform their duty to provide the minimum required 120 days of separation preparation (as per Army Regulation 635-8) associated to the Plaintiff's administrative separation scheduled for December 1, 2024 , or in the alternative until this case is adjudicated, *see Tucker Act, 28 USC § 1491, and also see Reaves (2016)*;
- 36. an award for the actual incurred legal fees of approximately \$13,000, to date, spent in seeking an administrative remedy through the US Army due to the violation of the Privacy Act cause of action, *see Privacy Act, 5 USC § 552a(g)(4)(B)*;
- 37. a declaration of the equitable relief from all retaliatory negative (unnecessary and irrelevant) personnel actions on the Plaintiff by having them expunged; a reinstatement of the Plaintiff's promotion at the time and level of his sequence number earned on January 19, 2023, would have permitted; the correction of service records to reflect Plaintiff's actual dutiful and unblemished service, *see MWPA, 10 USC § 1034 and 5 USC § 552a, (e)(1) and (e)(5)*;
- 38. reinstatement in the Army to serve his current indefinite service contract, or the award of retirement benefits as if he honorably served his contract as a Master Sergeant, in the event a reinstatement and stay does not occur, *see Tucker Act, 28 USC § 1491*;
- 39. the award of more than \$142,350 of regular pay to fulfill the Plaintiff's contract (of which, a total of \$2,145 back pay has been realized for the 8 days from the Plaintiff's separation to the date of this amendment), \$4,572 in recouped bonus from the Plaintiff's unfulfilled, indefinite, service contract, and lost wages from promotion of approximately \$4,944 to date, *see Privacy Act, 5 USC § 552a, (g)(4)(A); see Exhibit 9 (indefinite reenlistment contract)*;
- 40. a declaration to allow the Plaintiff equitable relief from The Department of the Army and the Department of Defense who separated the Plaintiff 2 months and 11 days prior to the enlisted retention authority, based on 10 USC § 1176 (*see Exhibit 10*), permitting the plaintiff to honorably retire as a Master Sergeant with his unblemished record of service as intended;
- 41. a declaration that the added (2016) Affirmative Defense clause to the Military Whistleblower Protection Act on its face and as applied in the this case, undermines protections of the Act, *see 10 USC § 1034, (b)(2)(C)*
- 42. any and all other such relief that the Court deems just and proper.

December 9, 2024

Date



Signature of Plaintiff

614 Northampton Road
Fayetteville, NC 28303

Cell: (910) 336-5966
Email: forbes2024cfc@yahoo.com

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Forbes, Michael J SFC USARMY USSOCOM USASOC (USA)

From: Brunson, Tavi N COL USARMY USSOCOM USASOC (USA)
Sent: Tuesday, November 29, 2022 4:25 PM
To: Koak, Mike J SFC USARMY USSOCOM USASOC (USA); Ramirez-Pharr, Jourdan D 1LT USARMY USSOCOM USASOC (USA); Lowrie, Patrina A CPT USARMY USSOCOM USASOC (USA); Forbes, Michael J SFC USARMY USSOCOM USASOC (USA); Johnson, Timothy J MAJ USARMY USSOCOM USASOC (USA); Larson, Zinnah R SSG USARMY USSOCOM USASOC (USA); Colbert, William MAJ USARMY USSOCOM USASOC (USA); Collado, Edison MSG USARMY USSOCOM USASOC (USA); Johnson, Johanna M MAJ USARMY USSOCOM USASOC (USA); Markle, Trinity M (<not set>) SFC USSOCOM USASOC (USA); Markle, Trinity M (<not set>) SFC USSOCOM USASOC (USA); Knighten, Tiffney R SFC USARMY USSOCOM USASOC (USA); Bey, Sonya D CIV USSOCOM USASOC (USA); Sawyer, Robert C MAJ USARMY USSOCOM USASOC (USA); Racaza, Rhea L MAJ USARMY USSOCOM USASOC (USA); Forte, Joseph J CPT USARMY USSOCOM USASOC (USA); Rivera, Alvaro F MAJ USARMY USSOCOM USASOC (USA); Kalsic, Joseph E SGT USARMY USSOCOM USASOC (USA); Murray, Gabrielle L MAJ USARMY USSOCOM USASOC (USA); Philbin, Jeffrey M MAJ USARMY USSOCOM USASOC (USA); Lavin, Michael E CPT USARMY USSOCOM USASOC (USA); Dambeck, Rudolph P CPT USARMY USSOCOM USASOC (USA); Harris, Logan E SSG USARMY USSOCOM USASOC (USA)
Cc: Vargas, Sandra A CSM USSOCOM USASOC (USA); Sanchez, Manuel D LTC USARMY USSOCOM USASOC (USA); Brunson, Tavi N COL USARMY USSOCOM USASOC (USA)
Subject: Strengths Deployment Inventory (SDI) Execution and Group Session
Signed By: tavi.n.brunson.mil@mail.mil

All,

As discussed during the Monday Calendar Scrub, we will be completing the SDI as a Staff Team. The completion of this **REQUIREMENT**, will allow us to better understand our individual and collective approaches to engagement and how we deal with and resolve conflict in a group dynamic.

Bottom Line: This will help us better integrate as a staff as we prepare for the challenge of integrating and execution ISO an NTC rotation.

DIRECTIVES:

1. All staff in the TO: line **will take** the SDI to provide the relevant data/information to facilitate a group session this Friday.
2. Details for the group session will be distributed to via email tomorrow. (Plan on an afternoon event, offsite location, business casual dress, food provided)

- Please contact MAJ Racaza if you need her to resend the SDI tool to take the questionnaire.

Any questions or issues with this requirement, please contact me directly as soon as possible.

v/r, Tavi

COL Tavi N. Brunson

Commander, 528th SB (SO)(A)

1st Special Forces Command (A)

Office: (910) 432-4649 (DSN 239)

BB: (910) 882-3389

NIPR Email: tavi.n.brunson.mil@socom.mil

SIPR Email: tavi.n.brunson.mil@socom.smil.mil

VoSIP (706) 239-4650

Tandberg: 239-8359 / IP 148.41.230.219

DO THE RIGHT THING | DO YOUR BEST | GET BETTER EVERYDAY

FW: [CAUTION: Bulk] [EEMSG: Marketing][URL Verdict: Neutral][Non-DoD Source] Your SDI 2.0 Invitation

From: Forbes, Michael J SFC USARMY USSOCOM USASOC (USA) (michael.j.forbes.mil@socom.mil)

To: paxmas2007@yahoo.com

Date: Saturday, June 10, 2023 at 08:13 PM EDT

Cordially,

Michael J. Forbes

528th Sustainment Brigade (SO) (A),

S2, NCOIC

SMO: WOGKAA6

☎ NIPR: (910) 908-8788

☎ BB: (910) 929-7078

☎ Staff Office: (910) 908-8787

☎ SIPR: 239-3425

NIPR: michael.j.forbes.mil@socom.mil

SIPR: michael.j.forbes.mil@socom.smil.mil

From: Core Strengths <facilitator@corestrengths.com>

Sent: Tuesday, November 29, 2022 4:48 PM

To: Forbes, Michael J SFC USARMY USSOCOM USASOC (USA) <michael.j.forbes.mil@socom.mil>

Subject: [CAUTION: Bulk] [EEMSG: Marketing][URL Verdict: Neutral][Non-DoD Source] Your SDI 2.0 Invitation

Unsubscribe

It appears that you have subscribed to commercial messages from this sender. To stop receiving such messages from this sender, please [unsubscribe](#)

Hello,

The SDI 2.0 is an assessment of what motivates you and how you use your strengths. We are using it to help improve our working relationships.

You are invited to participate. The SDI 2.0 should take less than 30 minutes and your results will be available immediately. Please do not share this email with anyone else. It includes a link and code that are unique to you.

Getting Started

To begin, click on this one-time link: <https://app.corestrengths.com/signup?token=5eda99bf0cce94>

If the above link is not visible or does not work, visit <https://app.corestrengths.com/signup> and enter your one-time Access Code: 5eda99bf0cce94

Deadline

You must complete your assessment before: December 2, 2022, 4:30am UTC. The link will be disabled after this date.

Logging in Again

To resume taking the SDI 2.0 or to view your results at a later time please visit app.corestrengths.com and log in.

Thank you in advance for your participation.

Rhea Racaza

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6.5kB

Forbes, Michael J SFC USARMY USSOCOM USASOC (USA)

From: Racaza, Rhea L MAJ USARMY USSOCOM USASOC (USA)
Sent: Tuesday, November 29, 2022 4:49 PM
To: Forbes, Michael J SFC USARMY USSOCOM USASOC (USA)
Subject: Strengths Deployment Inventory Link
Signed By: rhea.l.racaza.mil@mail.mil

SFC Forbes,

This your link to the Strengths Deployment Inventory, <https://app.corestrengths.com/signup?token=5eda99bf0cce94>
Please let me know if you have any questions.

Very Respectfully,

MAJ Racaza

Rhea Racaza, PsyD
MAJ, MS, USA
Command Operational Psychologist
528th SUS BDE (SO)(A)
COMM: 910-432-8408
DSN: 239-8408
Work Cell: 910-929-8055
NIPR: rhea.racaza@socom.mil
SIPR: rhea.l.racaza.mil@socom.smil.mil

From: Forbes, Michael J SFC USARMY USSOCOM USASOC (USA)
Sent: Wednesday, November 30, 2022 9:25 AM
To: Howsden, Christopher L LTC USSOCOM USASOC (USA) <Christopher.Howsden@socom.mil>
Subject: FW: Strengths Deployment Inventory (SDI) Execution and Group Session

Sir

Here is the communication that I discussed with you moments ago. Thank you.

From: Brunson, Tavi N COL USARMY USSOCOM USASOC (USA) <tavi.n.brunson.mil@socom.mil>
Sent: Tuesday, November 29, 2022 4:25 PM
To: Koak, Mike J SFC USARMY USSOCOM USASOC (USA) <mike.j.koak.mil@socom.mil>; Ramirez-Pharr, Jourdan D 1LT USARMY USSOCOM USASOC (USA) <jourdan.d.ramirezpharr.mil@socom.mil>; Lowrie, Patrina A CPT USARMY USSOCOM USASOC (USA) <patrina.a.lowrie.mil@socom.mil>; Forbes, Michael J SFC USARMY USSOCOM USASOC (USA) <michael.j.forbes.mil@socom.mil>; Johnson, Timothy J MAJ USARMY USSOCOM USASOC (USA) <timothy.j.johnson2.mil@socom.mil>; Larson, Zinnah R SSG USARMY USSOCOM USASOC (USA) <zinnah.r.larson.mil@socom.mil>; Colbert, William MAJ USARMY USSOCOM USASOC (USA) <william.colbert.mil@socom.mil>; Collado, Edison MSG USARMY USSOCOM USASOC (USA) <edison.colladocancel@socom.mil>; Johnson, Johanna M MAJ USARMY USSOCOM USASOC (USA) <johanna.m.johnson.mil@socom.mil>; Markle, Trinity M (<not set>) SFC USSOCOM USASOC (USA) <trinity.markle@socom.mil>; Markle, Trinity M (<not set>) SFC USSOCOM USASOC (USA) <trinity.markle@socom.mil>; Knighten, Tiffney R SFC USARMY USSOCOM USASOC (USA) <tiffney.r.johnson.mil@socom.mil>; Bey, Sonya D CIV USSOCOM USASOC (USA) <sonya.d.bey.civ@socom.mil>; Sawyer, Robert C MAJ USARMY USSOCOM USASOC (USA) <robert.c.sawyer.mil@socom.mil>; Racaza, Rhea L MAJ USARMY USSOCOM USASOC (USA) <rhea.racaza@socom.mil>; Forte, Joseph J CPT USARMY USSOCOM USASOC (USA) <joseph.forte@socom.mil>; Rivera, Alvaro F MAJ USARMY USSOCOM USASOC (USA) <alvaro.f.rivera.mil@socom.mil>; Kalsic, Joseph E SGT USARMY USSOCOM USASOC (USA) <joseph.e.kalsic.mil@socom.mil>; Murray, Gabrielle L MAJ USARMY USSOCOM USASOC (USA) <gabrielle.l.murray.mil@socom.mil>; Philbin, Jeffrey M MAJ USARMY USSOCOM USASOC (USA) <jeffrey.m.philbin.mil@socom.mil>; Lavin, Michael E CPT USARMY USSOCOM USASOC (USA) <michael.e.lavin.mil@socom.mil>; Dambeck, Rudolph P CPT USARMY USSOCOM USASOC (USA) <rudolph.p.dambeck.mil@socom.mil>; Harris, Logan E SSG USARMY USSOCOM USASOC (USA) <logan.e.harris.mil@socom.mil>
Cc: Vargas, Sandra A CSM USSOCOM USASOC (USA) <sandra.cruz@socom.mil>; Sanchez, Manuel D LTC USARMY USSOCOM USASOC (USA) <manuel.d.sanchez.mil@socom.mil>; Brunson, Tavi N COL USARMY USSOCOM USASOC (USA) <tavi.n.brunson.mil@socom.mil>
Subject: Strengths Deployment Inventory (SDI) Execution and Group Session

All,

As discussed during the Monday Calendar Scrub, we will be completing the SDI as a Staff Team. The completion of this REQUIREMENT, will allow us to better understand our individual and collective approaches to engagement and how we deal with and resolve conflict in a group dynamic.

Bottom Line: This will help us better integrate as a staff as we prepare for the challenge of integrating and execution ISO an NTC rotation.

DIRECTIVES:

1. All staff in the TO: line *will take* the SDI to provide the relevant data/information to facilitate a group session this Friday.
2. Details for the group session will be distributed to via email tomorrow. (Plan on an afternoon event, offsite location, business casual dress, food provided)

- Please contact MAJ Racaza if you need her to resend the SDI tool to take the questionnaire.

Any questions or issues with this requirement, please contact me directly as soon as possible.

v/r, Tavi

COL Tavi N. Brunson

Commander, 528th SB (SO)(A)
1st Special Forces Command (A)
Office: (910) 432-4649 (DSN 239)
BB: (910) 882-3389

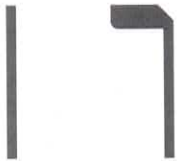
NIPR Email: tavi.n.brunson.mil@socom.mil

SIPR Email: tavi.n.brunson.mil@socom.smil.mil

VoSIP (706) 239-4650

Tandberg: 239-8359 / IP 148.41.230.219

DO THE RIGHT THING | DO YOUR BEST | GET BETTER EVERYDAY





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

S: 7 February 2023
12 January 2023

MEMORANDUM FOR 2LT Miriam Tolston, 112th Signal Battalion (Special Operations) (Airborne), 528th Sustainment Brigade (Special Operations) (Airborne), Fort Bragg, North Carolina 28310-8500

SUBJECT: Appointment as Investigating Officer

1. **Appointment.** You are hereby appointed as an Investigating Officer (IO) pursuant to Army Regulation (AR) 15-6, *Procedures for Administrative Investigations and Boards of Officers*, to conduct an investigation into allegations of disrespect toward a superior commissioned officer and counterproductive leadership regarding SFC Michael Forbes, HHC, 528th Sustainment Brigade (SO)(A).

2. **Instructions.** The purpose of an AR 15-6 investigation is to elicit facts. Your investigation should explore any issues or deficiencies with policy, procedures, resources, doctrine, training, and leadership that might have contributed to this incident.

a. Your responsibilities as an IO take precedence over all other military duties. You have 15 duty days from the date you receive this appointment memorandum to submit your completed investigation to your legal advisor. Coordinate any requests for extensions through your legal advisor.

b. Consult with your legal advisor before making substantive efforts regarding your investigation. CPT Suzanne Dycus, Brigade Judge Advocate, is your legal advisor, and can be reached at 910-643-6065 or suzanne.j.dycus.mil@socom.mil.

c. Read the relevant portions of AR 15-6, AR 600-100, ADP 6-22, Article 89 UCMJ, and any other applicable authorities prior to beginning your investigation.

d. At a minimum, you should interview MAJ Rhea Racaza, MAJ CH Alvaro Rivera, 1SG Larry Morgan, CPT Patrina Lowrie, PFC Matthew Scheffing, SFC Michael Forbes, and any other relevant witnesses in order to address the following questions and issues:

(1) On or about 30 November 2022, did SFC Michael Forbes engage in disrespectful behavior toward MAJ Rhea Racaza? If so, what are the specific facts and circumstances?

(2) Has SFC Michael Forbes engaged in counterproductive or toxic leadership behaviors within brigade or battalion S2 sections as discussed in AR 600-100, Chapter 1-11d and ADP 6-22? If so, what are the specific facts and circumstances?

e. If something happens that could cause me to consider enlarging, restricting, terminating, or otherwise modifying your investigation, you should immediately report this to me through your legal advisor.

3. Conduct of the Investigation. You are to conduct this investigation using the general guidance and procedures outlined in AR 15-6, Chapters 3 and 5.

a. To the extent possible, witness statements will be written and sworn on a DA Form 2823. Do not collect social security numbers. You have the authority to administer oaths pursuant to Article 136, UCMJ. If it is impracticable to obtain a written and/or sworn statement from a witness, you will attest to the accuracy of the statement in whatever form it appears in your report.

b. No U.S. military or civilian witnesses can be ordered to provide information that may incriminate them. If you come to suspect a person may have engaged in criminal conduct, consult with your legal advisor. Under no circumstances should you attempt to elicit any incriminating information from a witness without first advising that person of his/her rights under Article 31, UCMJ, or the Fifth Amendment of the U.S. Constitution, as appropriate. Document your rights advisement and witness waivers of their rights on a DA Form 3881, Rights Warning Procedure/Waiver Certificate.

c. Should you determine in the context of your investigation that a Soldier's status has changed from favorable to unfavorable, as defined in AR 600-8-2, *Suspension of Favorable Personnel Actions*, you must notify me through your legal advisor.

4. Report of Investigation. Use a DA Form 1574-1, Report of Proceedings by Investigating Officer, and attach all required enclosures and exhibits.

a. Findings. A finding is a clear and concise statement of fact that can be readily deduced from exhibits in the record. For each potential instance of misconduct, you will reach a finding of "substantiated" or "unsubstantiated." Misconduct is "substantiated" if you find it to be true by a preponderance of the evidence, which means 51% or "more likely than not." Cite the exhibits that support your findings. If evidence conflicts, make a finding as to which evidence is more credible and why you believe it to be so.

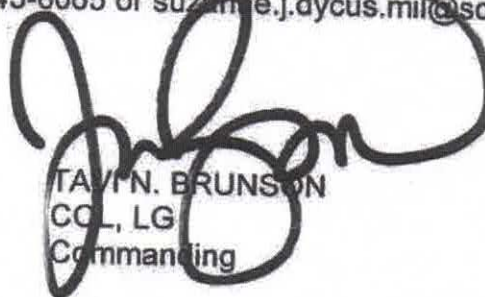
b. Recommendations. Based on your findings, make recommendations as to what changes, if any, are needed in terms of policy, procedures, resources, doctrine, training, and leadership to avoid incidents of this nature in the future. Also, if appropriate, make recommendations of administrative or punitive action consistent with your findings. Each recommendation will cite to the finding that supports it, and should comport with the guidance in AR 15-6, paragraph 3-11.

AOSC-JA
SUBJECT: Appointment as Investigating Officer

c. Assembly. Your completed investigation will include, in the following order:

- (1) This memorandum of appointment;
- (2) A completed DA Form 1574-1;
- (3) A memorandum with your findings and recommendations;
- (4) A detailed chronology of the daily actions you took during your investigation;
- (5) A list of the witnesses you interviewed;
- (6) An index of the attached exhibits;
- (7) All exhibits, labeled and numbered, including the ERB/ORB of any Soldier flagged pursuant to your investigation;
- (8) A tabbed/indexed hard copy of the complete investigation. Do not use document protectors; and
- (9) A scanned copy of the complete investigation.

5. POC for this memorandum is CPT Suzanne Dycus, 95th Civil Affairs Brigade Judge Advocate, and can be reached at 910-643-6065 or suzanne.j.dycus.mil@socom.mil.



TAVIN N. BRUNSON
COL, LG
Commanding



DEPARTMENT OF THE ARMY
HEADQUARTERS, 528TH SUSTAINMENT BRIGADE (SPECIAL OPERATIONS) (AIRBORNE)
1ST SPECIAL FORCES COMMAND (AIRBORNE)
FORT LIBERTY, NORTH CAROLINA 28310-8500


AOSC-CO

13 November 2024

MEMORANDUM FOR SFC Michael J. Forbes

SUBJECT: Response to Request for Redress submitted 11 November 2024

1. This memorandum serves to notify you that your request for redress is **denied**.
2. You requested the following relief: Delay the imposition of your scheduled separation from the US Army until the provisions of AR 635-8 are met in its entirety.
3. You were notified via memorandum on 29 May 2024, your involuntary discharge was directed by U.S. Army Human Resources Command (HRC). There is a prescribed process to request a review provided within the notification memorandum.
4. As HRC directed your involuntary discharge occur not later than 1 December 2024, I do not have the authority to delay your separation.


ANDREW J. LYNCH
COL, LG
Commanding



DEPARTMENT OF THE ARMY
HEADQUARTERS, 1ST SPECIAL FORCES COMMAND (AIRBORNE)
H-3531, 9TH INFANTRY STREET (STOP A)
FORT LIBERTY, NORTH CAROLINA 28310-8500

AOSO-JA

26 November 2024

MEMORANDUM FOR SFC Michael Forbes, HHC, 528th Sustainment Brigade (SO)(A)

SUBJECT: Response to the Article 138 Complaint submitted 25 November 2024

1. This memorandum serves to notify you that your Article 138 Complaint is **denied**.
2. You requested the following relief: Delay the imposition of your scheduled separation from the US Army until the provisions of AR 635-8 are met in its entirety.
3. You were notified via memorandum on 29 May 2024, your involuntary discharge was directed by U.S. Army Human Resources Command (HRC). There was a prescribed procedural due process to request a review provided within the notification memorandum.
4. As HRC directed your involuntary discharge occur not later than 1 December 2024, I do not have the authority to delay your separation.

A handwritten signature in cursive script, reading "Lawrence G. Ferguson", is written over a horizontal line.

LAWRENCE G. FERGUSON
Major General, USA
Commanding

DEPARTMENT OF THE ARMY
US ARMY INSTALLATION MANAGEMENT COMMAND
HEADQUARTERS, UNITED STATES ARMY GARRISON, FT LIBERTY
2175 ROCK MERRITT AVENUE
FORT LIBERTY NORTH CAROLINA 28310-5000

ORDERS 305-0280

31 October 2024

FORBES, MICHAEL JEFFREY [REDACTED]-7907 SFC 0528 CS HHC HHC SUSTAIN BDE, (WJTDA),
FORT LIBERTY, NC 28310

You are reassigned to the U.S. Army transition point shown for transition processing. After processing, you are discharged from the Component shown. If you are delayed in reporting to the transition point, you still must report to the transition point as soon as possible or as authorized to receive a new effective date of discharge.

Assigned to: FORT LIBERTY TC (WOU3NT) FORT LIBERTY NC 28310-5000
Reporting date: 30 October 2024
Comp: REGULAR
Date of discharge unless changed or rescinded: 30 November 2024

Additional instructions:

a. Soldier is entitled to one-half separation pay IAW 10 USC 1174. b. "Information regarding Out-Processing may be obtained from <https://home.army.mil/bragg/index.php/my-fort-liberty/all-services/out-processing-section>" c. IAW Public Law 101-510, Section 1144 you must attend a mandatory Preseparation Briefing and complete the DD Form 2648, 120 - 180 days prior to separation with Soldier for Life. d. Storage of household goods, at government expense, is authorized up to 06 months after separation. e. DEPNS: YES(01). f. UPON RECEIPT OF ORDERS REPORT TO THE TRANSITION CENTER, BLDG 4-2843, 2D FLOOR, WING B, BETWEEN THE HOURS OF 0900 - 1100, MONDAY THRU FRIDAY TO SCHEDULE AN APPOINTMENT FOR THE COMPLETION OF YOUR DD FORM 214. g. You must attend a Transportation Briefing given by the Personal Property Shipping Office. Please call 910-396-5212 and 910-396-2163. h. No pay authorized. Member eligible for involuntary separation pay; however, member chose not to comply with 10 USC 1174(e)(1)(A).

FOR ARMY USE

Auth: AR 635-200
HOR: ERIE PA US
Place EAD or OAD: PITTSBURGH PA US
MDC: 7BE5

FOR ADDITIONAL INFORMATION CONTACT:

ASHLEY M. MEISENBACH ashley.m.meisenbach.civ@army.mil 910-907-0882
SDN: FOR7907PA50280
Format: 501

FOR THE COMMANDER:

OFFICIAL
FORT LIBERTY, NC

LEONARD (LEON) WYATT
CHIEF, MILITARY PERSONNEL DIVISION

DISTRIBUTION:

SFC FORBES (1)

Cdr 0528 CS HHC HHC SUSTAIN BDE, (WJTDA) (1)

CDR, 126TH FINANCE (1)

**ENLISTMENT/REENLISTMENT DOCUMENT
ARMED FORCES OF THE UNITED STATES**

PRIVACY ACT STATEMENT

AUTHORITY: 5 U.S.C. 3331; 10 U.S.C. 113, 136, 502, 504, 605, 506, 507, 508, 509, 510, 513, 515, 516, 518, 519, 972, 978, 2107, 2107a, 3253, 3258, 3262, 5540, 8252, 8253, 8257, 8258, 12102, 12103, 12104, 12105, 12106, 12107, 12108, 12301, 12302, 12304, 12305, 12405; 14 USC 351, 632; 32 U.S.C. 301, 302, 303, 304; and Executive Order 9397, November 1943 (SSN).

PRINCIPAL PURPOSE(S): To record enlistment or reenlistment into the U.S. Armed Forces. This information becomes a part of the subject's military personnel records which are used to document promotion, reassignment, training, medical support, and other personnel management actions. The purpose of soliciting the SSN is for positive identification.

ROUTINE USE(S): This form becomes a part of the Service's Enlisted Master File and Field Personnel File. All uses of the form are internal to the relevant Service.

DISCLOSURE: Voluntary; however, failure to furnish personal identification information may negate the enlistment/reenlistment application.

A. ENLISTEE/REENLISTEE IDENTIFICATION DATA

1. NAME (Last, First, Middle) FORBES, MICHAEL JEFFREY		2. SOCIAL SECURITY NUMBER [REDACTED]-7907	
3. HOME OF RECORD (Street, City, County, State, Country, ZIP Code) [REDACTED]		4. PLACE OF ENLISTMENT/REENLISTMENT (Mil. Installation, City, State) HHC, 54TH BEB (A) APO, AE 09606	
5. DATE OF ENLISTMENT/ REENLISTMENT (YYYYMMDD) 2020 JAN 16	6. DATE OF BIRTH (YYYYMMDD) 1968 [REDACTED]	7. PREV MIL SVC UPON ENL/REENLIST	YEARS MONTHS DAYS
		a. TOTAL ACTIVE MILITARY SERVICE	12 11 04
		b. TOTAL INACTIVE MILITARY SERVICE	00 03 11

B. AGREEMENTS

8. I am enlisting/reenlisting in the United States (list branch of service) ARMY
 this date for INDEFINITE years and _____ weeks beginning in pay grade E6 of which
INDEFINITE years and _____ weeks is considered an Active Duty Obligation, and 0 years and
0 weeks will be served in the Reserve Component of the Service in which I have enlisted. If this is an initial
 enlistment, I must serve a total of eight (8) years, unless I am sooner discharged or otherwise extended by the appropriate
 authority. This eight year service requirement is called the Military Service Obligation. The additional details of my enlistment/
 reenlistment are in Section C and Annex(es) (list name of Annex(es) and describe)
A, B AND C

a. FOR ENLISTMENT IN A DELAYED ENTRY/ENLISTMENT PROGRAM (DEP):

I understand that I am joining the DEP. I understand that by joining the DEP I am enlisting in the Ready Reserve component of the
 United States (list branch of service) _____ for a period not to exceed
 365 days, unless this period of time is otherwise extended by the Secretary concerned. While in the DEP, I understand that I am in
 a nonpay status and that I am not entitled to any benefits or privileges as a member of the Ready Reserve, to include, but not
 limited to medical care, liability insurance, death benefits, education benefits, or disability retired pay if I incur a physical disability. I
 understand that the period of time while I am in the DEP is NOT creditable for pay purposes upon entry into a pay status. However,
 I also understand that the period of time while I am in the DEP is counted toward fulfillment of my military service obligation
 described in paragraph 10, below. While in the DEP, I understand that I must maintain my current qualifications and keep my
 recruiter informed of any changes in my physical or dependency status, qualifications, and mailing address. I understand that I
 WILL be ordered to active duty unless I report to the place shown in item 4 above by (list date (YYYYMMDD)) _____
 for enlistment in the Regular component of the United States (list branch of service) _____
 for not less than _____ years and _____ weeks.

b. REMARKS: (if none, so state.)

- (1) REGULAR ARMY REENLISTMENT OPTION RCN: 3596935.
- (2) SRB TIER 5, MOS 35F3.
- (3) NO WAIVER.
- (4) 4TH REENLISTMENT.
- (5) LUMP SUM PAYMENT AUTHORIZED IAW MILPER MESSAGE 19-411 PARA 4.
- (6) I UNDERSTAND THAT MY REENLISTMENT IS FOR AN INDEFINITE PERIOD AND THAT I WILL BE ALLOWED TO SERVE UP TO THE RETENTION CONTROL POINT FOR MY CURRENT RANK. THE RETENTION CONTROL POINT FOR MY CURRENT RANK IS 2027 FEB 28. I FURTHER UNDERSTAND THAT IF I AM SELECTED FOR PROMOTION/PROMOTED, REDUCED IN RANK OR BECOME INELIGIBLE FOR CONTINUED SERVICE THAT I MAY BE FURTHER RETAINED OR SEPARATED IAW APPROPRIATE POLICIES IN EFFECT AT THE TIME AS PRESCRIBED BY THE SECRETARY OF THE ARMY OR APPLICABLE LAW. MF (INITIALS)

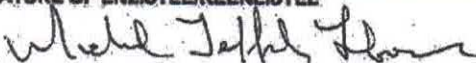
c. The agreements in this section and attached annex(es) are all the promises made to me by the Government. **ANYTHING ELSE ANYONE HAS PROMISED ME IS NOT VALID AND WILL NOT BE HONORED.**
 (Initials of Enlistee/Reenlistee) MF (Continued on Page 2)

NAME OF ENLISTEE/REENLISTEE (Last, First, Middle) FORBES, MICHAEL JEFFREY	SOCIAL SECURITY NO. OF ENLISTEE/REENLISTEE [REDACTED] 7907
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D. CERTIFICATION AND ACCEPTANCE

13a. My acceptance for enlistment is based on the information I have given in my application for enlistment. If any of that information is false or incorrect, this enlistment may be voided or terminated administratively by the Government or I may be tried by a Federal, civilian, or military court and, if found guilty, may be punished.

I certify that I have carefully read this document, including the partial statement of existing United States laws in Section C and how they may affect this agreement. Any questions I had were explained to my satisfaction. I fully understand that only those agreements in Section B and Section C of this document or recorded on the attached annex(es) will be honored. I also understand that any other promises or guarantees made to me by anyone that are not set forth in Section B or the attached annex(es) are not effective and will not be honored.

b. SIGNATURE OF ENLISTEE/REENLISTEE 	c. DATE SIGNED (YYYYMMDD) 2020 JAN 16
--	--

14. SERVICE REPRESENTATIVE CERTIFICATION

a. On behalf of the United States (list branch of service) ARMY
I accept this applicant for enlistment. I have witnessed the signature in item 13b to this document. I certify that I have explained that only those agreements in Section B of this form and in the attached Annex(es) will be honored, and any other promises made by any person are not effective and will not be honored.

b. NAME (Last, First, Middle) NORFLEET, BERNADETTE NICOLE	c. PAY GRADE E6	d. UNIT/COMMAND NAME 54TH BEB (ABN)
e. SIGNATURE	f. DATE SIGNED (YYYYMMDD) 2020 JAN 16	g. UNIT/COMMAND ADDRESS (City, State, ZIP Code) APO, AE 09606

E. CONFIRMATION OF ENLISTMENT OR REENLISTMENT

15. IN THE ARMED FORCES EXCEPT THE NATIONAL GUARD (ARMY OR AIR):

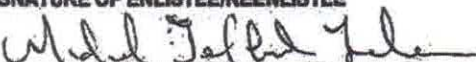
I, MICHAEL JEFFREY FORBES, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I will obey the orders of the President of the United States and the orders of the officers appointed over me, according to regulations and the Uniform Code of Military Justice. So help me God.

16. IN THE NATIONAL GUARD (ARMY OR AIR)

I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the State of _____ against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I will obey the orders of the President of the United States and the Governor of _____ and the orders of the officers appointed over me, according to law and regulations. So help me God.

17. IN THE NATIONAL GUARD (ARMY OR AIR):

I do hereby acknowledge to have voluntarily enlisted/reenlisted this _____ day of _____ in the _____ National Guard and as a Reserve of the United States (list branch of service) _____ with membership in the _____ National Guard of the United States for a period of _____ years, _____ months, _____ days, under the conditions prescribed by law, unless sooner discharged by proper authority.

18.a. SIGNATURE OF ENLISTEE/REENLISTEE 	b. DATE SIGNED (YYYYMMDD) 2020 JAN 16
---	--

19. ENLISTMENT/REENLISTMENT OFFICER CERTIFICATION

a. The above oath was administered, subscribed, and duly sworn to (or affirmed) before me this date.

b. NAME (Last, First, Middle) CRUZ, PABLO	c. PAY GRADE W2	d. UNIT/COMMAND NAME HHC, 173RD IBCT (A)
e. SIGNATURE	f. DATE SIGNED (YYYYMMDD) 2020 JAN 16	g. UNIT/COMMAND ADDRESS (City, State, ZIP Code) APO, AE 09606

(Initials of Enlistee/Reenlistee)

STATEMENT OF ENTITLEMENT TO RETENTION INCENTIVE

For use of this form, see AR 601-280, the proponent agency is DCS, G-1.

DATA REQUIRED BY THE PRIVACY ACT OF 1974

AUTHORITY: Section 331 and 373 of Title 37, U.S.C., and Executive Order 9397 (SSN) as amended.

PRINCIPAL PURPOSE: To explain the conditions under which continued entitlement of the incentive may be terminated and unearned portion of advanced incentive payments recouped. The purpose of soliciting the SSN is for positive identification. Information may be referred to appropriate authorities if individual becomes subject to termination and/or recoupment of incentive.

ROUTINE USES: To provide the Defense and Financial Accounting Service with individuals entitled to a retention incentive in return for continued service.

DISCLOSURE: Voluntary. However, failure to furnish information requested may result in denial of a retention incentive.

CITATION: System of Record Notice (SORN): A0600-8-104 AHRC.

AGREEMENT

1. NAME (Last, First, MI) FORBES, MICHAEL JEFFREY	2. RANK SSG	3. SSN [REDACTED] 7907
4. ORGANIZATION/UNIT HHC, 54TH BEB (A)		5. Retention Control Number (RCN) 3596935
6. I understand that I am receiving a retention incentive in return for my continued service in the following MOS/Skill: 35F3 per MILPER 19-411 PARA 4 TIER 5 (Enter applicable MILPER/Policy message)		
7. I agree to accept an incentive in the amount of \$ 22,800 (base amount of \$ 22,800 and a plus amount of \$ 0) for Additional Obligated Service (AOS) from 20201203 to 20251203 bonus obligation start date bonus obligation end date		
8. A lump sum payment shall be paid when qualified in the listed MOS/Skill in accordance with the listed MILPER/Policy message. I will not be paid more than \$200,000 of incentive payments over my career, regardless of the Service Component unless granted an exception from USD(P&R).		
9. I understand the incentive payment will be subject to income tax withholdings in accordance with DOD 7000.14-R, Financial Management Regulation, Vol. 7A.		
10. I further understand that a portion of my incentive may be allocated to my Thrift Savings Plan (TSP), based on my current TSP elections.		
11. The incentive program is a voluntary retention program. Unless a waiver is granted, I will not be released from active duty before fulfilling the term of continuous active duty agreed to in paragraph 6 above, even if that obligation will extend me beyond 20 years of active federal service.		
12. The effective date of the entitlement is the date of the accompanying (select the appropriate form): <input checked="" type="checkbox"/> DD Form 4/1 (Reenlistment) <input type="checkbox"/> DA Form 1695 (Extension) <input type="checkbox"/> DA Form 3340 (Agreement)		
13. I understand that I must remain technically qualified in MOS/Skill identified above. I understand that I will NOT be considered technically qualified when I am no longer classified in that MOS/Skill, or become precluded from performing my current or future assignment in that MOS/Skill. These actions may include, but are not limited to the following: a. My refusal to perform required duties for the effective performance in the MOS/Skill. b. Disciplinary action taken against me under UCMJ or civil court conviction, which disqualifies me from future performance in the identified MOS/Skill. c. Being selected for the Qualitative Management Program (QMP), and subsequent separation (voluntarily or involuntarily) from service makes me subject to recoupment of the unearned portion of my incentive. d. Personal misconduct that causes injury, illness, or some other condition that interferes with effective performance in the MOS/Skill. e. Withdrawal of the minimal security clearance, loss of qualification under the Personnel Reliability Program (PRP), or loss of any other mandatory qualification required for effective performance in the MOS/Skill.		
14. A discharge due to bankruptcy under Title 11, U.S.C. that is entered less than 5 years after the termination of the agreement does not discharge me from a debt arising from this agreement.		
15. Failure to complete the service requirement may result in the termination of this agreement, and repayment of any unearned portion of the incentive payment on a pro rata basis, unless the failure to complete the period of active duty specified in the agreement is due to: a. Death, illness, injury, or other physical impairment that is not the result of my misconduct or willful neglect, or is the result of any other circumstance determined to be reasonably beyond my control and not incurred during a period of unauthorized absence; or b. Separation from the military service by operation of law or regulation of DoD or the Army, when waiver for recoupment has been approved by the Secretary of the Army, or the delegated authority.		
16. SIGNATURE OF RECIPIENT [Signature]	17. DATE (YYYYMMDD) 20200116	18. SIGNATURE OF CAREER COUNSELOR
		19. DATE (YYYYMMDD)

DA FORM 4789, JUN 2018
ANNEX C

PREVIOUS EDITIONS ARE OBSOLETE.

APD AEM v1.00ES

CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY

This Report Contains Information Subject to the Privacy Act of 1974, As Amended.

1. NAME (Last, First, Middle) FORBES, MICHAEL JEFFREY		2. DEPARTMENT, COMPONENT AND BRANCH ARMY/RA		3. SOCIAL SECURITY NUMBER [REDACTED] 7907		
4a. GRADE, RATE OR RANK SFC	b. PAY GRADE E07	5. DATE OF BIRTH (YYYYMMDD) 1968 [REDACTED]	6. RESERVE OBLIGATION TERMINATION DATE (YYYYMMDD) 00000000			
7a. PLACE OF ENTRY INTO ACTIVE DUTY PITTSBURGH, PENNSYLVANIA		b. HOME OF RECORD AT TIME OF ENTRY (City and state, or complete address if known) [REDACTED]				
8a. LAST DUTY ASSIGNMENT AND MAJOR COMMAND 0528 CS HHC HHC SUSTAIN BDE SP			b. STATION WHERE SEPARATED FORT LIBERTY TC, NC 28310-5000			
9. COMMAND TO WHICH TRANSFERRED N/A			10. SGLI COVERAGE		<input type="checkbox"/> NONE AMOUNT: \$ 500,000.00	
11. PRIMARY SPECIALTY (List number, title and years and months in specialty. List additional specialty numbers and titles involving periods of one or more years.) 35F4S INTELLIGENCE ANALYST - 13 YRS 2 MOS //96B4O INTELLIGENCE ANALYST - 4 YRS 0 MOS// NOTHING FOLLOWS		12. RECORD OF SERVICE		YEAR(S)	MONTH(S)	DAY(S)
		a. DATE ENTERED AD THIS PERIOD		2007	02	12
		b. SEPARATION DATE THIS PERIOD		2024	11	30
		c. NET ACTIVE SERVICE THIS PERIOD		0017	09	19
		d. TOTAL PRIOR ACTIVE SERVICE		0000	00	00
		e. TOTAL PRIOR INACTIVE SERVICE		0000	00	00
		f. FOREIGN SERVICE		0006	07	13
		g. SEA SERVICE		0000	00	00
		h. INITIAL ENTRY TRAINING		0000	00	00
		i. EFFECTIVE DATE OF PAY GRADE		2020	04	01
13. DECORATIONS, MEDALS, BADGES, CITATIONS AND CAMPAIGN RIBBONS AWARDED OR AUTHORIZED (All periods of service) ARMY COMMENDATION MEDAL (7TH AWARD)//JOINT SERVICE ACHIEVEMENT MEDAL//ARMY ACHIEVEMENT MEDAL (3RD AWARD)//JOINT MERITORIOUS UNIT AWARD (2ND AWARD)//ARMY GOOD CONDUCT MEDAL (6TH AWARD)//USCG GOOD CONDUCT MEDAL//NATIONAL DEFENSE SERVICE MEDAL//GLOBAL WAR ON TERRORISM SERVICE MEDAL//CONT IN BLOCK 18		14. MILITARY EDUCATION (Course title, number of weeks, and months and year completed) ADV LDR CRS (ALC), 7 WEEKS, 2013//ANTI-TERR OFF (BASIC), 1 WEEK, 2016//BASIC LEADER CRS (BLC), 2 WEEKS, 2008//COMBAT LIFE SAVERS CRS, 2 WEEKS, 2014//FIELD SAN TEAM - INDIV, 1 WEEK, 2016//INTELLIGENCE ANALYST, 17 WEEKS, 2007//MIL DECEPT PLN CRS, 1 WEEK, 2017//SENIOR LEADER CRS//CONT IN BLOCK 18				
15a. COMMISSIONED THROUGH SERVICE ACADEMY				YES	X	NO
b. COMMISSIONED THROUGH ROTC SCHOLARSHIP (10 USC Sec. 2107b)				YES	X	NO
c. ENLISTED UNDER LOAN REPAYMENT PROGRAM (10 USC Chap. 109) (If Yes, years of commitment: _____) NA				YES	X	NO
16. DAYS ACCRUED LEAVE PAID 60	17. MEMBER WAS PROVIDED COMPLETE DENTAL EXAMINATION AND ALL APPROPRIATE DENTAL SERVICES AND TREATMENT WITHIN 90 DAYS PRIOR TO SEPARATION			YES	NO	X
18. REMARKS IMMEDIATE REENLISTMENTS THIS PERIOD -- 20081208-20131016, 20131017-20151202, 20151203-20200115, 20200116-20241130//BLOCK 6, PERIOD OF DELAYED ENTRY PROGRAM: 20061031-20070211//SERVED IN A DESIGNATED IMMINENT DANGER PAY AREA//SERVICE IN AFGHANISTAN 20141023-20150306//SERVICE IN AFGHANISTAN 20110306-20120111//SERVICE IN AFGHANISTAN 20100412-20100823//SERVICE IN AFGHANISTAN 20090115-20090713//SERVICE IN AFGHANISTAN 20071130-20080512//SEPARATION PAY -- \$58919.00//MEMBER HAS COMPLETED FIRST FULL TERM OF SERVICE//MEMBER IS ENTITLED TO HALF//SEE ATTACHED CONTINUATION SHEET The information contained herein is subject to computer matching within the Department of Defense or with any other affected Federal or non-Federal agency for verification purposes and to determine eligibility for, and/or continued compliance with, the requirements of a Federal benefit program.						
19a. MAILING ADDRESS AFTER SEPARATION (Include ZIP Code) [REDACTED]		b. NEAREST RELATIVE (Name and address - Include ZIP Code) SABRINA FORBES [REDACTED]				
20. MEMBER REQUESTS COPY 6 BE SENT TO (Specify state/locality) NC OFFICE OF VETERANS AFFAIRS			X	YES	NO	
a. MEMBER REQUESTS COPY 3 BE SENT TO THE CENTRAL OFFICE OF THE DEPARTMENT OF VETERANS AFFAIRS (WASHINGTON, DC)			X	YES	NO	
21a. MEMBER SIGNATURE ESIGNED BY: FORBES, MICHAEL, JEFFREY, 1 295918507		b. DATE (YYYYMMDD) 20241129	22a. OFFICIAL AUTHORIZED TO SIGN (Typed name, grade, title, signature) ESIGNED BY: POUNDS, ROSIE, LEE, 1069304229 ROSIE POUNDS, TRANSITION CENTER HR SUPV		b. DATE (YYYYMMDD) 20241129	

SPECIAL ADDITIONAL INFORMATION (For use by authorized agencies only)			
23. TYPE OF SEPARATION DISCHARGE		24. CHARACTER OF SERVICE (Include upgrades) HONORABLE	
25. SEPARATION AUTHORITY AR 635-200		26. SEPARATION CODE JGH	27. REENTRY CODE 3
28. NARRATIVE REASON FOR SEPARATION NON-RETENTION ON ACTIVE DUTY			
29. DATES OF TIME LOST DURING THIS PERIOD (YYYYMMDD) NONE			30. MEMBER REQUESTS COPY 4 (Initials) MJF

CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY

(Continuation Sheet)

This Report Contains Information Subject to the Privacy Act of 1974, As Amended.

1. NAME (Last, First, Middle) FORBES, MICHAEL JEFFREY	2. DEPARTMENT, COMPONENT AND BRANCH ARMY/RA	3. SOCIAL SECURITY NUMBER [REDACTED] [REDACTED] 7907
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(Specify the item number of the block continued for each entry.)
 CONT FROM BLOCK 18: SEPARATION PAY//IN ACCORDANCE WITH 10 USC 1174 AND DODI 1332.29, THE TOTAL AMOUNT (GROSS) OF SEPARATION PAY WILL BE RECOUPED FROM EACH PAYMENT OF RETIRED OR RETAINER PAY AND IN CERTAIN CASES VETERANS AFFAIRS DISABILITY UNTIL THE TOTAL AMOUNT DEDUCTED IS EQUAL TO THE TOTAL AMOUNT OF SEPARATION PAY RECEIVED.//CONT FROM BLOCK 13: //NON COMMISSIONED OFFICER PROFESSIONAL DEVELOPMENT RIBBON (3RD AWARD)//ARMY SERVICE RIBBON//OVERSEAS SERVICE RIBBON (2ND AWARD)//MILITARY OUTSTANDING VOLUNTEER SERVICE MEDAL//NATO MEDAL//PARACHUTIST BADGE//EXPERT MARKSMANSHIP BADGE W/ RIFLE BAR//CONT FROM BLOCK 14: (SLC), 6 WEEKS, 2020//USAF AIRLIFT PLANNER, 1 WEEK, 2017//NOTHING FOLLOWS

21.a. MEMBER SIGNATURE ESIGNED BY: FORBES MICHAEL JEFFREY.I 295918507	b. DATE (YYYYMMDD) 20241129	22.a. OFFICIAL AUTHORIZED TO SIGN (Typed name, grade, title, signature) ESIGNED BY: POUNDS.ROSIE.LEE.1069304229 ROSIE POUNDS, TRANSITION CENTER HR SUPV	b. DATE (YYYYMMDD) 20241129
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