

CONFIDENTIAL

5000-14

MEMORANDUM

→ [redacted] (DPLS)

28 Sep 81

DGPCO

CFAO 19-20

- LOG 69A

- References: A. Minute DGPCO/DPLS 11 Sep 81
- B. SIU Report 2140/426 596 441 TD 1253
- C. PER [redacted] 1 May 81

1. As you requested (Reference A) [redacted]'s case file, including the SIU report (reference B) have again been reviewed.
2. The SIU report contains information from basically three sources;
 - a. [redacted], in a written admission to the Military Police stated that he knew [redacted] while at [redacted] and that "we made love" (oral sex) several times..." and that they had 'toked'. [redacted] denies any involvement with [redacted]. This allegation, therefore, remains unsubstantiated; and
 - b. the SIU report also contains a serious allegation that [redacted] indecently assaulted [redacted]. This allegation was the subject matter of a General Court Martial and the end result was an acquittal on the charge of indecent assault. As you have commented in your para 2 of reference A, this matter must be considered closed and have no bearing on any subsequent staff or career action.
3. We are left with the unsubstantiated allegation of [redacted] as to their 'involvement', and the additional fact that [redacted] was not considered as being truthful when he denied being involved in homosexual acts when he underwent a polygraph examination. For the purposes of addressing whether CFAO 19-20 applies to this officer, I hesitate to place any weight on and have disregarded the results of the polygraph examination.
4. I do not consider that [redacted]'s allegations establish with reasonable certainty, that CFAO 19-20 applies to this officer, consequently, I reassert my prior opinion (Minute 10), that an Item 5(d) release is not supportable.
5. I would add, that in accordance with EPCSA Manual, Chapter 114-2,

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prior to a final decision being made as to his retention or release, [REDACTED]'s case file should be forwarded to DMTS for their 'medical' opinion as to the applicability of CFAO 19-20.

6. I would also recommend, that comments be solicited from D Secur regarding the manner in which they will treat this officer's security clearance. The proposed security clearance which they assign may severely restrict his employability.

7. I also note with some interest, comments made in relation to [REDACTED]'s latest PER dated 1 May 81 (Reference C). I agree with the DPCO comments in Minute 1, that section 13 of [REDACTED]'s PER file contains material that is most presumptuous and which has turned out to be inappropriate and prejudicial, therefore, the comments by the Reviewing Officer must be expunged except for the first line.

ORIGINAL SIGNED BY:

R.L. Martin
Colonel
DPLS
5-3445

Maj R.F. Benson/5-3445/dab

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