



**7th Cavalry Regiment  
Regimental Headquarters  
Ft. Hood, Texas**

4 March 2012

CASE: 7<sup>th</sup> Cavalry Regiment vs. CPT Chilicki, B

RE: FINAL RULING

1. In the matter of 7<sup>th</sup> Cavalry Regiment vs. CPT Chilicki, B, on the charges as detailed below, I make the following ruling:

I. **NOT GUILTY - Section § 933 Article 133, CONDUCT UNBECOMING AN OFFICER AND A GENTLEMAN: (1 COUNT)**

- a. While having your meeting with Sergeant Rogers you were unethical, unprofessional, and unbecoming. You badgered and taunted the Sergeant. You already have one NCS for bullying and I don't see much of a difference from that to this. This is not what the 7th Cavalry is looking for in an Officer.

II. **GUILTY ON BOTH COUNTS - Section § 899 Article 92, FAILURE TO OBEY GENERAL ORDER OR REGULATION: (2 COUNT)**

- a. While performing your duties as Company commander of Fox Company 1-7. You failed as a Commander. You failed to guide, train, and groom one of your Platoon Sergeant's. Rogers, Steve. As to his duties as a platoon Sergeant in your Company. Not only did you fail yourself, the Sergeant, but more importantly your Company.
- b. Neglected the correct procedure to the discipline process of a member of the 7th Cavalry regiment. You failed to notify Battalion of any or all issues within your company regarding this Sergeant. If you would of followed the COC and advised Battalion of the issues you would of received guidance in any and all matters in your Company. Failing to report to Battalion has resulted in your Command to be derelict in the performance of your duties. Battalion as not record of any PM's to this Sergeant or of any NCS's.

2. With regards to the Article 133, I find the accused's actions and behavior, as evident from the recording of the meeting dated 04Dec12 submitted into the record, did not meet the threshold for a guilty verdict. However, it is the opinion of this court that the Captain should have ensured the meeting was conducted in a professional manner consistent with our 7<sup>th</sup> Cavalry Code of Conduct and pursuant to the aim of developing SGT. Rogers, S (henceforth known as *the individual*) for the betterment of the unit. In this regard the Captain failed on the expectations the 7<sup>th</sup> Cavalry Regiment has for its officers.

3. With regards to the first count of the Article 92, I find the Defense did not provide ample evidence to demonstrate the Company staff provided the individual with an appropriate level of training and ample time for development.

The individual was provided his initial counseling statement detailing his duties as platoon sergeant on 6Nov11, two weeks after being appointed to the billet, yet on the company report dated 15Nov11 the Captain mentioned having a verbal counseling to correct what he felt was a lack of communication and mentioning NCS'ing the individual and replacing him as PSG.

The defense alleged the Captain held and/or delegated multiple verbal counseling sessions but failed to demonstrate, with evidence, that any sessions were actually held. In addition, contrary to the Company



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report dated 15Nov11, neither the Captain nor his subordinates initiated any Negative Counseling Statements to address the alleged performance issues and elevate the issue.

In summary, the individual was appointed on 22Oct11, and given his duties (first official training via ICS) two weeks later on 6Nov11. The individual was then given a month, following his ICS on his duties before he was relieved of his duties on. During three-quarters of this period, the individual's direct supervisor was absent and there is no proof that neither the Company First Sergeant nor the Company Commander properly guided, trained and developed the individual.

It is this court's opinion that one of the most important responsibilities of leaders in the 7<sup>th</sup> Cavalry Regiment is to develop their subordinates and prepare them to succeed. The good leaders train and develop their subordinates and provide constant feedback and do not allow them to fail. The failure of a trooper is a direct reflection of that trooper's supervisor. In this case the Company Staff and ultimately CPT Chilicki failed in this regard.

4. With regards to the second count of the Article 92, I find the Defense did not provide ample evidence to demonstrate that CPT Chilicki provided 1<sup>st</sup> Battalion Staff with the proper level of communication regarding any issues with the individual. Furthermore, the Defense did not provide ample evidence to demonstrate that CPT Chilicki followed the established guidelines for addressing disciplinary issues within his company.

A review of the weekly Company Reports from 9Nov11, 15Nov11, 21Nov11, and 29Nov11 did not provide adequate detail in his company reports to convey any issues with the individual. The only direct mention of the individual is found in the report-dated 15Nov11. In the case of this report, the court did not make the interpretation that the Battalion Staff could have interpreted this as a serious performance issue with the individual, but rather a minor issue that the Company Staff was addressing. Defense did not provide any additional evidence to support that the Company Staff communicated the issues with the individual to Battalion

A review of all evidence provided in this case supports the argument that CPT Chilicki failed to follow the correct procedures with regards to discipline of the individual up to and including the dismissal of the individual from his billet as Platoon Sergeant. CPT Chilicki failed to adequately document disciplinary issues with the individual in the form of documented (writing or recorded) verbal counseling sessions, Negative Counseling Statements, Non-Judicial punishment etc. Absent adequate communication with Battalion Staff and with no documented disciplinary actions, CPT Chilicki did not have the authority to relieve the individual from his billet.

Defense argument that the guidance document "New Position Responsibilities" provide the Company Commander with the authority to remove Platoon Sergeants from their billet based on the fact that the document provides the Company Commanders with the authority to appoint said billet. This point is completely false, a fact that was explained to CPT Chilicki by MG. Chance, Chief of Staff (based on recorded interview with COS entered into the record), during a meeting they had prior to the individual's dismissal. COS explained to CPT Chilicki the appropriate procedure for relieving an individual from their



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billet, which included having appropriate documentation of an ongoing performance issue. COS went as far as provide CPT Chilicki with the recommendation that he should consult with his Battalion Commander; a recommendation he failed for follow.

5. Based on the verdict of GUILTY on the two counts of violation of *Section § 899 Article 92, FAILURE TO OBEY GENERAL ORDER OR REGULATION* this court passes the following sentence:

- I. RELIEVED OF DUTY, as Company Commander Fox Company, 1<sup>st</sup> Battalion.
- II. REDUCTION IN RANK, one grade to the rank of First Lieutenant. (Suspended\*)
- III. 90 Days NO FAVORABLE ACTION, effective the date of this letter.
- IV. Official LETTER OF REPRIMAND, to become part of the Captain's permanent record.

NOTE: (\*) Suspended sentence effectively resets the Captain's promotion clock to zero.

6. The rulings of this court are final. This court is adjourned.

Whitey Mack  
Lieutenant General  
Executive Officer  
7<sup>th</sup> Cavalry Regiment

*Attached:* Letter of Reprimand.

*CC: GEN Unix, MG Chance, MG Bahama, LTC Rogue, LTC Traycer, CPT Chilicki, 1LT Way*