

Unethical Dilemmas

SGM Demetrius Hopkins

United States Army Sergeants Major Academy

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SGM Caspari

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Abstract

The intent of this paper is to identify some unethical experiences that I have encountered over the years. Areas addressed are noncommissioned officer evaluation counseling date falsification, and failing to enroll a Soldier in the weight control program. The purpose of addressing these issues is to make the audience aware of the many ethical dilemma exposures that leaders will encounter throughout their tenure in the military. Decisions of following the Army regulations to the letter are sometimes challenged in the best interest of the Soldier. Regardless of the situation, however, following the regulatory requirements and following ethical guidelines will always be the best decision.

Unethical Dilemmas

The purpose of this paper is to share my experiences of ethical dilemmas that challenge leadership decisions. Leaders will continuously face ethical decision making throughout their tenure as leaders. They must adhere to the guiding principles of ethical behavior and always do the right thing in order to preserve the Army values. The areas addressed are noncommissioned officer evaluation report (NCOER) counseling date falsifying and Soldier enrollment into the U.S. Army weight control program.

NCOER Counseling

An ethical dilemma that is repeatedly violated in the U.S. Army is the falsifying of counseling dates on the NCOER. The current Army Regulation (AR) 623-3 and the obsolete AR 623-205 evaluation reporting regulations require mandatory counseling for all noncommissioned officers (NCOs). The regulation stipulates that NCOs will receive an initial counseling within the first ninety days of the rating period and at a minimum every ninety days thereafter. The purpose of the counseling is to prescribe the duties and responsibilities of the NCO as well as documenting achievements and performance objectives. The rater is responsible for ensuring the counseling is administered to the rated NCO as prescribed above. However, unfortunately, counseling is routinely neglected and not conducted in most units that I have served. Yet, since the NCOER cannot process without the counseling dates, raters (NCOs and officers) will fabricate dates to give the perception that the counseling took place within the regulatory guidelines.

Senior leaders must realize the importance of performance counseling and must enforce the standards of the regulations to the fullest extent throughout the rating period. Failure to do so only hampers the unit's ability to perform its mission at its maximum potential. I have

experienced great results from counseling sessions. Throughout my tenure as a leader from sergeant to first sergeant, I have never failed to give the required performance counseling to my Soldiers and have routinely exceeded the frequency requirements. I will continue to perform and enforce counseling throughout my tenure as a sergeant major and/or command sergeant major.

As a first sergeant, I personally rated the platoon sergeant, supply sergeant, and training NCO. I demanded that they counsel their subordinates at least monthly. A leader cannot just give an initial counseling and tell their subordinate leaders to counsel their assigned Soldiers at the beginning of the rating period and then never do a follow up counseling on them or fail to inspect their counseling obligations to their Soldiers. Just as college business students are taught that they as top managers are responsible for enforcing the ethical policies and procedures in order to be effective, the same principals apply for the military leaders. If I tell a subordinate leader that I rate to conduct quarterly and monthly counseling on their Soldiers and yet I fail to give him or her their counseling, I will be guilty of sending a mixed message that counseling is not important. I will also be sending a message that Army regulations are enforceable at the convenience of the leader in charge. Leaders must set the example first by abiding by all regulatory requirements.

I always checked my platoon sergeant and section chiefs' Soldiers counseling packets at random in order to preserve integrity of the system. This eliminated the possibility of having the Soldiers sign a counseling just prior to my inspection. I would also ask individual Soldiers routinely to ensure compliance was met.

Weight Control Program

Another area of concern where leaders face ethical decisions is the weight control program. The Soldier arrived to the unit and was found not in compliance with the Army's

weight control standards within the first 60 days of arriving to the unit. The Soldier was just previously removed from the weight control program within the last 120 days by her previous unit of assignment. According to AR 690-1, Soldiers found not in compliance with the regulation within 12 months of previous removal will have separation procedures initiated and flagged.

After conferring with the command sergeant major (CSM), a decision made to not initiate separation procedures nor flag the Soldier in the system. The Soldier was not flagged because DA tracks Soldiers for 36 months after removal from the program. A flagging action would give visibility of the Soldier reentering the program within the 12 month period. However, the Soldier received counseling to the effect that she would not receive any favorable actions such as promotions, awards or reenlistment until she was in compliance with the regulation.

The command felt that separating a newly arrived Soldier was not a good decision because the Soldier possessed an important skill that the command desperately needed and the Soldier was already making needed mission requirement improvements in the organization. The unit did was a Table of Distribution Assignment (TDA) and therefore did not require tactical competence or demanding physical requirements. The Soldier initially displayed a positive attitude and was appreciative early on in her opportunity to get in compliance as quickly as possible without separation proceedings.

The regulation also states that not making satisfactory improvements in any consecutive two months or failure to be in compliance after six months of being enrolled are grounds to initiate separation. The first sergeant was very patient with the Soldier's slow progress for over several months until the Soldier increased her body fat percentage after the Christmas holidays. The first sergeant counseled the Soldier to the affect that she had to take responsibility for herself

at some point. The Soldier seemed humble and made satisfactory progress for a couple of months under the guidance and direction of the unit's weight control program.

The first sergeant left for approximately three weeks to attend the first sergeant course. After his return, the Soldier had gained body-fat percentage instead of losing the required monthly bodyweight. The first sergeant's patience deteriorated and he demanded that the Soldier meet the weight control standards within the next thirty days. She received counseling that if she failed to meet the standards, she would receive official weight control enrollment and flagging action would take place. This was around the eighth month after her last removal and therefore separation actions would begin for noncompliance with the regulation. The Soldier was approaching her reenlistment window and received counseling stating that she desperately needed to get in compliance in order for her to reenlist.

The Soldier became disgruntled and therefore sought counsel from the company commander in reference to the situation unknowingly to the first sergeant. The commander did not seek guidance from the first sergeant nor did he inform the first sergeant of the situation. After the next 30 days elapsed, the Soldier had not made any satisfactory progress. Therefore, the first sergeant directed that the Soldier be officially enrolled into the weight control program.

The platoon sergeant approached the first sergeant and asked the first sergeant was he aware that the Soldier had already reenlisted with the commander's approval. The first sergeant investigated the incident and found that the Soldier and the commander did indeed have a reenlistment ceremony without any attendance or notification of members of the organization.

This incident immediately caused a deterioration of the commander and first sergeant relationship. The commander tried to pretend that he did not know that the Soldier was still overweight. Since she was not officially flagged, he found no reason to not allow her to

reenlist. The first sergeant was so outraged that he requested transfer from the organization due to the lack of trust and blatant unethical misconduct that he thought the commander engaged in.

This incident proves that regardless of how technically sound a Soldier may be, the Soldier is not a good Soldier unless they meet all of the Army requirements. Leaders must always follow the regulatory requirements. In this incident, the lesson learned is that initiated separation proceedings should have been forwarded to the higher command for disposition in the very beginning. The brigade level commander has the authority to make the decision rather to retain or release Soldiers who do not meet the requirements. The company or battalion commander could have advised to the brigade commander on their wishes to retain the Soldier.

Conclusion

The bottom line is unethical behavior has no place in the military. Most situations in the military can be resolved in a legal manner. Commanders at some level usually have the authority and flexibility to overturn a regulatory requirement. However, some regulations do not leave much flexibility such as the case with the mandatory counseling session. All leaders must do the right thing all the time in order to preserve good order and discipline and to achieve mission success.