

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

MARGARET SAMUEL SIEGEL,	)	
YEHOANATAN SAMUEL-SIEGEL,	)	
	)	
1530 Prospect Ridge Blvd	)	
Haddon Heights, NJ 08035,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	CIVIL ACTION NO.
	)	
THE UNITED STATES,	)	
	)	
Defendant.	)	

**COMPLAINT**

Plaintiffs Margaret and Yehonatan Samuel-Siegel, by and through undersigned counsel, file this complaint against Defendant the United States Government, alleging as follows:

**PARTIES**

1. Yehonatan and Margaret Samuel-Siegel (hereinafter “Plaintiffs” or “Mr. and Mrs. Samuel-Siegel”) are the parents of Private First Class (“PFC”) Noah Samuel-Siegel (hereinafter “Noah” or “PFC Samuel-Siegel”), a deceased Army Soldier who died by suicide. Plaintiffs reside in Haddon Heights, New Jersey.
2. Defendant is the United States. The negligent and wrongful acts and omissions that form the basis of this complaint were committed by employees of the Department of the Army (“Army”).

**JURISDICTION, VENUE, AND CONDITIONS PRECEDENT**

3. The claims herein are brought against the United States pursuant to the Federal Tort Claims Act (28 U.S.C. §2671, et seq.) and 28 U.S.C. §1346(b)(1), for money damages as

compensation for personal injuries that were caused by the negligent and wrongful acts and omissions of employees of the Army while acting within the scope of their offices and employment, under circumstances where the United States, if a private person, would be liable to Plaintiff in accordance with the laws of the state of New Jersey.

4. Venue is proper under 28 U.S.C. § 1402(b) in that all or a substantial part of the acts and omissions forming the basis of these claims occurred in New Jersey and Plaintiffs reside in New Jersey.
5. Plaintiffs have fully complied with the provisions of 28 U.S.C. § 2675 of the Federal Tort Claims Act by first timely filing an administrative claim with the Army. Plaintiffs submitted their claim to the Army on November 2, 2023.<sup>1</sup> As of the date of this filing, the Army has yet to render a decision on the claim, and the claim is now “deemed denied” pursuant to 28 U.S.C. § 2675(a).

### **FACTUAL BACKGROUND**

#### **An Epidemic of Suicides in the Army**

6. Mr. and Mrs. Samuel-Siegel entrusted the well-being of their son, Noah, to the Army. Less than a year after he arrived at his first duty station, Noah took his own life. He was just 19 years old. The Samuel-Siegels always understood Noah enlisting meant the possibility he could die in service of this great country, but enlisting is not tacit consent to be bullied to death.

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<sup>1</sup> While the Army was the cause of and contributor to his death—facts which form the basis of a pending medical malpractice claim under the Military Claims Act—it was the Army’s dealings with Mr. and Mrs. Samuel-Seigel after Noah’s death that form the basis for this lawsuit.

7. The Army has suffered, and continues to suffer, from a suicide epidemic.<sup>2</sup> Despite the Secretary of the Army's focus on this issue in 2010, and the subsequent signing of Army Directive 2010-01, titled "Conduct of AR<sup>3</sup> 15-6 Investigations Into Suspected Suicides and Requirements for Suicide Incident Family Briefs,"<sup>4</sup> the rates of suicide have continued to increase since 2011.<sup>5</sup>
8. The 2010 directive established a requirement for investigations into all deaths suspected to have occurred by suicide, and for the deceased Soldier's family to be formally briefed on the investigative findings, to ensure the family receives "as full an accounting as possible of the circumstances surrounding the loss of their loved one."
9. Army Regulation 638-34, "Army Fatal Incident Family Brief Program," (2015) was issued to implement this directive and its mission of providing the grieving family a "thorough explanation" of the circumstances surrounding the death. Army Regulation (February 19, 2015), para. 6-2.a. Indeed, this regulation cautions the briefer not to provide "false, inaccurate, or misleading information" to the family. *Id.* at para. 7-3.c. To the extent there are

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<sup>2</sup> Steven Aftergood, *Army Grapples with "Epidemic" of Suicides*, FEDERATION OF AMERICAN SCIENTISTS (April 6, 2010), [https://fas.org/publication/army\\_suicides/](https://fas.org/publication/army_suicides/).

<sup>3</sup> AR stands for "Army Regulation."

<sup>4</sup> John M. McHugh, *Army Directive 2010-01 (Conduct of AR 15-6 Investigations Into Suspected Suicides and Requirements for Suicide Incident Family Briefs)*, DEPARTMENT OF THE ARMY (March 26, 2010), [https://irp.fas.org/doddir/army/ad2010\\_01.pdf](https://irp.fas.org/doddir/army/ad2010_01.pdf).

<sup>5</sup> *Annual Report of Suicide in the Military: Including the Department of Defense Suicide Event Report (DoDSER)*, U.S. DEPARTMENT OF DEFENSE OFFICE OF THE UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS (2023), [https://www.dspo.mil/Portals/113/2024/documents/annual\\_report/ARSM\\_CY23\\_final\\_508c.pdf](https://www.dspo.mil/Portals/113/2024/documents/annual_report/ARSM_CY23_final_508c.pdf).

any discrepancies in the findings of various death investigations, the briefer should be prepared to address and explain them. *Id.* at para. 6-2.b.

10. The Army created this standard for itself, not only to better understand the root-cause of suicides in its ranks (with an eye toward prevention), but also to help ease the pain and suffering of the grieving families. The Army disregarded these requirements; in what appears to be a concerted effort to protect the individuals in Noah's command who most contributed to his mental decline, the Army obfuscated the truth and delayed the production of the misrepresented information to Mr. and Mrs. Samuel-Siegel. Mr. and Mrs. Samuel-Siegel were absolutely heartbroken to learn that the happy, healthy son they sent to Korea would never come home. Compounding this pain was the Army's purposeful, or at minimum negligent, disregard for its own standards—standards designed to prevent the very pain the Army was now causing.

#### **Events Leading to Noah's Death**

11. Noah joined the Army on May 5, 2020, at the age of 18. He reported to his first duty station, U.S. Army Garrison Yongsan ("Yongsan"), Republic of Korea, in or around February 2021, following the standard period of quarantine at Camp Humphreys for COVID-19.
12. In August 2021, the COVID-19 vaccine (hereinafter interchangeably referred to as "COVAX") was made mandatory across the Department of Defense ("DoD") and its component services. According to Army guidance released to the 8th Army on September 16, 2021, Commanders were expected to ensure that 100% of Soldiers were fully vaccinated (two weeks post vaccine series) or have properly documented exemptions on file no later than December 15, 2021.

13. Noah outwardly expressed both moral and practical reservations about the vaccine. These reservations were in line with the views of his Team Leader (who influenced Noah's hesitancy in receiving the vaccine), as well as Squad and Platoon Leaders, but differed from the Company Commander, who was intent on strictly enforcing the mandate no matter the consequences.
14. To achieve this strict enforcement of COVID-19 vaccination compliance, Noah's Company Commander, Captain ("CPT") Abdon Garay-Briones ("Garay"), took to issuing abusive threats and coercive "excessive" disciplinary action against Noah. This targeting was so abnormally severe that it caught the attention of other soldiers in Noah's command; they vocalized their concerns of Noah's treatment to the command, to no avail.
15. On September 17, 2021, one day after the 8th Army disseminated its vaccination policy, CPT Garay counseled Noah about the vaccine and issued two orders to get his first dose no later than September 20, 2021.
16. Then, on or about September 29, 2021, Noah was driven to Camp Humphreys from Yongsan at CPT Garay's order to present for a one-on-one counseling session about the vaccine. It is customary to have at least one other person present during these types of meetings, usually a senior enlisted member in the Soldier's command. CPT Garay deliberately avoided having anyone else from Noah's command present for this counseling, where he proceeded to verbally berate Noah for 40 minutes, and insinuate that if Noah remained unvaccinated, he would be discharged from the Army under the same conditions as someone who committed sexual assault or a similar crime. When Noah left the meeting, he was red-faced and crying. CPT Garay had warned Noah not to tell anyone what had occurred during the meeting, but

Noah was so upset that he relayed CPT Garay's comments to other Soldiers (the Non-Commissioned Officers who were ordered to drive Noah to the meeting).

17. Noah's emotional reaction and recounting of what occurred disturbed these other Soldiers.

They requested a meeting with the Platoon Sergeant and Platoon Leader, who said they would meet but the meeting never occurred. It appears the matter was shrugged off.

18. Noah was issued a General Officer Memorandum of Reprimand—the most severe form of administrative reprimand in the Army—on October 6, 2021, for not yet having received the vaccine.

19. Then, on October 14, 2021, Noah was punished, in an abnormally severe way, for a minor traffic accident that had occurred months earlier.<sup>6</sup> CPT Garay issued non-judicial punishment under Article 15, Uniform Code of Military Justice (interchangeably referred to as “non-judicial punishment” or “Article 15”),<sup>7</sup> reducing Noah in rank, taking seven days' worth of

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<sup>6</sup> On July 23, 2021, while running an errand for a supervisor, Noah was involved in a minor fender bender. While backing up the government vehicle he was driving, Noah swerved his vehicle to avoid hitting a cat, and accidentally bumped another government vehicle. Noah's former Platoon Leader actually shared the story of this traffic accident at Noah's memorial service as a warm anecdote to illustrate how caring Noah was.

<sup>7</sup> The “charge” brought against Noah at Article 15 had nothing to do with the accident itself; instead, Noah was punished for failing to use a ground guide while driving a government owned vehicle in reverse. Two issues with this charge (which Noah did not contest, likely out of fear), were that there was no absolute requirement to use a ground guide—only when practicable—and it was not practicable at that time because it was almost midnight and no one else was around to act as a ground guide. This type of incident would normally have been remedied through administrative reprimand or counseling. It is believed by some in Noah's command that he received an excessively harsher punishment because he had previously refused the vaccine, and the punishment for the traffic accident really served as a punishment for the vaccine refusal, as opposed to punishment for the accident itself.

his pay,<sup>8</sup> restricting him to base for 14 days (which required mandatory, periodic, in-person check-ins), and requiring him to work extra duty hours from 7:00 a.m. until 10:00 pm.

20. That same day, October 14, 2021, CPT Garay had Noah transferred from Yongsan to Camp Humphreys and began the involuntary separation process for refusal of the vaccine, prior to involuntary separation being authorized by the Department of Defense.<sup>9</sup>

21. Noah's Squad Leader recognized that transferring Noah would have deleterious effects on his physical and mental health.<sup>10</sup> She told the First Sergeant that Noah was already stressed out

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<sup>8</sup> The reduction in rank and suspension of pay were suspended for 120 days, which meant his continued vaccine refusal by the mandate's deadline would trigger the suspended punishments.

<sup>9</sup> The extra duty hours referenced in the preceding paragraph precluded Noah from adjusting to a normal sleep schedule. He had already been forced to stand 24-hour rotations of guard duty (also called charge of quarters or "CQ"), working one day on, two days off, five times in the two weeks before being transferred to Camp Humphreys. This likely contributed to his insomnia symptoms, as he relayed to the medical provider during the evaluation discussed in paragraph 25, herein.

<sup>10</sup> For more context, it was made known to all Soldiers toward the end of July 2021 that the Secretary of Defense was likely to issue a COVID-19 vaccine mandate. This began to worry Noah. Then, he was involved in the accident on July 23, 2021; he was counseled on the matter the very next day by his Team Leader and taken off the road (i.e., forbidden to drive or serve as a Military Police officer). However, it took CPT Garay nearly three more weeks (August 11, 2021) to inform Noah he was contemplating issuing non-judicial punishment. The evidence packet was completed on August 27, 2021, three days after the Secretary of Defense made the COVID-19 vaccine mandatory. Mandatory COVID-19 vaccination policies were disseminated by DoD and 8th Army between September 14-16, 2021. The Article 15 charges were drafted in this same time period (8/27 - 9/17). The Article 15 packet (non-judicial punishment paperwork) was sent to CPT Garay on September 17, 2021, the same day he issued two orders for Noah to receive the COVAX. When CPT Garay issued the punishment to Noah on October 14, 2021, the two suspensions for the two suspended punishment (reduction and forfeiture of pay) were set to expire after the deadline for all Soldiers to be fully vaccinated (or face punitive consequences). In other words, it appears the punishment and transfer were used as a means to pressure Noah to receive the vaccine, especially when at least one other Soldier who had refused the vaccine was permitted to stay at Yongsan. (The connection between the accident punishments and the COVAX pressure is reinforced by the August flag being cited as background in an October 1, 2021 memo to the 8th Army Commanding General, Request to Issue Reprimand-Refusal of COVID-19 Vaccination. During the 15-6 brief, the Samuel-Siegels noted this and asked the briefer, COL Hennemann, if he would expect to see a flag for a traffic accident as part of the

and not sleeping well. The First Sergeant had been able to delay the transfer, but when CPT Garay issued the order to transfer Noah (against the best judgment of other leadership), Noah was transferred less than two days later.

22. Noah's transfer to Camp Humphreys, located approximately 50 miles away from Yongsan, coupled with his extra duties, restriction to base, effectively no roommate,<sup>11</sup> and oscillation between platoons isolated Noah, and prevented him from having close contact with the support network and friends he had established in Yongsan, or from making new ones at Camp Humphreys. Noah's mental health continued to deteriorate; he began consuming excessive amounts of alcohol—at the age of 19—and suffered from insomnia and intrusive thoughts.

23. Individuals who knew the stressors Noah was dealing with—his command—or those who were equipped to notice and act upon the outward signs of decline—medical providers who evaluated Noah—failed him.

24. Noah's command set in motion the mental decline. His command inequitably and harshly punished him for a minor traffic accident. His command knew he was stressed out and not sleeping well. He was then required to work long hours, with little time to adjust his sleep

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rationale for Noah getting this reprimand for not being vaccinated. COL Hennemann replied that "...it should have been strictly about COVID-19 procedures, not a traffic accident. That's a separate issue.") It was obvious to many in Noah's command that this placed a significant amount of undue stress on Noah (not only with the punishment he was currently facing, but with the prospect of impending separation and fear of not being able to find a job post-separation); moving him to a new base that was 50 miles from his current duty station, and isolating him from all support network, would undoubtedly add to this stress, and have a negative effect on anyone suffering similar circumstances.

<sup>11</sup> His roommate was married and often spent time in his wife's barrack's room, as he did the weekend Noah died.



schedule, and was isolated from the only support network he knew. It appears his command also knew he had increased his alcohol consumption.

25. When Noah was undergoing the pre-separation medical evaluation (in preparation for his involuntary separation for the vaccine refusal, despite the Army not yet authorizing separations), Noah indicated that he was suffering from insomnia, had a loss of interest in activities that he used to enjoy, felt distant or cut off from other people, and had trouble experiencing positive feelings. He also scored high on the AUDIT-C (which stands for “Alcohol Use Disorders Identification Test, Alcohol Consumption Questions”) alcohol screening tool. Against the prevailing medical standard, the Army’s medical provider conducting the evaluation failed to address these issues with Noah.<sup>12</sup>
26. The medical evaluation occurred on November 3, 2021. Noah was last seen on November 5, 2021. He did not pick up a food delivery scheduled for the early afternoon of November 6, 2021.
27. The command had a scheduled barrack’s room inspection the morning of November 8, 2021. It was then that Noah was found, hanging by a belt in his closet, in a state of onset decomposition. Partially consumed bottles of alcohol were found in his room.
28. Based on the un-picked up food delivery Saturday afternoon and testimony from others, it can only be surmised that Noah died sometime on Saturday, November 6, 2021. For approximately one and a half days, no one cared enough to check on him.

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<sup>12</sup> This medical malpractice forms the basis of a separate Military Claims Act claim, the appeal of which is still pending.

### **The Army's Treatment of Noah's Family**

29. Losing a child while in the care of the Army, in what appears to be circumstances entirely created by the Army, was immeasurably painful for Mr. and Mrs. Samuel-Siegel. The Army has exacerbated that pain through its subsequent interactions with the Samuel-Siegels.
30. First, the Army delayed the return of Noah's body. Department of Defense and Army policy requires the expeditious transfer of the remains of deceased Soldiers, and that the surviving family be accorded all possible consideration and sympathy. Despite this standard, Noah's body remained in Korea for eight days past when he was found. Noah was first to be transported to Hawaii, where the autopsy was to occur. On two separate occasions, the return flight was cancelled without Mr. and Mrs. Samuel-Siegel being informed (and despite them respectfully asking the Casualty Assistance Center to keep them apprised of the scheduled departure(s)), leaving the Samuel-Siegels to believe their son's body was one step closer to being home, only to realize he continued to remain in Korea.
31. Noah's body finally arrived in Hawaii around midnight on November 16, 2021. The delay in the transportation caused a resulting delay in the autopsy, which hampered the coroner's ability to narrow down the time of Noah's death. Ultimately, two and one-half weeks passed before Noah's body was returned to his home state of New Jersey. By the time Mr. and Mrs. Samuel-Siegel had a chance to view Noah's body, he was hardly recognizable.
32. Second, the command's Army Regulation 15-6 investigation ("15-6 investigation") into the cause of Noah's suicide was continuously delayed, supposedly because the autopsy/toxicology report was not yet available. After numerous requests to the Army's

Criminal Investigative Division (“CID”)<sup>13</sup> about the report’s status and frustrated by the Army’s lack of urgency, the Samuel-Siegels contacted the Armed Forces Medical Examiner System at the end of February 2022, only to learn the report had been completed on January 26, 2022. The delay in obtaining this report caused an unnecessary delay in the return of Noah’s personal belongings to Mr. and Mrs. Samuel-Siegel. Noah’s personal effects were finally delivered to the Samuel-Siegels’ home in New Jersey on May 2, 2022—six months after his passing.

33. Third, although Army Regulation 638-34, paragraph 5-2.d. recognizes that “[f]amilies typically have an ongoing desire to know as much as possible about their loved one’s loss,” the Army delayed the in-person 15-6 brief to the Samuel-Siegels. The 15-6 investigation concluded on April 18, 2022. Despite repeated requests from the Samuel-Siegels for updates on the status of the in-person briefing, they had to wait almost five more months to hear the results of the investigation. The Samuel-Siegels did not receive a statement of offer, allowing them to formally request the briefing, until July 18, 2022, and were provided possible dates for the briefing nearly one month later. The Samuel-Siegels selected the first possible date—September 15, 2022.<sup>14</sup>

34. Fourth, the in-person brief—held in New Jersey on September 15, 2022 and presented by Colonel (“COL”) Carl Hennemann, the 8th Army Chief of Staff—purposefully omitted or

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<sup>13</sup> Two investigations were simultaneously being conducted, one by the command under Army Regulation 15-6 to determine the cause of the suicide, and one by CID to rule out any other cause of death (*i.e.*, homicide). The 15-6 investigation is the one that would ultimately be briefed to the family in accordance with Army Regulation 638-34.

<sup>14</sup> Despite providing the possible date of September 15, 2022, the Army said it would really prefer a later date—October 20, 2022.

presented altered information. The medical evaluation section of the presentation noted there was no concern about alcohol use, despite Noah scoring high on the AUDIT-C just a few days prior to his death, his command being aware of his alcohol consumption (as evidenced in paragraphs 37.d. and 37.e., below), and the discovery of partially consumed alcohol bottles being found in his room after his passing.<sup>15</sup>

35. The brief also did not acknowledge the symptoms Noah indicated he was feeling during the pre-separation medical evaluation, *i.e.*, that he was experiencing insomnia, had a loss of interest in activities that he used to enjoy, felt distant or cut off from other people, and had trouble experiencing positive feelings. In fact, the related presentation slide said, “PFC Samuel-Siegel did not report any concerns with emotional or behavioral health during this assessment, and he was assessed to be in good health.”
36. Further, although the 15-6 investigation report the Samuel-Siegels received at the conclusion of the presentation contained a copy of the Army’s current COVID-19 vaccine policies, the brief failed to acknowledge that Noah’s leadership exceeded the policy by initiating unauthorized pre-separation actions (the pre-separation medical exam and enrollment in Transition Assistance Program - Soldier for Life classes) for Noah’s COVAX refusal. When the Samuel-Siegels asked during the brief about the apparent rush to process Noah for his vaccine refusal when the Army hadn’t even sorted out all the procedures and guidance for separations, COL Hennemann conceded that the 15-6 report omitted any reference of the command having initiated involuntary separation processing of Noah.

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<sup>15</sup> In a follow up letter, dated October 29, 2022, COL Hennemann acknowledged that, “Based on this scoring a behavioral health referral should likely have been initiated for the positive alcohol Screening.”

37. Fifth, the 15-6 investigation differed from and conflicted with the CID investigation in material ways. This was a great source of frustration for the Samuel-Siegels, as they hoped (per the requirements of Army Regulation 638-34) the 15-6 investigation would elaborate on relevant information they learned through the CID investigation, which they received months earlier. Examples of this include:

- a. The CID investigation noted that “During a review of unit personnel files, PFC Samuel-Siegel requested a behavioral health evaluation on 18 Oct 21.”; this is not mentioned in the 15-6 investigation, which is concerning given everything Noah’s command knew he was dealing with and the issues Noah raised in his medical evaluation of November 3, 2021.
- b. The CID investigation contained witness statements indicating Noah’s behavior had changed, and that he had become quiet and offput; the U.S. Army Medical Command Post-mortem mental health assessment in the 15-6 investigation, however, alleged that Noah’s friends “did not observe any noticeable changes in his behavior prior to his death and that he did not communicate experiencing any emotional distress.”
- c. The CID investigation noted that the night before he died, while socializing with a friend, Noah received a message from his Team Leader to go and possibly sign (unidentified) paperwork; this is not mentioned in the 15-6 investigation. When asked about it during the 15-6 brief, COL Hennemann acknowledged it could be an “important detail” the command needed to understand, and that he would look into it. COL Hennemann never provided any new information about this text.

- d. Notes from a CID Agent's review of CPT Garay's witness statement<sup>16</sup> indicated that Noah had been rated as a "moderate" risk because he was going to parties with friends; in the 15-6 investigation, CPT Garay's sworn statement dated November 22, 2021, which otherwise included the same information summarized in the CID agent's notes, states, "PFC Samuel was designated 'moderate' risk, during his CO ART 15/GOMOR and reduced to 'low' based on the last assessment conducted on November 03." To justify the "low" risk, the 15-6 investigation had included an Army Soldier Leader Risk Reduction Tool – Korea ("SLRRT-K") that had been completed months earlier, before Noah experienced the harassing and abusive behavior.
- e. In the CID investigation, an Agent noted that at about 11:38 a.m. on November 8, 2021, someone (unknown, as the name is redacted, but likely in Noah's chain of command) was briefed on the state of the investigation, and that the individual asked if any alcohol was found in Noah's room. The briefer advised that a full search of the room would be completed once Mortuary Affairs removed Noah from the room. The individual had no questions other than the expressed concern for whether alcohol was found in Noah's room. The 15-6 report, on the other hand, indicated no concern about alcohol use.
- f. The CID report also noted that a review of Noah's duty on the October 2021 Duty Roster revealed that he was assigned to conduct (24 hour) CQ four times for the first

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<sup>16</sup> The names of the witnesses have been redacted; upon best information and belief, given the surrounding context in the witness statement, the Samuel-Siegel's understand the concerned statement to be that of CPT Garay.

13 days of the month following removal from Military Police duties, before he was transferred to Humphreys (at which time he immediately served extra duty from the non-judicial punishment). The 15-6 brief attributed Noah's removal from Military Police patrol duties as a possible contributing factor to his death but did not acknowledge the repeated 24-hour duty, or the dramatic and sudden change to Noah's sleep schedule.

38. It became clear to the Samuel-Siegels that the 8th Army was now attempting to cover up the fact the command knew about Noah's suicide risk and its contributing factors, contrary to the requirements in Army Regulation 683-34, paragraph 1-5, which required the Army to provide a "thorough explanation" of the events surrounding Noah's death.<sup>17</sup> The Samuel-Siegels then sought more answers, only to receive more conflicting information:

- a. After reviewing the 15-6 investigation report, and realizing the SLRRT-K report was months old, the Samuel-Siegels submitted a FOIA request for the latest version. The copy they received was dated November 5, 2021, but the answers did not comport with what Noah was experiencing at the time, and thus seemed to have been completed by a third person. The Samuel-Siegels sent follow-up correspondence to COL Hennemann requesting, amongst other things, clarification on whether the November 5, 2021 SLRRT-K had in fact been completed by Noah as opposed to a

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<sup>17</sup> Indeed, the 15-6 investigator permitted CPT Garay to make a second statement for inclusion in the report; he was the only witness permitted to make a second statement, which was made on April 14, 2022, four months after the last witness statement had been taken. A fair reading of this statement is that CPT Garay used it as opportunity to rewrite his prior interactions with Noah in an effort to deflect blame for his contributions to Noah's declining mental state.

third party. COL Hennemann responded via two separate letters on November 22, 2022 and December 29, 2022, but neither letter addressed this particular issue.

- b. In response to a FOIA request and repeated follow up, on January 18, 2023, the Samuel-Siegels finally received a copy of the Behavioral Health Evaluation request referenced in the CID report. The form was completed by Noah on October 18, 2021, shortly after his transfer to Camp Humphreys, and required a commander's signature which had not been provided. In his letter of November 22, 2022, COL Hennemann asserted that the delay in this document being produced was due to CID having found the form in Noah's room after his passing, and that the form was then provided to an officer with the 94th Military Police Battalion. This explanation though, is contradicted by the CID investigation, which noted that the behavioral health evaluation request had been found in Noah's unit personnel file (and not Noah's room, as COL Hennemann wrote), suggesting that Noah sought, but was prevented from obtaining, mental health treatment.

39. As for the personnel file, it was never permanently stored. After obtaining Noah's Official Military Personnel File from U.S. Army Human Resources Command and the National Archives, the Samuel-Siegels discovered that it contained very few documents from his time in Korea. In response to a FOIA request for Noah's file submitted directly to the 8th Army, the Samuel-Siegels received some, but certainly not all, additional records. COL Hennemann commented on this in his letter to Mr. and Mrs. Samuel-Siegel of November 22, 2022: "After requesting information from leaders currently in the unit and those who have departed the unit or transitioned out of the military, we were unable to find several documents and many of the answers to the questions you asked of us. ... Some information you have asked for



were not recoverable due to transition of email accounts to a new system. Additionally, hard copies of all of his records such as Soldier Leader Risk Reduction – Korea documents were either (sic) not filed in the unit administrative files.”

40. To this day, the Army has obstructed access to certain information. It strategically used the FOIA exemption under 5 U.S.C. § 552(b)(5), commonly referred to as the deliberative process exemption, to withhold information pertaining to triggering events for Noah’s death, particularly soldiers’ statements regarding the command climate and actions taken by his chain of command. Most recently, 8th Army has failed to conduct a comprehensive search of requested email communication amongst Noah’s command, in which Noah may have been discussed. Given Noah was being processed for involuntary separation for the COVAX refusal at the time of his death, and had been given non-judicial punishment and moved from Yongsan to Camp Humphreys, Noah would have undoubtedly been discussed via command communication channels, especially in email communication either to or from CPT Garay. To this day, the 8th Army has failed to provide any such records.<sup>18</sup>
41. All of this has caused a tremendous amount of stress, anguish, and pain to a family already grieving the sudden loss of their beloved son. Trying to find the truth, when the Army clearly is trying to obfuscate it, has all but consumed the Samuel-Siegels. Their mental, emotional, and physical health (for a while) have deteriorated, and they have been unable to truly grieve Noah’s passing, causing their pain to languish. Thoughts of Noah—who brought the Samuel-Siegel’s so much joy—are painful. Wrapped up in knowing what he went through and the

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<sup>18</sup> This forms the basis of a separate pending FOIA lawsuit. Additionally, the Department of the Army Inspector General has been dilatory in its own investigations into the abuses of Noah’s command.

continued need to fight the Army for the truth and accountability has essentially taken Noah from the family twice, as they struggle under these circumstances to experience comforting memories of him.

**FIRST CAUSE OF ACTION**  
**(Intentional Infliction of Emotional Distress)**

42. All preceding paragraphs are incorporated by reference as though fully set forth herein.
43. The Samuel-Siegels incurred severe emotional distress because of the Army's conduct following Noah's suicide. The Army acted intentionally; the Army's actions were outrageous in character and extreme in degree as to exceed all bounds of decency; the Army's actions proximately caused the Samuel-Siegels additional distress; and the emotional distress was so severe no reasonable person could be expected to endure it.
44. The Army acted intentionally. The Army knew it created the circumstances for Noah's mental decline. The Army knew Noah exhibited behavior associated with suicidal ideation. The Army knew it was obligated to investigate the root cause of the suicide, and to relay as much truthful and factual information to the Samuel-Siegels regarding this cause. Yet, the Army wanted to minimize this information, and preclude the Samuel-Siegels from knowing the full extent of its behaviors. Thus, the Army purposefully obfuscated and misrepresented information surrounding Noah's death to the Samuel-Siegels.
45. The Army's actions were outrageous in character and extreme in degree as to exceed all bounds of decency. The Army is fully aware it has a long-standing issue with suicide in its ranks, and that it needs to take every step to fully understand the reasons for this. Instead of seeking the truth, the Army tried to cover up its contributions to the death of Noah. The Samuel-Siegels entrusted the safety of their son to the Army—an institution predicated on

the core values of honor and integrity. The Army created the very circumstances that caused Noah to take his own life, and then failed to take appropriate action to prevent it. Instead of seeking the truth of this matter, the Army sought to conceal it. No parent should be lied to when they are trying to understand why their child could have made the ultimate decision to take his life, especially when the only entity that can provide the answers to their questions is the same entity that is conducting the concealment. Such actions would place any reasonable parent in similar circumstances into a state of distress. No reasonable person, in a society with an all-volunteer force, would find this behavior to be tolerable.

46. The Army's actions in attempting to cover up the truth caused the Samuel-Siegels to suffer far more emotion and mental pain and anguish than they should have as grieving parents.

**SECOND CAUSE OF ACTION**  
**(Negligent Infliction of Emotional Distress)**

47. Paragraphs 6-41 are incorporated by reference as though fully set forth herein.
48. The Army committed direct negligent infliction of emotional distress: the Army owed the Samuel-Siegels a duty of reasonable care; the Army breached that duty; the Samuel-Siegels suffered severe emotional distress; and the Army's breach of the duty was the proximate cause of their distress.
49. The Army owed a duty to the Samuel-Siegels to not provide "false, inaccurate, or misleading information." It also owed a duty to reconcile the differences between the CID investigation and the 15-6 investigation.
50. The Army breached this duty. Not only did the Army work to cover up its wrongdoings in the 15-6 investigation, it then continued the cover up by presenting false and misconstrued information to the Samuel-Siegels during the 15-6 investigation brief.

51. The Army's breach has directly caused the Samuel-Siegels to suffer more intense and prolonged emotional distress, and the inability to fully heal. The Samuel-Siegel's wrote to COL Hennemann following the 15-6 brief, "As you know, nothing can fix what happened to Noah, or make us whole again, but the Army can at least make an effort to provide us with some peace of mind that our concerns are being addressed." That piece of mind never came, because the Army refused to provide truthful information. The Samuel-Siegels are now left with an open emotional wound that even time cannot heal.

**RELIEF**

Wherefore, Margaret and Yoni Samuel-Siegel pray that this Honorable Court award Plaintiffs the claimed amount in damages, as derived from the immense emotional harm caused them; and any further and additional relief at law or in equity that this Court may deem proper.

Dated: April 14, 2025

Respectfully submitted,

/s/ J. Peter Veloski

J. Peter Veloski  
Saltz Mongeluzzi & Bendesky  
1650 Market Street, 52nd Floor  
Philadelphia, PA 19103  
Telephone: 215-575-3996  
Fax: 215-496-0999  
pveloski@smbb.com

/s/ Carol A. Thompson

Carol A. Thompson  
Federal Practice Group  
801 17th Street, N.W., Suite 250  
Washington, D.C. 20006  
Telephone: 202-862-4360  
Fax: 888-899-6053  
cthompson@fedpractice.com  
*Via Pro Hac Admission Application*

*Counsel for Plaintiffs*