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From: RHood@ForThePeople.com
Sent: Wednesday, October 21, 2015 11:15 AM
To: WHS Pentagon EM Mailbox Judicial Panel
Cc: Hall, William J CIV USAF 502 ABW (US)
Subject: Review of prior involuntary separations, and obtaining investigation

Categories: PENDING: ARCHIVE/FORWARD/NOT REQUIRED

Dear Judicial Proceedings Panel,

I'm a former United States Department of Veterans Affairs claims adjudicator, and now I'm an attorney that uses my VA experience to assist Veterans with their VA claims. My wife was an Airman who was sexually assaulted in service. This is an issue that is close to me.

A young lady has come to me for help. She was sexually assaulted while an E4 at Lackland in 2010. The SARC's notes indicate reprisal and retaliation to me; the day after she switched from Restricted to Unrestricted, "friends turning their backs on her", and she reported pressure being put on her. It got to the point that she went to OSI and asked how she could just make the whole thing stop. She was told "Just give us a written statement that the sex was consensual," so she did that around Nov-Dec 2010. What those OSI folks did is called "suborning perjury".

In January 2011 she found out she was going to be charged for an Article 107 and referred to a Special Court Martial. She was formally charged on March 10, 2011, the day before she was supposed to pin for SSGT. They held her promotion. With her SCM set for the first week of June 2011, on May 19, her defense advocate told her they were coming after her with everything they had to "make an example," and because she had a young daughter, she just could not afford to take the chance that the same organization that told her to "recant" wouldn't also find her guilty, give her a Dishonorable Discharge and 5 years in prison. She took an OTH in lieu of a Special Court Martial.

In May 2011, she didn't have the benefit of the subsequent changes to the AFI36-3208 that would have assigned her a Special Victim Counsel. Under DODI 6495.01 incorporating Change 1 November 7, 2008, the words "retaliation" and "reprisal" don't even appear, compared to the 04/30/2013 version that mentions reprisals and retaliation in the context of Military Whistleblower Protection. Compare with the latest version of DODI 6495.02 that mentions "reprisal" 42 times.

I've heard that there's supposed to be a review of all the involuntary discharges of Airmen who separated within 1 year of making a report of sexual assault. I want to make sure that her case gets looked at. She's outside the 1 year DODIG window to file a Whistleblower Protection complaint, but it certainly appears to meet the elements of a reprisal. I can provide her information upon request.

What I am doing: I am working on getting her VA benefits despite her OTH; there are exceptions, and I'm darn good at what I do. If I can't dazzle my former colleagues at the VA with my legal brilliance, however, I'm going to have to get her discharge upgraded by the DRB or maybe the BMRC, although I've never done that sort of work before.

What I am asking for: How do I get my hands on the investigation records involving her case? The OSI investigation notes, reports that they made, what their findings were, etc. That goes for both the sexual assault, and when they came after her for changing her story. Those things are NOT going to be in her Military Personnel File. One of my law school pals is an Army JAG who says that even when victims recant, OSI will sometimes find that an assault was still committed to "to keep their stats up."

These sorts of records would be a big help in her eventual request to upgrade her discharge. Yes, those records are probably sensitive as all hell, but is there a way for me to get them?

And is there a review previous separations going on? What will be done if it looks like this was a reprisal in her case? Is there a way for me to find out if they may have completed such a review in my Veteran's case, and what their determination was? That would be VERY good supporting evidence for when I go to the Discharge Review Board.

I hope that you can help, or route this to the appropriate people.

Sincerely,

Robin Hood, Esq.
Veterans Claims Attorney

Cc:Bill Hall, Current Lackland SARC

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