

IT MIGHT BE LEGAL, BUT...

Situation: While serving as a chaplain in a combat support hospital (CSH), the executive officer (XO) assigned me as a 15-6 investigating officer. The focus of the 15-6 investigation was a warrant officer who was required to sign for the entire 296-bed CSH. Part of the unit, along with much of the senior hospital leadership, deployed to Kosovo in the summer of 2001. A few weeks after 9/11, a second slice of hospital personnel and equipment deployed to Afghanistan. Prior to both deployments a re-fit of the entire hospital occurred; replacing the majority of the hospital's equipment with new equipment. Lack of accountability of the new equipment was complicated by the fact that a 100% inventory was never completed prior to deployment of the first group to Kosovo. This inventory was still not complete when the second slice of the unit deployed to Afghanistan. A trail of hand receipt holders existed but some hand receipts were unsigned. A number of Soldiers signed sworn statements stating that adequate time to conduct the inventory prior to deployment did not exist. Because the CSH had thousands of pieces of equipment it took several weeks to do a 100% inventory. The re-fit complicated the inventory because Soldiers were unfamiliar with some of the new equipment and had difficulty identifying it. In the end, more than \$80,000 of equipment went unaccounted. Can I as the unit chaplain conduct this investigation?

REFLECTION...

The current regulation (AR165-1) does not allow it, but at the time of this incident a chaplain could conduct a 15-6 investigation. When I was assigned to be the investigating officer I initially thought it was a bad idea. As the investigation continued, I came to believe my XO was using me as a way to protect Soldiers in the unit from being investigated by someone from outside the unit. The XO never revealed his intent in selecting me as the investigator for this situation. He never asked me to conduct another investigation. Because my investigation results indicated the possible involvement of officers above my rank, the investigation ended up on the desk of the new hospital commander. The decision to continue or terminate the investigation rested with him. He determined that the loss of accountability of the equipment in this investigation was the cost of doing a re-fit and two deployments concurrently.

Ethical dilemma at the time of the incident: Should I be conducting the investigation in the first place? Also, what would I do with information someone shared with me in my professional capacity as a chaplain that was pertinent to the investigation?

At what point did you say "enough is enough?" When and how did you take action? A chaplain is not normally tasked to conduct a 15-6 investigation because of their professional role and responsibilities in a unit; current regulations forbid it. The installation chaplain's office advised against conducting the investigation. However, after consulting with the installation Staff Judge Advocate (SJA) I agreed to conduct the investigation. I told the XO it was my professional opinion that I should not be the investigating officer. A potential conflict of interest existed if a Soldier came to me in confidence and revealed something pertinent to the investigation. Also, creating the perception of the unit chaplain as an investigating officer, who could find a Soldier financially liable for losses exceeding \$80,000, could severely limit my ability to function as a chaplain in the unit. The XO said he understood my concern but asked me to conduct the investigation anyway. The investigating officer needed to be a captain or higher in rank, and I was the only non-deployed captain in the unit outside of the immediate chain-of-command. I had a very good relationship with the XO and did not feel unduly pressured. I wanted to fulfill my duties as an officer and as a chaplain and, since the SJA approved it, I conducted the investigation.

Conflict or tension of the 7 Army values? How did you resolve those conflicts? Leadership, integrity and personal courage were the army values involved in this incident. I initially believed I needed to stand firm with my XO and insist that I not conduct the investigation. During the course of this investigation, my understanding of "doing the right thing" changed.

Consideration of other COAs and 2nd and 3rd order effects: The other course of action COA was to assign the investigation to someone outside the unit.

How did you process or judge this was an ethical issue? This was an ethical issue for me because I had to consider the potential damage to my position in the unit versus the immediate need for an investigator. And, as it turned out, my initial assessment was incorrect.

How did you get the courage to do the harder right? I trusted the judgment of my XO because he was a man whose judgment I respected. Since it was not against regulation at the time, it was difficult to argue that I should not conduct the investigation.