

**E-mails To CPT
Wells**

**MAJ. Mackin
And Gen Clouse**



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Reply Reply to All Forward Move Delete Close

img-5161216-0001.pdf

Phillips, Mark

Sent: Tuesday, May 17, 2011 1:50 PM

To: jay@lek.net

Attachments: img-5161216-0001.pdf.pdf (3 MB) (Open as Web Page); ATT00001.txt (89 B)

Sir,

Here is the report. I will scan the letters as soon as I am done teaching class today. Thanks sir

21t mark Phillips



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Synopsis
Phillips, Mark

Sent: Wednesday, May 18, 2011 2:16 PM
To: jay@lek.net
Attachments: Statement of written matt~1.docx (15 KB) [Open as Web Page]

Sir,
 Here is the narrative I wrote containing the promulgation of events. I am required to submit something in writing by NLT that Saturday May 21 2011. Please let me know if I should include and or excude anything more in this document. Thank you. I can as well forward you the statements of withdraw and reprimand if you require them as well.

The generals name I spoke with is
 Brigadier General Robert C. Clouse JR
 Mark Phillips
 Ohio University
 Avionics Engineering center



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actions

Phillips, Mark

You forwarded this message on 5/26/2011 2:57 PM.

Sent: Thursday, May 19, 2011 12:32 PM

To: mockn4425@aol.com

Cc: jay@lek.net

Attachments: [img-5191141-0001.pdf \(195 KB\)](#) (Open as Web Page)

Sir,

Here is the documentation on the actions they have taken against me

Mark Phillips
Ohio University
Avionics Engineering center

From: AECXEROX@OHIO.EDU [AECXEROX@OHIO.EDU]
Sent: Thursday, May 19, 2011 12:41 PM
To: Phillips, Mark
Subject: Scan Data from FX-8AA849



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Close

Response to the BDE commander

Phillips, Mark

Sent: Thursday, May 19, 2011 11:48 PM**To:** jay@lek.net**Cc:** mackn4425@aol.com

Gentleman,

I have taken a different approach to the response to the general I was going to make you aware of. I prepared approximately a 20 page (at this point) report to present. I looked up all the O.R.C. that I was accused of breaking and prepared a rebuttal to all facets there of. Further more I included a narrative of events from my side. There are at this point 3 appendices one containing the original dated e-mail from SSG Gottke, one of the the attached PDF's he has given me, and a direct copy of the receipts included in the official report (exhibit 2 tab H). The BDE commander dictated this needed to be in by NLT than 21 MAY 2011 with no other confirmation of an extension I will be obligated to submit as ordered. I will wait for your call major but if there is no further guidance I plan on delivering one to my XO, one to the brigade HQ in DSCC in person and first class mailing one to my battalion HQ. Please advise if this is the improper course of action. I have prepared an additional 2 copies of the report for both of you to review and provide feed back.. Though it does not look as formal as the ones I have sitting on my desk I will be more than happy to E-mail it to you gentleman at your request. I know you both are very busy in your civilian careers and this is extra work for you both, just know your work is not unappreciated. Thank you for you guidance in this matter.

2Lt Mark Phillips
812 Engineering Co

Ohio University
Avionics Engineering center

Naval Research laboratory
code 5300
Radar Division



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Re: Response to the BDE commander

jay@lek.net [jay@lek.net]

You replied on 5/20/2011 11:24 AM.

Sent: Friday, May 20, 2011 11:06 AM

To: Phillips, Mark

2LT Phillips,

I spoke with the general and he is fine with an extension of 7 days or whatever reasonable time we need.

CPT Wells

On Thu, 19 May 2011 23:48:02 -0400, "Phillips, Mark"

<mp166004@ohio.edu> wrote:

> Gentleman,

> I have taken a different approach to the response to the
> general I was going to make you aware of. I prepared
> approximately a 20 page (at this point) report to present. I
> looked up all the O.R.C. that I was accused of breaking and prepared
> a

> rebuttal to all facets there of. Further more I included a
> narrative


> of events from my side. There are at this point 3 appendices one
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> attached PDF's he has given me, and a direct copy of the receipts
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>
> 2Lt Mark Phillips
> 812 Engineering Co

>
> Ohio University
> Avionics Engineering center
>
> Naval Research laboratory
> code 5300
> Radar Division

>
> Ohio University
> Avionics Engineering center
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RE: Response to the BDE commander

Phillips, Mark

Sent: Friday, May 20, 2011 11:22 AM

To: jay@lek.net

Cc: mackin4425@aol.com

Sir,

Rodger that I do appreciate the extra time. Is there a time we could sit down in person and discuss the facets of this case? I have taken great time and care preparing my report and I believe that it does in fact explain all aspects of my case, however I am an Avionics Engineer not a lawyer and I would greatly appreciate any input or changes you could recommend to make. Thank you again for all of your help.

respectfully

Mark Phillips
Ohio University
Avionics Engineering center

From: jay@lek.net [jay@lek.net]
Sent: Friday, May 20, 2011 11:06 AM
To: Phillips, Mark
Subject: Re: Response to the BDE commander

2LT Phillips,
I spoke with the general and he is fine with an extension of 7 days or whatever reasonable time we need.
CPT Wells

On Thu, 19 May 2011 23:48:02 -0400, "Phillips, Mark"
<impl66004@ohio.edu> wrote:

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> 812 Engineering Co

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> 2Lt Mark Phillips
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> Ohio University
> Avionics Engineering center
>
> Naval Research laboratory
> code 5300
> Radar Division



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 Move
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 Close

Re: Response to the BDE commander
 mackin4425@aol.com [mackin4425@aol.com]

Sent: Friday, May 20, 2011 1:18 PM
 To: Phillips, Mark

LT, I saw that CPT Wells got the extension, so Wells and I will go over your response and the regs.

wr

Brendan Mackin
 MAJ, JA TDS
 216-374-5860

—Original Message—

From: Phillips, Mark <mp166004@ohio.edu>
 To: jay@lek.net <jay@lek.net>
 Cc: mackin4425@aol.com <mackin4425@aol.com>
 Sent: Fri, May 20, 2011 11:22 am
 Subject: RE: Response to the BDE commander

Sir,

Rodger that I do appreciate the extra time. Is there a time we could sit down in person and discuss the facets of this case? I have taken great time and care preparing my report and I believe that it does in fact explain all aspects of my case, however I am an Avionics Engineer not a lawyer and I would greatly appreciate any input or changes you could recommend to make. Thank you again for all of your help.

respectfully

Mark Phillips
 Ohio University
 Avionics Engineering center

From: jay@lek.net [jay@lek.net]
 Sent: Friday, May 20, 2011 11:06 AM
 To: Phillips, Mark
 Subject: Re: Response to the BDE commander

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<mpl66004@ohio.edu> wrote:

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> dictated this needed to be in by NLT than 21 MAY 2011 with no other
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> civilian careers and this is extra work for you both, just know your
> work is not unappreciated. Thank you for you guidance in this
> matter.
>
> 2Lt Mark Phillips
> 812 Engineering Co
>
> Ohio University
> Avionics Engineering center
>
> Naval Research laboratory
> code 5300
> Radar Division



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full report

Phillips, Mark

Sent: Tuesday, May 24, 2011 11:13 AM

To: mackin4425@aol.com

Attachments: combined_report.docx (434 KB) [Open as Web Page]

Sir,

Here is everything I have put together minus some pdf's I have pinte out here. Please ignore all narrative before this one, as well please disregard the opening statement in the offical paragraph as I had planed on turning this in before I had spoken with all of you.

Mark Phillips
Ohio University
Avionics Engineering center

From: mackin4425@aol.com [mackin4425@aol.com]
Sent: Friday, May 20, 2011 1:18 PM
To: Phillips, Mark
Subject: Re: Response to the BDE commander

LT, I saw that CPT Wells got the extension, so Wells and I will go over your response and the regs.

v/r

Brendan Mackin
MAJ, JA TDS
216-374-5860

-----Original Message-----

From: Phillips, Mark <mpl66004@ohio.edu>
To: jay@lek.net <jay@lek.net>
Cc: mackin4425@aol.com <mackin4425@aol.com>
Sent: Fri, May 20, 2011 11:22 am
Subject: RE: Response to the BDE commander

Sir,

Rodger that I do appreciate the extra time. Is there a time we could sit down in person and discuss the facets of this case? I have taken great time and care preparing my report and I believe that it does in fact explain all aspects of my case, however I am an Avionics Engineer not a lawyer and I would greatly appreciate any input or changes you could recommend to make. Thank you again for all of your help.

respectfully

Mark Phillips
Ohio University
Avionics Engineering center

From: jay@lek.net [jay@lek.net]
Sent: Friday, May 20, 2011 11:06 AM
To: Phillips, Mark
Subject: Re: Response to the BDE commander



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 Reply to All
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 Close

FW: actions

Phillips, Mark

Sent: Thursday, May 26, 2011 2:57 PM

To: mackin4425@aol.com

Attachments: [m-5191141-0001.pdf (195 KB)] [Open as Web Page]

Sir,
Here are the actions

Mark Phillips
Ohio University
Avionics Engineering center

From: Phillips, Mark
Sent: Thursday, May 19, 2011 12:32 PM
To: mackin4425@aol.com
Cc: jay@lek.net
Subject: actions

Sir,
Here is the documentation on the actions they have taken against me

Mark Phillips
Ohio University
Avionics Engineering center

From: AECXEROX@OHIO.EDU [AECXEROX@OHIO.EDU]
Sent: Thursday, May 19, 2011 12:41 PM
To: Phillips, Mark
Subject: Scan Data from FX-8AA849



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Response, Phillips, Mark

Sent: Thursday, May 26, 2011 7:35 PM
To: jay@lek.net
Attachments: combined_doc_revlsed.doc (453 KB) (Open as Web Page)

Sir,
This is my prepared response. Some of the supporting documents are omitted because they are in PDF form, however they can be sent to you at your request. I just wanted you to know that I am taking this matter very seriously that is why I prepared such an extensive document, I apologize if I have given the impression that I am not. Thank you for all your assistance and guidance in this matter. I look forward to possibly setting up a time to meet to hear your professional opinion on how we should proceed from here.

Respectfully

Mark Phillips
Ohio University
Avionics Engineering center

Cell number (440)-221-4194



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Submission

Phillips, Mark

Sent: Tuesday, May 31, 2011 9:40 AM

To: jay@lek.net

Sir,

I spent the weekend making the changes your recommended and am e-mailing and FEDXing the the hard copy to the genera today. I was wondering however about what I am supposed to do for AT this year. My commander was wondering if I was going or if I would be working on this stuff? The reason I was interested is to see if I should be moving to DC to start my job on the 6th of June or if I should be preparing to go to AT on the 10 of June. Thank you for your guidance sir.

2LT Mark Phillips
 812 Engineering Co

Mark Phillips
 Ohio University
 Avionics Engineering center



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Response to letter or Reprimand

Phillips, Mark

Sent: Tuesday, May 31, 2011 11:33 AM

To: robert.clouse1@us.army.mil

Cc: jay@lek.net; mackin4425@aol.com

Attachments: full_report_pdf.pdf (704 KB) [Open as Web Page]

Sir,

Attached is a PDF copy of the report I have created in response to your memorandum of reprimand. I will also be mailing a hard copy to your office. I wanted to make sure you had both copies. I thank you in advance for taking the time to read it.

Respectfully

2Lt Mark R. Phillips
812 Engineering Co (sapper)
3rd Platoon Leader

Ohio University
Avionics Engineering center
Research Engineer

Naval Research Lab
Washington Dc
Radar Division
code 5300





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Re: Response to letter or Reprimand

Clouse, Robert C BG MIL NG OHARNG [robert.clouse1@us.army.mil]

Sent: Tuesday, May 31, 2011 12:18 PM

To: Phillips, Mark

Cc: jay@lek.net; mackin4425@aol.com

Classification: UNCLASSIFIED

Caveats: FOUO

LT Phillips, I have received this e-mail and attachment. I will print your response off and read it within the next 24 hours. BG Clouse

Classification: UNCLASSIFIED

Caveats: FOUO

----- Original Message -----

From: Phillips, Mark [mailto:mp166004@ohio.edu]

Sent: Tuesday, May 31, 2011 11:33 AM

To: Clouse, Robert C BG MIL NG OHARNG

Cc: jay@lek.net <jay@lek.net>; mackin4425@aol.com <mackin4425@aol.com>

Subject: Response to letter or Reprimand

Sir,

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Respectfully

2Lt Mark R. Phillips
812 Engineering Co (sapper)
3rd Platoon Leader

Ohio University
Avionics Engineering center
Research Engineer

Naval Research Lab
Washington Dc
Radar Division
code 5300

3rd Platoon Leader

Ohio University
Avionics Engineering center
Research Engineer

Naval Research Lab
Washington Dc
Radar Division
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Election of options for Withdraw of Federal Recognition

Phillips, Mark

Sent: Tuesday, May 31, 2011 2:04 PM
To: Clouse, Robert C BG MIL NG OHARNG [robert.clouse1@us.army.mil]
Cc: jay@lek.net; mackin4425@aol.com
Attachments: Election_of_options.pdf (33 KB) [Open as Web Page]

Sir,

I apologize for the multiple E-mails, Here is my election of options form for the "Withdraw of Federal Recognition" motion I received as well.

Respectfully

2Lt Mark R. Phillips
 812 Engineering Co (sapper)
 3rd Platoon Leader

Ohio University
 Avionics Engineering center
 Research Engineer

Naval Research Lab
 Washington Dc
 Radar Division
 code 5300

From: Clouse, Robert C BG MIL NG OHARNG [robert.clouse1@us.army.mil]
Sent: Tuesday, May 31, 2011 12:18 PM
To: Phillips, Mark
Cc: jay@lek.net; mackin4425@aol.com
Subject: Re: Response to letter or Reprimand

Classification: UNCLASSIFIED
Caveats: FOUO

LT Phillips, I have received this e-mail and attachment. I will print your response off and read it within the next 24 hours. BG Clouse

Classification: UNCLASSIFIED
Caveats: FOUO

----- Original Message -----

From: Phillips, Mark [<mailto:mp166004@ohio.edu>]
Sent: Tuesday, May 31, 2011 11:33 AM
To: Clouse, Robert C BG MIL NG OHARNG
Cc: jay@lek.net <jay@lek.net>; mackin4425@aol.com <mackin4425@aol.com>
Subject: Response to letter or Reprimand

Sir,

Attached is a PDF copy of the report I have created in response to your memorandum of reprimand. I will also be mailing a hard copy to your office. I wanted to make sure you had both copies. I thank you in advance for taking the time to read it.

Respectfully

2Lt Mark R. Phillips
 812 Engineering Co (sapper)

----- Original Message -----

From: Phillips, Mark (<mailto:mp166004@ohio.edu>)

Sent: Tuesday, May 31, 2011 11:33 AM

To: Clouse, Robert C BG MIL NG OHARNG

Cc: jay@lek.net <jay@lek.net>; mackin4425@aol.com <mackin4425@aol.com>

Subject: Response to letter or Reprimand

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Re: Election of options for Withdraw of Federal Recognition
 Clouse, Robert C BG MIL NG OHARNG [robert.clouse1@us.army.mil]

Sent: Tuesday, May 31, 2011 6:39 PM

To: Phillips, Mark

Cc: jay@lek.net; mackin4425@aol.com

Classification: UNCLASSIFIED

Caveats: FOUO

LT Phillips, I have received this e-mail and will open your attachment in the next 24 hours. BG C.

Classification: UNCLASSIFIED

Caveats: FOUO

----- Original Message -----

From: Phillips, Mark [mailto:mpl66004@ohio.edu]

Sent: Tuesday, May 31, 2011 02:04 PM

To: Clouse, Robert C BG MIL NG OHARNG

Cc: jay@lek.net <jay@lek.net>; mackin4425@aol.com <mackin4425@aol.com>

Subject: Election of options for Withdraw of Federal Recognition

Sir,

I apologize for the multiple E-mails, Here is my election of options form for the "Withdraw of Federal Recognition" motion I received as well.

Respectfully

2Lt Mark R. Phillips
 812 Engineering Co (sapper)
 3rd Platoon Leader

Ohio University
 Avionics Engineering center
 Research Engineer

Naval Research Lab
 Washington Dc
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 code 5300

From: Clouse, Robert C BG MIL NG OHARNG [robert.clouse1@us.army.mil]

Sent: Tuesday, May 31, 2011 12:18 PM

To: Phillips, Mark

Cc: jay@lek.net; mackin4425@aol.com

Subject: Re: Response to letter or Reprimand

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Classification: UNCLASSIFIED

Caveats: FOUO



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Notification

Phillips, Mark

Sent: Tuesday, July 05, 2011 7:33 AM

To: jay@lek.net

Sir,

Just wanted to let you know A.T. is over and I am in DC now working. I am trying to plan my travel schedule out for the rest of the summer and I was wondering if you have heard any word? If not should we be contacting BDE to ask them? The last word that I have heard was that BDE commander has received my response and Gottke went before the general, and from what I was told be my commander he admitted to forging the documents. What else was said I am not sure. I don't know if this fell off there radar or they have decided to take no action. Thanks for your guidance on this matter.

Respectfully

2Lt Mark R. Phillips
812 Engineering Co (sapper)
3rd Platoon Leader

Ohio University
Avionics Engineering center
Research Engineer

Naval Research Lab
Washington Dc
Radar Division
code 5300



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update

Phillips, Mark

Sent: Thursday, July 07, 2011 8:37 AM

To: mackin4425@aol.com

Sir,

I was just writing to you to see if you had heard anything? It has been almost 2 months since we submitted the response and I have gotten nothing back from the general. I was wondering if we should send a follow up e-mail? I am currently in DC and making travel plans for work and National guard weekends and was just curious if there was anything I should be planning for. Thank you for your time.

2Lt Mark R. Phillips
 812 Engineering Co (sapper)
 3rd Platoon Leader

Ohio University
 Avionics Engineering center
 Research Engineer

Naval Research Lab
 Washington Dc
 Radar Division
 code 5300

From: Phillips, Mark
 Sent: Tuesday, July 05, 2011 7:33 AM
 To: jay@lek.net
 Subject: Notification

Sir,

Just wanted to let you know A.T. is over and I am in DC now working. I am trying to plan my travel schedule out for the rest of the summer and I was wondering if you have herd any word? If not should we be contacting BDE to ask them? The last word that I have herd was that BDE commander has received my response and Gottkee went before the general, and from what I was told be my commander he admitted to forging the documents. What else was said I am not sure. I don't know if this fell off there radar or they have decided to take no action. Thanks for your guidance on this matter.

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Re: update

mackin4425@aol.com [mackin4425@aol.com]

Sent: Monday, July 11, 2011 1:51 PM

To: Phillips, Mark

Sorry I missed your call. I spoke to Goettke's attorney. He submitted a response to the letter of reprimand and has a week or two to submit his response to the separation. At that time my thoughts are to call Gen Clouse and ask for a meeting again.

—Original Message—

From: Phillips, Mark <mp166004@ohio.edu>

To: mackin4425@aol.com <mackin4425@aol.com>

Sent: Thu, Jul 7, 2011 8:37 am

Subject: update

Sir,

I was just writing to you to see if you had heard anything? It has been almost 2 months since we submitted the response and I have gotten nothing back from the general. I was wondering if we should send a follow up e-mail? I am currently in DC and making travel plans for work and National guard weekends and was just curious if there was anything I should be planning for. Thank you for your time.

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Avionics Engineering center
Research Engineer

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Radar Division
code 5300

From: Phillips, Mark
Sent: Tuesday, July 05, 2011 7:33 AM
To: jay@lek.net
Subject: Notification

Sir,

Just wanted to let you know A.T. is over and I am in DC now working. I am trying to plan my travel schedule out for the rest of the summer and I was wondering if you have heard any word? If not should we be contacting BDE to ask them? The last word that I have heard was that BDE commander has received my response and Goettke went before the general, and from what I was told by my commander he admitted to forging the documents. What else was said I am not sure. I don't know if this fell off their radar or they have decided to take no action. Thanks for your guidance on this matter.

Respectfully

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Re: update

Phillips, Mark

Sent: Monday, July 11, 2011 1:56 PM

To: mackin4425@aol.com

Sir,

That sounds good it is a looming thing not knowing the state of my career and not hearing anything. Any thoughts on what our next action will be? Is bord plea for lesser punishment etc?
And did he see our statement? As well are we able to receive a copy of his statment?
Thank you for your reaponce it is refreshing to hear something.

Sent from my iPhone

On Jul 11, 2011, at 13:51, "mackin4425@aol.com" <mackin4425@aol.com> wrote:

Sorry I missed your call. I spoke to Goeltke's attorney. He submitted a response to the letter of reprimand and has a week or two to submit his response to the separation. At that time my thoughts are to call Gen Clouse and ask for a meeting again.

-----Original Message-----

From: Phillips, Mark <mp166004@ohio.edu>

To: mackin4425@aol.com <mackin4425@aol.com>

Sent: Thu, Jul 7, 2011 8:37 am

Subject: update

Sir,

I was just writing to you to see if you had heard anything? It has been almost 2 months since we submitted the response and I have gotten nothing back from the general. I was wondering if we should send a follow up e-mail? I am currently in DC and making travel plans for work and National guard weekends and was just curious if there was anything I should be planning for. Thank you for your time.

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From: Phillips, Mark
Sent: Tuesday, July 05, 2011 7:33 AM
To: jay@lek.net
Subject: Notification

Sir,

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Respectfully

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RE: update

Phillips, Mark

Sent: Monday, July 11, 2011 2:41 PM

To: mackin4425@aol.com

Sir,

Well that isn't true in the slightest however even his response says that then he is admitting to forging documents and to lying to the 15-6 officer, because that is not what he said on his sworn statement that is present in the investigation packet. Nothing I have said from the begging has changed, so I would hope that defense would be rather transparent. I do know what he did is illegal and would never order an NCO to conduct such an action even with little knowledge of the travel voucher process. I tried to shoot down most of that in my response that I sent out. I would assume the bottom line is that I have proof he forged the documents I submitted and he has nothing but his word that I was involved, and as it can be shown from above he has not told the truth. Please let me know what I can do to prepare for this, IE additional responses explaining things or what not. Thank you again sir.

2Lt Mark R. Phillips
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3rd Platoon Leader

Ohio University
Avionics Engineering center
Research Engineer

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Radar Division
code 5300

From: mackin4425@aol.com [mackin4425@aol.com]
Sent: Monday, July 11, 2011 2:26 PM
To: Phillips, Mark
Subject: Re: update

I have not seen his response. Eventually we should get it because it can be either used against you or on your behalf depending on what he says.

I can assume though that he will probably claim he did it at your direction. Your response would go back to your unfamiliarity with the travel order system.

-----Original Message-----

From: Phillips, Mark <mpl66004@ohio.edu>
To: mackin4425@aol.com <mackin4425@aol.com>
Sent: Mon, Jul 11, 2011 1:56 pm
Subject: Re: update

Sir,

That sounds good it is a looming thing not knowing the state of my career and not hearing anything. Any thoughts on what our next action will be? Ie bord plea for lesser punishment etc?

And did he see our statement? As well are we able to receive a copy of his statement?

Thank you for your response it is refreshing to hear something.

Sent from my iPhone

On Jul 11, 2011, at 13:51, "mackin4425@aol.com<mailto:mackin4425@aol.com>" <mackin4425@aol.com<mailto:mackin4425@aol.com>> wrote:

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-----Original Message-----

From: Phillips, Mark <mp166004@ohio.edu<mailto:mp166004@ohio.edu>>
To: mackin4425@aol.com<mailto:mackin4425@aol.com>
<mackin4425@aol.com<mailto:mackin4425@aol.com>>
Sent: Thu, Jul 7, 2011 8:37 am
Subject: update

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Ohio University
Avionics Engineering center
Research Engineer

Naval Research Lab
Washington Dc
Radar Division
code 5300

From: Phillips, Mark
Sent: Tuesday, July 05, 2011 7:33 AM
To: <mailto:jay@lek.net> jay@lek.net<mailto:jay@lek.net>
Subject: Notification

Sir,

Just wanted to let you know A.T. is over and I am in DC now working. I am trying to plan my travel schedule out for the rest of the summer and I was wondering if you have heard any word? If not should we be contacting BDE to ask them? The last word that I have heard was that BDE commander has received my response and Goettke went before the general, and from what I was told by my commander he admitted to forging the documents. What else was said I am not sure. I don't know if this fell off there radar or they have decided to take no action. Thanks for your guidance on this matter.

Respectfully

2Lt Mark R. Phillips
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Weekly check in

Phillips, Mark

Sent: Wednesday, July 27, 2011 7:49 AM

To: jay@lek.net

Cc: mackin4425@aol.com

Sir,

Just writing in as a weekly check in to see if you have heard anything. My commander called yesterday asking what I have heard as he has heard nothing, I have also heard nothing as well. I believe this is Gottke's last week to submit a response so maybe we will get something this week or the next? Thank you for your time sir

2Lt Mark R. Phillips
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August 1st - 6th weekly check in

Phillips, Mark

Sent: Wednesday, August 03, 2011 3:55 PM

To: jay@lek.net

Cc: mackn4425@aol.com

Sir,

Just checking in again this week. I have still yet to hear any response at all. I do have some questions about potential options regarding the situation when it comes to a close as well as the case in general. If there is a preferred method of contact and time of contact please let me know. As I do know you are busy I do thank you for your time.

Respectfully

2Lt Mark R. Phillips
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Phillips, Mark

Sent: Monday, August 08, 2011 8:43 AM
To: jay@lek.net
Cc: mackin4425@aol.com
Attachments: [phillipsmemoclause.pdf \(299 KB\)](#) [Open as Web Page]

Sir,

This is my 3rd e-mail in as many weeks I hope this is still a valid address as I have not heard any response. I have just received the following memo from the general stating that he doesn't believe me and he filed the memo of reprimand in my permanent file and he is sending me to board. I taught we were working on one more meeting with him before it came to this? Did nothing come of this? Please contact me as soon as possible as I am not sure what to do at this point.

2Lt Mark R. Phillips
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Re:
 mackin4425@aol.com [mackin4425@aol.com]

Sent: Monday, August 08, 2011 10:55 AM

To: Phillips, Mark

I had not heard a response from my request for a meeting and am out of town until friday. Can u send me a copy of the letter. Our option sounds like to go to the board and if win then appeal the LOR
 Sent from my Verizon Wireless BlackBerry

-----Original Message-----

From: "Phillips, Mark" <mp166004@ohio.edu>

Date: Mon, 8 Aug 2011 08:43:02

To: jay@lek.net<jay@lek.net>

Cc: mackin4425@aol.com<mackin4425@aol.com>

Subject:

Sir,

This is my 3rd e-mail in as many weeks I hope this is still a valid address as I have not heard any response. I have just received the following memo from the general stating that he doesn't believe me and he filed the memo of reprimand in my permanent file and he is sending me to board. I taught we were working on one more meeting with him before it came to this? Did nothing come of this? Please contact me as soon as possible as I am not sure what to do at this point.

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Letter

Phillips, Mark

Sent: Monday, August 08, 2011 11:11 AM

To: mackin4425@aol.com

Attachments: phillipsmemo.docx (299 KB) [Open as Web Page]

Sir,

Thank you for your response. Here is the letter. I would like to have a sit down meeting with you or captain wells some time soon if possible. He just contacted me this morning and is talking to the BDE point of contact. I am very concerned I am fighting a gorilla here and I may loose my civilian career as well as security clearance, which would cause me to loose any and all jobs with the DOD. I would really like to know all my options and try to make a good decision. I am, as expected very concerned for my future at this point and am nervous at the shear amount I stand to loose. That being said I really need to know the odds we have a winning and what; if any, type of military career I would have left, as the MOR is now in my permanent file. I apologize for contacting both you and CPT wells, I do not mean to circumvent the chain of command in any way, I am just extremely distraught at this point and have no where else to turn. Thank you again for your time sir I know you are very busy and I do appreciate your guidance greatly.

Respectfully

2Lt Mark R. Phillips
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3rd Platoon Leader

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From: mackin4425@aol.com [mackin4425@aol.com]

Sent: Monday, August 08, 2011 10:55 AM

To: Phillips, Mark

Subject: Re:

I had not heard a response from my request for a meeting and am out of town until friday. Can u send me a copy of the letter. Our option sounds like to go to the board and if win then appeal the LOR
Sent from my Verizon Wireless BlackBerry

-----Original Message-----

From: "Phillips, Mark" <mpl66004@ohio.edu>

Date: Mon, 8 Aug 2011 08:43:02

To: jay@lek.net<jay@lek.net>

Cc: mackin4425@aol.com<mackin4425@aol.com>

Subject:

Sir,

This is my 3rd e-mail in as many weeks I hope this is still a valid address as I have not heard any response. I have just received the following memo from the general stating that he doesn't believe me and he filed the memo of reprimand in my permanent file and he is sending me to board. I taught we were working on one more meeting with him before it came to this? Did nothing come of this? Please contact me as soon as possible as I am not sure what to do at this point.

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Phillips, Mark

Sent: Monday, August 08, 2011 4:22 PM

To: jay@kk.net

Attachments: actions.pdf (199 KB) [Open as Web Page]

2Lt Mark R. Phillips
812 Engineering Co (sapper)
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Reply Reply to All Forward Move Delete Close

Phillips, Mark

Sent: Monday, August 08, 2011 4:22 PM
To: jay@kek.net
Attachments: [actions.pdf \(199 KB\)](#) [Open as Web Page]

2Lt Mark R. Phillips
812 Engineering Co (sapper)
3rd Platoon Leader

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concerns

Phillips, Mark

Sent: Tuesday, August 09, 2011 11:07 AM
To: jay@lkk.net
Bcc: a_morgner@msn.com; adam.moravitz@us.army.mil

Sir,

So after the initial shock has worn off, and having the evening to think about this some more I find that I have some concerns. I supposed the first and most worry some is the feeling that you don't believe that I am telling you the truth. This concerns me because you are the only one on god's earth that is on my side, moreover you are the only one that can affect the outcome of this entire situation for me at this juncture. I obviously have no other evidence to offer you, all I have is my word and the fact that Gottke has now changed his story, which is admitting to lying on the 15-6, and now has another story that corroborates the evidence I submitted in that packet to get himself out of trouble, and my story has not changed or faltered in any way. I have fought an uphill battle throughout this entire time and stuck to my guns in the hopes that the truth would come out and I would be cleared, this was clearly not the case. I was thinking back to May when we first spoke, and you commented that you expected Gottke to say that he did this at my direction. Yesterday that proved to be true. Our ace in the hole was that I could prove he modified the receipts and it would catch him in a lie. This proved true and now he has turned this into a "his word against mine" case nothing more. What confuses me was your surprise at his response yesterday, it appeared to go from we can fight this to it's all over. I was under the impression we had a strong case and there was hope for my career.

The second thing that concerns me is the looming threat of the felony charges. When we first spoke in May you were confident that the board would not impose punishment of that type, even yesterday when I reached you on the phone you were confident that this was not something they would peruse. At 4 when I called back I felt like it was either resign or go to jail and await trial and lose my civilian job. I guess I am just surprised by the speed and extremes by which the chain of events are changing in this case. I don't know whether I am searching for answers to questions that are unknowns or this is the typical track cases like this take. This is where I have to heavily lean on your guidance because I have 0 experience with any of this.

I was recounting the story you were telling last night about the soldier you had to spend 100 hours on and got nothing in return for. I am not going to pretend that I am your top priority. I know you have your firm and your civilian responsibilities, rightfully so those pay the bills and the National Guard is simply one weekend a month. That being said in the last 4 months we have only had less than 2 hours of phone conversations, and shared a hand full of e-mails and I am now losing my career having never seen the face of the man that is defending me. This is a life changing event for me. I am losing the commission that took me 4 years and 1000's of man hours to complete. Had I known monetary compensation was a possible factor in the outcome of my future, I would have had no problem, and still have no problem compensation you for your time. I am eligible for several student loans that I could still get rather quickly if it's needed, the money to me is insignificant to what is now being taken from me. Again you are the only ally I have, no one in my chain of command above my commander is helping me, I know it's somewhat unfair but my future boils down to you.

Finally I wanted to say that I am by no means ungrateful for the work you are doing. I am just extremely lost, confused and defeated because the career that I love is being seemingly taken from me unjustly. Coming to realization that military career is now over, I have no idea what to do or where to go from here. I suppose that being said I am simply left with these questions:
 Having being forced to resign,

Will I get something in writhing that they will not peruse the charges? Ever? Or is this something that will be looming over my head for the next 10 years?

Will I be barred from joining any other branch of the armed services? The military is my child hood dream and I need to know if it is over or if there is still hope at making a fresh start elsewhere.

What is my expected discharge level? Will I get an general and have to explain this situation for the rest of my life, will it be an OTH and I have to go back to school until it changes to honorable and I won't have to explain it to any one, or is it simply honorable and I go on with my life. Those are the choices I am facing and would like to know what to prepare for.

Thank you again for taking the time to read this and help me. I seemingly need it now more than ever.

Respectfully

2Lt Mark R. Phillips
812 Engineering Co (sapper)
3rd Platoon Leader

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Re: concerns

jay@lek.net [jay@lek.net]

You replied on 8/9/2011 12:31 PM.

Sent: Tuesday, August 09, 2011 11:48 AM**To:** Phillips, Mark

Mark,

Through my years of defending "real" criminals I have learned to put my thoughts about the case aside both good and bad. I believe you or you would not have spent the time and effort on your response.

With regard to Gottke, the reason I was surprised was that the "prosecutor" in the case told me flatly that what we expected to happen actually occurred. With the Gottke's statement and the prosecutions statements regarding the general feelings about you as a soldier is the reason for the deflation of my enthusiasm. If it were simply his word against yours my feelings were that the General would believe an officer over an enlisted soldier. Here that was not the case.

I am still confident that they will not pursue felony charges against you, but that is not a guarantee. As we said yesterday, I would not want to be thinking of being charged with a felony for the next couple of years. The reason that things seem to be moving rapidly is because for months there was nothing new happening. Now with your receipt of the letter and the prosecution discussing how the general may proceed from here things speed up.

The reason I told you that story was not to show you that you were not important...it was to show you that soldiers are not always treated the way they should be, like you in this case. The reason that we never met face to face is because you supplied me with the information that was needed to make decisions in this case. From the beginning you made it clear that you were not guilty of doing anything wrong and given that, there was only this way to proceed. I reviewed your documents several times and it is my belief that they were well thought out and very thorough. Do I agree with the general's decision...NO. But I am not the one making it. As I said in the story I told, things are not fair in the army, and military justice is not always just as we are seeing here. If I that I needed more information that could only be gleaned in a face to face meeting I would have asked for it. You were very thorough in what you provided.

I don't know that you will get something in writing with regard to the felony charges, just the prosecutor's word and he has never lied to me. If he tells me no, it means no.

With regard to the bar, again I don't know. That is something they decide as in the tale I told about my brother. The same goes for the discharge level...they will do what they want to do. When I hear from the prosecutor I will ask him what their plans are.

I am sorry that you feel as if I did not zealously represent you, but in these types of cases we did all we could

Jason Wells

On Tue, 9 Aug 2011 11:07:32 -0400, "Phillips, Mark" <mpi66004@ohio.edu> wrote:

> Sir,
> So after the initial shock has worn off, and having the
> evening to think about this some more I find that I have some
> concerns. I supposed the first and most worry some is the feeling
> that you don't believe that I am telling you the truth. This
> concerns
> me because you are the only one on god's earth that is on my side,
> moreover you are the only one that can affect the outcome of this
> entire situation for me at this juncture. I obviously have no other
> evidence to offer you, all I have is my word and the fact that Gottke
> has now changed his story, which is admitting to lying on the 15-6,
> and now has another story that corroborates the evidence I submitted
> in that packet to get himself out of trouble, and my story has not
> changed or faltered in any way. I have fought an uphill battle
> throughout this entire time and stuck to my guns in the hopes that
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RE: concerns

Phillips, Mark

Sent: Tuesday, August 09, 2011 12:31 PM

To: jay@lek.net

Sir,

I apologize for seeming ungrateful. These past two days are proving to be rather difficult for me. I just have this crippling feeling that I failed to do everything I could in proving my innocence. I guess my ignorance to the UCMJ process and relative grief over the situation is causing me to be a negative person. It is just demoralizing being innocent and telling the truth backing it up with evidence and still being considered a criminal. I am sorry my anger at myself seemed to spill out and I seemingly placing blame on you. That is certainly not the case, this is my blunder, my mistake and I now have to live with the resulting consequences. I am a PHD student, military honor grad, and a successful engineer; I am not used to failure. Thus the reason I am in dismay at the moment. I try to lead an honest life and do the best I can, and this time it wasn't good enough. I am truly remorseful at how this situation unfolded and ultimately, led to my termination. If there is one thing to take away from the short but meaningful and life changing career I have led to this point is the ability to pick myself up and drive on. So it's time to embrace the present and work toward the best future I can. That being said again I do thank you greatly for your service and I will be onboard with anything I need to do to resolve this situation and move on.

Respectfully

2Lt Mark R. Phillips
812 Engineering Co (sapper)
3rd Platoon Leader

Ohio University
Avionics Engineering center
Research Engineer

Naval Research Lab
Washington Dc
Radar Division
code 5300

From: jay@lek.net [jay@lek.net]
Sent: Tuesday, August 09, 2011 11:48 AM
To: Phillips, Mark
Subject: Re: concerns

Mark,

Through my years of defending "real" criminals I have learned to put my thoughts about the case aside both good and bad. I believe you or you would not have spent the time and effort on your response.

With regard to Gottke, the reason I was surprised was that the "prosecutor" in the case told me flatly that what we expected to happen actually occurred. With the Gottke's statement and the prosecutions statements regarding the general feelings about you as a soldier is the reason for the deflation of my enthusiasm. If it were simply his word against yours my feelings were that the General would believe an officer over an enlisted soldier. Here that was not the case.

I am still confident that they will not pursue felony charges against you, but that is not a guarantee. As we said yesterday, I would not want to be thinking of being charged with a felony for the next couple of years. The reason that things seem to be moving rapidly is because for months there was nothing new happening. Now with your receipt of the letter and the prosecution discussing how the general may proceed from here things speed up.

The reason I told you that story was not to show you that you were not important...it was to show you that soldiers are not always treated the way they should be, like you in this case. The reason that we never met face to face is because you supplied me with the information that was needed to make decisions in this case. From the beginning you made it clear that you were not guilty of doing anything wrong and given that, there was only this way to proceed. I reviewed your documents several times and it is my belief that they were well thought out and very thorough. Do I agree with the general's decision...NO. But I am not the one making it. As I said in the story I told, things are not fair in the army, and military justice is not always just as we are seeing here. If I that I needed more information that could only be gleaned in a face to face meeting I would have asked for it. You were very thorough in what you provided.

I don't know that you will get something in writing with regard to the felony charges, just the prosecutor's word and he has never lied to me. If he tells me no, it means no.

With regard to the bar, again I don't know. That is something they decide as in the tale I told about my brother. The same goes for the discharge level...they will do what they want to do. When I hear from the prosecutor I will ask him what their plans are.

I am sorry that you feel as if I did not zealously represent you, but in these types of cases we did all we could

Jason Wells

On Tue, 9 Aug 2011 11:07:32 -0400, "Phillips, Mark" <mpl66004@ohio.edu> wrote:

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Phillips, Mark

Sent: Tuesday, August 09, 2011 1:28 PM

To: jay@lek.net

Sir,

Don't know if this matters for the case but I was just fired from work. I told them yesterday and gave them a heads up because it might affect my clearance and they just informed me today.

2Lt Mark R. Phillips
812 Engineering Co (sapper)
3rd Platoon Leader

Ohio University
Avionics Engineering center
Research Engineer

Naval Research Lab
Washington Dc
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From: jay@lek.net [jay@lek.net]
Sent: Tuesday, August 09, 2011 11:48 AM
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Subject: Re: concerns

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signing the memo and withdraw letter,
Phillips, Mark

Sent: Wednesday, August 10, 2011 8:56 AM
To: jay@lek.net
Attachments: [phillipsmemoclose.pdf \(299 KB\)](#) (Open as Web Page); [actions.pdf \(199 KB\)](#) (Open as Web Page)

Sir,
Attached is the memo I received from the general I am supposed to sign it and scan it back to the commander. Is this this OK to do? I wanted to know the guidance on this. Further more page 4 of the "actions" pdf is the with draw letter. Should we re word this? Is there anything in this that could hurt my future? I just wanted to know if we have any options before I sign it and shoot it back.

Respectfully

2Lt Mark R. Phillips
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