



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
HQ 548TH COMBAT SUSTAINMENT SUPPORT BATTALION
P-880 RESTORE HOPE AVENUE
FORT DRUM NY 13602

AFDR-SEA

20 June 2016

MEMORANDUM FOR APPOINTING AUTHORITY

SUBJECT: Line of Duty (LOD) Determination for SSG Clarke, Anastasha

1. References:

- a. AR 600-8-4, dated 4 September 2008
- b. Watertown Police Department Accident Report, dated 21 May 2016.
- c. Medical File
- d. Motorcycle Driver's Packet
- e. Fort Drum Casualty Assistance Office File.

2. On 22 MAY 16 I was appointed as the investigating officer regarding a LOD for SSG Clarke, Anastasha who was the motorcycle mentor for 543rd CSC. In accordance with Rules 1,2,5,8, and 9 of AR 600-8-4, Appendix B, I find that SSG Clarke, Anastasha on 21 MAY 16 was Not In The Line of Duty Due to Own Misconduct; willful negligence.

3. Summary:

a. SSG Clark is an active duty Soldier from Fort Drum, NY. She was not on any duty assignment over the weekend and was operating within the 250 mile radius permitted without a leave or pass. On 21 2042 MAY 16, an officer from the Watertown Police Department contact EMT for a motor vehicle accident near the intersection of Mill St. and W Division St. SSG Clarke was identified as being in critical condition and taken to Samaritan Medical Hospital where she was flown to Upstate University Health System in Syracuse, NY.

b. On or about 21 2040 MAY 16 an officer from the Watertown Police Department initiated a stop when SSG Clarke broke the speed limit on Court St. The officer turned on his lights, SSG Clarke recognized the stop then sped away from the officer taking a right on the Court St. Bridge. At this point SSG Clarke drove her motorcycle between two vehicles forcing one into oncoming traffic and the other into the shoulder, neither vehicle was damaged. SSG Clarke continued to speed away from police at speeds exceeding triple digits on LeRay St. to the city limits. SSG Clarke then turned onto Mill St. and headed back into the city, SSG Clarke did not see a stopped vehicle on the 800 block of Mill St. until approximately 50 ft away. At this point SSG Clarke started braking and reduced the vehicle speed to approximately 70 MPH at the point of impact. The vehicle SSG Clarke hit received little damage and no one was injured.

c. SSG Clarke laid the motorcycle down prior to impact and slid under the vehicle which resulted in her body receiving the brunt of the stopping force. The Officer on scene removed SSG Clarke's helmet prior to the EMTs arriving as is their policy with ATV, Snowmobiles, and Motorcycle accidents. SSG Clarke was having difficulty breathing and upon arrival and the EMTs rushed her to Samaritan Medical Hospital.

d. SSG Clarke was operating her vehicle on a suspended license and against a recent profile. She received five suspensions on her license for failure to pay fines from 25 DEC 15 – 29 APR 16 and one failure to answer a summons on 20 JAN 16 from Jefferson, Albany, and Kings Counties in NY. On 30 APR 16 her registration expired along with her insurance from Progressive. On 16 JUL 15 she received a ticket for aggravated unlicensed operation of motor vehicle from the Watertown Police as she was driving on a suspended license.

e. SSG Clarke was given a profile on 17 MAY 16 after she had a seizure during her PT test on 10 MAY 16 stating, "...Tasks such as driving, operating heavy machinery or working on scaffolding/or near heavy machinery may be dangerous to self or others". According to MAJ Hunt at the Division Surgeons office, a person who has a seizure is not authorized to operate the above until cleared by a neurologist (SSG Clarke's appointment was scheduled after the date of her accident).

4. Rules governing LOD and Misconduct determinations.

a. Rule 1: "Injury, disease, or death directly caused by the individual's misconduct or willful negligence is not in line of duty". SSG Clarke fled from police at speeds in the triple digits, forced vehicles into oncoming traffic on a bridge, and slammed into a parked vehicle at approximately 70 MPH after braking for 50 ft.

b. Rule 2: "Violation of military regulation, orders, or instructions, or of civil or criminal laws, if there is no further sign of misconduct, is no more than simple negligence". SSG Clarke signed a counseling statement from the Company Commander vowing to operate a motorcycle safely, and was doing so while on a suspended license and multiple traffic infractions. Additionally, SSG Clarke exceeded the speed limit, operated a vehicle without a license, and evaded police.

c. Rule 5: "Injury or death incurred while knowingly resisting a lawful arrest, or while attempting to escape from a guard or other lawful custody, is incurred not in line of duty. It is due to misconduct. One who resists arrest, or who attempts to escape from custody, can reasonably expect that necessary force, even that which may be excessive under the circumstances, will be used to restrain him or her and, is acting with willful negligence". SSG Clarke resisted arrest when she sped away from the Officer when the stop was initiated and throughout the pursuit.

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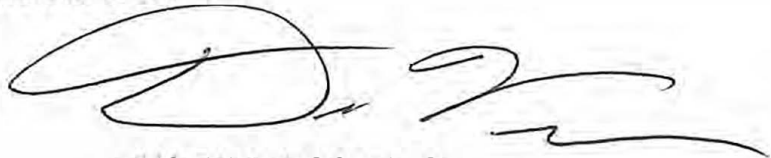
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d. Rule 8: "Injury or death caused by a soldier driving a vehicle when in an unfit condition of which the Soldier was, or should have been aware, is not in the line of duty. It is due to misconduct". SSG Clarke received a profile on 17 MAY 16 for a seizure she had on 10 MAY 16 while conducting an APFT. She completed her Military Acute Concussive Evaluation (MACE) but did not clear neurology prior to operating a motor vehicle placing other drivers at risk. Additionally, SSG Clarke did not report her seizure to the NY or HI DMV which requires a Physicians Statement for Medical Review form (MV-80U.1) for personnel operating vehicles in NY and a Medical Report Form for operating in HI.

d. Rule 9: "Injury or death because of erratic or reckless conduct, without regard for personal safety or the safety of others, is not in the line of duty. It is due to misconduct". SSG Clarke fled from police at speeds in the triple digits, forced vehicles into oncoming traffic on a bridge, and slammed into a parked vehicle at approximately 70 MPH after braking for 50 ft. All of the above was conducted in neighborhoods with speed limit of 35 MPH.

5. In accordance with AR 600-8-4, Rules 1,2,5,8, and 9, I find that the evidence is substantial and supports the determination of Not in the Line of Duty Due to Own Misconduct.

6. The point of contact is CPT Dustin Vosburg at EMAIL: dustin.a.vosburg.mil@mail.mil, DSN 315-772-1259.



DUSTIN A. VOSBURG
CPT, LG
Investigating Officer



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MEMORANDUM FOR COL David V. Gillum, 10th Mountain Division Sustainment
Brigade, 10th Mountain Division (Light Infantry), Fort Drum, New York 13602

SUBJECT: Extension Request for Line of Duty Investigation

1. I am requesting an extension of 30 days for the Line of Duty investigation for SSG
Clarke for the following reasons:

a. Charges against SSG Clarke are not filed unless her health improves.

b. Documents necessary to complete the LOD are held by the Watertown Police
Department until SSG Clarke is charged. These documents include: report of external
inspection, crash report, crash reconstruction report, photos and map charts.

2. Aside from the above, I have gathered all necessary interviews and documents
concerning the LOD investigation. The LOD has led to several issues within the
leadership and motorcycle mentorship program that I can pursue until the reports are
released.

3. The point of contact is CPT Dustin Vosburg at email dustin.a.vosburg.mil@mail.mil,
DSN 315-772-1259.

DUSTIN A. VOSBURG
CPT, LG
Investigation Officer



approved

disapproved



DAVID V. GILLUM
COL, LG
Commander