

SWEAT THE SMALL STUFF AND THE BIG STUFF WON'T KILL YOU

Situation: A specialist in my company came into my office one morning after going on sick call. The Soldier had a reputation in the command for being a hard worker and doing his job. When he came to me with a quarters slip from sick call, which stated he had the flu, I did not question it and signed the quarters slip recommending the Soldier for 24-hour quarters. As I drove home that evening I passed a bar and thought I saw the Soldier's car in the parking lot. My first sergeant (1SG) went to the nightclub and found the Soldier inside the club. When the 1SG confronted the soldier he claimed he did not know that being "on quarters" meant he was required to stay at home, or in his case, the barracks. I didn't want to "slam" a good Soldier but what will other Soldiers do if I don't address this issue?

REFLECTION...

This Soldier frustrated me as a commander. He was a hard working Soldier, but I remain convinced that he knew what he did was wrong and chose to do it anyway. I did not want to use either UCMJ or some other form of corrective training inappropriately, because this Soldier made a positive contribution to the unit. While there is an element of punishment in a UCMJ action, it is of little value if the Soldier does not learn anything. In this instance, it seemed to work, because the inappropriate action did not recur. He remained a hard worker and stayed out of trouble for the next year of my command. The impact on unit discipline, had I taken no action, is more difficult to determine. However, I did not have to consider the impact on the command if I had failed to act in this situation, because I took the time to address what seemed like a small incident at the time.

Ethical dilemma at the time of the incident: My dilemma, as the company commander, was what to do with a good Soldier who made a bad decision and violated a regulation punishable under UCMJ.

At what point did you say "enough is enough?" When and how did you take action? I knew I was within my authority to punish this Soldier under UCMJ for malingering and failing to obey a lawful order. Until I met with the soldier I did not make up my mind on what course of action, if any, would be appropriate in this particular situation. I always viewed UCMJ as a tool to retrain, recalibrate, and refocus a Soldier, not as punishment. After meeting with the Soldier I decided to proceed with an article 15 because the Soldier was a specialist and knew better, despite insisting he did not understand that "quarters" means staying in your home or barracks. I also considered what might happen if I took no action with this Soldier. I was concerned with a potential decline in unit discipline if this Soldier told other Soldiers in the unit about this incident and the failure of the command to act.

Conflict or tension of the 7 Army values? How did you resolve those conflicts? Both the integrity of the command and the Soldier involved in this situation were at issue. I likely would have dealt with this Soldier in a different manner if he had demonstrated the personal courage to admit his wrongdoing. I also had to decide if this issue was worth my time since there are more than enough legitimate issues to keep a company commander busy. It helped that I had been in command about nine months when this incident occurred and had some experience in using UCMJ, along with other forms of corrective training. I knew that UCMJ was not the only thing I could do with this Soldier to help train him and maintain good discipline in the unit.

Consideration of other COAs and the 2nd and 3rd order effects: I considered what might happen if I took no action with this Soldier. Since he knew the 1SG saw him in the club, I was concerned with a decline in unit discipline that might occur if I failed to act appropriately. I also considered allowing leaders to handle the situation at platoon level.

How did you recognize unethical behavior? It was not hard to recognize the Soldier's unethical behavior. My challenge was to make my reaction commensurate with the "crime." I took a night to consider several factors. First, I considered what the Soldier said about the issue. He was dishonest and a bit belligerent when I confronted him with the facts. The second consideration was his time in the Army. With slightly more than two years in the Army, including seven months in the unit, this Soldier had enough time in service to know the rules. If he was unclear about the rules he should have asked. The third and final consideration was his past performance, which was very good.

How did you get the courage to do the harder right? It was helpful in this situation that I had experience with command and the UCMJ process. I had been in command about nine months when this incident occurred. Thinking through the second and third order effects of what might happen if I took no action helped me see the bigger picture of unit discipline. The individual Soldier in this incident needed corrective training and there was a potentially far greater impact on unit discipline involved in this situation.