

I.G. Complaints
MSG POPP
CO F 425 INF

938. ART. 138. COMPLAINTS OF WRONGS

Any member of the armed forces who believes himself wronged by his commanding officer, and who, upon due application to that commanding officer, is refused redress, may complain to any superior commissioned officer, who shall forward the complaint to the office exercising court-martial jurisdiction over the officer against whom it is made. The officer exercising general court-martial jurisdiction shall examine into the complaint and take proper measures for redressing the wrong complained of; and he shall, as soon as possible, send to the Secretary concerned a true statement of that complaint, with the proceedings thereon.

Double standards within Co F 425 which destroyed morale and caused severe distrust of the chain of command. These double standards are in direct conflict with AR 600-20, maintaining a healthy command climate.

First Sgt Montrief had arthroscopic knee surgery several weeks prior to the company's mobilization. First Sgt Montrief attended the state run mobilization site and the Ft. Bliss Mobilization site. At these sites First Sgt Montrief lied to an O-6 and an O-5 at both state level and federal level medical run review boards. This was in direct violation of AR 40-501 section 3-13. First Sgt Montrief also violated articles 83, 84, 107, and 92 under UCMJ.

ARTICLE 83

Elements.

(1) Fraudulent enlistment or appointment.

- (a) That the accused was enlisted or appointed in an armed force;
- (b) That the accused knowingly misrepresented or deliberately concealed a certain material fact or facts regarding qualifications of the accused for enlistment or appointment;
- (c) That the accused's enlistment or appointment was obtained or procured by that knowingly false representation or deliberate concealment; and
- (d) That under this enlistment or appointment that accused received pay or allowances or both.

ARTICLE 84

- (1) That the accused effected the enlistment, appointment, or separation of the person named;
- (2) That this person was ineligible for this enlistment, appointment, or separation because it was prohibited by law, regulation, or order; and
- (3) That the accused knew of the ineligibility at the time of the enlistment, appointment, or separation.

ARTICLE 107

Elements.

- (1) That the accused signed a certain official document or made a certain official statement;
- (2) That the document or statement was false in certain particulars;
- (3) That the accused knew it to be false at the time of signing it or making it; and
- (4) That the false document or statement was made with the intent to deceive

ARTICLE 92

Elements.

- (1) *Violation of or failure to obey a lawful general order or regulation.*
 - (a) That there was in effect a certain lawful general order or regulation;
 - (b) That the accused had a duty to obey it; and
 - (c) That the accused violated or failed to obey the order or regulation

The commander had full knowledge of these actions. We were deploying to combat zone. Vehicle ambushes and car bombings were happening on a daily basis. First Sgt Montrief in his diminished capacity was a liability to himself and the soldiers within the company. First Sgt Montrief would not be able to fire and maneuver, run or walk any significant distance. I am quite sure under a full combat load his injured knee would be inoperative, but yet he was allowed to deploy forward.

At Ft. Bliss there were several article 15's issued within the company. They were given to SSGT Hennings, SSGT Siedel and SPC Ward. These soldiers were punished for almost the exact same violations that First Sgt Montrief had committed. The entire scenario revolved around the illicit use of alcohol that was, in my opinion, unreasonably elevated to Battalion level. Please refer to section C the oral and written statements in regards to the article 15 and its subsequent appeal by SSGT Siedel. There was also a health and welfare held in the barracks that same night. A 32 gallon trash can was filled with confiscated alcohol. I quote from the statement in section C "Alcohol was found in every corner of the barracks".

Despite a company wide involvement in this infraction, only three soldiers were selected for punishment under UCMJ. I believe SSGT Siedel and SSGT Henning were selected because they were extremely vocal in my removal from the Operations position. I think SPC Ward was selected simply to set an example to the rest of the company. The UCMJ actions against SSGT Henning and SSGT Siedel were eventually dropped and only SPC Ward was punished under UCMJ for this incident.

Further more, in the statement in section **C**, it is mentioned that several soldiers saw alcohol being taken into the headquarters barracks after the health and welfare had taken place. I myself was in charge of the final cleaning of the head quarters barracks and personally saw beer cans and bottles being thrown into the dumpster by the 425 clean up crew; these cans and bottles came from the head quarters barracks. This was a severe blow to morale and angered most of the lower enlisted personel.

Please refer to section **B**, take notice of the bold print at the bottom of statements given by MSG Popp, SSG Merkel, SGT Hennings and Lt Rios. All of these statements mention “the good old boys” and abuse of authority.

Section **D** written by Lt Rios also mentions members within the upper chain of command not meeting Army standards and an impression of a double standard within the company. This statement was given to LTC Edwards the Battalion commander for 202 MI. It was entered into the 15-6 investigation held against Major Woodworth and First Sgt Montrief.

SFC Johnson to date has never completed ANOC phase two. He has been unable to complete this portion because of height and weight standards plus failure to pass the APFT for several years. SFC Johnson has been an E-7 now for many years beyond the time frame allotted for completion of ANOC. This is in violation of AR 600-8-19 section 1-17 “erroneous promotion”. To date the chain of command has done nothing to correct this over sight. Also reefer to section **L** the new company standards for holding a position as E-7 within the 425.

First Sgt Montrief was relieved for cause because of the result of a 15-6 investigation held by the 202 MI BN. Please refer to memorandum found in section **A**. In section **B**, if you read the statements you will find that SPC Jones was hauled off in chains under false pretences. Also First Sgt Montrief had the entire company gather outside the barracks to watch as SPC Jones was arrested. This was done for the sole purpose of humiliating and degrading this soldier. This appeared to me to be cruelty and maltreatment a violation under article 93 of UCMJ.

893. ART. 93. CRUELTY AND MALTREATMENT

Any person subject to this chapter who is guilty of cruelty toward, or oppression or maltreatment of, any person subject to his orders shall be punished as a court-martial may direct.

The fact that SPC Jones was returned to the unit because of insubstantial evidence was also a violation of Article 97 of the UCMJ “unlawful detention”.

897. ART. 97. UNLAWFUL DETENTION

Any person subject to this chapter who, except as provided by law, arrests, or confines any person shall be punished as a court-martial may direct

The statements also collude to First Sgt Montriefs attempts to coheres false statements from other soldiers in order to condemn SPC Jones. SPC Jones had been in the company for two plus years and there was plenty of time and written counseling to have administratively removed SPC Jones long before deployment. This is a prime example of the chain of command failing this soldier in shameful fashion.

Please refer to section **B**, Statements given by SPC Lopiccolo, SSGT Hennings and SSGT Merkel in regards to the gathering of the company to further the public humiliation of SPC Jones. The commander took no action to correct First Sgt Montriefs actions and had full knowledge of what happened and condoned it with his silence.

Because First Sgt Montrief was relieved for cause he should have been flagged for favorable action in accordance with AR 600-8-19 section 1-10. First Sgt Montrief should not be awarded his C.I.B. or any other awards pertaining to this deployment. First Sgt Montrief was sent back to Michigan from Iraq under a formal relief for cause. First Sgt Montrief was allowed to keep his position as First Sgt at the 425 and is still on the SGT Major list. As per AR 600-8-19 section 3-30 he should be removed from this list, but this is yet another example of the double standard which exists within the 425.

Prior to deployment the commander briefed the entire company on bringing privately owned weapons to IRAQ. The commander stated and I quote “any violations of this order will result in punishment to the fullest extent under UCMJ”. After the briefing I asked for a further definition of what was considered a P.O.W. I quote the commanders own words again “Any thing capable of firing a projectile under its own power”. I asked this because I wanted clarification if hand held weapons such as knives were allowed to be taken forward. Please refer to section **J**, and you will see four compound bows plus arrows hanging on the hooks in the commander’s private living quarters. These are not BB guns or blow guns or something minor like that. These are lethal weapons used to hunt deer and other large game. These weapons also fit the description of a P.O.W. as briefed to the company by the commander prior to deployment. These weapons were not shipped under a MWR title “archery” for recreational use. These weapons were disassembled smuggled into and out of IRAQ.

This is a prime example of how a few soldiers within the company are completely immune to the rules and regulations, while the rest are expected to meet those same standards and will fall under UCMJ if not met. To date no negative counseling nor has UCMJ action been initiated.

I have also witnessed soldiers referred to as “not in good standing within the company”. These soldiers were put into this category with out following AR 600-8-19 section 1-28 “suspension of favorable action”. Promotions and awards were withheld on an insubstantial standard of “bad conduct”. From my observations promotions and awards were based on who liked who or who was whose buddy. If you examine the list you will see soldiers were skipped for promotion with out following AR 600-8-19 section 3-30. Sgt Santana from 3rd platoon was only promoted because he took it upon himself to call Michigan State HQ and take matters into his own hands. In fact Santana should have been promoted several years ago. For years within the 425 the standards and qualifications for holding certain slots were manipulated to put favored personnel into those positions. If you check the awards list you will see a pattern of those who “made waves” or leaders who were looking out for their soldiers and angered the chain of command were left off the awards list despite action done and taken under grave danger and extremely harsh conditions. Please refer to section **L** for the new modified company standards for holding leadership positions dated April 8, 2005. This is yet another change in a long line of company manipulations.

In the past we have been unable to send more than a handful of soldiers to Airborne school. There has not been a soldier from the 425 to pass ranger school in years and I think 1 or 2 soldiers have completed **LRSLC** or were actually sent their from the 425. Soldiers are allowed to stagnate within the company for decades because of this problem. There is no hope for career progression and many soldiers became discouraged by the continued favoritism within the company. This created most of the morale issues while in IRAQ. There has to be some type of planned career progression for the soldiers who wish to remain in the ARNG and retire. The 425 needs to adopt a rotation standard similar to the 75th RANGER regiment, the Army recognized the soldiers from the regiment operate far beyond standard. The regiment puts a time limit on the amount of time a soldier can spend in the regiment. The soldiers motivation and knowledge is distributed throughout the Army by putting the rangers back into the regular Army units “to spread the wealth”. It is my recommendation that this be looked into and no soldier in the 425 be allowed to do more than 8 consecutive years. After 8 years it should be mandatory to serve 3 years in another unit within MI National guard. If the soldier wishes to return he must pass height, weight and P.T. standards. Then a maximum of 6 years on the soldiers second tour should be enforced. This will stop the stagnation, benefit the rest of Michigan and will help stop the “good old boys club” from forming. There is no reason a soldier should be allowed to spend 22 years in the same unit like First Sgt Montrief and other senior NCO’s; This is a recipe for disaster.

If you refer to section **K**, you will see a letter I generated and gave to Sgt Major Lewis from the 202 MI. I wrote this letter because of the one-sided method in which the Bronze Star Medals were being handed out. Please read the letter and compare the statistics at the end of the document and make your own conclusions. You will see that awards were not followed as prescribed in AR 600-8-22. The constant revisions and re-drafts were completely against the spirit in which the AR 600-8-22 was drafted. Our company staff had to deal with BSM and ARCOMS being kicked back six or seven times. We are infantry soldier's not English majors. In my opinion this treatment bordered on harassment and discrimination towards our unit; the commander should have written this letter not I.

Article 134 - (Reckless endangerment)

Explanation.

(1) *In general.* This offense is intended to prohibit and therefore deter reckless or wanton conduct that wrongfully creates a substantial risk of death or serious injury to others.

(2) *Wrongfulness.* Conduct is wrongful when it is without legal justification or excuse.

(3) *Recklessness.* "Reckless" conduct is conduct that exhibits a culpable disregard of foreseeable consequences to others from the act or omission involved. The accused need not intentionally cause a resulting harm or know that his conduct is substantially certain to cause that result. The ultimate question is whether, under all the circumstances, the accused's conduct was of that heedless nature that made it actually or imminently dangerous to the rights or safety of others.

(4) *Wantonness.* "Wanton" includes "Reckless" but may connote willfulness, or a disregard of probable consequences, and thus describe a more aggravated offense.

(5) *Likely to produce.* When the natural or probable consequence of particular conduct would be death or grievous bodily harm, it may be inferred that the conduct is "likely" to produce that result.

(6) *Grievous bodily harm.* "Grievous bodily harm" means serious bodily injury. It does not include minor injuries, such as a black eye or a bloody nose, but does include fractured or dislocated bones, deep cuts, torn members of the body, serious damage to internal organs, and other serious bodily injuries.

(7) Death or injury not required. It is not necessary that death or grievous bodily harm be actually inflicted to prove reckless endangerment.

The Activities and training at our mobilization site were appalling. Ft. Bliss from my perspective did not follow AR 350-1 what so ever. Also the principles of training as defined in FM 25-100 were not employed. Every task was "finger drilled" and accomplished to minimum standard to "check the block" and move us on to the next station.

Tasks as specified in Artep 7-92-MTP and/or Artep 7-10-MTP were left untrained or were glossed over or “finger drilled”. The ranges and ammo fell far short of what is required in DA Pam 350-38 please see section **I**. Please compare to our actual ammo expenditure as stated in my “un-official” AAR in section **H**. Many of the soldiers in the 425 are MOS reclassified to 11B. This re-classification process takes two weeks and is usually done at Ft. McCoy Wisconsin. The major problem with this condensed training plan is many tasks necessary for fully qualified 11B soldiers as specified in FM 7-8 are never done. Ft Bliss did not provide this training and as National Guard soldiers there is not enough time in a year to cover all our required tasks to standard.

Our vehicles were not armored and the maintenance pulled on them was notional at best. 90% of our vehicles were dead lined within 72 hours of being on the ground in IRAQ. Two vehicles broke down on the initial convoy to our “forward operation base” or F.O.B. “ABU-GARABE”.

Our crew served weapons M-60 MG were inspected by MSG Popp Special Forces Weapon Sgt and SSGT Karmol a school train armorer with three years of active duty job experience in that job. Please refer to section **H**, and note the detailed inspection with deficiencies of the M-60 Machine Guns. The weapons not inspected were denied inspection by second platoon Sgt, SFC Allison. Please speak to SSgt Karmol and SGT Wood who experienced severe malfunctions with these weapons while in direct contact with enemy forces.

At Ft. Bliss we were not allowed to qualify our .50 caliber MG or MK-19 because they were not on our MTOE. Our soldiers were forced to risk I.E.D.’s and ambush to perform qualification tasks that should have been covered at Ft. Bliss or in Kuwait. The 425 was flown directly into IRAQ. All other units enter IRAQ thru Kuwait. In Kuwait we would have had additional range complex time and a chance to cover tasks that were left undone. We could have qualified more gunners and test fired some of the crew served weapons, some had not been test fired until the company was in IRAQ and perhaps we would have received additional equipment that was needed to be mission effective.

In regards to AR 385-10 the Army failed us. I believe the commander failed to generate a formal memorandum, as stated in FM 25-50, pertaining to the unit not being ready for deployment. This memo should have accompanied a risk assessment as stated in FM 25-100 “Risk management”. The number of attacks on U.S. soldiers were averaging over 1000 a day, this put the chances of an attack on our unit in the likely category. The effects of such attacks had the potential to be catastrophic in nature. By FM 25-100 this put us in the extremely high risk category. All mitigating factors such as proper training, armor for our vehicles, properly maintained vehicles; gunners trained to standard with non deficient

weapons were not available to us at Ft Bliss and were denied to the 425 by flying us directly into IRAQ. According to AR 385-10 the risk should have been properly communicated to higher so this risk could be accepted. I do not believe this was done properly. The other possibility for the 425 being sent forward directly into IRAQ was the falsification of training records to give the army the illusion that the 425 was trained to standard and ready to go.

The commander upon getting the orders to deploy directly into IRAQ should have requested from higher the orders to move in writing. This would have elevated the commander from accepting such extremely high risk for his men.

* Does such a written order exist?

*Did the commander convey the appropriate risk and lack of mitigating factors to higher as prescribed in AR 350-10?

I have been in this unit for 10 years. I know these men as friends, I know their families. I swore to do all I could to see these men home and protect them. I had no choice but to submit my “un-official” AAR to the highest levels because all attempts to train and deploy to standard were ignored. I operated under AR 385-10 section 2-3 paragraph B, for the safety of the men of the 425.

Improper use of AR 600-20 section 4-6 “exercising military authority” and AR 600-20 section 4-20 “hazing”.

Unfortunately hazing has been an unspoken tradition in the 425. I witnessed MSG Beech fall victim of this system in 2001. MSG Beech served in Co F 425 for 12 years and held a multitude of positions and was booted out for “incompetence”; one would think such “incompetence would have been detected a lot sooner than 12 years. I also witnessed SFC Wylie get relieved for cause on the Commanders first day of command. A decision in my opinion was based strictly on “bad blood between the two”. SFC Wylie was assigned to be the company NBC NCO. He played no part in the mobilization process and read books and watched movies for the first 6 week in IRAQ. His 18 years of experience meant nothing and he was simply cast aside. You fall out of favor with the “good old boys” and that’s what you get. SFC Wylie was eventually put to use as an LNO because it became clear that in our decentralization SFC Wylie’s leadership was needed. SFC Wylie was later re-instated as the first platoon Sgt, the same position he was relieved from. Perhaps the commander came to realize that running an Infantry company like a popularity contest during war time operations was an unwise decision.

I myself MSG Popp fell victim to this hazing. In my career of 18 years, I have served as an AIRBORNE RANGER in B Co 275 as a sniper section leader. I later completed all qualifications for Special Forces and served 2.5 years as a Weapon Sgt on team 1362. I came to the 425 because of the deactivation of the 12th group. In the 425 I served as a team leader, a platoon Sgt for three different Platoons, two of which I built up from scratch. In 2002 I was promoted to E-8 and took over the operations position. I held this position for approximately 18 months and always met standard. Please go to section **F** and read my hand written statement in regards to my relief for cause. I wrote it at the request of Sgt Major Lewis because he wanted to know why a triple tabbed E-8 was posting guards and recommended by his chain of command to run a PX.

The hazing is not limited to the HQ and Operations section a serious case took place within second platoon. SSGT Messman has 15 years of flawless service prior to joining the 425. SSGT Messman held the position of team leader for approximately 18 months before deployment. At Ft. Bliss SSGT messman fell out of a Platoon run. The response to this was very severe, SSGT Messman was striped of his team leader position and ostracized from the rest of the platoon. This went on for months; no attempt to rehabilitate this soldier was made. SSGT Messman was doomed to take charge of every “shit” detail or assignment that came down from higher. In May of 2004 I spoke to SFC Allison about this treatment of soldiers and asked for Messman to be re-integrated into the Platoon. This re-integration I had requested never took place.

Unfortunately my conversation with SFC Allison had the opposite effect. SSGT Messman was put in charge of a scrap yard that shipped its contents into Turkey. SSGT Messman was forced to live away from the rest of his Platoon and had to bunk with “*Local National Interpreters*”. I was contacted by SSGT Messman and he told me that a scrap load that was rejected at the border with Turkey because of “*radio activity*”. He also told me that while executing his duties within the scrap yard he was exposed to significant levels of radiation. The exposure was enough to make SSGT Messman physically ill for several days. It was later discovered that an old Russian seed reactor was in the rejected shipment from Turkey. SSGT Messman told SFC Allison about the incident and SSGT Messman was very upset because SFC Allison did not take the incident seriously. It was at that point I made the decision to remove SSGT Messman from 2nd Platoon and re-assign him to 3rd Platoon. The reports I received from 3rd Platoon on SSGT Messman’s performance were excellent. This was a simple case of hazing, abuse of authority and the failure of SFC Allison to re-habilitate one of his senior NCO’s. If you read statement in section **D**, you will see an example of hazing being aimed toward a commissioned officer. Also read all statements in section **B** and you will read about hazing in one of its worst forms.

AR 600-20 section 6-3 “Equal opportunity”

I am not a minority but I have noticed a pattern within the 425 that warrants a closer look.

Please refer to the statement in section C, SSGT Siedel’s appeal, please note that alcohol was found in every corner of the barracks. Why was SPC Ward selected for UCMJ when company wide violations were occurring?

Why was the SPC Jones fiasco so blown out of proportion or why did it even occur?

Why did Sgt Santana have to call MI HQ to get himself promoted to E-5 and why was he skipped over in previous years?

Why was an attempt to promote SPC Lewinski to Sgt ahead of Santana?

Why was Lt Rios denied his promotion to 1Lt and why was Lt Rios alienated and hazed by his Platoon and other members of the company?

I ask that you also speak to SSGT Satalo the former fulltime supply Sgt of the 425, he expressed to me great discontent with the chain of command at the 425. SSGT Satalo experienced a tragic event with the loss of his wife, shortly before deployment. The chain of command and the most of the senior NCO’s in the 425 slandered his name and treated him, in my opinion “unfairly”.

Please note all the above soldiers are *minorities* and by my perception a disturbing pattern is developing.

AR 600-20 Section 5-12 “military whistle blower act”

Because of such extreme risk to the soldiers of the 425 and the denial of risk mitigating factors to help minimize this risk; I had no choice but to express my concerns about the safety of the 425 to the highest levels. I acted under AR 385-10 section 2-3 paragraph B. I assembled all of the safety, health, equipment and training shortages from no less than 18 other NCO’s within the company who shared the same concerns as I. I knew the document would bear no weight unless it was signed; I put my name and credentials upon the document for such credibility. The only soldiers from the 425 that appear within the “Unofficial AAR” are those who wished to be mentioned by name. This document has attracted a lot of attention and will probably continue to generate controversy. I believe this is because it is all true and it is unbelievable that it was allowed to happen. This document was widely distributed within the company and while at Medical hold at Ft. Bliss I spoke with members of the 91st Division who were responsible for our training. They told me that my AAR was read by almost the entire NCO corp. of the members of the 91st Div who were at Ft. Bliss. This document was written in a very harsh tone and alienated many at the highest levels. The document was meant to convey such fury because the lives of the men of the 425 were taken so lightly by the active component.

I assumed duties as First Sgt for the 425 in May of 2004. It became clearly apparent that I held this title in name only. I was cut out of almost every

activity the 425 conducted by the commander and other senior members of the chain of command. I had to act upon information that I received from the soldiers themselves. This was done because of retribution for the 15-6 and the AAR in section **H**. Other soldiers mentioned in the 15-6 were also targeted for retribution for the 15-6. Sgt Meyer was the only team leader in 3rd platoon not put forward for a bronze star. Sgt Meyer and his team were involved in more direct contact with the enemy than any other team in the 425. He was also harassed with petty counseling statements and threatened by the commander himself for his participation in the 15-6. SSGT Siedel received threatening e-mails from First Sgt Montrief in regards to incidents that happened over a decade ago. I also know the commander was communicating with First Sgt Montrief on a daily basis and still using his guidance despite his relief for cause and geographic location of 6000 miles away. Soldiers were left off the awards list and skipped for promotion because of their involvement in the 15-6.

I am expecting extensive reprisals from the chain of command of the 425 and am expecting my equipment and personal effects left behind to be missing and or destroyed. I was medi-vaced from IRAQ in November of 2004 because of complications from exposure to an IED blast. A lesion the size of a dime was discovered in the middle of my brain and I was suffering from post concussive syndrome. The numbness and pain I ignored as long as possible. On Oct 31 I awoke to stroke like symptoms and was forced to go to emergency sick call which led to my medivac from IRAQ. Since I left the unit no one from the unit has contacted my family nor has any one from the upper chain of command inquire about my condition. I reported to the unit via e-mail my condition and the upper chain of command perpetuated a rumor that I was faking my symptoms to leave early. I consider this defamation of character and a personal insult. I have been in the 425 for 10 years plus and I am not the first soldier to be slandered in such a manner. SGT Wilhelm, SGT Walker, SPC Wyzoon, SPC Laverty, SPC Rumor, all are former members of the 425, are all now in the Michigan Air National Guard and all experienced difficulty getting their security clearance's and or other postings, because of slanderous statements made by the chain of command and the "Good old boys who run Co F".

It is my recommendation that **every soldier**, E-5 and below who went to IRAQ be interviewed and asked if they have the same perceptions that I have noticed.

In the years to come there will be many more conflicts both internal and external. The soldiers who went on this deployment will watch their children and/or grand children lace up their boots to step into harms way. They will pray to God for their loved one's to return and be protected. Then they will hope that there is some "son of a bitch" that will see their loved ones are trained to standard and treated fairly and if not, "will raise holy hell"! In that moment, will be my redemption.

First Sgt Popp
Co F 425 INF

