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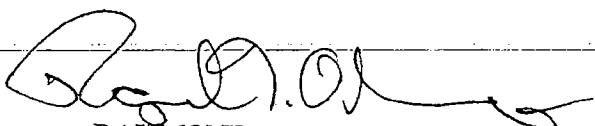
MEMORANDUM THRU

Commander, 1st Brigade, 4th Infantry Division Mechanized, Tikrit, Iraq
Commander, 4th Forward Support Battalion, 1st Brigade, 4th Infantry Division (Mechanized),
Tikrit, Iraq
Commander, Company D, 4th Forward Support Battalion, 1st Brigade, 4th Infantry Division
(Mechanized), Tikrit, Iraq

FOR Commander, 502d Personnel Service Battalion, 4th Infantry Division (Mechanized), Tikrit
Iraq

SUBJECT: Request for Discharge in Lieu of Trial by Court-Martial, SPC [REDACTED]
[REDACTED] Company D, 4th Forward Support Battalion, 1st Brigade, 4th Infantry Division
(Mechanized), Tikrit, Iraq

1. The Request for Discharge in Lieu of Trial by Court-Martial submitted by SPC [REDACTED]
[REDACTED] Company D, 4th Forward Support Battalion, 1st Brigade, 4th
Infantry Division (Mechanized), Tikrit, Iraq, UP AR 635-200, Chapter 10, is hereby
APPROVED.
2. I direct that SPC [REDACTED] be discharged from Military Service under the provisions of
AR 635-200, Chapter 10, and that his service be characterized as Under Other Than Honorable
Conditions.
3. The pending court-martial charges against SPC Martino-Poole will be dismissed after SPC
[REDACTED] receives his DD Form 214.
4. I direct that SPC [REDACTED] be reduced to the lowest enlisted pay grade, PVT (E-1) IAW
635-200, paragraph 1-13.
5. SPC [REDACTED] will not be transferred into the Individual Ready Reserve (IRR) as he
clearly has no potential for useful service under conditions of full mobilization. Transfer is not
required IAW AR 635-200, paragraph 1-35.
6. In accordance with AR 635-200, paragraph 1-20, if the soldier is a bonus recipient, unearned
portions of any enlistment/reenlistment bonuses will be recouped.
7. I further direct that SPC [REDACTED] be separated from the Army within five working days
upon return to CONUS.



RAYMOND T. ODIERNO
Major General, USA
Commanding

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DEPARTMENT OF THE ARMY
United States Army Trial Defense
Service
Fort Hood Field Office
Task Force Ironhorse
Forward Operating Base Speicher, Iraq

REPLY TO
ATTENTION OF

AFZF-JA-TDS

16 October 2003

MEMORANDUM THRU

Commander, D Company, 4th Forward Support Battalion, 1st Brigade, 4th Infantry Division (M),
FOB Ironhorse (Tikrit) Iraq APO AE 09323-2628

Commander, 4th Forward Support Battalion, 1st Brigade, 4th Infantry Division (M), FOB
Ironhorse (Tikrit) Iraq APO AE 09323-2628

Commander, 1st Brigade, 4th Infantry Division (M), FOB Ironhorse (Tikrit) Iraq APO AE 09323-
2628

FOR Commander, 4th Infantry Division (M), FOB Ironhorse (Tikrit) Iraq APO AE 09323-2628

SUBJECT: Request for Discharge in Lieu of Trial by Court-Martial - SPC [redacted]
[redacted] D Company, 4th Support Battalion, 1st Brigade, 4th Infantry Division (M), FOB
Ironhorse (Tikrit) Iraq APO AE 09323-2628

1. I, SPC [redacted], hereby voluntarily request discharge in lieu of trial by court-martial under AR 635-200, chapter 10. I understand that I may request discharge in lieu of trial by court-martial because of the following charges which have been preferred against me under the Uniform Code of Military Justice, one of which or a combination of which authorizes the imposition of a bad conduct or dishonorable discharge:

Article 119-Manslaughter

2. I am making this request of my own free will and have not been subjected to any coercion whatsoever by any person. I have been advised of the implications that are attached to it. By submitting this request for discharge, I acknowledge that I understand the elements of the offense(s) charged and am guilty of (one or more of) the charge(s) against me or of (a) lesser included offense(s) therein contained which also authorize the imposition of a bad conduct or dishonorable discharge. Moreover, I hereby state that under no circumstances do I desire further rehabilitation, for I have no desire to perform further military service.

3. Prior to completing this form, I have been afforded the opportunity to consult with appointed counsel for consultation. I have consulted with counsel for consultation who has fully advised me of the nature of my rights under the Uniform Code of Military Justice, the elements of the offenses with which I am charged, any relevant lesser included offenses thereto, and the facts which must be established by competent evidence beyond a reasonable doubt to sustain a finding

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AFZF-JA-TDS

SUBJECT: Request for Discharge in Lieu of Trial by Court-Martial -- SPC
D Company, 4th Support Battalion, 1st Brigade, 4th Infantry Division (M), FOB
Ironhorse (Tikrit) Iraq APO AE 09323-2628

of guilty; the possible defenses which appear to be available at this time; and the maximum permissible punishment if found guilty. Although he has furnished me legal advice, this decision is my own.

4. I understand that, if my request for discharge is accepted, I may be discharged under conditions other than honorable. I have been advised and understand the possible effects of an Under Other Than Honorable Discharge (including but not limited to reduction to the lowest enlisted grade (Private E-1) by operation of law) and that, as a result of the issuance of such a discharge, I will be deprived of many or all Army benefits, that I may be ineligible for many or all benefits administered by the Veterans Administration, and that I may be deprived of my rights and benefits as a veteran under both Federal and State law, as indicated on a copy of DA Poster 635-1, which was provided me). I also understand that I may expect to encounter substantial prejudice in civilian life because of an Under Other Than Honorable Discharge. I further understand that there is neither automatic upgrading nor review by any Government agency of a less than honorable discharge and that I must apply to the Army Discharge Review Board or the Army Board of Corrections of Military Records if I wish review of my discharge. I realize that the act of consideration by either board does not imply that my discharge will be upgraded.

5. I understand that, once my request for discharge is submitted, it may be withdrawn only with consent of the commander exercising general court-martial authority, or without that commander's consent, in the event trial results in an acquittal or the sentence does not include a punitive discharge even though one could have been adjudged by the court. Further, I understand that if I depart absent without leave, this request may be processed and I may be discharged even though I am absent. This request is conditioned upon disapproval of the findings and sentence of any court-martial, if applicable in this case.

6. I have been advised that I may submit statements I desire in my own behalf, which will accompany my request for discharge. Statements in my own behalf are not submitted with this request.

7. I hereby acknowledge receipt of a copy of this request for discharge.

SPC, U.S. Army
Accused

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AFZF-JA-TDS

SUBJECT: Request for Discharge in Lieu of Trial by Court-Martial -- SPC, [redacted] D Company, 4th Support Battalion, 1st Brigade, 4th Infantry Division (M), FOB Ironhorse (Tikrit) Iraq APO AE 09323-2628

Having been advised by me of:

a. The basis for his contemplated trial by court-martial and the maximum permissible punishment authorized under the Uniform Code of Military Justice;

b. The possible effects of an Under Other Than Honorable Discharge if this request is approved (including but not limited to reduction to the lowest enlisted grade (Private E-1) by operation of law and the loss of benefits administered by both the Army and other Federal agencies as indicated on a copy of DA Poster 635-1, which was provided to the soldier); and

c. The procedures and rights available to him/her;

SPC [redacted] personally made the choices indicated in the foregoing request for discharge in lieu of trial by court-martial.

[redacted]
[redacted]
[redacted]
1LT, JA
Defense Counsel

Data required by the Privacy Act of 1974 (5 USC 552a)

AUTHORITY: Section 301, title 5 USC and section 3013, title 10, USC.

PURPOSE: To be used by the commander-exercising general court-martial jurisdiction over you to determine approval or disapproval of your request for discharge in lieu of trial by court-martial.

ROUTINE USES: Request, with appropriate documentation, including the decision of the discharge authority, will be filed in the MPRJ as permanent material and disposed of in accordance with AR 640-10, and may be used by other appropriate Federal agencies and State and local governmental activities where use of the information is compatible with the purpose for which the information was collected.

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AFZF-JA-TDS

SUBJECT: Request for Discharge in Lieu of Trial by Court-Martial -- SPC
D Company, 4th Support Battalion, 1st Brigade, 4th Infantry Division (M), FOB
Ironhorse (Tikrit) Iraq APO AE 09323-2628

Submission of a request for discharge is voluntary. Failure to provide all or a portion of the requested information may result in your request being disapproved.

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CHARGE SHEET

(b)(6)

1. NAME OF ACCUSED (Last, First, Middle Initial)			2. SSN		3. GRADE OR RANK	4. PAY GRADE
5. UNIT OR ORGANIZATION			6. CURRENT SERVICE			
D COMPANY, 4TH FORWARD SUPPORT BATTALION, 1ST BRIGADE, 4TH INFANTRY DIVISION (MECHANIZED)			a. INITIAL DATE		b. TERM	
7. PAY PER MONTH			8. NATURE OF RESTRAINT OF ACCUSED		9. DATE(S) IMPOSED	
a. BASIC	b. SEA/FOREIGN DUTY	c. TOTAL	None		N/A	
\$1,665.30	\$100.00	\$1,765.30				

II. CHARGES AND SPECIFICATIONS

10. CHARGE: VIOLATION OF THE UCMJ, ARTICLE 119

SPECIFICATION: In that SPC [redacted] US Army, did, at or near Tikrit, Iraq, on or about 11 September 2003, willfully and unlawfully kill [redacted] by shooting him in the abdomen with a rifle.

III. PREFERRAL

11a. NAME OF ACCUSER (Last, First, Middle Initial)	b. GRADE	c. ORGANIZATION OF ACCUSER
d. SIGNATURE OF ACCUSER	CPT	D CO, 4TH FSB, 1ST BDE, 4ID (M)
		e. DATE (YYYYMMDD)
		20031007

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 7th day of October, 2003, and signed the foregoing charges and specifications under oath that he/she is a person subject to the Uniform Code of Military Justice and that he/she either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his/her knowledge and belief.

 Typed Name of Officer

HHC, 1BDE, 4ID (M)
 Organization of Officer

 Grade

 Signature

ARTICLE 136, UCMJ.
 Official Capacity to Administer Oath
 (See R.C.M. 307(b) - must be a commissioned officer)

On 7 OCTOBER, 2003, the accused was informed of the charges against him/her and of the name(s) of the accuser(s) known to me (See R.C.M. 308 (a)). (See R.C.M. 308 if notification cannot be made.)

Typed Name of Immediate Commander

HQ, D CO, 4TH FSB, 1ST BDE, 4ID (M)
Organization of Immediate Commander

CPT

Grade

Signature

IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13.

The sworn charges were received at 2000 hours, 7 October, 2003 at HQs, 4th Forward Support Battalion
Designation of Command or

1st Brigade, 4th Infantry Division (Mechanized)

Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)

FOR THE ¹

Typed Name of Officer

Commanding
Official Capacity of Officer Signing

LTC

Grade

Signature

V. REFERRAL; SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY b. PLACE c. DATE (YYYYMMDD)

Referred for trial to the _____ court-martial convened by _____

_____, _____, subject to the following instructions:²

By _____ of _____
Command or Order

Typed Name of Officer

Official Capacity of Officer Signing

Grade

Signature

15.

On _____, _____, I (caused to be) served a copy hereof on (each of) the above named accused.

Typed Name of Trial Counsel

CPT
Grade or Rank of Trial Counsel

Signature

FOOTNOTES: 1 — When an appropriate commander signs personally, inapplicable words are stricken.
2 — See R.C.M. 601(e) concerning instructions. If none, so state.

BK

Enlisted Record Brief

ERB DATE 20030928	NAME [REDACTED]	SSN [REDACTED]	RANK SPC	DOR 20020301	PMOS 35F	COMPONENT REGULAR
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SECTION II - ASSIGNMENT INFO

OVERSEAS DUTY	TC	Long: 0	DROS:	# of TOURS
YR/MO RTN	Month	LONG: 0	DROS:	
		SHORT: 0	DEROS:	
CONUS Depart Date:		DT DEPNS ARR OS:		

PMOS/DT: 35F / 20020301 **ASI:** 00
SMOS/DT: **SQI:** 0
BONUS MOS: **PDS/YRMO:** B2C/200210
BONUS ENL ELIG DATE: **TERM DATE:**
PROMOTION POINTS: **PROM PNTS CALC YM:**
PROM SEQ NUM: **PROM SELECT DT:**
PROM MOS:

Test #: ASVAB10	Last Test Date: 20000801
GT: 110	ELEC: 115 FOOD: 93 TECH: 118
ADMIN: 114	FA: 104 COMMO: 95 AUD PERCEPT:
CMBT: 86	MECH: 91 MAINT: 105

DLOS: **DT End Eval Period:**
DT Of Last PCS: 20020725 **AEA/Date:** N /
Flags: **Delay Sep Reason:**

SECTION III - SECURITY DATA

PSI STATUS: SECRET	FLD DET PS STAT: NONE
PSI INVEST INIT: 20000727	PSI INVEST COMPL: 20010508

SECTION IV - FOREIGN LANGUAGE

Language	Read	Listen	Speak
DLAB:			

SECTION V - MILITARY EDUCATION

MEL/MES: NONE/GRADUATED	
Level Completed: - 4 YRS HS	Year
Level Certificate: HIGH SCHOOL DIPLOMA	
Year: 1900	Semester Hours: 0
From:	
In:	
From:	
In:	

Correspondence Crs Hrs Completed:

SECTION III - SERVICE DATA

BASD: 20000824	TIME LOST:
PEBD: 20000824	REEN PROHIB: 10
BESD: 19000101	AGCMDT
	NEXT ELIG/DT 20030824
ETS: 20040823	DIEMS: 20000727

RANK	
RANK	DOR
SPC	20020301
PFC	20000824

SECTION VII - AWARDS AND DECORS

AWD/BDG/DCR	#

SECTION IV - PERSONAL/FAMILY DATA

LAST PHY EXAM: 20000726	PHYS CAT: B
PULHES: 111121	MMRB DATE:
MMRB Result:	
HT/WT	APFT DT/P/Pass-Fail
DT OF BIRTH:	BIRTHPLACE: IL
CTRY OF CITZ	SEX/Race: MALE / BLACK
# DEPN ADULTS/CHILD 0/0	# COMD Sponsored 0
MARITAL STATUS	RELIGION
EFMP/DT:	SP Birthplace/CITZ
MIL SPOUSE SSN/MPC	SVC COMP/DOD
HOME OF RECORD:	
MAILING ADDRESS:	
Emergency Data Verified:	

SECTION X - ASSIGNMENT HISTORY


Projected	From Mo	UIC	Unit Designation	Location	Comd	Posn Title	DMOS
0020725	WJAYD0	0004	CSCO D BASE SP	FT HOOD	FC	SR COMP/AUTO SYS F	35F1000Y
20020725	1	WJAYD0	0004	CSCO D BASE SP	FC	INCOMING PERSONNE	35F1 XX
20020721		WHD24D	0004	INDIV REPL DET	FC		
20010710		WB4JAA	0061	CSMT CO DS NON	P8		
20010708	13	WHP7AA	0001	AGREPL REG 40	P8	INCOMING PERSONNE	35F1 YY
20001115		W1EA23	73	ORD BN B CO ST	TC		
20000825		W1L4JB	CO A 46	AG BN REC PES	TC		

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4ID SJA TDS

From: 4ID SJA CHIEFMJ
Sent: Wednesday, November 12, 2003 11:46 AM
To: 4ID SJA TDS
Subject: martino poole

B6-2

 it's been approved.:)

006986

AFYB-CG

102303

B6

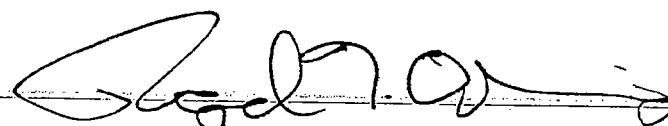
MEMORANDUM THRU

Commander, 173d Airborne Brigade, 4th Infantry Division Mechanized, Tikrit, Iraq
Commander, 319th AFAR, 173d Airborne Brigade, 4th Infantry Division (Mechanized), Tikrit,
Iraq
Commander, Delta Battery, 319th AFAR, 173d Airborne Brigade, 4th Infantry Division
(Mechanized), Tikrit, Iraq

FOR Commander, 502d Personnel Service Battalion, 4th Infantry Division (Mechanized), Tikrit
Iraq

SUBJECT: Request for Discharge in Lieu of Trial by Court-Martial, SSG [REDACTED]
[REDACTED] Delta Battery, 319th AFAR, 173d Airborne Brigade, 4th Infantry Division (Mechanized),
Tikrit, Iraq

1. The Request for Discharge in Lieu of Trial by Court-Martial submitted by SSG [REDACTED]
[REDACTED], Delta Battery, 319th AFAR, 173d Airborne Brigade, 4th Infantry Division
(Mechanized), Tikrit, Iraq, UP AR 635-200, Chapter 10, is hereby APPROVED.
2. I direct that SSG [REDACTED] be discharged from Military Service under the provisions of AR 635-
200, Chapter 10, and that his service be characterized as Under Other Than Honorable
Conditions.
3. The pending court-martial charges against SSG [REDACTED], will be dismissed after SSG [REDACTED]
receives his DD Form 214.
4. I direct that SSG [REDACTED] be reduced to the lowest enlisted pay grade, PVT (E-1) IAW 635-
200, paragraph 1-13.
5. SSG [REDACTED] will not be transferred into the Individual Ready Reserve (IRR) as he clearly has
no potential for useful service under conditions of full mobilization. Transfer is not required
IAW AR 635-200, paragraph 1-35.
6. In accordance with AR 635-200, paragraph 1-20, if the soldier is a bonus recipient, unearned
portions of any enlistment/reenlistment bonuses will be recouped.
7. I further direct that SSG [REDACTED] be separated from the Army within five working days upon
return to CONUS.



RAYMOND T. ODIERNO
Major General, USA
Commanding

006987

B6



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
United States Army Trial Defense Service
Fort Hood Field Office
Task Force Ironhorse
Police station Speicher, Iraq

AFZF-JA-TDS

4 October 2003

MEMORANDUM FOR Commander, Taskforce Ironhorse, 4th Infantry Division
(Mechanized), Tikrit, Iraq.

SUBJECT: Letter in Support of Discharge in Lieu of Trial by Court-Martial -- SSG
██████████
D Battery, 319th AFAR, 173rd Airborne Brigade, Iraq

1. I am writing this letter to help explain the circumstances that led to this entire situation. I am not writing this to excuse my actions but to shed some light on the day that led up to the incident.

2. On 1 August 2003 a soldier in my unit, SPC ██████████ was killed by an RPG round. All of us were upset and nervous about the death. The following day was probably the worst day of my life. Early on 2 August 2003, some local Iraqi's brought a dead body to our police station. They told us that they had found the man in the river and that he had been strangled. Until this moment I had never seen a dead man before. The sight of this was very upsetting. This first event of the morning set the mood for the day.

3. About an hour after the body was brought to the police station we had reports of some Iraqi's stealing pipes in town. We went to investigate the incident and actually found the men. We detained fourteen men and began to transport them to our police station. As we left we noticed that another car was following us. The two men in the car were with the pipe stealers earlier. We had a few local Iraqi police in the vehicle with us and they began shooting at the car. We looked back at the car to see why they were shooting. We saw that one of the men in the car was holding a grenade. He was holding the grenade as if he were about to throw it at us. The driver of our vehicle stomped on the brakes and this forced the car behind us to abruptly stop. We detained the two men and their grenade.

4. About thirty minutes after dropping these detainees at the police station we were made aware of shots being fired at the market. We immediately left for the market area. The two men that we found were local Kirkuk police and they were carrying AK-47's. They were not suppose to be carrying weapons outside of their city as that was the law. We searched the men and found fuses and full magazines for the AK-47's. We asked the artillery guys about the fuses and were told that they were either mortar or RPG fuses. We took them to the police station.

5. By the time we arrived to the police station all of our emotions were high and we were all on the edge. We called our commander and asked what to do with the two police that

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had the AK's. We found out moments earlier that the local Iraqi judge had ordered that they be released. The commander told us to question them anyway.

6. After questioning the two for awhile the translator told me that one of the men had stated that he would kill me and the others that had questioned him. He also stated that he would blow up the police station with an RPG. We all took them seriously.

7. The day had started with me seeing a dead mans body and it ended with threats on mine. I am not making excuses for my actions but hope to put that day in perspective. I have been in the Army for twelve and a half years. My MOS is not in police work or law enforcement. I am a communications sergeant. I have never been trained in police work and have no training in handling prisoners or detainees. I say this not to make excuses but to try and make sense of the situation.

8. I regret many things in my life and I hope that I can come to terms with the actions I have taken. I realize that you have the power to discharge me from service. My only request is that you discharge me with a General discharge. Very respectfully.

[REDACTED]
[REDACTED]
SSG, U.S. Army
Accused

DEPARTMENT OF THE ARMY
COMBAT SUPPORT COMPANY,
1ST BATTALION (AIRBORNE), 508TH INFANTRY
4TH INFANTRY DIVISION (MECHANIZED)
TIKRIT, IRAQ 09323

AESE-B

13 October 2003

MEMORANDUM THRU

Commander, 173d Airborne Brigade, 4th Infantry Division (Mechanized), Kirkuk, Iraq 09347
Cominander, 1st Battalion (Airborne), 508th Infantry, 173d Airborne Brigade, 4th Infantry
Division (Mechanized), Tikrit, Iraq 09323

FOR Commander, 4th Infantry Division (Mechanized), Tikrit, Iraq

SUBJECT: Request for Discharge under Chapter 10, Discharge in Lieu of Trial by Court-
Martial, pertaining to SSG [REDACTED], 319th AFAR, 173d Airborne Brigade, 4th Infantry
Division (Mechanized), Tikrit, Iraq

1. The attached recommendation for elimination under provisions of AR 635-200, Chapter 10,
Discharge in Lieu of Trial by Court-Martial, pertaining to SSG [REDACTED], 319th AFAR, 173d
Airborne Brigade, 4th Infantry Division (Mechanized), Tikrit, Iraq, is forwarded for your action. I
recommend:

(X) Approval. or () Disapproval

2. Furthermore, I recommend that his service be characterized as

() under other than honorable conditions
(X) General under honorable conditions

3. This isolated incident does not reflect SSG [REDACTED] otherwise clean record, and should not
negate his significant contributions to his unit, the brigade, and the United States Army over the
course of more than twelve years.

/Original Signed/

Encl
as

[REDACTED]
CPT, FA
Commanding

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DEPARTMENT OF THE ARMY
HEADQUARTERS, 2ND BATTALION (AIRBORNE), 503RD INFANTRY
4TH INFANTRY DIVISION (MECHANIZED)
TIKRIT, IRAQ 09323

AESE-B

13 October 2003

MEMORANDUM THRU Commander, 173d Airborne Brigade, 4th Infantry Division
(Mechanized), Kirkuk, Iraq 09347

FOR Commander, 4th Infantry Division (Mechanized), Tikrit, Iraq 09323

SUBJECT: Request for Discharge under Chapter 10, Discharge in Lieu of Trial by Court-
Martial, pertaining to SSG [REDACTED] 319th AFAR, 173d Airborne Brigade, 4th Infantry
Division (Mechanized), Tikrit, Iraq

1. The attached recommendation for elimination under provisions of AR 635-200, Chapter 10,
Discharge in Lieu of Trial by Court-Martial, pertaining to SSG [REDACTED] 319th AFAR, 173d
Airborne Brigade, 4th Infantry Division (Mechanized), Tikrit, Iraq, is forwarded for your action. I
recommend:

(X) Approval. or () Disapproval.

2. I recommend that his service be characterized as under other than honorable conditions.

() under other than honorable conditions

(X) General under honorable conditions

3. SSG [REDACTED] service to his country has consistently been above average, and should not be
permanently marred by this isolated incident.

/Original Signed/

[REDACTED]

Encl
as

LTC, IN
Commanding

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