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DATE: 23 AUG 2006

FROM: SAC, 31 MP DET (CID) (-), CONTINGENCY OPERATING BASE (COB)

SPEICHER, TIKRIT, IRAQ, APO AE 09393

TO: DIR USACRC FT BELVOIR VA //CICR-ZA//

CG USACIDC FT BELVOIR VA//CIOP-COP-CO// CDR 3D MP GRP USACIDC FT GILLEM GA CDR 10TH MP BN (CID)(ABN)//CIRF-ZA//

CDR, 31ST MP DET (CID), LSA ANACONDA, BALAD, IZ CDR, 3-187 INF, FOB BRASSFIELD-MORA, SAMARRA, IZ PM, 101 ABN DIV (AASLT), COB SPEICHER, TIKRIT, IRAQ

TRIAL COUNSEL, 3D BCT, 101 ABN DIV (AASLT), COB SPEICHER

SJA, 101 ABN DIV (AASLT), COB SPEICHER

LNO, USAREC, FORT KNOX, KY CDR, 1-35 ARMOR, RAMADI, IZ

SUBJECT: CID REPORT OF INVESTIGATION - 3D STATUS - 0080-2006-CID469-75442

- 8D1 / 5M2 / 8D1 / 8X2 / 5Y2D2 / 9G1

DRAFTER: HIGGASON, BILLY R. RELEASER: HIGGASON, BILLY R.

#### 1. DATES/TIMES/LOCATIONS OF OCCURRENCES:

- 1. 01 OCT 2001, 0900 01 OCT 2001, 1700; MILITARY ENTRANCE PROCESSING STATION, BUILDING 5645 TEXAS AVENUE, FORT DIX, NJ 08640
- $2.\ 01\ \text{SEP}\ 2001,\ 0001$   $27\ \text{SEP}\ 2001,\ 2359;\ \text{HOTEL}$  IN THE VICINITY OF FORT DIX, NJ
- 3. 23 JUL 2006, 1034 23 JUL 2006, 1139; CID OFFICE, CAMP SLAYER, BAGHDAD, IZ, APO AE 09342
- 2. DATE/TIME REPORTED: 06 MAY 2006, 1500
- 3. INVESTIGATED BY:

SA CLYDE F. MANUEL III, 6504

# 4. SUBJECT:

1. SZCZEPANIAK, RAPHAEL NMN; PVT; 148-84-3292; 28 FEB 1983; TRENTON, NEW JERSEY; MALE; WHITE; HEADQUARTERS AND HEADQUARTERS COMPANY

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(HHC), 3RD BATTALION (BN), 187TH INFANTRY REGIMENT, 3RD BRIGADE COMBAT TEAM, 101ST AIRBORNE DIVISION (AIR ASSAULT), FORWARD OPERATING BASE (FOB) BRASSFIELD-MORA, SAMARRA, IZ, APO AE 09393, IZ; CT; [FRAUDULENT ENLISTMENT], [CONSPIRACY]

- 2. UNKNOWN, ; SSG; MALE; BLACK; US ARMY RECRUITING STATION, 5 S BROAD ST, TRENTON, NJ 08608; TA; [EFFECTING UNLAWFUL ENLISTMENT (UNFOUNDED)], [CONSPIRACY (UNFOUNDED)], [DERELICTION OF DUTY (UNFOUNDED)] (NFI)
- 3. HAYES, DARRYL DAMON SENIOR; SFC; 579-94-1363; 20 MAR 1966; WASHINGTON, DISTRICT OF COLUMBIA; MALE; BLACK; HHC, 1ST BN, 35TH ARMOR, RAMADI, IZ, APO AE 09034, IZ; CT; [EFFECTING UNLAWFUL ENLISTMENT], [FALSE OFFICIAL STATEMENT], [CONSPIRACY], [DERELICTION OF DUTY]

## 5. VICTIM:

1. U.S. GOVERNMENT; ; [EFFECTING UNLAWFUL ENLISTMENT], [FALSE OFFICIAL STATEMENT], [FRAUDULENT ENLISTMENT], [CONSPIRACY], [DERELICTION OF DUTY]

#### 6. INVESTIGATIVE SUMMARY:

THE INFORMATION IN THIS REPORT IS BASED UPON AN ALLEGATION OR PRELIMINARY INVESTIGATION AND MAY BE CHANGED PRIOR TO THE COMPLETION OF THE INVESTIGATION.

"THIS IS AN OPERATION IRAQI FREEDOM INVESTIGATION"

## **3RD STATUS REPORT:**

THIS REPORT IS BEING SUBMITTED TO IDENTIFY HAYES AS THE RECRUITER WHO ASSISTED SZCZEPANIAK IN PASSING THE URINALYSIS. THIS REPORT ALSO ADDS THE OFFENSE OF FALSE OFFICIAL STATEMENT AND UNFOUNDS THE OFFENSES RELATED TO THE UNKNOWN SUBJECT.

FURTHER INVESTIGATION IDENTIFIED "SFC DEAN SCOTT" AS SSG DEAN P. SCOTT, 218-94-6900, HEADQUARTERS AND HEADQUARTERS BATTERY, 1ST BN, 320TH FIELD ARTILLERY, CAMP VICTORY, IZ, APO AE 09342. SCOTT WAIVED HIS LEGAL RIGHTS AND DENIED ANY INVOLVEMENT OR KNOWLEDGE OF SZCZEPANIAK'S FRAUDULENT ENLISTMENT.

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ON 21 AUG 06, SZCZEPANIAK WAIVED HIS LEGAL RIGHTS, VIEWED PHOTOGRAPHS OF HAYES AND SCOTT, AND IDENTIFIED HAYES AS THE RECRUITER WHO HELPED HIM PASS THE URINALYSIS.

INVESTIGATION CONTINUES BY CID.

#### 2D STATUS REPORT:

THIS REPORT IS BEING SUBMITTED TO ADD HAYES AS A SUBJECT FOR THE OFFENSES OF CONSPIRACY, DERELICTION OF DUTY AND EFFECTING A FRAUDULENT ENLISTMENT.

FURTHER INVESTIGATION IDENTIFIED HAYES AS THE RECRUITER CREDITED FOR SZCZEPANIAK'S ENLISTMENT. HAYES WAIVED HIS LEGAL RIGHTS AND STATED HE DID NOT SPECIFICALLY RECALL SZCZEPANIAK; HOWEVER, HE MIGHT HAVE MENTIONED THE TEA IF A RECRUIT HAD INDICATED HE OR SHE MIGHT TEST POSITIVE ON THE URINALYSIS. HAYES DENIED HE PERSONALLY ASSISTED ANY POTENTIAL RECRUITS IN PASSING THE URINALYSIS; BUT ADMITTED HE WOULD REFER INDIVIDUALS WHO HAD PROBLEMS WITH THE URINALYSIS TO ANOTHER RECRUITER NAMED SFC DEAN SCOTT (NFI), WHO HANDLED "TOUGH" CASES.

INVESTIGATION CONTINUES BY CID.

#### INITIAL REPORT:

DURING AN INTERVIEW FOR ANOTHER INVESTIGATION, SZCZEPANIAK ADMITTED TO FRAUDULENTLY ENLISTING INTO THE ARMY.

SZCZEPANIAK WAIVED HIS LEGAL RIGHTS AND ADMITTED USING VARIOUS CONTROLLED SUBSTANCES (MARIHUANA, COCAINE, AND ECSTASY) PRIOR TO HIS ENLISTMENT. SZCZEPANIAK STATED HE INITIALLY TESTED POSITIVE FOR MARIJUANA ON A URINALYSIS FOR ENLISTMENT AND WAS GIVEN 30 DAYS TO TAKE ANOTHER ONE. SZCZEPANIAK STATED A WEEK BEFORE HIS SECOND URINALYSIS, HIS RECRUITER ASKED HIM IF HE WOULD BE ABLE TO PASS HIS NEXT URINALYSIS AND SZCZEPANIAK REPLIED NO. SZCZEPANIAK STATED HIS RECRUITER GAVE HIM AN UNIDENTIFIED LIQUID TEA TO DRINK AND TOLD HIM THE TEA WOULD HELP HIM TEST NEGATIVE ON THE URINALYSIS. THE RECRUITER ALSO TOLD HIM TO DENY DRUG USE ON HIS ENLISTMENT PACKET.

INVESTIGATION CONTINUES BY CID.

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- 7. COMMANDERS ARE REMINDED OF THE PROVISIONS OF AR 600-8-2 PERTAINING TO SUSPENSION OF FAVORABLE PERSONNEL ACTIONS AND AR 380-67 FOR THE SUSPENSION OF SECURITY CLEARANCES OF PERSONS UNDER INVESTIGATION.
- 8. USACIDC REPORTS ARE EXEMPT FROM AUTOMATIC TERMINATION OF PROTECTIVE MARKINGS IN ACCORDANCE WITH CHAPTER 3, AR 25-55.

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