



**DEPARTMENT OF THE ARMY**  
U.S. ARMY HUMAN RESOURCES COMMAND  
1600 SPEARHEAD DIVISION AVENUE  
FORT KNOX, KY 40122

March 22, 2018

Office of the Command Judge Advocate

Mr. Chris Nuneviller  
Crisp and Associates, LLC  
4031 North Front Street  
Harrisburg, PA 17110

Dear Mr. Nuneviller,

The Commanding General (CG), U.S. Army Human Resources Command (HRC), has reviewed your letter of December 18, 2017, regarding the line of duty investigation pertaining to your client, SSG Anastasha Clarke. He has authorized this office to respond on his behalf.

The CG, HRC, has conducted a *de novo* review of all of the evidence in the case file, as well as all of the evidence that you provided. After carefully considering all matters and documentation that you presented on your client's behalf, the CG, HRC, has declined to change the determination of Not in Line of Duty in SSG Clarke's case. The preponderance of the evidence in the case file establishes that SSG Clarke was fleeing from police at the time of her accident, and that this flight was the proximate cause of her accident. Such evidence warrants a determination of Not in Line of Duty.

I refer you to The Adjutant General's memorandum of August 2, 2017, regarding your client's right to appeal to the Army Board for Correction of Military Records. If you have any further questions or concerns regarding this matter, please do not hesitate to let me know. I can be reached at (502) 613-4245 or via email at [timothy.m.harner.civ@mail.mil](mailto:timothy.m.harner.civ@mail.mil).

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy M. Harner", with a long horizontal flourish extending to the right.

Timothy M. Harner  
Attorney-Advisor


AHRC-JA

20 MAR 2018

MEMORANDUM FOR Command Judge Advocate, U.S. Army Human Resources Command, Fort Knox, KY 40122

SUBJECT: Line of Duty Investigation – SSG Clarke, Anastasha

1. I have reviewed the line of duty investigation pertaining to SSG Anastasha Clarke, her previously-submitted appeal document, and the matters submitted by SSG Clarke's attorney, Mr. Christopher Nuneviller, after her appeal was denied. The case file indicates that SSG Clarke was not provided an opportunity for rebuttal prior to the final approval authority's decision, as required by AR 600-8-4, paras. 3-8f(6); 3-9c; and, 3-11b. To remedy this error, I have independently reviewed all matters referenced above.

 I decline to change the current determination of "not in line of duty - due to own misconduct" in SSG Clarke's case. I have determined that a greater weight of evidence than supports any different conclusion establishes that SSG Clarke's misconduct (reckless operation of a motorcycle in attempting to avoid apprehension by law enforcement) was the proximate cause of her injuries.

\_\_\_\_\_ Under provisions of AR 600-8-4, para. 4-18, I direct that a determination of "in line of duty" be entered in SSG Clarke's case.

2. The point of contact for this action is Mr. Timothy M. Harner, Attorney-Advisor, at (502) 613-4245 or timothy.m.harner.civ@mail.mil.

  
JASON T. EVANS  
Major General, USA  
Commanding