

# NEW LEADER, OLD PROBLEM

**Situation:** This situation is still not resolved. I am a new Battalion Command Sergeant Major at a TRADOC post. I arrived at my unit in June and have been getting to know my way around on my own. My predecessor was well-liked but left very quickly. We had no transition, as he was gone when arrived. We conduct Military Occupational Specialty training in three shifts daily – one shift works at night, on a reverse cycle. With meetings and other commitments, I have not been able to spend as much time as I would like to with the night crew. About two months ago, I found reports that one of my Sergeants First Class from the night shift received a DUI in November of last year while he was still a Staff Sergeant. I called him in and asked what the details were; he told me that he had hosted a party at his home that went late into the night. The next morning, his wife woke him up and asked where his car keys were as his car was blocking her from leaving. Trying to help, he got up and moved his car for her; unfortunately he moved his car into the ditch across the street, and his neighbor called the police. SFC “Jones” freely admits the stupidity but contends that he was not attempting to “drive” anywhere; he was just moving the car in the driveway. He never attempted to hide it from his previous CSM and had completed all the required elements of his very lenient civilian legal punishment. In January, SFC Jones received his promotion in front of the Battalion, much to his surprise. (He was on the promotion list, but when he received his DUI he should have been flagged at the Department of the Army (DA) for one year and removed from the list.) He hosted a large promotion party and everyone attended. SFC Jones’s file contains the paperwork that should have been sent to DA, but when I called the promotions branch chief, he had no record of ever receiving it. SFC Jones is very well liked and respected in the Battalion. As a Senior Instructor, he has quite a few subordinates (civilian and military) and is very professional. After discussing the issue with him again, he stated that he understands if the promotion is taken away and is aware that it should not have happened. Because we have the original file that indicates DA was notified, SFC Jones will not have to repay the portion of his pay that he erroneously received.

SFC Jones is a great NCO. With the one exception, which happened eight months prior to my arrival, there is no reason he should not be a Sergeant First Class. If I stop pursuing this, he will most likely remain a SFC. If I keep asking questions and re-submit the original file, he will most certainly be reduced in rank and will be required to re-compete for promotable status, this time with a DUI in his file. Everyone in the unit likes SFC Jones, including me, and no one wants to see his demotion. The DUI was his fault but the promotion was someone else’s, and he has had it for 9 months. There are two bottom lines, 1. He is a great guy and a great NCO, 2. He should have never been promoted.

I am a big believer in “NCO business,” but I did speak to my commander several times before deciding. LTC “Smith” wanted to make sure that the unit would continue to operate at the same level that it had been and did not want a “TRADOC cover-up.” She basically wanted it all to go away...as long we could be sure it would go all the way away. We all wanted the same thing. How does a unit call itself great when it hides things? Can a great unit continue to be great when it loses a great leader?

## REFLECTION...

I am pretty sure that SFC Jones will be SSG Jones again in the near future, though we did submit an exception to policy request along with his file. I am glad I made the decision that I made: it was the right one for me to make and the right one for the unit. I have since learned that the previous CSM and SSG Jones were very close. Of course there is no way of knowing for sure, but I presume that the file was never sent to DA. SFC Jones is still a great guy and still an outstanding NCO. He made a terrible mistake, one that he will have to live with, not one that the unit can continue to keep in a drawer.

Ethical Dilemma at the Time of the Incident: 1. Take steps to correct the promotion error which would likely result in a demotion for a qualified, respected, and well-liked NCO or 2. Do nothing and let the guy keep the stripe – it all happened before I got to the unit anyway.

Rules/Laws That Apply: The applicable regulations state that if a Soldier is on a promotion list and receives civilian punishment for a DUI, he or she will be removed from the promotion list for one year and will re-compete for promotion in the secondary (or next) zone of consideration.

When And How Did You Take Action? I decided to resubmit the paperwork. After I spoke to SFC Jones, he indicated that he understood he should not have been promoted; my decision was only slightly easier. We are still awaiting the final outcome.

Conflict or Tension of the 7 Army Values? How Did You Resolve Those Conflicts? Loyalty and Integrity were the two guiding values for me in this dilemma. I needed to remain loyal to my unit but also must be loyal to the Army. Integrity is a cover-all value that applies to all situations. I was essentially placing myself in position where my integrity could have been questioned if I went along with the promotion.

Consideration Of Other COAs And The 2nd And 3rd Order Affects. I think most of the Soldiers and leaders in the unit would have preferred that I leave this mistake alone.; if DA promoted him then that is their mistake to correct, not mine. If I decided to look the other way it would have sent the wrong message to the unit. We cannot have a unit where some DUIs are prosecuted while others are allowed to get swept away or lost in the shuffle.

How Did You Get the Courage To Do the Harder Right? This was not a courage issue for me. I knew that I would be OK in either course of action. All of this happened well before I got to the unit – the most difficult aspect was to decide to do what I thought was right over what would probably have been right also. It came down to taking care of a single Soldier by not enforcing a standard or taking care of all Soldiers by strictly enforcing Army Regulations.