



DEPARTMENT OF THE ARMY
HEADQUARTERS, 1ST SPECIAL FORCES COMMAND (AIRBORNE)
H-3531, 9TH INFANTRY STREET
FORT BRAGG NC 28310-8500

FEB 09 2023

AOSO-DCG

MEMORANDUM FOR MAJ Ian Chustek, Headquarters, 1st Special Forces Command (Airborne), Fort Bragg, North Carolina 28310-8500

SUBJECT: Appointment as a Preliminary Inquiry Investigating Officer into Allegations Against Members of 528th Sustainment Brigade (Special Operations) (Airborne)

1. Appointment. You are hereby appointed as an Investigating Officer (IO) to conduct a preliminary inquiry pursuant to Chapter 4 of Army Regulation (AR) 15-6. Your responsibilities as an IO take precedence over all other military duties. You have until **20 February 2023** to conduct this investigation. Request any necessary extensions from my Staff Judge Advocate.

2. General Instructions.

a. The purpose of a preliminary inquiry is to ascertain facts, to make findings that are warranted by the evidence, and, where appropriate, to make recommendations that are feasible and consistent with your findings. Conduct your investigation into the matters set forth in paragraph 3, below. Upon completion, submit a report of investigation (ROI) that conforms to the requirements in paragraph 5 of this memorandum and AR 15-6.

b. If, at any time in the course of your investigation, something happens that could cause me to consider enlarging, restricting, or terminating the investigation, or otherwise modifying any instruction in this memorandum, immediately report the situation to your legal advisor. Additionally, if you discover credible evidence of alleged misconduct against a person senior in rank to you, immediately halt your investigation and report this situation to me, through your legal advisor.

3. Scope of Investigation. Specifically, you will determine the following:

a. What happened between CSM Emmanuel Emekaekwue and SFC Michael Forbes on the morning of 12 December 2022 during a Battalion formation? If applicable, were any actions by CSM Emekaekwue or SFC Forbes disrespectful or undignified on the morning of 12 December 2022?

b. What are the circumstances surrounding the allegation that Soldiers at 528th were cutting grass with scissors on or about 18-19 May 2022? If applicable, were any regulations or policies violated?

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5. Report of Investigation.

a. Assembly. Your completed preliminary inquiry will include:

- i. This Memorandum of Appointment.
- ii. An index of all attached exhibits, labeled and numbered.
- iii. A memorandum with your findings and recommendations.

b. Findings. Reach your findings by a preponderance of the evidence. A finding is a clear and concise statement of fact readily deduced from evidence in the record. In your report, develop specific findings and cite specific evidence that supports your findings. If evidence is conflicting (e.g., conflicting witness statements), make a finding as to which evidence is more credible and state why you believe it is more credible.

c. Recommendations. Make recommendations, if appropriate, consistent with your findings that are feasible, acceptable, and suitable.

6. Submission.

a. Submit an electronic copy of your completed inquiry to your legal advisor; and

b. Submit a paper copy of your completed inquiry, appropriately tabbed and organized, to me, through your legal advisor.

c. Do not release any information related to this investigation to anyone, other than your legal advisor, without my prior approval.

7. The point of contact for this memorandum is CPT Guybert "Jimmy" Paul by email at guybert.j.paul.mil@socom.mil.



DEREK N. LIPSON
Brigadier General, SF
Deputy Commanding General