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DEPARTMENT OF THE ARMY
OFFICE OF THE INSPECTOR GENERAL
1700 ARMY PENTAGON
WASHINGTON DC 20310-1700

Records Release Office

JAN 30 2014

This responds to your Freedom of Information Act (FOIA) request dated January 29, 2014, for "reports of Inspector General investigations into senior official misconduct at the Army since October 1, 2012." You stated that you are "willing to accept the pre-processed records responsive to this subject provided to the Washington Post newspaper."

Enclosed are the redacted IG reports responsive to your request. We have provided exactly the same documents we provided to the Washington Post.

There are no fees assessable for processing this request. If you have any questions concerning this response, please call Mr. De Ocampo or me at (703) 545-4591. Should you call, please refer to FOIA Case 14-324.

Sincerely,


Margaret B. Baines
Deputy Legal Advisor

Encl
Redacted IG Reports (222 pages
Including release letter)

BG SCOTT F. DONAHUE

ROI 10-028

**(Investigation Report for Preliminary
Analysis DIG 10-00083)**



**DEPARTMENT OF THE ARMY
OFFICE OF THE INSPECTOR GENERAL
1700 ARMY PENTAGON
WASHINGTON DC 20310-1700**

FEB 15 2011

**US ARMY INSPECTOR GENERAL AGENCY
REPORT OF INVESTIGATION
(Case 10-028)**

NAME/POSITION: Brigadier General (BG) Scott F. Donahue, Commanding General (CG), US Army Engineer Division, South Pacific, US Army Corps of Engineers (USACE), San Francisco, California

SUBSTANTIATED ALLEGATION AND CONCLUSION: BG Donahue failed to foster a healthy command (CMD) climate. The preponderance of evidence established that the South Pacific Division (SPD) experienced a negative CMD climate under BG Donahue's leadership. An SPD Headquarters CMD climate survey completed eight months into BG Donahue's CMD and witness testimony indicated BG Donahue created a tense working environment and that his executive staff experienced negative treatment from BG Donahue that they considered and others viewed as abusive. Evidence from both the CMD climate survey and the DAIG interviews documented this feedback for a period covering BG Donahue's first year in CMD of the SPD from July 2009 to October 2010. Eighteen witnesses included the executive staff, SPD senior leadership and USACE senior leadership. All 18 felt the CMD climate was negative. BG Donahue's treatment of subordinates included his expressing anger and moodiness, bringing people to tears, abusing subordinates' time through long meetings and lecturing, raising his voice or yelling, dominating discussions, exhibiting paranoia, and creating a tense working environment. The majority of these witnesses testified they would not work for BG Donahue if asked, however, some said they would. Four additional witnesses testified that BG Donahue was a positive leader who treated them with dignity and respect. However, three of the four witnesses did not observe or were not in a position to observe the negative treatment described by the 18 other witnesses. BG Donahue provided no credible evidence to support his assertion that one of his executive staff members "orchestrated" efforts of the executive staff to undermine his authority. In mitigation, the evidence indicated although BG Donahue took steps to improve the CMD climate, he did not improve his negative treatment of subordinates or how others viewed his negative treatment of subordinates. Additionally, evidence indicated prior to BG Donahue taking CMD, the SPD was the worst of nine Divisions in the USACE and had experienced significant leadership turbulence. Together with the unique culture of San Francisco and the civilian mindset of the SPD, BG Donahue recognized that the SPD was dysfunctional and ineffective. His intent was to teach and train, raise standards, improve operating efficiency, and hold people accountable through impassioned servant leadership. The evidence indicated, however, BG Donahue's directed leadership style was not well received by the SPD nor did he effectively adjust his style to the SPD.

SAIG-IN (ROI 10-028)

BACKGROUND:

1. On 16 June 2010, the Department of the Army Inspector General Agency (DAIG) received an anonymous complaint through the CG, USACE. The complaint alleged BG Donahue verbally abused, intimidated, and humiliated his civilian staff, and exhibited unprofessionalism in his treatment of others. The complaint also alleged that he wasted government resources and misused government property.

2. A preliminary inquiry, DIG 10-00083, approved 24 September 2010, determined that the allegation that BG Donahue failed to treat subordinates with dignity and respect required further investigation. (b)(7)(C)

(b)(7)(C)

3. On 24 September 2010, the Vice Chief of Staff, Army directed an investigation by the DAIG.

SYNOPSIS:

1. Army Regulation (AR) 600-100, Army Leadership, dated 8 March 2007, paragraph 2-1l states that leaders will foster a healthy command (CMD) climate. Paragraph 2-1k, states that leaders will treat subordinates with dignity, respect, fairness, and consistency.

2. BG Donahue was notified for CMD of the SPD in March 2009. He redeployed in April 2009, after serving 15 months as the XVIII Airborne Corps Engineer in Iraq, and assumed CMD on 21 July 2009 as a Colonel (COL). BG Donahue was confirmed by the Senate on 25 September 2009 and frocked on 9 April 2010. His appointment as a BG was effective 2 May 2010. The previous CG, BG John McMahon, left the SPD in January 2009 and deployed to Afghanistan. COL (b)(7)(C) the Deputy Commander, SPD, became the Commander in January 2009 and commanded the SPD for six months before BG Donahue took CMD. The SPD HQ was located on the 20th floor of the Bank of America building in the city of San Francisco. There were dynamics peculiar to the SPD unlike the other eight Divisions in the USACE. Seventy-five percent of the civilian employees belonged to Local 49 Union. The majority of the SPD HQ 85 employees were civilian. Because of the high cost of living, oftentimes employees opted to move to the SPD to earn their "high three" base salary for retirement.

3. At the direction of the CG, USACE, the IG, USACE completed a CMD climate survey of the SPD HQ. The SPD CMD climate survey, dated 24 March 2010, reflected 53 responses from subordinates out of 85 total employees. Twenty pages of the SPD survey included "Employee Comments." The "Employee Comments" reflected that BG Donahue: berated/belittled his staff to include their work products, he focused on power point slides and thus focused on format vice substance or producing work/getting

things done, there was a decline in morale and staff was stressed, he was unapproachable and intimidating (no open door policy), he focused on himself, family, and his faith vice others, he had no respect for employees' time due to multiple/long meetings, he was angry, exhibited a bitter attitude, and did not control his temper.

4. Witness testimony from 18 individuals indicated the SPD executive staff experienced negative treatment from BG Donahue that they considered and others viewed as abusive. These 18 witnesses included the executive staff, SPD senior leadership and USACE senior leadership. BG Donahue's treatment of subordinates included BG Donahue expressing anger and moodiness, bringing people to tears, abusing subordinates' time through long meetings and lecturing, raising his voice or yelling, dominating discussion, exhibiting paranoia, and creating a tense working environment. All 18 felt the CMD climate was negative. The majority of these witnesses testified they would not work for BG Donahue if asked. Four additional witnesses testified that BG Donahue was a positive leader who treated them with dignity and respect. However, three of the four witnesses did not observe or were not in a position to observe the negative treatment described by the 18 other witnesses.

a. The majority of the executive staff testified to observing or receiving harsh treatment from BG Donahue, which included (b)(7)(C) being berated and (b)(7)(C) and (b)(7)(C) being brought to tears. (b)(7)(C) however, testified that she cried for personal reasons, not because she was berated by BG Donahue. Other credible witnesses including the Deputy, COL (b)(7)(C) the (b)(7) SES Directors, and other senior leaders felt or knew these instances of negative treatment were credible. Ten subordinates and senior leaders felt so strongly, they testified they would not work for BG Donahue again. There was consistent testimony about BG Donahue's anger or expressions of anger and his abuse of subordinates' time by lecturing for hours. (b)(7) of four District CDRs felt BG Donahue did not treat subordinates well and that the reports they received about his negative treatment of people were credible.

b. A sampling of comments included:

- "he was especially tough on (b)(7)(C) and she was having difficulty sleeping, and she was really upsetshe was on the verge of tears all the time"
- "I was very glad to leave SPD....I definitely took the assignment in Iraq to get out of SPD...my blood pressure was high...it was just miserable for me...it was really just horrible"
- "has meetings to express anger for one to four hours and the Staff was wore down mentally, they come out shaking, covering their face, will go home sick or almost brought to tears"
- "we're just kind of always walking on egg-shells....no I wouldn't say its physically as much as emotionally and psychologically intimidating"
- he has a "very volatile temper, almost daily"

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-BG Donahue "certainly is not concerned about anybody's time but his own. His own time is the most valuable...he has no concern for late meetings, meetings running over, civilian environment time"

-"he really doesn't have a sense of time. Every meeting is late...I do believe that he in his mind...he thinks he is teaching and he's kind of ranting...he thinks he is coaching people...and he is going off on them"

-"he pretty much raises his voice, stands up sometimes and berates individuals"

-"he thinks....there are alliances against him...all the way up the chain...to HQ"

-"there are no secret parties against him, but he is constantly thinking everybody...is out to see him fail"

-"my impression....he was very hard on people...and very short on patience"

-"I think he was very controlling, micromanaging....very directive. He certainly lacked the depth to do so. He didn't have the experience in our business...I think he led from fear almost."

-"it's the demeanor...tone...persistence...the positional power that would lead the recipient to feel...under pressure...to feel unreasonable demands"

-"I've seen them after these so-called incidents and they have been visibly shaken...under a great stress"

[Investigating Officer note: Detailed witness comments are included at Exhibit A2.]

5. Lieutenant General Robert Van Antwerp, CG, USACE, testified that the SPD ranked ninth of nine Divisions as an overall assessment of performance "at this point in time" in October 2010. He attributed that to the leadership turbulence prior to BG Donahue, the problem with BG Donahue not having experience in USACE or civilian organizations, and the culture of the SPD.

6. BG Donahue testified:

a. Before assuming CMD, he assessed the SPD and concluded that the SPD was the last DIV of nine; "the worst team, not the first team." There were no standards, no SOPs, no branding, no unity, no harmony, no common regional picture, and no sense of pride in the organization. It was dysfunctional to have the CDR, COL (b)(7)(C) as a former Deputy, to become his Deputy in the same CMD. In speaking to senior leaders at USACE, the SPD was the "last DIV on anybody's radar screen for just about everything." Feedback from all four District CDRs was that the SPD HQ was not responsive, not helpful and too involved in their business. He felt the civilians in the SPD concluded before he arrived that he would not "get it" and they should "keep him on the road and in the dark." He saw "a lot of holes" and the organizational efficiency and effectiveness deteriorated significantly. LTG Van Antwerp asked him to take CMD in June 2009, two months sooner than BG Donahue wanted, given the recovery from a 15-month deployment to Iraq ending in April 2009. He believed if things were going smoothly, why would the COE want him to take CMD so soon?

b. Regarding the CMD climate survey, he felt he was misunderstood and some (employees) were potentially offended. "I was devastated, very hurtful." He took immediate action to meet with SPD leadership and employees to provide feedback and solicit discussion to resolve issues. He never blamed anybody for the results of the survey; rather, he took responsibility for it. He never alleged organizational deficiency was attributed to COL (b)(7)(C). He invested a lot of time and effort to fix the root of the problem. He published an open door policy, established an Employee Portal system to receive employee feedback, initiated DIV Chief Luncheons, and laid out a path to improve the SPDs standing.

c. He testified that he did not get angry, rather "I'm intense because I'm passionate." He never berated anybody.

d. Regarding incidents involving subordinates who were brought to tears:

(1) BG Donahue asserted that the claim he brought (b)(7)(C) to tears over the Strategic Initiatives Group (SIG) was "absolutely false." He testified that (b)(7)(C). She was fine with the SIG duty.

(2) The claim that he brought (b)(7)(C) to tears for leaving the SPD was a "misrepresentation of attitudes and emotions." (b)(7)(C) became teary-eyed when she told him she was not leaving because of him and he gave her a hug.

(3) The claim that he brought (b)(7)(C) to tears was according to (b)(7)(C) "absolutely false." (b)(7)(C) was very emotional and he saw her cry a number of times.

(4) The claim that he brought (b)(7)(C) to tears and berated him was "completely non-factual." When he asked (b)(7)(C) about his decline in performance, (b)(7)(C). They became emotional together and he hugged (b)(7)(C).

e. He never pointed fingers at people; never put his finger in anyone's chest, or cocked his fist at anyone. He was unaware of any time he grabbed his rank insignia to make a point that he was a COL or GO. His teaching and training was misinterpreted as some sort of "tantrum." He believed "accountability" was mistaken for "aggressiveness."

f. He denied keeping subordinates over their scheduled work hours or holding people for three to five hours. His Deputy and CofS controlled the schedule. "I don't have that kind of time in the day." He denied directing people to spend hours making slides.

SAIG-IN (ROI 10-028)

g. He testified that in September 2009, he intervened when (b)(7)(C) reprimanded LTC (b)(7)(C) in a decision briefing. He did not yell and scream. (b)(7)(C) later came back and apologized to him. Mr. Andy Constantaras relayed the incident back to MG Meredith Temple. In April 2010, Mr. Constantaras sent an e-mail to (b)(7)(C) reflecting information that misrepresented what MG Temple and he discussed regarding morale in the SPD and that Mr. Constantaras would be the one to get him (BG Donahue) focused and "get it right." He (BG Donahue) felt "this almost looked like a coup attempt." MG Temple reprimanded Mr. Constantaras. He told Mr. Constantaras he was disloyal and Mr. Constantaras "apologized profusely."

h. He testified that after moving LTC (b)(7)(C) up to be his Deputy and getting LTC (b)(7)(C) agreement to stay on active duty until December 2010, LTC (b)(7)(C) accepted a job offer that meant he had to leave in August 2010. He (BG Donahue) told LTC (b)(7)(C) it "approached an integrity issue" after LTC (b)(7)(C) said he misunderstood his commitment.

i. Finally he felt LTC (b)(7)(C) orchestrated the efforts by other subordinates like (b)(7)(C) and (b)(7)(C) to undermine his CMD authority. He believed there was "motive and opportunity" for LTC (b)(7)(C) and COL (b)(7)(C) to facilitate those efforts, to keep him out of the loop, to take the SPD in a different direction than his, and finally to "derail" him.

7. The preponderance of evidence established that the SPD experienced a negative CMD climate under BG Donahue's leadership. An SPD HQ CMD climate survey completed eight months into BG Donahue's CMD and witness testimony indicated BG Donahue created a tense working environment and that his executive staff experienced negative treatment from BG Donahue that they considered and others viewed as abusive. Evidence from both the CMD climate survey and the DAIG interviews documented this feedback for a period covering BG Donahue's first year in CMD of the SPD from July 2009 to October 2010. Eighteen witnesses included the executive staff, SPD senior leadership and USACE senior leadership. All 18 felt the CMD climate was negative. BG Donahue's treatment of subordinates included BG Donahue expressing anger and moodiness, bringing people to tears, abusing subordinates time through long meetings and lecturing, raising his voice or yelling, dominating discussions, exhibiting paranoia, and creating a tense working environment. The majority of these witnesses testified they would not work for BG Donahue if asked. Four additional witnesses testified that BG Donahue was a positive leader who treated them with dignity and respect. Although three of the four witnesses did not observe or were not in a position to observe the negative treatment described by the 18 other witnesses. Although BG Donahue's versions of incidences of people who were brought to tears differed from witnesses, the fact remains that two subordinates were brought to tears when interacting with BG Donahue. Evidence also indicated that one of the

SAIG-IN (ROI 10-028)

descriptions of an incident involving BG Donahue was reported through hearsay and was inaccurate. The incident involving (b)(7)(C) was also an example of an inaccurate report of harsh treatment by BG Donahue. Regardless, there were substantial incidents/complaints exchanged between numerous credible witnesses who reported actual and perceived negative treatment by BG Donahue. BG Donahue provided no credible evidence to support his assertion that LTC (b)(7)(C) "orchestrated" efforts of the executive staff to undermine his authority. In mitigation, the evidence indicated although BG Donahue took steps to improve the CMD climate, he did not improve his negative treatment of subordinates or how others viewed his negative treatment of subordinates. Additionally, the evidence indicated prior to BG Donahue taking CMD, the SPD was the worst of nine Divisions in the USACE and had experienced significant leadership turbulence. Together with the unique culture of San Francisco and the civilian mindset of the SPD, BG Donahue recognized that the SPD was dysfunctional and ineffective. His intent was to teach and train, raise standards, improve operating efficiency, and hold people accountable through impassioned servant leadership. The evidence indicated, however, BG Donahue's directed leadership style was not well received by the SPD nor did he effectively adjust his style to the SPD.

8. The preponderance of evidence established that BG Donahue failed to foster a healthy CMD climate.

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OTHER MATTERS: An anonymous complaint, dated 4 June 2010, alleged that pending an investigation of BG Donahue, the complainant would withhold sending 18 written statements of inappropriate actions, Anti-deficiency Act violations, and project splitting to the General Accounting Office, DAIG, Members of Congress, and the media on 30 July 2010. There was no credible evidence obtained in the PI or investigation that revealed the source of the complaint, the content of the alleged 18 statements, or any specific impropriety related to BG Donahue.

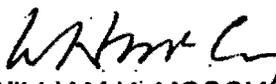
RECOMMENDATIONS:

1. This report be approved and the case closed.
2. Refer this report to the Office of The Judge Advocate General.
3. Refer Other Matters to the IG, USACE.

(b)(7)(C)

COL, IG
Investigator

CONCUR:


WILLIAM H. MCCOY
Major General, U.S. Army
Acting The Inspector General

Encls

(b)(7)(C)

Investigator

APPROVED:


PETER W. CHIARELLI
General, U.S. Army
Vice Chief of Staff

SAIG-IN (ROI 10-028)

ROI Abbreviations and Acronyms

The following abbreviations and/or acronyms appeared in this report:

AR	Army Regulation
BG	Brigadier General
CFR	Code of Federal Regulations
CG	Commanding General
CMD	Command
COL	Colonel
CSO	Center for Special Operations
DA	Department of the Army
DAIG	Department of the Army Inspector General Agency
E-mail	Electronic mail
ERC	Employee Relations Committee
GO	General Officer
HQ	Headquarters
IG	Inspector General
IO	Investigating Officer
LTG	Lieutenant General
MG	Major General
ROI	Report of Investigation
SES	Senior Executive Service
SOP	Standing Operating Procedures
SPD	San Francisco District
US	United States
USACE	United States Army Corps of Engineers
XO	Executive Officer

SAIG-IN (ROI 10-028)

ROI Personnel Listing

Altendorf, Christine, Dr., SES, Director of Programs, SPD

(b)(7)(C) Program Manager, (b)(7)(C) SPD

(b)(7)(C) COL (Ret), CDR, (b)(7)(C) SPD

Constantaras, Andrew, Mr., SES, Director Regional Business Directorate, SPD

(b)(7)(C) COL, Deputy CDR, SPD

Donahue, Scott, F., BG, CG, SPD

(b)(7)(C) LTC, CDR, (b)(7)(C) SPD

(b)(7)(C) (b)(7)(C) SPD

(b)(7)(C) LTC, (b)(7)(C) CDR, SPD

(b)(7)(C) (b)(7)(C) SPD

(b)(7)(C) (b)(7)(C) SPD

(b)(7)(C) COL, CDR, (b)(7)(C) SPD

(b)(7)(C) Program Manager, (b)(7)(C) SPD

(b)(7)(C) Program Manager, (b)(7)(C) SPD

(b)(7)(C) (b)(7)(C) SPD

Riley, Don, MG (Ret), former DCG, USACE

(b)(7)(C) (b)(7)(C) SPD

(b)(7)(C) (b)(7)(C) SPD

(b)(7)(C) (b)(7)(C) SPD

(b)(7)(C) (b)(7)(C) SPD

SAIG-IN (ROI 10-028)

Temple, Meredith, MG, DCG, USACE

Van Antwerp, Robert, Jr., LTG, CG, USACE

(b)(7)(C) (b)(7)(C), SPD

LIST OF EXHIBITS

EXHIBIT ITEM

A Directive and Legal Reviews

- A-1 Directive and Legal Reviews
- A-2 Witness Comments

B Documents

- B-1 Evidence Matrix
- B-2 Power Point Briefing: Servant Leadership, dated 12 August 2010
- B-3 DIG 10-00083, approved 24 September 2010

C Testimony

- | | | |
|------|---------------------|-----------|
| C-1 | COL (b)(7)(C) | FOIA: NO |
| C-2 | LTC (b)(7)(C) | FOIA: NO |
| C-3 | Ms. (b)(7)(C) | FOIA: NO |
| C-4 | Ms. (b)(7)(C) | FOIA: NO |
| C-5 | Ms. (b)(7)(C) | FOIA: YES |
| C-6 | Mr. (b)(7)(C) | FOIA: NO |
| C-7 | Ms. (b)(7)(C) | FOIA: NO |
| C-8 | Mr. (b)(7)(C) | FOIA: YES |
| C-9 | Mr. (b)(7)(C) | FOIA: NO |
| C-10 | Mr. (b)(7)(C) | FOIA: NO |
| C-11 | (b)(7)(C) | FOIA: YES |
| C-12 | COL (Ret) (b)(7)(C) | FOIA: YES |
| C-13 | COL (b)(7)(C) | FOIA: YES |
| C-14 | Mr. Constantaras | FOIA: NO |
| C-15 | Dr. Altendorf | FOIA: NO |
| C-16 | (b)(7)(C) | FOIA: YES |
| C-17 | LTC (b)(7)(C) | FOIA: NO |
| C-18 | (b)(7)(C) | FOIA: YES |
| C-19 | (b)(7)(C) | FOIA: YES |
| C-20 | MG (Ret) Riley | FOIA: NO |
| C-21 | MG Temple | FOIA: YES |
| C-22 | LTG Van Antwerp | FOIA: NO |
| C-23 | BG Donahue | FOIA: NO |

D Notifications

- D-1 LTG Van Antwerp
- D-2 BG Donahue



DEPARTMENT OF THE ARMY
OFFICE OF THE INSPECTOR GENERAL
1700 ARMY PENTAGON
WASHINGTON DC 20318-1700

APR 19 2013

US ARMY INSPECTOR GENERAL AGENCY
REPORT OF INVESTIGATION-REVIEW
(Case 10-028)

NAME/POSITION: Brigadier General (BG) Scott "Rock" F. Donahue, former Commanding General (CG), US Army Engineer Division, South Pacific (SPD), US Army Corps of Engineers (USACE), San Francisco, California

ALLEGATION AND FINDING: BG Donahue failed to foster a healthy command (CMD) climate remains substantiated.

BACKGROUND:

1. On 17 September 2012, BG Donahue requested the Vice Chief of Staff, Army (VCSA), direct a reinvestigation into the substantiated allegation in ROI 10-028 that BG Donahue failed to foster a healthy CMD climate. In a written request for reinvestigation, dated 12 October 2012, to Deputy The Inspector General, BG Donahue stated that a select group of senior civilians undermined him and that the Department of the Army Inspector General (DAIG) Agency's findings failed to critically weigh the information provided.

2. The initial investigation into the CMD climate of the SPD was as a result of an anonymous complaint DAIG received on 16 June 2010, through the CG, USACE. The complaint alleged BG Donahue verbally abused, intimidated, and humiliated his civilian staff and treated others unprofessionally. (b)(7)(C)

(b)(7)(C) A preliminary inquiry, DIG 10-00083, approved 24 September 2010, determined that the allegation that BG Donahue failed to treat subordinates with dignity and respect required further investigation. (b)(7)(C)

(b)(7)(C) On 24 September 2010, the VCSA directed DAIG to investigate.

3. On 15 February 2011, the VCSA approved ROI 10-028. On 8 April 2011, the Inspector General (IG), Department of Defense, concurred with the finding of ROI 10-028.

4. BG Donahue served as the CG, SPD, from 21 July 2009 to 7 January 2011. At the time he assumed command, he was the third commander in less than a year. He assumed CMD from Colonel (COL) (b)(7)(C) Retired (Ret), who served as Commander (CDR), SPD, from January 2009 to July 2009. Prior to taking CMD, COL (b)(7)(C) was the Deputy Commander, SPD, and returned to the deputy position

SAIG-IN (ROI 10-028, REVIEW)

under BG Donahue. COL (b)(7)(C) served a total of 2 years and 9 months in SPD from August 2007 to May 2010.

5. The SPD Headquarters (HQs) was comprised of 85 personnel. The majority were civilian employees.

6. At the direction of the CG, USACE, the IG, USACE, completed a CMD climate survey of the SPD HQs. The 24 March 2010 survey reflected 53 responses from 85 employees. Twenty pages of the survey included "Employee Comments" that consistently reflected a negative CMD climate and were used as evidence in ROI 10-028.

DOCUMENTS/TESTIMONY:

1. In a 12 October 2012 memorandum to The Inspector General, BG Donahue requested a reinvestigation into the substantiated allegation that he failed to foster a healthy CMD climate. The Inspector General directed that DAIG-Investigations Division treat BG Donahue's request for reinvestigation as a request for reconsideration in accordance with Army Regulation (AR) 20-1, Inspector General Activities and Procedures, dated 29 November 2010. AR 20-1, paragraph 3-12, states that subjects may request reconsideration of IG findings, opinions, judgments, or conclusions in order to alter that finding or conclusion.

2. BG Donahue's request for reinvestigation focused on two principal claims:

a. The first claim: A select group of senior civilians, at least two field grade officers in his HQ, and one subordinate commander undermined his authority by being openly disrespectful and encouraging resistance to his directives and efforts to raise the standards of performance.

b. The second claim: The synopsis of the DAIG findings were fundamentally unfair, misstated the evidence, were incomplete, and failed to critically weigh the information provided (lacked critical analysis and failed to consider bias).

3. On 15 January 2013, in a phone conversation, BG Donahue clarified that his subordinates who he believed undermined his authority were COL (b)(7)(C) Dr. Christine Altendorf, Senior Executive Service (SES), former Director of Programs, SPD; Mr. Andrew Constantaras, SES, former Director, Regional Business Directorate, SPD; and Lieutenant Colonel (LTC) (b)(7)(C) former Deputy CDR, SPD.

a. BG Donahue stated that he was placed in a difficult situation and expressed concerns to his leadership regarding COL (b)(7)(C) remaining in the CMD as his deputy. COL (b)(7)(C) was his former assignments officer and outranked him at one point. He

SAIG-IN (ROI 10-028, REVIEW)

believed it was unfair to him and to COL (b)(7)(C) to have her serve as his deputy when she previously served as the Commander, SPD.

b. BG Donahue stated that he was sent to SPD, USACE, to fix the organization. The SPD was the worst out of the nine divisions in USACE, and he knew that the changes he needed to implement were to plans that COL (b)(7)(C) put in place. He kept his chain of CMD informed on what was going on in the CMD. When he first arrived, he was told by a member of his staff that the staff was out to "derail" him. He believed that COL (b)(7)(C) was attempting to countermand his authority. She would hold meetings with the staff after his meetings.

c. He believed that the DAIG investigation did not critically weigh all of the information and misrepresented the CMD climate survey. All organizations were required to have a CMD climate survey. He believed that the survey did not accurately reflect the overall climate of the organization. He extended the window of the survey to allow additional personnel to take the survey, but only a small portion of the CMD participated. He believed a large majority of the staff were satisfied with the CMD climate but did not participate in the survey. BG Donahue stated that the small portion of the CMD that participated in the survey had issues with him, his family, and his faith.

4. In an e-mail, dated 30 January 2013, and in a follow-on phone conversation, BG Donahue provided a briefing on his philosophy titled, "Servant Leadership," that captured his faith-based philosophy on Servant Leadership, the division's mission, and his "Faith, Family & the Force Life Philosophy on balancing priorities." He also included e-mails regarding his coordination for the CMD climate survey.

a. In a 25 January 2013 phone conversation, BG Donahue stated that as a result of the CMD climate survey, he implemented several programs to improve the climate of the organization. He immediately held a meeting and invited the staff to attend. He briefed the results of the survey and opened the meeting up to anyone who had any questions or concerns. He also implemented the first non-attribution feedback portal in which staff personnel could address any concerns they had anonymously. He invited members of the staff to his home for social functions. He also started formal farewell and award ceremonies.

b. BG Donahue indicated that as a result, the staff, including the civilian members, expressed their appreciation for taking time to acknowledge their hard work. He believed the majority of the staff truly appreciated the efforts that he and his wife put forward to build a healthy CMD climate.

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5. In the 12 October 2012 request for a reinvestigation, BG Donahue included statements from 14 current and former employees assigned to the SPD during his tenure. These witness statements were unsworn. (b)(7)(C) a civilian attorney, obtained the following statements on behalf of BG Donahue.

- a. (b)(7)(C) GS-14, (b)(7)(C)
- b. (b)(7)(C) (b)(7)(C) captain and Aide de Camp
- c. LTC (Ret) (b)(7)(C) (b)(7)(C) Commander, San Francisco Division (SFD)
- d. (b)(7)(C) GS-5, (b)(7)(C)
- e. (b)(7)(C) GS-14, (b)(7)(C)
(b)(7)(C)
- f. LTC (b)(7)(C) Deputy, SFD, USACE
- g. (b)(7)(C) GS-15 (b)(7)(C)
- h. LTC (b)(7)(C) Commander, SFD
- i. (b)(7)(C) GS-14, (b)(7)(C)
- j. (b)(7)(C) GS-15, (b)(7)(C)
- k. MAJ (b)(7)(C) (b)(7)(C)
- l. (b)(7)(C) GS-9, (b)(7)(C)
(b)(7)(C)
- m. (b)(7)(C) GS-13, (b)(7)(C)
- n. (b)(7)(C) GS-13, (b)(7)(C)
(b)(7)(C)

6. Of the 14 employees who provided BG Donahue statements, DAIG had previously interviewed 2, (b)(7)(C) and (b)(7)(C) during the initial investigation (ROI 10-028). DAIG interviewed (b)(7)(C) and (b)(7)(C) during this reconsideration review. (b)(7)(C) and (b)(7)(C) were also two of eight employees BG Donahue identified in the initial investigation (ROI 10-028) as potential witnesses who could provide an assessment of the CMD climate. DAIG interviewed five of the eight suggested

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witnesses during the initial investigation, but (b)(7)(C) and (b)(7)(C) were not interviewed at that time.

7. In an interview with DAIG for the reconsideration review, on 11 January 2013 and a recall interview on 17 January 2013, (b)(7)(C) testified:

a. The CMD climate under BG Donahue was the worst out of the six commanders he has worked for during his tenure as the (b)(7)(C) USACE. He did not believe that BG Donahue was a good fit for the organization. The best CMD climate was under BG Michael Wehr, the current Commander, SPD, and COL (b)(7)(C). The staff respected COL (b)(7)(C) and was excited when she was selected to be the first female Division Commander in the USACE. They were later disappointed to learn that her assignment was only temporary pending the arrival of BG Donahue. They already heard negative things about BG Donahue and began developing a negative assessment about him before he arrived.

b. (b)(7)(C) believed that the Army made "poor staffing decisions," which polarized the workforce. Instead of COL (b)(7)(C) leaving the organization when BG Donahue became the commander, she stayed to become BG Donahue's deputy. One of the first public statements BG Donahue made to the staff was that the SPD was the worst performing division in the Corps and that the staff and previous commanders were doing things incorrectly. The staff was angered by his statement and felt COL (b)(7)(C) was being disrespected, and their work under COL (b)(7)(C) was being criticized.

c. (b)(7)(C) testified that he believed the poor climate under BG Donahue was also attributed to directives BG Donahue gave that conflicted with established rules and policies that applied to civilians versus military. Most of the workforce was accustomed to the Commander hitting the ground running, but BG Donahue asked questions like "do civilians get Thanksgiving Day off?" He believed that BG Donahue was a "barrier to effective EEO." BG Donahue kept the civilians past their normal work hours, and when it was brought to his attention regarding civilians' time, he stated, "It's my time." When one civilian employee complained of sexual harassment to the Chief of Engineers, BG Donahue contacted the employee's senior rater (an SES) and directed the supervisor to tell the employee to never do that again. He stated that all issues must go through him and that he would decide the course of action. He stated that if the employee who complained did anything like that again, "she would be reprimanded." Once BG Donahue was informed that this guidance was contrary to EEO civil rights policy and that he could not try to intimidate someone making a sexual harassment allegation, he contacted (b)(7)(C) in an agitated state and indicated that (b)(7)(C) was undermining his authority.

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d. In another incident, when BG Donahue was told that he needed to have a series of counselings before he could permanently remove a civilian employee whom he wanted out of the organization, BG Donahue yelled at the staff and called them "enemies of the state." (b)(7)(C) further testified that he witnessed BG Donahue take a report and shake it at (b)(7)(C) GS-15, Division Counsel, and say at the top of his voice that, "this is the sort of junk that comes out of the Office of Counsel and that's why I can't trust my Office of Counsel." (b)(7)(C) testified that BG Donahue did not have an effective or appropriate business communication style at all. BG Donahue would raise his voice and literally shout at the staff and make them feel very small and demeaned.

e. (b)(7)(C) testified that BG Donahue did not initially accept feedback. BG Donahue wanted him to provide names of disloyal front office personnel so that he could validate opinions he already had. (b)(7)(C) testified that military and civilian employees came to him routinely to vent and to air their frustrations or to get clarification on their rights. Some employees came to him very upset and in tears. He believed that they were thinking about filing some type of action against BG Donahue. (b)(7)(C) indicated that people began to not trust their own judgment. (b)(7)(C) testified that these employees were professionals with outstanding performance records and years of experience, but did not feel they could trust their judgment because some of the guidance conflicted with policy or a process that they knew based on their years of experience. The SES personnel had their "flag" too and had "been around the block a time or two." When BG Donahue wanted something done that was contrary to the way the Corps would accomplish the task, the SESs would call their counterparts in DC to complain about BG Donahue and say "that this isn't the way that it's supposed to be." At some point, BG Donahue felt that people were ganging up on him. Employees started lining up with the SESs versus BG Donahue because they felt that they were getting more empathy from them.

f. (b)(7)(C) testified that he would work for BG Donahue again because BG Donahue "was learning" and his intentions were good. BG Donahue was not used to working with civilians, but he got better as time went on. BG Donahue felt the CMD climate survey comments were personal and directed towards his family and that was very hurtful to him. After the survey, BG Donahue attempted to change the way he conducted business, but by the end of his CMD, there were "so many bridges that were burned and so many hurt feelings," that it was too late.

8. In an interview with DAIG for the reconsideration review, (b)(7)(C) testified:

a. He first met BG Donahue in (b)(7)(C)
(b)(7)(C)
(b)(7)(C) He believed that the CMD climate under BG Donahue was the

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best he has ever seen in his (b)(7)(C) years in the military. He was not aware of any CMD climate issues. He heard about the CMD climate survey, but he was not aware of the results and did not recall anything negative as a result of the survey.

b. BG Donahue had a professional and personal leadership style. He did not discriminate and did not use bad language. BG Donahue would raise his voice, but he never heard him yell, point his finger, and/or make anyone cry. BG Donahue implemented a number of programs to improve the climate within the division. He believed that COL (b)(7)(C) and Dr. Altendorf countermanded BG Donahue. He heard that COL (b)(7)(C) would hold meetings after BG Donahue's meetings and that COL (b)(7)(C) and Dr. Altendorf would tell members of the staff not to follow BG Donahue's guidance. He was told that this occurred, but he never heard COL (b)(7)(C) or Dr. Altendorf make these comments firsthand. (b)(7)(C) personally worked 12, and sometimes 20-hour days, but he was not aware of any issues involving civilians working long hours. Sometimes projects ran over, but civilians were compensated with overtime or days off. He believed that people were overall happy with BG Donahue's leadership.

9. During the initial investigation Lieutenant General (LTG) Robert L. Van Antwerp (Ret), CG, USACE, was interviewed on 6 October 2010. LTG Van Antwerp (Ret) testified:

a. He ranked the SPD ninth of nine divisions at that point in time, which was still after BG Donahue's efforts to respond to the CMD climate. LTG Van Antwerp (Ret) attributed the poor ranking of the division to the leadership turbulence prior to BG Donahue's arrival, the problem with BG Donahue not having experience in USACE or civilian organizations, and the culture of the SPD. He received feedback from the SESs that BG Donahue was very hard on people. He also heard quite a bit of negativity from some of the district commanders regarding BG Donahue. BG Donahue had a lot of good ideas, but the manner and style in which he went about implementing his ideas were problematic.

b. As a result of the CMD climate survey, BG Donahue conducted a number of town halls, established an interactive website to get anonymous feedback, and held luncheons that helped. However, he did not know if BG Donahue could turn the command around if he stayed in command. Having him deploy in January 2011 gave the division a new start. He did not believe that he would have BG Donahue serve in another division CMD. He believed that a uniformed military organization would have been a better fit for BG Donahue. BG Donahue prided himself as being a good teacher, but he sometimes did not put a premium on listening. He believed that BG Donahue learned that in an organization like SPD, a lot of what a commander had to do at the beginning was listen, assess, collaboratively talk about the way ahead, and then get people to buy-in to him on what was in the best interest of the organization.

10. A review of the remaining 12 statements of the 14 witnesses BG Donahue's legal counsel provided indicated that 7 were senior subordinates in the grade of LTC, GS-14, or GS-15. Nine of the twelve (b)(7)(C) LTC (b)(7)(C) (b)(7)(C) LTC (b)(7)(C) (b)(7)(C) MAJ (b)(7)(C) (b)(7)(C) and (b)(7)(C) were outside of BG Donahue's direct supervision and or rating chain, and seven of the ten (b)(7)(C) (b)(7)(C) LTC (b)(7)(C) (b)(7)(C) MAJ (b)(7)(C) (b)(7)(C) and (b)(7)(C) had indicated that they only saw him once or twice a week or in passing.

a. In the statements BG Donahue provided, all individuals made positive comments about his leadership style, the CMD climate, and his impact on the SPD. Ten of the twelve witnesses (b)(7)(C) COL (b)(7)(C) (b)(7)(C) LTC (b)(7)(C) (b)(7)(C) LTC (b)(7)(C) (b)(7)(C) (b)(7)(C) MAJ (b)(7)(C) and (b)(7)(C) had a favorable opinion of BG Donahue's demeanor and all believed that he was accessible. However, (b)(7)(C) heard BG Donahue yelling and speaking harshly to employees, (b)(7)(C) heard rumors of BG Donahue's yelling and speaking harshly to the staff, and LTC (b)(7)(C) heard rumors that BG Donahue was too demanding and very rank conscious.

b. Three witnesses (COL (b)(7)(C) (b)(7)(C) and LTC (b)(7)(C) believed BG Donahue's orders were countermanded; however, seven witnesses (b)(7)(C) (b)(7)(C) (b)(7)(C) LTC (b)(7)(C) (b)(7)(C) and (b)(7)(C) indicated that they had no knowledge of this occurring.

(1) COL (b)(7)(C) stated that he heard COL (b)(7)(C) and Dr. Altendorf say to the staff that they were glad BG Donahue was traveling so they would not have to listen to his nonsense. (b)(7)(C) stated that on one occasion individuals did not follow his briefing slide format. LTC (b)(7)(C) stated that he believed that two SESs countermanded BG Donahue, but he could not recall any examples. Although these individuals believed BG Donahue's orders were countermanded, none of them provided any examples of orders that were not followed.

(2) Conversely, (b)(7)(C) stated that two SESs disagreed with BG Donahue, but the SESs were respectful. (b)(7)(C) stated that BG Donahue's orders were never directly countermanded, but he was "slow rolled" in that the senior staff just waited until he left the organization. MAJ (b)(7)(C) also believed that BG Donahue was "slow rolled." (b)(7)(C) and LTC (b)(7)(C) indicated they had no knowledge of BG Donahue's orders being countermanded formally, but indicated that the senior staff was either contemptuous of him or did not support his orders and methods.

c. Six of the twelve witnesses (b)(7)(C) (b)(7)(C) LTC (b)(7)(C) (b)(7)(C) LTC (b)(7)(C) and (b)(7)(C) thought that BG Donahue was a good fit for the organization. However, (b)(7)(C) indicated that BG Donahue was not suited for the SPD and that the organization was not meant to be led by "combat type of Soldier,

outwardly focused on his career." (b)(7)(C) indicated that BG Donahue did not have "previous civil works experience," which precipitated a culture clash. (b)(7)(C) felt it was a "failure on those who made the assignment." (b)(7)(C) indicated that the "spit/polish Army style" clashed with the "free-spirited, give-me-your-intent-and-I-will-figure-it-out style."

d. Four of the twelve witnesses (b)(7)(C), (b)(7)(C), (b)(7)(C) and (b)(7)(C) indicated BG Donahue's demeanor changed after the CMD climate survey. (b)(7)(C) stated that BG Donahue made an honest effort to visit staff and to make a personal connection with everyone. (b)(7)(C) stated that he noticed "the softening of the rigor" after the CMD climate survey. However, (b)(7)(C) stated that BG Donahue was hurt by the results of the CMD climate survey and became more reserved and guarded. (b)(7)(C) believed that BG Donahue became insecure and worried about his image after the CMD climate survey. (b)(7)(C) stated that BG Donahue even asked (b)(7)(C) if (b)(7)(C) knew who made an official complaint against him.

e. Eight of the twelve witnesses (b)(7)(C) COL (b)(7)(C) LTC (b)(7)(C) (b)(7)(C) LTC (b)(7)(C) LTC (b)(7)(C) (b)(7)(C) and MAJ (b)(7)(C) indicated that they had a favorable assessment of the CMD climate under BG Donahue. Several staff members believed that the senior civilians contributed to the poor climate. (b)(7)(C) felt the climate was poor because it was a challenge to control civilians who wanted the status quo. LTC (b)(7)(C) and LTC (b)(7)(C) indicated that the CMD climate improved after the two SESs left the organization. Conversely, (b)(7)(C) MAJ (b)(7)(C), (b)(7)(C) and (b)(7)(C) indicated that the organization was more relaxed after BG Donahue left. (b)(7)(C) indicated that climate was relaxed before BG Donahue arrived and after he left. She stated that "people have calmed down." MAJ (b)(7)(C) indicated that senior staff were relieved after he left. (b)(7)(C) and (b)(7)(C) indicated that BG Wehr's personality or approach was better aligned with the office and everyone liked him.

f. All of the witnesses except LTC (b)(7)(C) indicated that they would work for BG Donahue again. However, (b)(7)(C) felt BG Donahue lost sight of his staff, what they were thinking, and how they perceived he treated them. LTC (b)(7)(C) stated he would not work for BG Donahue again because he "increased the stress levels of troubled organizations."

ANALYSIS/DISCUSSION:

1. Although BG Donahue believed that a select group of senior civilians and members of his staff countermanded his authority, no one provided any example of an order BG Donahue gave that was not followed. Witness testimony indicated that they heard rumors, but no one had firsthand knowledge of any order that was not followed.

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BG Donahue and (b)(7)(C) indicated that COL (b)(7)(C) had meetings with the staff after his meetings, but neither had firsthand knowledge of what occurred in the meetings.

2. Several factors contributed to the climate of the organization. The previous peer-subordinate relationship between BG Donahue and COL (b)(7)(C) the poor standing of the SPD compared to other divisions in USACE, and the experience and popularity of COL (b)(7)(C) all played a part of the dynamics affecting the climate of the organization. Although BG Donahue was in CMD, the staff's loyalty and respect remained with COL (b)(7)(C). To transform the organization, BG Donahue needed to change the way the organization operated, which included changing programs that COL (b)(7)(C) implemented or played a role in implementing. LTG Van Antwerp (Ret) indicated that BG Donahue's intentions were good, but the way he went about implementing his changes was problematic.

a. The SPD was a military organization predominantly staffed by civilian employees. The civilian members of the SPD were unaccustomed to what some witnesses described as a "military" style. Specifically, these experienced civilians were normally not accustomed to senior leaders yelling or raising their voice to express their discontent, invading their personal space, keeping them hours past their normal scheduled work hours, and/or demeaning them in front of their peers. Witness testimony, including 3 of the 14 statements BG Donahue provided, also confirmed that he yelled or spoke harshly to the staff. Several witnesses, including (b)(7)(C) and (b)(7)(C) testified the way BG Donahue spoke to the employees would make the staff feel small and demeaned. (b)(7)(C) stated that some of the staff would have to recover from "an emotional hit" after some of BG Donahue's meetings. He indicated that people would be upset and would want to take a day off, go home early, or come in to his office to talk or get clarification on their rights. He further testified that some were in tears.

b. Witness testimony indicated BG Donahue lacked a full understanding of USACE policies and procedures. In one of the statements BG Donahue provided, LTC (b)(7)(C) indicated that BG Donahue lacked civil works experience, which precipitated a culture clash. (b)(7)(C) testimony indicated that BG Donahue lacked a full understanding of civilian personnel policies and that his guidance often clashed with standard operating procedures and processes. (b)(7)(C) further testified that the SESs were also senior leaders and felt that the guidance they were given also conflicted with established policies and procedures. (b)(7)(C) indicated that the staff began to line up with the SESs for empathy. According to (b)(7)(C) it became an atmosphere of "us versus them." All of these factors further contributed to the CMD climate.

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c. The evidence indicated that BG Donahue was unaware of the extent that some members of the staff were discontented with his leadership until he received the results of the CMD climate survey. The survey included 20 pages, many of which contained negative comments. Some of these comments were personal against him, his family, and his faith. The evidence established that as a result of the survey, BG Donahue implemented several programs and procedures that greatly helped to improve the overall CMD climate of the organization. However, (b)(7)(C) testified that by the time these programs took effect, there were "so many bridges burned and so many hurt feelings" that it was too late. As noted before, LTG Van Antwerp (Ret) in the original ROI testified he did not know if BG Donahue would have been able to turn it around if he had stayed longer in command.

3. Although, BG Donahue stated that the DAIG findings failed to critically weigh the information provided, the additional evidence BG Donahue provided did not effectively refute the evidence presented in the original investigation nor did it refute the conclusion of the original investigation. A review of the evidence indicated the assessment of the CMD climate was accurate based on a preponderance of evidence.

a. BG Donahue's background discussion in his 12 October 2012 memorandum indicated the SPD was dysfunctional prior to his arrival and prone to significant leadership turnover. He detailed the steps he took in preparation for assuming CMD, the challenges the CMD had with its poor ranking among the other divisions, the high turnover of senior leaders, and the programs he implemented to improve the command and the CMD climate. However, none of those matters changed the fact that while in CMD, BG Donahue failed to foster a healthy CMD climate.

(1) BG Donahue claimed that the Investigation Officer's (IO's) conclusion was "blatantly incorrect" in stating that 18 witnesses felt the CMD climate was negative. That statement from the original ROI referred to the 18 witnesses who either commented on or observed negative treatment by BG Donahue. After reviewing the 25 witness testimonies in the ROI, the 14 statements BG Donahue's legal counsel submitted, and the 2 additional witness interviews conducted in the reconsideration review (a total of 41 interviews and 39 witnesses), the evidence indicated that 9 of 39 witnesses made definitive statements that the CMD climate was good. However, other witnesses, including three BG Donahue provided indicated that BG Donahue yelled at employees and did not believe he was a good fit for the organization.

(2) Although BG Donahue believed the CMD climate survey was flawed in that only disgruntled employees participated, he indicated in the 12 October 2012 memorandum that the results generally tracked with the USACE average on 32 areas, were below average in 7 areas, and were above average in 1 area. The areas below average reflected that approximately only 30 percent of the employees agreed that positive workplace changes occurred in the last year, that morale was good, that the

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workload was distributed evenly, that the CDR had an open door policy and unobstructed access to him, and that the CDR had an effective system to receive feedback from employees. Conversely, BG Donahue did not mention that the CMD climate survey also contained 20 pages of "Employee Comments," 17 of which contained negative comments about the CMD climate under BG Donahue, his leadership, and his treatment of subordinates.

(3) The CMD climate survey was completed in March 2010, eight months into BG Donahue's CMD. Although BG Donahue testified to taking immediate action to resolve the issues, DAIG received complaints about BG Donahue's climate, leadership, and treatment of subordinates in June and July 2010 respectively, over a year after BG Donahue assumed CMD. Additionally, the majority of witness interviews in ROI 10-028 were completed between July and December 2010, well into BG Donahue's second year in CMD. BG Donahue's analysis of the CMD climate survey did not undermine the ROI's conclusion that BG Donahue failed to foster a healthy CMD climate, and in fact supported some of the evidence that led to the conclusion.

b. BG Donahue's claim that the IO's conclusions relied on witnesses who were biased is not supported by the evidence obtained in the ROI, the 14 additional statements provided by BG Donahue, and the two additional witness interviews. This group of 39 represents a wide spectrum of witnesses in BG Donahue's inner circle and from those outside.

c. BG Donahue claimed that the IO's conclusions were based on secondhand reports or opinions from the three or four witnesses who were biased towards him. BG Donahue also asserted that there was not a single substantiated incident cited in the report as a firsthand account. The incidents of alleged mistreatment of subordinates referenced by BG Donahue in the original ROI were not the principal basis for the IO's findings. Those incidents were used as examples related to dignity and respect and were part of the basis for the IO's findings on CMD climate. Other evidence, including testimony from LTG Van Antwerp (Ret) and (b)(7) of the four district CDRs, helped to corroborate the IO's analysis of an unhealthy CMD climate. LTG Antwerp (Ret) testified that he received feedback from the SESs that BG Donahue was very hard on people. He also heard quite a bit of negativity from some of the district commanders regarding BG Donahue. All four of the district commanders were interviewed during the original investigation. (b)(7) of the four district CDRs made negative comments about BG Donahue's CMD climate, leadership, or treatment of subordinates. (b)(7)(C) further stated they would not work for BG Donahue again.

(1) The ROI reflected what evidence could be verified regarding some of the reported incidents such as BG Donahue making subordinates cry. (b)(7)(C)

(b)(7)(C) (b)(7)(C) (b)(7)(C) SPD, testified that she saw (b)(7)(C)

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(b)(7)(C) GS-13 (b)(7)(C) crying after a 90-minute meeting with BG Donahue. (b)(7)(C) testified that BG Donahue was incredibly intimidating and demoralizing to the staff. She cried on multiple occasions for the first time in her career. (b)(7)(C) GS-14, (b)(7)(C) testified that BG Donahue berated employees by getting into their personal space and screaming. He witnessed employees crying. (b)(7)(C) also confirmed that after meetings with BG Donahue, members of the staff came to his office in tears.

(2) (b)(7)(C) also confirmed the testimony of COL (b)(7)(C) District Commander, who testified that BG Donahue held long meetings. These meetings were described by other witnesses who testified that BG Donahue was abusive of their time. (b)(7)(C) testified when informed about civilians and their time, BG Donahue stated, "It's my time."

d. In the original DAIG investigation, BG Donahue claimed the IO did not ask him to provide names of other witnesses who could corroborate his version of events. However, at the end of BG Donahue's interview on 2 October 2010, BG Donahue provided DAIG with eight names of suggested witnesses. Of those eight, the IO interviewed five. After a total of 26 witness interviews, the IO concluded the investigation on BG Donahue. However, (b)(7)(C) and (b)(7)(C) were also among the eight names that BG Donahue provided. They were not interviewed during the initial investigation, but were interviewed as a part of the reconsideration review. (b)(7)(C) (b)(7)(C) (b)(7)(C) and (b)(7)(C) were witnesses BG Donahue provided. Their testimonies clarified the CMD climate of the organization and further corroborated the substantiated allegation against him.

CONCLUSION: BG Donahue assumed command of the SPD at a time in which the former CG, USACE, described the division as ninth of nine divisions in USACE. The poor standing of the division was attributed to the leadership turbulence prior to BG Donahue's arrival, the problem with BG Donahue not having experience in USACE or civilian organizations, and the culture of the SPD. BG Donahue attempted to take corrective action to improve the division's overall standing; however, he was unaware of the extent that some members of his staff were discontented with his leadership until he received the results of a CMD climate survey. BG Donahue took action in an attempt to improve the climate of the organization. He implemented several policies and programs that enhanced the overall CMD climate, but witness testimony indicated that his attempts were too late.

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RECOMMENDATIONS:

1. That the substantiation of allegation that BG Donahue failed to foster a healthy CMD climate remain unchanged.
2. The allegation against BG Donahue in the DAIG database remain substantiated.
3. File this report with ROI 10-028.

(b)(7)(C)

Investigator

APPROVED:



PETER M. VANGJEL
Lieutenant General, USA
The Inspector General

COORDINATION:

IN Legal
Chief PI
IG Legal
Chief IN Div

Initials:
Initials:
Initials:
Initials:

(b)(7)(C)

Date: 20130213
Date: 20130326
Date: 18 APR 2013
Date: 18 APR 13

Encls

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AS AUTHORIZED BY AR 20-1.

LIST OF EXHIBITS

EXHIBIT ITEM

A Authority/Complaint

- A-1: Complaint, BG Donahue's rebuttal to The Inspector General, DAIG, dated 13 May 2010
- A-2: Legal Reviews

B Standard: AR 20-1, paragraph 3-12

C Documents

- C-1: 14 Statements in support of BG Donahue's rebuttal request
- C-2: E-mail, dated 30 Jan 13, subject: Official Matters, from BG Donahue
- C-3: Briefing, subject: Servant Leadership, dated 12 Aug 10
- C-4: E-mails, dated 1 Mar 10, subject: SPD CMD Climate Survey, from BG Donahue
- C-5: E-mail, dated 12 Mar 10, subject: CMD Climate Survey - Deadline extended, from COL (b)(7)(C)
- C-6: E-mail, dated 31 Mar 10, subject: CMD Climate Survey, from BG Donahue
- C-7: E-mail, dated 24 Sep 10, subject: Commander's Suggestion Box - Friday, September 24, 2010 3:14 PM (no Action), from LTC (b)(7)(C) Deputy Commander, South Pacific Division
- C-8: E-mail, dated 8 Jan 11, subject: FINAL ROCK SENDS - Farewell Message, from BG Donahue
- C-9: Line and block chart of 39 witnesses interviewed by DAIG and BG Donahue's legal representative
- C-10: ROI 10-028 Statement Highlights
- C-11: CMD Climate Survey, dated 24 March 2010
- C-12: MFR, Testimony, LTC (b)(7)(C) dated 3 December
- C-13: Complaints, dated in June, July, 2010
- C-14: DAIG Evidence Matrix, Summary of the 14 Statements Provided on Behalf of BG Donahue, and DAIG Evidence Matrix, expanded 4 December 2012
- C-15: SPD 2010 Organizational Chart
- C-16: Freedom of Information Act Records Release Documents, dated 10 Sep 12
- C-17: ROI 10-028 (base report only), approved 15 February
- C-18: IG, DOD Concurrence memorandum, dated April 8, 2011

D Testimony/Statement

- D-1: (b)(7)(C) FOIA: No
- D-2: FOIA: No
- D-3: FOIA: No

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D-4: LTG Van Antwerp (Ret)

D-5: (b)(7)(C)

D-6: (b)(7)(C)

D-7: (b)(7)(C)

D-8: BG Donahue

FOIA: No

FOIA: No

FOIA: No

FOIA: No

FOIA: N/A

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#3

BG Roberts

ROI 13-034 / DIG 13-00056



DEPARTMENT OF THE ARMY
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US ARMY INSPECTOR GENERAL AGENCY
REPORT OF INVESTIGATION
(Case 13-034)

SEP 16 2013

NAME / POSITION: Brigadier General (BG) Bryan T. Roberts, former Commanding General (CG), US Army Training Center (USATC) and Fort Jackson, Fort Jackson, SC

ALLEGATION / FINDING # 1: The allegation that BG Roberts engaged in two inappropriate relationships was substantiated.

ALLEGATION / FINDING # 2: The allegation that BG Roberts improperly used government resources was substantiated.

BACKGROUND:

1. On 13 February 2013, the US Army Criminal Investigation Command (CID), Quantico, VA, was notified of a complaint from the (b)(7)(C) Fort Jackson, SC. The (b)(7)(C) stated that he received a call and text messages from a female who alleged that she was assaulted by a "senior military officer" who worked on Fort Jackson. The female in question refused to fully identify herself and refused to disclose any information pertaining to the senior officer's identification. CID later identified the complainant as (b)(7)(C) a non-Department of Defense (DOD) affiliated female, and the "senior military officer" as BG Roberts.

2. In sworn statements to CID, (b)(7)(C) indicated that she met BG Roberts in May 2011 and entered into a consensual, sexual relationship with him two months later. The relationship continued until February 2013. On 13 February 2013, while at BG Roberts's quarters on Fort Jackson, (b)(7)(C) got into a fight with BG Roberts over her cellular phone when (b)(7)(C) inadvertently called BG Roberts's wife. The altercation turned physical when she slapped BG Roberts, and he bit her lip. When BG Roberts bit her, her lip bled and required her to seek medical attention. (b)(7)(C) also suffered an eye injury. (b)(7)(C) alleged that during the course of their relationship, she had three other physical altercations with BG Roberts. Three of the four incidents required her to seek medical attention.

3. During the course of the CID investigation, telephone records indicated that BG Roberts maintained frequent contact with (b)(7)(C) GS-12, (b)(7)(C) (b)(7)(C) and (b)(7)(C) GS-14, (b)(7)(C). In a CID interview, (b)(7)(C) admitted that she too had a consensual, sexual relationship with BG Roberts while he was serving as the Deputy CG (DCG), USAREC. In addition, (b)(7)(C) told investigators that BG Roberts said that while he was previously deployed to Iraq, his wife accused him of having an affair with his (b)(7)(C). The (b)(7)(C) in question was later identified as Lieutenant Colonel (LTC) (b)(7)(C) now serving as the (b)(7)(C) (b)(7)(C) LTC (b)(7)(C) was a major at the time and served as BG Roberts's (b)(7)(C) when he was a colonel.

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4. CID investigated the allegation that BG Roberts assaulted (b)(7)(C) On 12 April 2013, CID referred the allegations that BG Roberts engaged in inappropriate and/or sexual relationships, and improperly used government resources to the Department of the Army Inspector General (DAIG) Agency for appropriate action.
5. On 19 August 2013, The Inspector General directed a DAIG investigation pending final receipt of the CID investigation and the Article 15 proceedings.
6. DAIG notified BG Roberts on 21 August 2013, and LTC (b)(7)(C) on 15 May 2013, that they were subjects in a DAIG investigation. LTC (b)(7)(C) was notified that the investigation centered on an inappropriate relationship with a senior official. BG Roberts was notified that the investigation centered on the allegations that he engaged in inappropriate, sexual relationships and improperly used government resources.
 - a. Both BG Roberts and LTC (b)(7)(C) declined to testify.
 - b. The only evidence of a potentially inappropriate relationship between BG Roberts and LTC (b)(7)(C) came from (b)(7)(C) statement to CID. (b)(7)(C) stated that BG Roberts told her that his wife accused him of an inappropriate relationship with his (b) but BG Roberts denied the affair. As noted, both BG Roberts and LTC (b)(7)(C) refused to answer any questions. On 12 June 2013, DAIG contacted (b)(7)(C) BG Roberts's wife, and she also declined to testify. Due to the lack of any additional investigative leads, DAIG did not continue its investigation of this alleged inappropriate relationship.
7. On 2 August 2013, the CID Report of Investigation – Final/SSI-0039-2013-CID043-36745-5C2B determined BG Roberts assaulted (b)(7)(C) on three separate occasions. The Commander, US Army Training and Doctrine Command (TRADOC), imposed an Article 15 on BG Roberts for assault, adultery, and conduct unbecoming an officer. After being found guilty of all three offenses at the Article 15 proceeding, BG Roberts received a written reprimand and was ordered to forfeit \$2,500 pay per month for two months.
8. BG Roberts appealed the finding from the Article 15, but his appeal was denied.
9. This investigation will focus on the allegations that BG Roberts engaged in inappropriate and/or sexual relationships, and improperly used government resources. It will not focus on any of the offenses that were the subject of the Article 15 proceedings.

ALLEGATION # 1: The allegation that BG Roberts engaged in two inappropriate relationships was substantiated. Evidence contained in a CID Report of Investigation indicated that BG Roberts engaged in inappropriate, sexual relationship with (b)(7)(C) Phone records further indicated that BG Roberts engaged in an inappropriate relationship with (b)(7)(C) (b)(7)(C) were subordinate civilian employees.

[Investigating Officer (IO) Note: These inappropriate relationships were not addressed in the Article 15 proceedings.]

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STANDARDS:

1. Section §3583 of title 10, United States Code (USC), states all commanding officers and others in authority in the Army are required to show in themselves a good example of virtue and honor and are guard against and suppress all dissolute practices and to correct, according to the laws and regulations of the Army, all persons who are guilty of them; to take all necessary and proper measures, under the laws, regulations, and customs of the Army; and to promote and safeguard the morale, the physical well-being, and the general welfare of the officers and enlisted persons under their command or charge.
2. Army Regulation (AR) 600-100 (Army Leadership), 8 March 2007, states, in paragraph 2-1, that all leaders are responsible for setting and exemplifying the highest ethical and professional standards as embodied in the Army Values.

DOCUMENTS / TESTIMONY:

1. On 19 March 2013, CID obtained BG Roberts's government cellular records to determine the frequency of his communications with (b)(7)(C). Those records not only reflected calls between BG Roberts and (b)(7)(C) but they also reflected that BG Roberts had 241 calls between him and (b)(7)(C) over a four month period, and 936 calls between him and (b)(7)(C) over a six-month period. These calls included calls made in the late evening, in the early morning, on weekends, and on holidays.

2. With respect to (b)(7)(C) the CID Agent's Investigation Report, dated 11 April 2013, reflects that (b)(7)(C) stated that she and BG Roberts engaged in a consensual, sexual relationship that began in December 2010 and lasted approximately six months. At the time, BG Roberts was assigned as the DCG, USAREC, and (b)(7)(C) was a (b)(7)(C) civilian employee. (b)(7)(C) explained that she and BG Roberts maintained regular contact with each other during his deployment in Iraq (from September to December 2011).

a. (b)(7)(C) stated that during the course of their relationship (December 2010 to June 2011), while BG Roberts was assigned to Fort Knox, she stayed at BG Roberts's quarters on Fort Knox, KY. After BG Roberts moved to Fort Jackson, SC, in March 2012, (b)(7)(C) travelled to Fort Jackson to visit him. On two different occasions, BG Roberts stayed with her in guest housing on Fort Jackson.

b. When BG Roberts travelled to Norfolk, VA, in a temporary duty (TDY) status, (b)(7)(C) stayed with him for two to four days. A review of BG Roberts's TDY vouchers indicated that BG Roberts was TDY in Hampton, VA, from 21 to 26 July 2012. Hampton was approximately 16 miles from Norfolk, VA.

c. (b)(7)(C) stated BG Roberts was never physically abusive towards her. She ended the relationship because it was "not going anywhere." The last time she saw BG Roberts was in December 2012.

3. With respect to (b)(7)(C) during a DAIG interview, (b)(7)(C) testified that she met BG Roberts when he became the CG, USATC, on or about March 2012. She visited BG Roberts's quarters approximately 40 to 50 times, but less than 5 times while he was there.

The visits were to resolve maintenance issues with his quarters. She did not recall conducting business alone with BG Roberts. She never met Mrs. Roberts and had no knowledge of BG Roberts being a violent person. She was unaware of any inappropriate relationships that BG Roberts may have had with other women.

a. During the DAIG interview, (b)(7)(C) was informed that DAIG had phone records that reflected over 900 phone calls exchanged between her and BG Roberts. 50 percent of the calls were made in the late evening, early morning, weekends, and on holidays. The evidence indicated that on Saturday, 4 August 2012, two calls were made after 0200, and on Saturday, 26 August 2012, there were 11 phone calls made between (b)(7)(C) and BG Roberts throughout the day starting at 0830 and ending at 2325, one call lasting 91 minutes.

b. When (b)(7)(C) was asked the purpose of phone calls placed at 0200, 2300, and a total of three calls made on Christmas, (b)(7)(C) testified "I don't know." When asked the purpose of the calls made on the weekends, she initially testified that she did not know and later stated that it could be "to talk about motorcycles or work-related issues."

c. (b)(7)(C) testified that she was BG Roberts's "sounding board." She provided an "opportunity for him to 'vent' . . . and to 'discuss changes at Fort Jackson.'" She testified that she maintained a "cordial, relaxed friendship" with him. She did not know how she would describe her relationship with BG Roberts. She later testified that she thought of BG Roberts as a "boss and friend."

ANALYSIS / DISCUSSION:

1. With respect to (b)(7)(C) the evidence established that BG Roberts, a married senior official, engaged in an inappropriate, sexual relationship with (b)(7)(C) a civilian government employee, that began in December 2010 while BG Roberts was serving as the Deputy CG, USAREC.

a. (b)(7)(C) served in the (b)(7)(C) and was effectively under BG Roberts's chain of command. Based on (b)(7)(C) admissions of a sexual relationship with BG Roberts, the evidence established that BG Roberts, while married to someone else, wrongfully had sexual relations with (b)(7)(C) a subordinate employee. The sexual relationship between BG Roberts and (b)(7)(C) was improper.

b. BG Roberts continued a pattern of inappropriate behavior while serving as the CG, USATC. The evidence established that BG Roberts continued an on-and-off relationship with (b)(7)(C) while maintaining constant contact with (b)(7)(C) both while he was married to someone else.

2. With respect to (b)(7)(C) although she denied having an inappropriate and/or sexual relationship with BG Roberts, the evidence indicated that the time and frequency of the 936 phone calls between (b)(7)(C) and BG Roberts in a six-month period was consistent with an inappropriate relationship. (b)(7)(C) testimony was less than credible when she testified that she could "not recall" the specific purpose for the late evening, early morning, weekends, and holiday phone calls. (b)(7)(C) "cordial, relaxed friendship" with BG Roberts exceeded an acceptable senior/subordinate relationship with his constant interaction with her. As the CG,

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USATC, BG Roberts's constant contact with (b)(7)(C) raises significant questions regarding BG Roberts's judgment in establishing such a close personal relationship with a subordinate Fort Jackson civilian employee.

3. As a general officer, serving as the DCG, USAREC, and then the CG, USATC, Fort Jackson, BG Roberts was expected to demonstrate a good example of virtue and honor, and to exemplify the highest ethical and professional standards as embodied in the Army Values. BG Roberts failed in these expectations by having a sexual relationship with (b)(7)(C). BG Roberts further failed to demonstrate exemplary conduct when he entered into an inappropriate relationship that exceeded an acceptable senior/subordinate relationship with (b)(7)(C) (b)(7)(C) (b)(7)(C) were both subordinate civilian employees.

CONCLUSION: The preponderance of credible evidence established that BG Roberts failed to demonstrate a good example of virtue and honor, and failed to exemplify the highest ethical and professional standards as embodied in the Army Values. The allegation that BG Roberts engaged in two inappropriate relationships was substantiated.

ALLEGATION # 2: The allegation that BG Roberts improperly used government resources was substantiated. Cellular phone records and e-mail messages indicated that BG Roberts misused government resources to facilitate personal relationships with women other than his wife.

STANDARDS:

1. Section 2635.704 of title 5, Code of Federal Regulations, Use of Government Property, states an employee has a duty to protect and conserve government property and will not use such property, or allow its use, for other than authorized purposes.
2. DOD 5500.07-R (Joint Ethics Regulation (JER)), states in subsection 2-301, that Federal Government communication systems shall be for official use and authorized purposes only. Authorized purposes include brief communications made by DOD employees while they are traveling on Government business to notify family members of official transportation or schedule changes. They also include personal communications from the DOD employee's usual workplace that are most reasonably made while at the workplace. Authorized purposes may include personal communications from the employee's workplace only when they (1) do not adversely affect the performance of official duties, (2) are of reasonable duration and frequency and whenever possible made during personal time, (3) serve a legitimate public interest, and (4) do not put Federal communications systems to uses that would reflect adversely on DOD or the Army.

DOCUMENTS / TESTIMONY:

1. BG Roberts's government cellular records reflected there were 1,207 phone calls between him and (b)(7)(C) between 2 August 2012 and 1 February 2013.

[IO Note: CID requested phone and e-mail records dating back to June 2011, but August 2012 was the earliest date that the cellular phone records were available, and June 2012 was the

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earliest date that e-mail records were available. CID was unable to retrieve text messages for (b)(7)(C) [redacted]. The text messages involving (b)(7)(C) [redacted] were provided by (b)(7)(C) [redacted].

2. With respect to (b)(7)(C) [redacted], BG Roberts's government cellular phone records from 4 August 2012 through 17 December 2012 indicated that BG Roberts and (b)(7)(C) [redacted] exchanged 31 telephone calls. (b)(7)(C) [redacted] stated to CID that BG Roberts's government cellular phone number was the one number she used to contact BG Roberts. She saved BG Roberts's phone number in her phone as "BTRBG." On five different occasions, she changed her phone number to "protect his career." She stated that she and BG Roberts devised code words to say "I love you" in text messages because BG Roberts was worried about someone monitoring his phone. The phrase "Roger that!!!" meant "I love you," or the symbol "!!!" by itself meant that he loved her. They also used "ILY!!!" to say "I love you." (b)(7)(C) [redacted] also photographed an e-mail she received from BG Roberts's government e-mail account that stated, "I'm not trying to forget you." The date of the e-mail was unknown. BG Roberts's phone records indicated that 90 percent of the phone calls to (b)(7)(C) [redacted] occurred in late evening or early morning.

3. With respect to (b)(7)(C) [redacted], BG Roberts's cellular phone records from 2 August 2012 through 13 December 2012 indicated that BG Roberts and (b)(7)(C) [redacted] exchanged 241 telephone calls. The phone records indicated that 60 percent of the phone calls occurred in late evening, in early morning, during weekends, and on holidays. Some of the phone calls occurred as early as 0500 in the morning and as late as 2400 at night. (b)(7)(C) [redacted] indicated that her phone conversations with BG Roberts were personal in nature. At the time the calls occurred, BG Roberts was the CG, USATC, and he had no professional reason for his communication with (b)(7)(C) [redacted]. The e-mail evidence from 25 June to 25 December 2012 from his government e-mail account, indicated the correspondence between BG Roberts and (b)(7)(C) [redacted] was official in nature; however, several e-mails were personal. In a 19 October 2012 e-mail, BG Roberts refers to (b)(7)(C) [redacted] as (b)(7)(C) [redacted]. In a 22 October 2012 e-mail, BG Roberts states to (b)(7)(C) [redacted] "You make my heart smile." In a 25 December 2012 e-mail, BG Roberts states, "Merry Christmas to you also (b)(7)(C) [redacted]. . . I've missed you very much. Bryan."

4. With respect to (b)(7)(C) [redacted], BG Roberts's cellular phone records from 2 August 2012 to 1 February 2013 indicated that BG Roberts and (b)(7)(C) [redacted] exchanged 936 telephone calls, averaging more than five calls per day. The phone records indicated that approximately 50 percent of the phone calls occurred in late evening, in early morning, on weekends, and on holidays. Some of the phone calls occurred as early as 0200 in the morning and as late as 2300 at night. The records indicated that multiple calls were exchanged during the Thanksgiving, Christmas, and New Year holidays. (b)(7)(C) [redacted] testified that she could not recall the exact nature of those phone calls. CID obtained a total of three e-mails exchanged between BG Roberts and (b)(7)(C) [redacted] from 29 December 2012 to 5 April 2013. All e-mails were generic in nature.

ANALYSIS / DISCUSSION:

1. Over a seven-month period from August 2012 to February 2013, BG Roberts used his government cellular phone to make more than 1,207 calls to three women. The evidence

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established that BG Roberts used his government cellular phone to facilitate inappropriate and/or sexual relationships with women other than his wife.

2. The JER states that Federal Government communication systems shall be for "official use" and "authorized purposes" only. According to the JER, "authorized purposes" may include personal communications from the employee's workplace only when they (1) do not adversely affect the performance of official duties, (2) are of reasonable duration and frequency and whenever possible made during personal time, (3) serve a legitimate public interest, and (4) do not put Federal communications systems to uses that would reflect adversely on DOD or the Army.

3. E-mails and text messages from BG Roberts's government accounts were not for "official use" but were personal, and sometimes intimate in nature. The evidence indicated that BG Roberts attempted to conceal his unauthorized use of government resources by developing code words with (b)(7)(C) or had (b)(7)(C) change her phone number. The 31 calls to (b)(7)(C) the 241 calls to (b)(7)(C) and the 936 calls to (b)(7)(C) were not a reasonable use of government communication systems. The evidence established that the calls did not serve a legitimate public interest and reflected adversely on DOD and the Army.

4. The JER further stipulates that authorized use of government communication systems includes personal communications from the DOD employee's usual workplace that are most reasonably made while at the workplace. The 1,207 government cellular calls exchanged between BG Roberts and (b)(7)(C) occurred at varying times throughout the day, evening, night, weekends, and holidays to facilitate sexual and/or inappropriate relationships. The evidence indicated that the phone calls exchanged were not for authorized purposes, excessive, and not a reasonable use of a government communication system.

5. BG Roberts had a duty as a senior official to protect and conserve government property. BG Roberts's use of government resources to further his relationships with women other than his wife was inappropriate.

CONCLUSION: The allegation that BG Roberts improperly used government resources was substantiated.

OTHER MATTER: AR 380-67 (Department of the Army Personnel Security Program),

7 October 1988, states, in paragraph 8-2, that any derogatory information of the nature specified in paragraph 2-24 of the same regulation, be referred, by the most expeditious means, to the commander or security officer of the individual. Paragraph 2-4p lists as one criteria "[f]ailing or refusing to answer or to authorize others to answer questions or provide information required by a congressional committee, court, or agency in the course of an official inquiry whenever such answers or information concern relevant and material matters pertinent to an evaluation of the individual's trustworthiness, reliability, and judgment." On 16 May 2013, (b)(7)(C) refused to answer questions in the aforementioned investigation. This refusal meets the criteria as established in AR 380-67.

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RECOMMENDATIONS:

1. This report be approved and the case closed.
2. Refer this report to the Office of The Judge Advocate General for appropriate action.

(b)(7)(C)

(b)(7)(C)

Investigator

(b)(7)(C)

Investigator



PETER M. VANGJEL
Lieutenant General, USA
The Inspector General

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LIST OF EXHIBITS

EXHIBIT

A Authority/Complaint

- A-1: Directive
- A-2: Complaint
- A-3: Legal Reviews

B Standards:

- B-1: Title 10 USC, Section 3583, Requirement of Exemplary Conduct
- B-2: AR 600-100, Army Leadership, dated 8 Mar 07
- B-3: Title 5 CFR, Section 2635.704, Use of Government Property

C Documents:

- C-1: Witness Information Chart
- C-2: Tricare-Health Care Coverage Letter-Marital Status Information
- C-3: CID Report of Investigation – 2nd Status/SSI-0039-2013-CID043-36745-5C2B, 13 Feb 13
- C-4: Agent's Investigation Report, 11 Apr 13
- C-5: Affidavit Supporting Request for Authorization to Search and Seize, 14 May 13
- C-6: Telephone Records of (b)(7)(C)
- C-7: Telephone Records of (b)(7)(C)
- C-8: Telephone Records of (b)(7)(C)
- C-9: CID e-mail requesting phone records
- C-10: BG Roberts's Travel Voucher to Hampton, VA
- C-11: CID Report of Investigation – Final/SSI-0039-2013-CID043-36745-5C2B, 2 Aug 13
- C-12: Report of Proceeding Under Article 15, 7 Aug 13
- C-13: LTC (b)(7)(C) Officer Record Brief and OERs for the period she served as the (b)(7)(C) for BG Roberts
- C-14: E-mail, 16 May 13, subject: Subject Notification, from LTC (b)(7)(C) declining to testify and FOIA Request
- C-15: E-mail, 21 Aug 13, subject: BG Roberts, from attorney representing BG Roberts declining to testify
- C-16: E-mail between BG Roberts and (b)(7)(C)
- C-17: E-mail between BG Roberts and (b)(7)(C)
- C-18: E-mail between BG Roberts and (b)(7)(C)
- C-19: AR 380-67, 7 Oct 88

D Testimony: (b)(7)(C)

FOIA: No

E Notifications:

- E-1: LTC (b)(7)(C)
- E-2: BG Roberts (subject)

BG MARTIN P. SCHWEITZER

ROI 13-024

**(Investigation Report for Preliminary
Analysis DIG 13-00081)**



DEPARTMENT OF THE ARMY
OFFICE OF THE INSPECTOR GENERAL
1700 ARMY PENTAGON
WASHINGTON DC 20310-1700

AUG 23 2013

US ARMY INSPECTOR GENERAL AGENCY
REPORT OF INVESTIGATION
(Case 13-024)

NAME / POSITION: Brigadier General (BG) Martin P. Schweitzer, Deputy Director for Regional Operations, J-3, The Joint Staff, Washington, D.C.

[Investigating Officer (IO) Note: BG Schweitzer was a Colonel (COL) and assigned as the Deputy Commanding General (Operations), 82nd Airborne (ABN) Division, Fort Bragg, North Carolina (NC), at the time of his alleged impropriety.]

ALLEGATION / FINDING # 1: The allegation that BG Schweitzer failed to demonstrate exemplary conduct was substantiated.

ALLEGATION / FINDING # 2: The allegation that BG Schweitzer used an Army communication system for an unauthorized purpose was substantiated.

BACKGROUND:

1. On 17 June 2013, the Department of the Army Inspector General Agency (DAIG) received notification from the Office of The Judge Advocate General (OTJAG) of potential impropriety by BG Schweitzer. OTJAG provided e-mails BG Schweitzer sent that may have been inappropriate and an improper use of his government e-mail.
2. On 8 July 2013, The Inspector General directed that DAIG investigate.

ALLEGATION #1: The allegation that BG Schweitzer failed to demonstrate exemplary conduct was substantiated. Two e-mails sent by BG Schweitzer from his government e-mail account appeared to have been improper.

STANDARD: Section 3583 of title 10, United States Code, Exemplary Conduct, states that all commanding officers and others in authority in the Army are required to show in themselves a good example of virtue, honor, patriotism, and subordination to guard against and suppress all dissolute and immoral practices.

DOCUMENTS / TESTIMONY:

1. Lieutenant Colonel (LTC) (b)(7)(C) Prosecutor, XVIII ABN Corps, Fort Bragg, NC, stated that his office obtained e-mails from the computers of BG Jeffrey A. Sinclair, former Deputy Commanding General (Support), 82nd ABN Division, Fort Bragg, NC, as part of an ongoing criminal investigation against BG Sinclair. During a review of these e-mails, his office identified certain e-mails that involved senior Army officials and contained potentially inappropriate content. The

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senior Army officials involved with these e-mails were Lieutenant General (LTG) James L. Huggins, former Commanding General, 82nd ABN Division, Fort Bragg, NC; BG Schweitzer; and BG Sinclair. LTC (b)(7)(C) office forwarded the questionable e-mails to the Staff Judge Advocate (SJA), XVIII ABN Corps, who then forwarded them to OTJAG.

[IO Note: LTG Huggins was a Major General and BG Sinclair was a COL at the time of the e-mails. Allegations against LTG Huggins and BG Sinclair of improper use of Army communications systems are addressed in Other Matters.]

2. A chain of e-mails (total of four), dated 22 March 2011, between LTG Huggins, BG Schweitzer, and BG Sinclair, subject: (b)(7)(C) (b)(7)(C)

[IO Note: BG Schweitzer incorrectly spelled (b)(7)(C) (b)(7)(C) name in the subject line of this e-mail.]

a. BG Schweitzer initiated the e-mail chain, writing to LTG Huggins and BG Sinclair. BG Schweitzer provided an update to LTG Huggins regarding his meeting with (b)(7)(C) (b)(7)(C) "Briefing went well . . . she was engaging . . . had done her homework. She wants us to know she stands with us and will work / push to get the Fort Bragg family (b)(7)(C) BG Schweitzer also included the comment, "She is smoking hot."

b. LTG Huggins responded to both BGs Schweitzer and Sinclair in an e-mail, "Damn, Jeff - Marty pulled a (b)(7)(C) on us."

[IO Note: (b)(7)(C) referred to Ms. (b)(7)(C) a model, news correspondent, and television host. Ms. (b)(7)(C) has participated in several United Service Organization tours in support of military personnel.]

c. BG Sinclair followed in an e-mail to both LTG Huggins and BG Schweitzer, "He sucks . . . still need to confirm hotness."

d. BG Schweitzer sent the final e-mail in the chain, "Sorry it took so long to get back (b)(7)(C)

e. BG Schweitzer sent the e-mails from his government e-mail account.

3. (b)(7)(C)
(b)(7)(C)

(b)(7)(C)

(b)(7)(C)

b. (b)(7)(C)

[IO Note: Other e-mails OTJAG provided did not reflect any impropriety by BG Schweitzer or LTG Huggins. These e-mails are included as Exhibits C-1 and C-4.]

4. BG Schweitzer testified:

a. Regarding the chain of e-mails, subject: (b)(7)(C) (b)(7)(C)

(1) He sent his initial e-mail to update LTG Huggins on his meeting with (b)(7)(C) (b)(7)(C). She had been a guest of the command. His update constituted the official purpose of this e-mail. He referred to (b)(7)(C) (b)(7)(C) as "smoking hot" in response to a radio or TV spot that he had recently seen where a commentator had made a flattering comment about her looks. He intended his "smoking hot" comment to be humorous. He realized it was an inappropriate comment.

(2) Unfortunately his comment about (b)(7)(C) (b)(7)(C) looks in his initial e-mail caused the three follow-on e-mails. LTG Huggins's response, "Marty pulled a (b)(7)(C) on us," referred to a private meeting that LTG Huggins had with Ms. (b)(7)(C) in Afghanistan several years prior. Ms. (b)(7)(C) had requested to meet with LTG Huggins privately to discuss Soldier morale issues. It was a running joke between LTG Huggins and BG Sinclair that LTG Huggins purposely arranged the private meeting with Ms. (b)(7)(C). LTG Huggins's e-mail response was "self-deprecating."

(3) His e-mail response (b)(7)(C) was "childish" and "truly stupid." He tried to be funny, but it was a "misguided attempt at humor." He could provide no other context. He regretted sending this e-mail immediately after he sent it. Further, soon after he sent it, LTG Huggins corrected him for it face to face. LTG Huggins told him it was not funny. He immediately "internalized" LTG Huggins's correction.

(4) This chain of e-mails was shared between a very limited audience, his boss and a peer. He attempted to be funny, but realized the inappropriateness of some of his comments. It was a "misguided attempt to get a laugh from two of my close working

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partners." He deeply regretted sending both e-mails, excluding his official update to LTG Huggins.

b. (b)(7)(C)

(b)(7)(C)

5. BG Schweitzer provided additional comments via e-mail to further address the allegation that he failed to demonstrate exemplary conduct:

a. "My comments were a terrible attempt at humor. I didn't mean them literally or figuratively, I simply meant them to try and be funny during a very tense period within the command to a limited audience. I know they were not appropriate. It was stupid."

b. "My comments were wrong. However, I am an honorable man; live by the Army values and try to do what is right. I am not perfect. This horrible attempt at a joke was simply that, a horrible attempt at a joke. It is not who I am nor is it a representation of my values. I believe I am a good example, and try to live by the right virtues. I am patriotic and do not engage in dissolute or immoral practices."

c. "This email was not good – but it is not reflective of my intent or what I was trying to do nor is it reflective of who I am and nor is it reflective of 99.999% of everything I have done in my career."

6. LTC (b)(7)(C) confirmed that he did not identify any other questionable or troubling e-mails involving BG Schweitzer and LTG Huggins other than those forwarded to the OTJAG.

ANALYSIS / DISCUSSION:

1. BG Schweitzer's "smoking hot" comment in the first e-mail was the catalyst from which ill-advised humor devolved into the vulgar and unacceptable comment that followed. Soon after referring to (b)(7)(C) (b)(7)(C) as "smoking hot," BG Schweitzer followed up with a comment about (b)(7)(C). Although BG Schweitzer was clearly joking, his comment about (b)(7)(C) following his reference to (b)(7)(C) (b)(7)(C) appearance was offensive and unprofessional.

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2. (b)(7)(C)
(b)(7)(C)

3. BG Schweitzer acknowledged the inappropriateness of his comments. He made the comments in an attempt to be humorous. His e-mails were shared among only two people, his boss and a peer. LTG Huggins verbally corrected BG Schweitzer for his sexually inappropriate comment. BG Schweitzer internalized the importance of being more mindful of the words he used in e-mails and has since been more careful in his correspondence. BG Schweitzer deeply regretted his "misguided" comments and never intended to offend anyone. There was no pattern or any indication that BG Schweitzer made any other inappropriate comments. This conduct was limited to those two comments he made in two e-mails from over two years ago.

4. BG Schweitzer's sexually explicit e-mail did not reflect favorably on him and did not, in this instance, show him as demonstrating respectful or professional behavior. BG Schweitzer's comments were shared with only two other individuals and had no adverse impact on his unit or any individual; however, they certainly were not exemplary.

CONCLUSION: The preponderance of credible evidence reflected that BG Schweitzer made inappropriate comments. His comments were not consistent with exemplary conduct.

ALLEGATION #2: The allegation that BG Schweitzer used an Army communication system for an unauthorized purpose. An e-mail BG Schweitzer sent from his government e-mail account appeared to have been an inappropriate use of government e-mail.

STANDARD: Army Regulation (AR) 25-1 (Army Knowledge Management and Information Technology), 4 December 2008, paragraph 6-1, states that Soldiers and Department of the Army Civilians may not use Army communications systems in a way that would adversely reflect on DoD or the Army. This includes uses involving sexually explicit e-mail or subversive and other uses that are incompatible with public service.

DOCUMENTS / TESTIMONY: BG Schweitzer testified that he signed a user agreement regarding the use of his government e-mail. He understood the prohibition against pornography. He may not have fully understood the "left and right" limits regarding sexual references in e-mails. He knew there was no expectation of privacy regarding his government e-mail. He typically received 600-700 e-mails per day while serving as the DCG. He attempted to respond to every e-mail.

ANALYSIS / DISCUSSION:

1. AR 25-1 states that Soldiers may not use Army communications systems that would adversely reflect on DoD or the Army. This includes uses involving sexually explicit e-mail.

2. (b)(7)(C)
(b)(7)(C)

3. BG Schweitzer's comments devolved from ill-advised humor into vulgar, sexually explicit comments about a (b)(7)(C). Soon after referring to (b)(7)(C) as "smoking hot," BG Schweitzer followed up with a comment about (b)(7)(C). While BG Schweitzer was clearly joking, his comment about (b)(7)(C) following his reference to (b)(7)(C) appearance clearly crossed the line with respect to the proper use of his government e-mail. It had no official purpose, it was sexually explicit, and it adversely reflected on DoD and the Army.

4. BG Schweitzer acknowledged the inappropriateness of his comments. He made the comments in an attempt to be humorous and never intended to offend anyone. There was no pattern or any indication that BG Schweitzer made any other inappropriate comments using his government e-mail; his improper use of his government e-mail appeared to be limited to his e-mail comments from over two years ago.

CONCLUSION: The preponderance of credible evidence reflected that BG Schweitzer used an Army communication system for an unauthorized purpose.

OTHER MATTERS:

1. Although LTG Huggins was included on some of the e-mails provided by the OTJAG, there was insufficient evidence to identify any impropriety by LTG Huggins. Further, LTG Huggins took action by correcting BG Schweitzer face to face for his inappropriate comments.

2. Although evidence indicated that BG Sinclair may have improperly used his government e-mail, DAIG did not investigate matters against BG Sinclair because he is currently pending court-martial proceedings.

SAIG-IN (ROI 13-024)

RECOMMENDATIONS:

1. This report be approved and the case closed.
2. Refer this report to the Office of The Judge Advocate General.
3. Take no action regarding the Other Matter Issues and record as dropped.

(b)(7)(C)

IG Investigator

(b)(7)(C)

IG Investigator

APPROVED:



PETER M. VANGJEL
Lieutenant General, USA
The Inspector General

Ends

LIST OF EXHIBITS

EXHIBIT ITEM

A Authority/Complaint

- A-1: Directive
- A-2: Legal Reviews

B Standard

- B-1: Title 10 United States Code, section 3583, Exemplary Conduct
- B-2: AR 25-1

C Documents

- C-1: Chain of E-mails, dated 14 March 2011, between BG Schweitzer, LTG Huggins, and BG Sinclair
- C-2: Chain of E-mails, dated 22 March 2011, between BG Schweitzer, LTG Huggins, and BG Sinclair
- C-3: (b)(7)(C)
- C-4: E-mail, dated 26 May 2013, sent by BG Sinclair to BG Schweitzer

D Testimony

- D-1: LTC (b)(7)(C) (MFR) FOIA: No
- D-2: BG Schweitzer FOIA: Yes

E Notifications

- E-1: LTG Scaparrotti
- E-2: Vice Admiral Kurt W. Tidd
- E-3: BG Schweitzer (subject)

#5

BG Mulholland

DIG 12-60009



DEPARTMENT OF THE ARMY
OFFICE OF THE INSPECTOR GENERAL
1700 ARMY PENTAGON
WASHINGTON DC 20310-1700

MAR 12 2012

US ARMY INSPECTOR GENERAL AGENCY
PRELIMINARY INQUIRY
(Case 12-60009)

SUBJECT: Alleged Impropriety by BG Sean P. Mulholland, J-3, US Special Operations Command, MacDill AFB, FL, and FORMER Deputy Commander, US Forces-Afghanistan (USFOR-A) (North), Afghanistan

(b)(7)(C)

(b)(7)(C) (EXHIBIT A)

2. Recommendations:

- a. Monitor DOD action in the matters.
- b. File this report as DIG 12-60009.

(b)(7)(C)

DAC, IG
Investigator

APPROVED:

PETER M. VANGJEL
Lieutenant General, USA
The Inspector General

COORDINATION:

IN, Legal	Initials
Chief, PI Br	Initials
Chief, IN DIV	Initials

(b)(7)(C)

Date: 20120105

Date: 6 Jan 2012

Date: 11 Jan 12

Encl

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DEPARTMENT OF THE ARMY
OFFICE OF THE INSPECTOR GENERAL
1700 ARMY PENTAGON
WASHINGTON DC 20310-1700

US ARMY INSPECTOR GENERAL AGENCY
PRELIMINARY INQUIRY
(Case 12-60009)
(UPDATE)

JAN 11 2013

NAME/POSITION: BG Sean P. Mulholland, J-3, US Special Operations Command, MacDill Air Force Base, FL and Former Deputy Commander, US Forces Afghanistan (USFOR-A) (North), Afghanistan

1. ALLEGATIONS/CONCLUSIONS:

a. The allegation that BG Mulholland improperly allowed contract workers to eat in a U.S. dining facility at no charge, in violation of DOD 7000.14-R, *DOD Financial Management Regulation, Volume 12, Special Accounts, Funds, and Programs, Chapter 19, Food Service Program*, dated May 2011 was substantiated.

(b)(7)(C)

2. BACKGROUND:

(b)(7)(C)

c. On 17 November 2011, the Commander, USFOR-A, expanded the scope of the AR 15-6 investigation, to include determining the facts and circumstances surrounding authorization of several contractors to eat at the Camp Marmal dining facility in Afghanistan at US expense.

c. The results of the AR 15-6 determined that BG Mulholland signed a memorandum for record, dated 6 June 2011, authorizing 15 Afghanistan Utilities Service workers to eat three meals a day at no charge to the U.S. dining facility on Camp Marmal from mid-June through late November 2011.

d. On 18 December 2012, DAIG received notification from Investigations of Senior Officials Directorate DOD IG that they had completed their oversight review

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SAIG-IN (DIG 12-60009) (UPDATE)

(DOD IG Case # 11-122049-493) of the USFOR-A investigation. The investigation determined that BG Mulholland violated DOD 7000.14-R, Volume 12, Chapter 19, when he allowed contract workers to eat in a US dining facility at no cost. As mitigation BG Mulholland believed he was acting within his authority when he allowed the workers to eat in a US dining facility because he had received a legal review opinion permitting him to do so. The other allegation was not substantiated (EXHIBIT C)

3. RECOMMENDATIONS:

a. Record the allegation that BG Mulholland improperly allowed contract workers to eat in a U.S. dining facility at no charge, in violation of DOD 7000.14-R, *DOD Financial Management Regulation, Volume 12, Special Accounts, Funds, and Programs, Chapter 19, Food Service Program*, dated May 2011, in the IN database as substantiated.

(b)(7)(C)

c. Inform OTJAG of the substantiated finding.

(b)(7)(C)

(b)(7)(C) Board Screen Action Team

APPROVED:



PETER M. VANGJEL
Lieutenant General, USA
The Inspector General

COORDINATION:

IN, Legal	Initials:	(b)(7)(C)
Chief, SLA	Initials:	
IG, Legal	Initials:	
Chief, IN DIV	Initials:	
DTIG	Initials:	

Date:	7 JAN 2013
Date:	JAN 2 2013
Date:	7 Jan 13
Date:	9 Jan 13
Date:	11 Jan 13

Encs

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#7

BG Britt

DIG 11-00101



DEPARTMENT OF THE ARMY
OFFICE OF THE INSPECTOR GENERAL
1700 ARMY PENTAGON
WASHINGTON DC 20310-1700

OCT 6 2012

US ARMY INSPECTOR GENERAL AGENCY
PRELIMINARY INQUIRY
(Case 11-00101)

NAME/POSITION: (b)(7)(C)

(b)(7)(C)

BG (Ret) Timothy B. Britt, former Chief of the

Joint Staff, Georgia National Guard (GANG); (b)(7)(C)

(b)(7)(C)

BACKGROUND: On 13 April 2011 through 28 September 2011, DAIG received six complaints on GANG personnel. Four of the six complaints with allegations against

(b)(7)(C)

were

addressed in DIG 11-00046. The remaining two complaints with allegations against

(b)(7)(C)

BG Tim Britt, (b)(7)(C)

are addressed in this

inquiry.

ALLEGATIONS AND CONCLUSIONS:

1. The allegation that BG Tim Britt and COL (b)(7)(C) engaged in an inappropriate relationship was substantiated. The preponderance of evidence indicated that BG Tim Britt and COL (b)(7)(C) engaged in a romantic relationship prior to BG Tim Britt's divorce in September 2010. A witness testified that she saw BG Tim Britt and COL (b)(7)(C) kiss in 2009. Testimony evidence indicated that the perception of an inappropriate relationship has existed since 2005. This perceived relationship resulted in BG Tim Britt's and COL (b)(7)(C) removal from the GANG. Given witness testimony of their intimate behavior and the duration of their perceived relationship, the allegation that BG Tim Britt and COL (b)(7)(C) engaged in an inappropriate relationship was substantiated.

(b)(7)(C)

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(b)(7)(C)

ALLEGATION 1: BG Tim Britt and COL (b)(7)(C) engaged in an inappropriate relationship. (Substantiated)

STANDARD: AR 600-100, states in paragraph 2-1(a), every leader would set and exemplify the highest ethical and professional standards as embodied in the Army values.

ANALYSIS/DISCUSSION:

1. The evidence indicated there was a strong perception in the GANG that BG Tim Britt and COL (b)(7)(C) had an inappropriate relationship that breached ethical and professional standards. The complainant, (b)(7)(C) (b)(7)(C), indicated that BG Tim Britt was accused of having an affair with a COL (b)(7)(C) that led to his divorce from MG Maria Britt. LTC (b)(7)(C) (b)(7)(C) GANG, testified that he first heard rumors of marital discord between the Britt's back in 2005. It was at that time that he also first heard rumors of a romantic relationship between BG Tim Britt and COL (b)(7)(C) COL (b)(7)(C) GANG, testified that in 2006 when he first arrived in the GANG, he was told of a romantic relationship between BG Tim Britt and COL (b)(7)(C) COL (b)(7)(C) GAARNG, also heard of the rumors and testified that four years ago, (b)(7)(C) told him that he witnessed BG Tim Britt and COL (b)(7)(C) at an Atlanta Braves baseball game and she had her legs over his and they were kissing.

[IO Note: (b)(7)(C) later testified that he did not witness BG Tim Britt and COL (b)(7)(C) kissing at a baseball game and would not have told anyone if he did.]

2. Rumors of the alleged relationship between BG Tim Britt and COL (b)(7)(C) began to reemerge after BG Tim Britt redeployed from Afghanistan in July 2009. (b)(7)(D) testified that he heard rumors of BG Tim Britt and COL (b)(7)(C) "making out" in the parking lot, going on motorcycle rides and showing up at parties together. COL (b)(7)(C)

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perception was that their relationship was open, but they never told him that they were involved. In COL (b)(7)(C) opinion, BG Tim Britt and MG Maria Britt got divorced because of BG Tim Britt's infidelity.

3. COL (b)(7)(C) GAARNG, testified that he did not have any firsthand knowledge about the relationship of BG Tim Britt and COL (b)(7)(C) however, he started to hear rumors of their relationship in the summer of 2009 and was told that it had gone on for years prior. There were a lot of rumors of different times they were seen together that added credibility to the notion of an inappropriate relationship. Their relationship was a big source of conversation throughout the organization and polarized many into one of two camps, the camp that supported BG Tim Britt and the one that supported MG Maria Britt.

4. Col (b)(7)(C) testified that MG Nesbitt contacted him early in 2010 and said he wanted COL (b)(7)(C) to come work for him (Col (b)(7)(C) in the (b)(7)(C) MG Nesbitt said he needed to get her out of the HQ because there were allegations concerning her involvement with BG Tim Britt. COL (b)(7)(C) told Col (b)(7)(C) that MG Nesbitt had recently counseled her, and she was frightened. COL (b)(7)(C) said that MG Nesbitt called her into his office and really got loud and in her face. He acted very threatening and finished the counseling by saying "he was not done punishing her and that her future was gone." Col (b)(7)(C) asked her why MG Nesbitt was so upset and she replied, "it's about Tim and I." Col (b)(7)(C) said she never admitted to an inappropriate relationship, but he knew that at that time BG Tim Britt and MG Maria Britt were still married.

5. MAJ (b)(7)(C) (b)(7)(C) to MG Maria Britt, testified:

a. (b)(7)(C) (b)(7)(C) and thought they (MAJ (b)(7)(C) and MG Maria Britt) had a good relationship. At that time MAJ (b)(7)(C) was a member of the Gate City Guard with BG Tim Britt and COL (b)(7)(C). She recalled attending a meeting in the spring of 2009 when they all attended. Prior to the meeting, MG Maria Britt contacted her by e-mail and asked if there was going to be a meeting that night and when. She was concerned that MG Maria Britt might show up and there could be a confrontation between MG Maria Britt, BG Tim Britt, and COL (b)(7)(C).

b. When the meeting was over, MAJ (b)(7)(C) saw BG Tim Britt and COL (b)(7)(C) leave. She followed them to see if MG Maria Britt would confront them in the parking lot. There was no sign of MG Maria Britt, although MAJ (b)(7)(C) suspected she might be watching. BG Tim Britt and COL (b)(7)(C) departed in separate vehicles, and she

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followed wondering if MG Maria Britt had seen them depart and would follow them as well. BG Tim Britt and COL (b)(7)(C) then pulled over at a nearby Starbucks. MAJ (b)(7)(C) stopped at the adjacent Fuddrucker's parking lot to observe. BG Tim Britt and COL (b)(7)(C) parked their vehicles, approached each other and kissed, then walked to the outside café area for a table. She did not think it was a particularly romantic kiss, but it was on the lips and like they had done it many times before.

c. MG Maria Britt e-mailed MAJ (b)(7)(C) again and asked if the meeting was over. MG Maria Britt then called MAJ (b)(7)(C) and MAJ (b)(7)(C) told her what she had just witnessed. At the time, MAJ (b)(7)(C) was not sure if MG Maria Britt had also followed them to Starbucks and observed her watching and was now testing her to see if she would tell the truth. She had worked for BG Tim Britt years ago, and she was not sure if MG Maria Britt would question her loyalty. MAJ (b)(7)(C) also knew that the Britt's were still married at that time.

d. This was not the first time MAJ (b)(7)(C) heard of a potential relationship between BG Tim Britt and COL (b)(7)(C). Well before the Starbucks incident, there were a few situations that she heard about from MG Maria Britt. The first was an observation made by MG Maria Britt's (b)(7)(C) that caused her mother to warn MG Maria Britt to keep an eye on COL (b)(7)(C) and BG Tim Britt. There was also a blackberry note from COL (b)(7)(C) to BG Tim Britt that MG Maria Britt noticed that stated, "I hope I was not too obvious." Later when BG Tim Britt was deployed to Afghanistan, MG Maria Britt noticed a bill for BG Tim Britt's government cell phone that listed a lot of personal calls between BG Tim Britt and COL (b)(7)(C). All this occurred before they were divorced.

e. MAJ (b)(7)(C) thought the Britt's relationship had a significant impact on the GAARNG HQ. Initially, when the Britt's relationship was good, you needed to be affiliated with one of them to get ahead. When their relationship started to sour, those affiliated with BG Tim Britt were out of favor because MG Maria Britt was the Commanding General of the GAARNG.

6. MG Nesbitt testified:

a. That he was aware of a strong perception in the GANG of an inappropriate relationship between BG Tim Britt and COL (b)(7)(C) prior to BG Tim Britt's divorce from MG Maria Britt (September 2010). When he first heard rumors of their relationship in 2009, he was told that it had been going on for at least two years. MAJ (b)(7)(C) reported that she saw them at a local Starbucks embracing and kissing. COL (b)(7)(C) (b)(7)(C) GANG, also reported that he saw BG Tim Britt's truck in COL (b)(7)(C) driveway overnight. MG Nesbitt did not have any firsthand observations himself, but

knew the relationship was real and obviously started some time ago because he heard they were planning to get married soon (June 2012).

b. When MG Nesbitt first learned of the rumors, he took action by counseling them and ordering them to cease any further contact. He spoke with MG Maria Britt and learned that she had also confronted them, but had no firsthand knowledge of improper actions. BG Tim Britt and COL (b)(7)(C) told him that their relationship was not romantic but merely a close friendship. He became convinced of an inappropriate relationship after the Starbucks incident and thought the rumors had a significant impact on the organization's morale. MG Nesbitt testified that he eventually forced BG Tim Britt to retire because he thought BG Tim Britt continued this relationship with COL (b)(7)(C) despite his direction to cease. COL (b)(7)(C) (then a LTC) was allowed to transfer to the Army Reserve (AR) with a verbal agreement that she would retire as a LTC with only 20 years service. He later attempted to stop her promotion to COL but was unsuccessful because she was outside the GANG at the time.

7. COL (b)(7)(C) GANG, testified from August 2008 until December 2010, he was the (b)(7)(C) (b)(7)(C) Near the end of 2010, he was approached by COL (b)(7)(C) (then a LTC) to request his assistance to have (b)(7)(C) LTG Harold B. Bromberg, promote her to COL. LTG Bromberg agreed, but on the day of the ceremony, LTC (b)(7)(C) approached COL (b)(7)(C) almost in tears to say that she had to call off the ceremony because her promotion orders had been revoked. COL (b)(7)(C) learned that the GANG had revoked her transfer orders to the AR and the AR then revoked her promotion orders. He looked deeper and heard that she allegedly had an affair with BG Tim Britt who at the time was still married to MG Maria Britt. Soon thereafter, LTC (b)(7)(C) contacted him to request assistance from (b)(7)(C) He asked her, "If I get (b)(7)(C) three-star involved, are we going to find a skeleton in the closet?" LTC (b)(7)(C) said no, but it appeared to him that she may have been lying. Later that day, she called him back and said that she did not need his assistance because NGB Officer Policy had determined that the GANG's revocation of her transfer orders was improper and she would be reinstated in the USAR and promoted to COL.

8. COL (b)(7)(C) testified:

a. He thought BG Tim Britt and COL (b)(7)(C) had an inappropriate relationship that was romantic while BG Tim Britt was still married to MG Maria Britt. He first became aware of this possibility when serving as the (b)(7)(C) (b)(7)(C) around Valentine's Day in 2008/2009. One of (b)(7)(C) technicians said they noticed an inappropriate e-mail between BG Tim Britt and COL (b)(7)(C) that had been caught in

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the DOIM's profanity filter. He did not see the e-mail for himself, but the awareness of such an e-mail started to raise his concerns about their relationship.

b. He was invited to go with BG Tim Britt and others to the Myrtle Beach Bike Week in 2007/2008. He was surprised to hear that COL (b)(7)(C) was also going to join them on her own motorcycle because he thought it was going to be a guy's only event. He noted that BG Tim Britt and COL (b)(7)(C) were often together during the trip, but he did not see them act romantically. Later, he accompanied that same group to a Daytona Beach motorcycle event. Through it all, he always got the sense that BG Tim Britt and COL (b)(7)(C) were a couple. He later attended a party thrown for BG Tim Britt prior to his 2009 deployment. He noted that BG Tim Britt and COL (b)(7)(C) were a few of the guests to spend the night, although he did not actually witness them sleeping together. (b)(7)(C) to COL (b)(7)(C) and thought at one point he saw BG Tim Britt's vehicle parked there.

c. He recalled more than one occasion when he confronted BG Tim Britt on the question of his relationship with COL (b)(7)(C). BG Tim Britt never denied their relationship, which seemed to COL (b)(7)(C) to confirm a romantic relationship. A close friend of BG Tim Britt's also confided in COL (b)(7)(C) that BG Tim Britt and COL (b)(7)(C) were in fact having a sexual relationship. COL (b)(7)(C) talked with MG Maria Britt who told him that BG Tim Britt admitted that he was in a relationship with COL (b)(7)(C). He also learned that COL (b)(7)(C) had come to MG Maria Britt and confessed that she loved BG Tim Britt and that she was sorry, but she could not change her feelings. It was shortly after that that MG Nesbitt directed/allowed COL (b)(7)(C) to be reassigned to FORSCOM.

d. BG Tim Britt and COL (b)(7)(C) relationship had an "absolute" impact on the command. The senior officers were very challenged to remain neutral when the Britts' marriage started to unravel. He personally felt very conflicted because (b)(7)(C) (b)(7)(C) It got to a point where junior members of the command could be heard in the hallways talking about the Britts and COL (b)(7)(C)

9. BG Tim Britt testified that shortly after his redeployment in July 2009, he and MG Maria Britt started to have serious discussions about a divorce. Their divorce was final in September 2010, and he retired from the military on 7 November 2010. He is currently in a relationship with COL (b)(7)(C) and they were planning to be married in June 2012.

10. COL (b)(7)(C) testified that she was divorced from her first husband in December 2006 and started dating BG Tim Britt in the November/December 2010 timeframe. She

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knew that MG Nesbitt was frustrated by her relationship with BG Tim Britt and thought MG Nesbitt forced BG Tim Britt to retire early because of BG Tim Britt's actions to end his marriage to MG Maria Britt. COL (b)(7)(C) was not sure of the date that BG Tim Britt and MG Maria Britt were finally divorced although she knew that they lived separately for quite awhile.

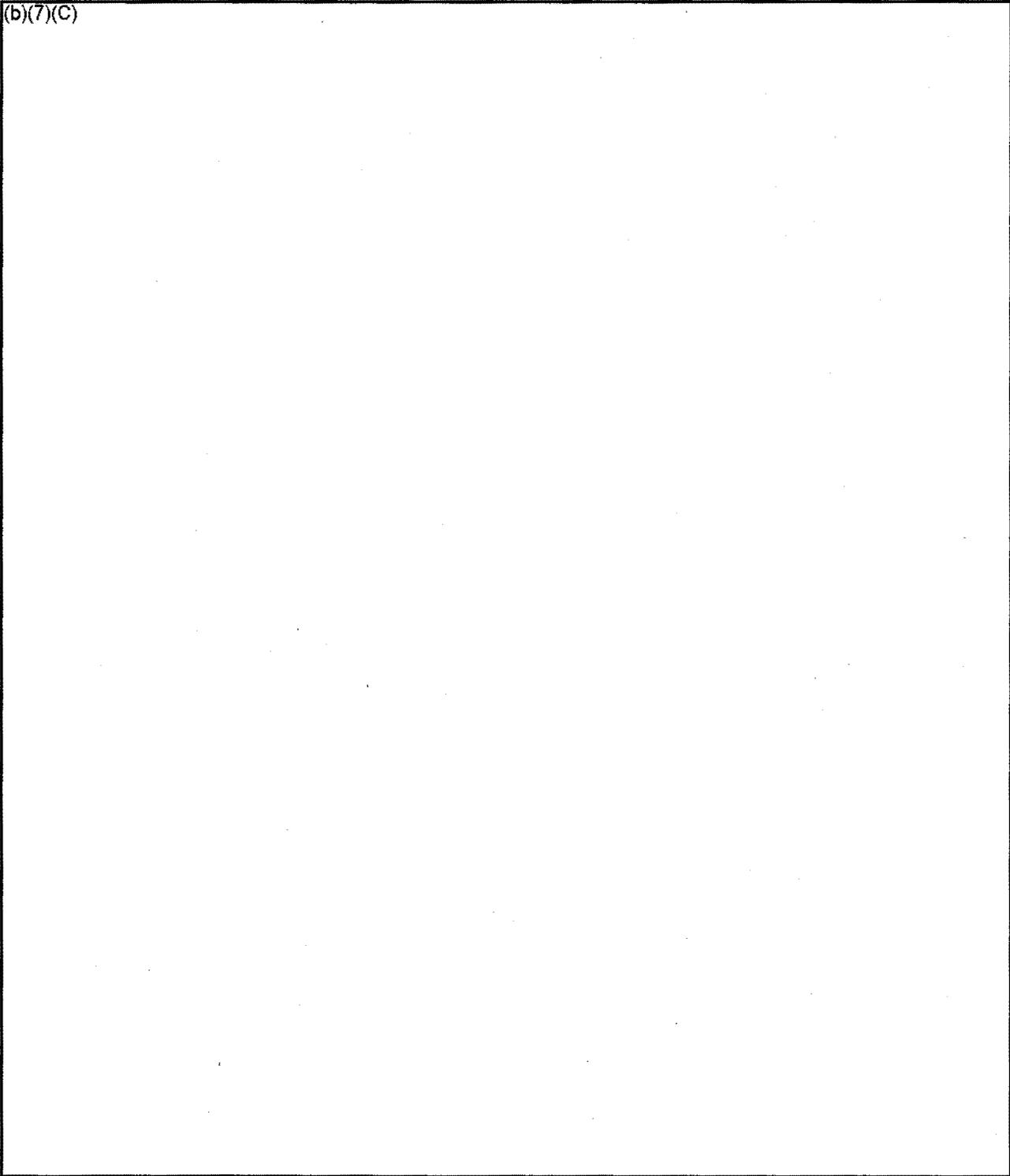
[IO Note: BG Tim Britt and COL (b)(7)(C) testified to allegations in DIG 11-00046. However, once notified that they were now considered subjects in regard to an inappropriate relationship, they both exercised their rights to remain silent.]

11. The preponderance of evidence indicated that BG Tim Britt and COL (b)(7)(C) engaged in a romantic relationship prior to BG Tim Britt's divorce in September 2010. A witness testified that she saw BG Tim Britt and COL (b)(7)(C) kiss in 2009. Testimonial evidence indicated that the perception of an inappropriate relationship existed since 2005. This perceived relationship resulted in their removal from the GANG. Given witness testimony of their intimate behavior and the duration of their perceived relationship, the allegation that BG Tim Britt and COL (b)(7)(C) engaged in an inappropriate relationship was substantiated.

(b)(7)(C)

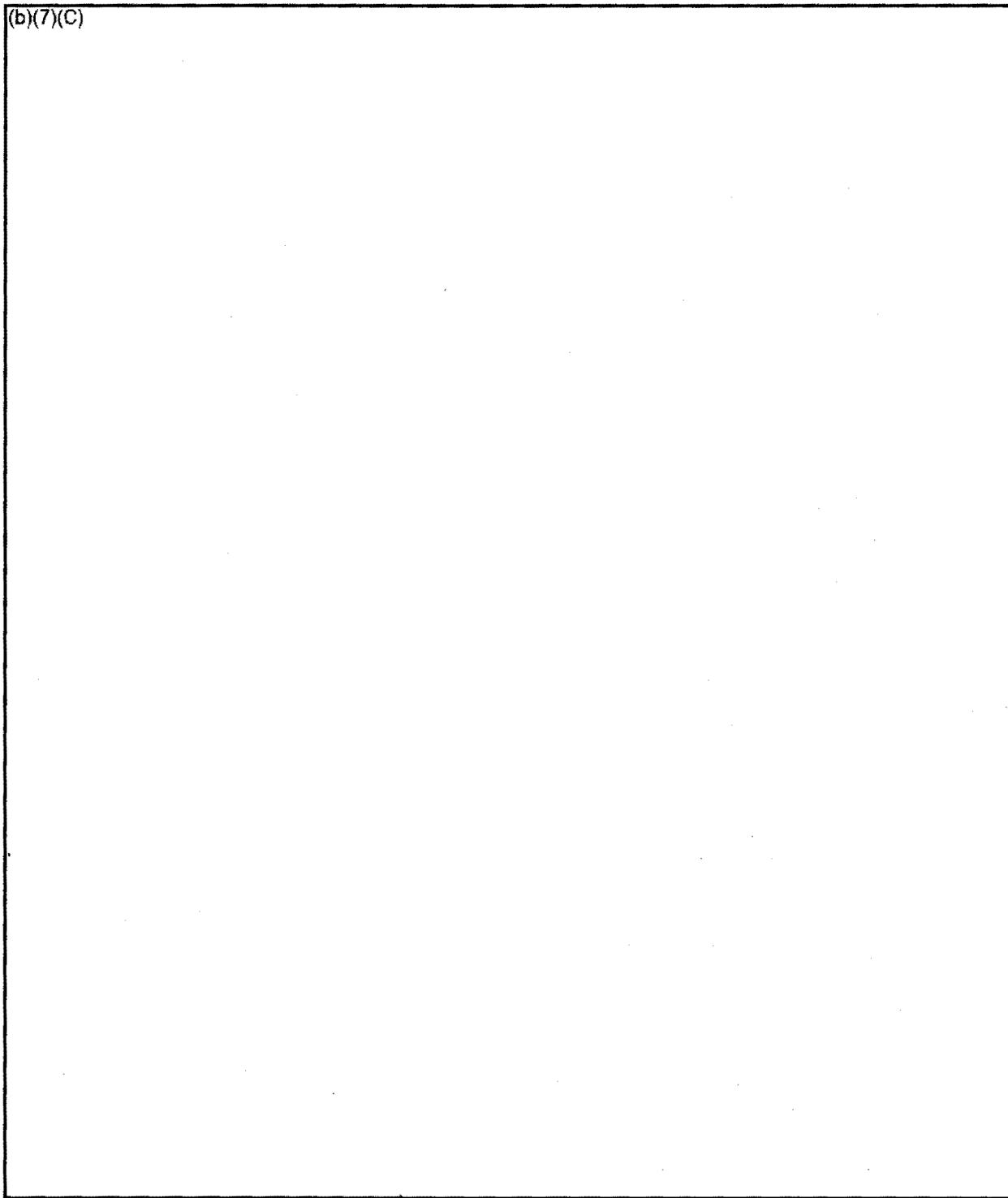
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(b)(7)(C)



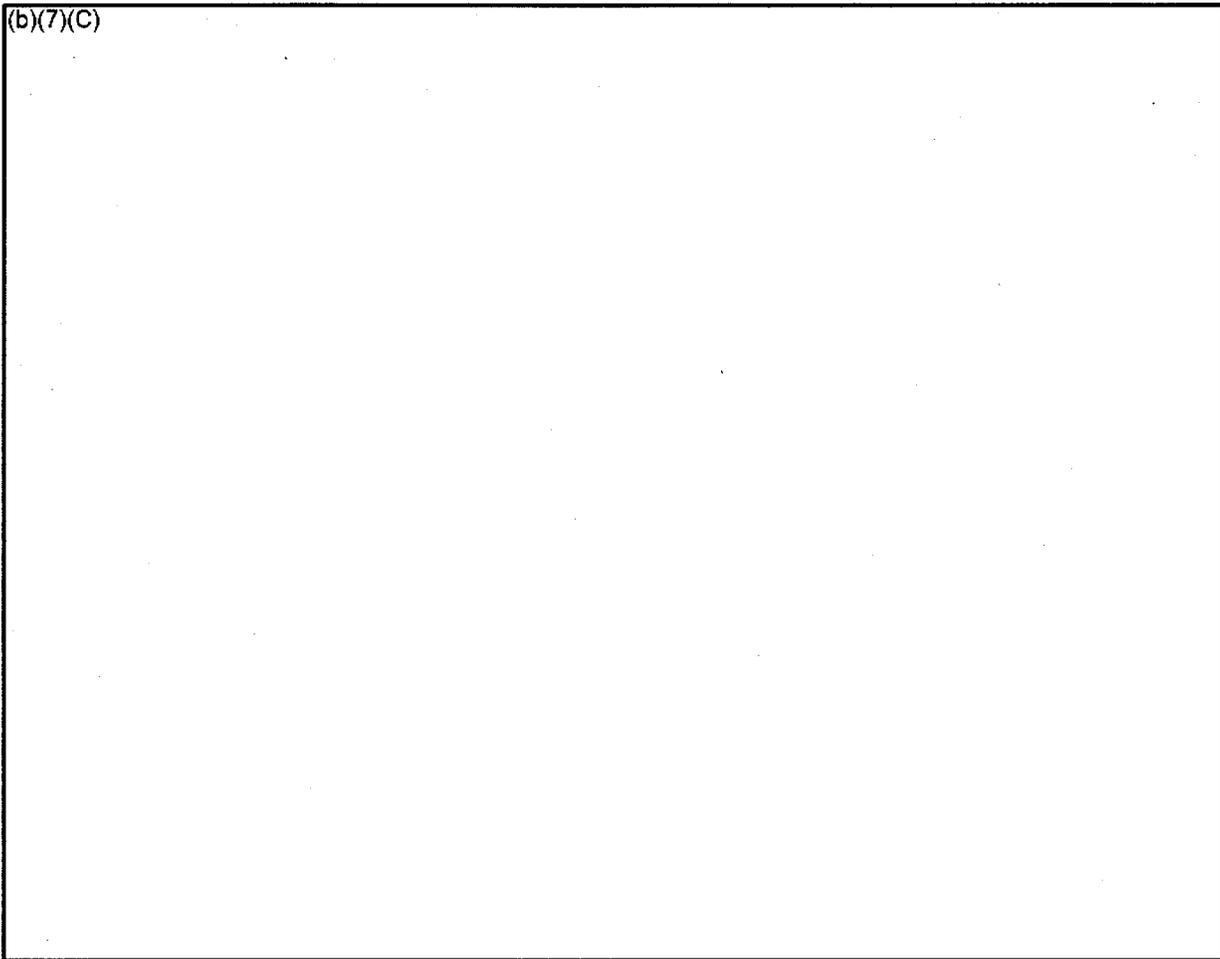
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(b)(7)(C)

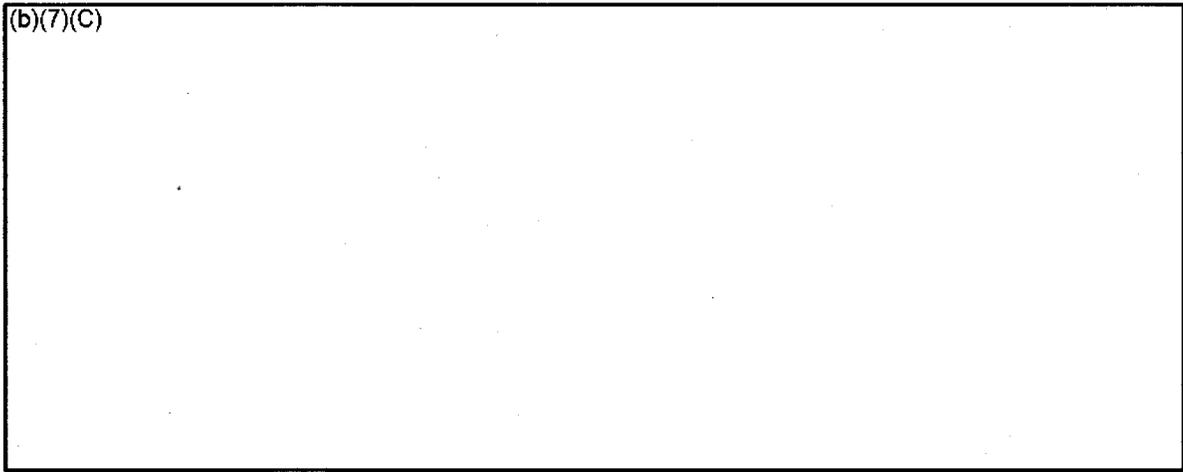


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(b)(7)(C)



(b)(7)(C)



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SAIG-IN (DIG 11-00101)

RECOMMENDATIONS:

1. Record the allegation that BG Tim Britt and COL (b)(7)(C) engaged in an inappropriate relationship in the IN database as substantiated.

(b)(7)(C)

4. Refer this report to the Office of the Judge Advocate General and the Chief of Staff, FORSCOM (COL (b)(7)(C) Senior Rater).

(b)(7)(C)

6. File this report as DIG 11-00101.

(b)(7)(C)

LTC, IG
Investigator

APPROVED:



PETER M. VANGJEL
Lieutenant General, USA
The Inspector General

COORDINATION:

IN, Legal
Chief, PI Br
IG, Legal
Chief, IN Div

for Initials
Initials
Initials
Initials

(b)(7)(C)

Date: 2 0120912
Date: 12 Sep 12
Date: 20 Sep 12
Date: 27 Sep 12

Encls

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LIST OF EXHIBITS

EXHIBIT

ITEM

A Complaints/Allegations

- A-1 (b)(7)(C) Complaint, 12 April 2011
- A-2 (b)(7)(C) Complaint, 28 September 2011

B Standards:

- B-1 AR 600-100, Army Leadership, dated 8 March 2007
- B-2 5 USC, Section 2301
- B-3 5 CFR 2635.101

C Documents:

- C-1 COL (b)(7)(C) legal representation documentation
- C-2 E-mail from BG Britt invoking his right to remain silent

- C-3 (b)(7)(C)
- C-4
- C-5
- C-6
- C-7
- C-8
- C-9

D Testimony

- | | | |
|------|--------------------------|-----------|
| D-1 | LTC (b)(7)(C) | FOIA: Yes |
| D-2 | COL (b)(7)(C) | FOIA: No |
| D-3 | COL (b)(7)(C) | FOIA: No |
| D-4 | Col (b)(7)(C) | FOIA: Yes |
| D-5 | MAJ (b)(7)(C) | FOIA: No |
| D-6 | MG (Ret) William Nesbitt | FOIA: No |
| D-7 | COL (b)(7)(C) | FOIA: Yes |
| D-8 | COL (b)(7)(C) | FOIA: No |
| D-9 | BG (Ret) Timothy Britt | FOIA: No |
| D-10 | COL (b)(7)(C) | FOIA: No |
| D-11 | COL (b)(7)(C) | FOIA: No |

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D Testimony (Con't)

D-12	COL	(b)(7)(C)
D-13	MSG	(b)(7)(C)
D-14	1LT	(b)(7)(C)

FOIA: No
FOIA: Yes
FOIA: NA

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LIST OF ACRONYMS

ACRONYM	DEFINITION
AGR	Active Guard Reserve
CFR	Code of Federal Regulations
CG	Commanding General
DOIM	Director of Information Management
FORSCOM	U.S. Forces Command
GAARNG	Georgia Army National Guard
GANG	Georgia National Guard
HRO	Human Resources Office
MilTech	Military technician
NG	National Guard
NGB	National Guard Bureau
Ret	Retired
SAO	State Aviation Officer
TAG	The Adjutant General
USC	U.S. Code
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#8

BG Mascolo

ROI 12-015 / DIG 12-00016



DEPARTMENT OF THE ARMY
OFFICE OF THE INSPECTOR GENERAL
1708 ARMY PENTAGON
WASHINGTON DC 20319-1708

US ARMY INSPECTOR GENERAL AGENCY
REPORT OF INVESTIGATION
(Case 12-015)

DEC -7 2012

NAME/POSITION: Brigadier General (BG) Eugene L. Mascolo, Director, Joint Staff,
Joint Force Headquarters (JFHQ), Connecticut (CT) National Guard (CTNG)

ALLEGATION: BG Mascolo failed to treat subordinates with dignity and respect
was **SUBSTANTIATED**.

BACKGROUND:

1. On 28 October 2011, the Department of the Army Inspector General Agency (DAIG)
received notification from the Inspector General (IG), CTNG, of an allegation against
BG Mascolo. (b)(7)(C)

(b)(7)(C)

2. A preliminary inquiry, DIG 12-00016, approved 15 June 2012, determined the
allegation that BG Mascolo failed to treat subordinates with dignity and respect required
further investigation.

3. On 16 June 2012, The Inspector General directed an investigation by the DAIG.

ALLEGATION: BG Mascolo failed to treat subordinates with dignity and respect.

(b)(7)(C) testified that there were several incidents when BG Mascolo became
"unhinged," launched into tirades, and screamed at his subordinates. (b)(7)(C)
further alleged that BG Mascolo "rules by intimidation and fear" and "doesn't have
respect for subordinates."

STANDARD: Army Regulation (AR) 600-100, Army Leadership, dated 8 March 2007,
states in paragraph 1-5, under Army Values: Respect - Treat people as they should be
treated. This is the same as do unto others as you would have done to you. Paragraph
2-1k, states that every leader will treat subordinates with dignity, respect, fairness, and
consistency.

DOCUMENTS/TESTIMONY:

1. Evidence reflected that BG Mascolo assumed the full-time position as Director of the
Joint Staff in October 2010. BG Mascolo testified that he was responsible for managing

Defense Support to Civil Authorities (DSCA) operations for the CTNG. Additionally, he was responsible for CTNG Joint operations and was The Adjutant General's (TAG's) primary representative to local, state, and federal authorities for domestic operations. BG Mascolo explained that when he first assumed this position, "Jointness" in the CTNG was "immature at best." Those assigned to the Joint Staff at that time focused primarily on "ceremonial" activities. His initial focus was to develop the vision, structure, system, and processes for a joint organization, and to establish a Joint Task Force (JTF) Headquarters that would provide command and control for CTNG domestic operations.

2. Major General (MajGen) Thaddeus J. Martin, TAG, JFHQ, CTNG, testified that prior to BG Mascolo's assignment as the Director, Joint Staff, the CTNG had not fully embraced the concept of "jointness." His assessment of the Joint Staff's ability to perform its mission was somewhere between the "crawl and walk" phase. He described BG Mascolo as a "directive" and "demanding" leader, a staunch supporter of the military decision making process, and focused on advancing the Joint Staff to the next level of proficiency.

3. Some of the witnesses described BG Mascolo as a visionary who was very competent in disaster response operations. CSM (b)(7)(C) testified that BG Mascolo "has always been tactically and technically proficient." Colonel (COL) (b)(7)(C)

(b)(7)(C) testified that BG Mascolo was a hands-on leader who would follow up on those tasks he assigned to subordinates. COL (b)(7)(C) JFHQ, CTNG, described BG Mascolo as a "no nonsense, very business oriented" leader who provides lots of guidance and pushes the staff towards his joint vision. Lieutenant Colonel (LtCol) (b)(7)(C) JFHQ, CTNG, testified that BG Mascolo was "brilliant," "articulate," "focused," and "dynamic." LtCol (b)(7)(C) JFHQ, CTNG, testified that BG Mascolo was "well read" and has a great understanding of DSCA doctrine. COL (b)(7)(C) JFHQ, CTNG, testified that he is "constantly impressed" with BG Mascolo's understanding of the "operational environment." COL (b)(7)(C) further explained that BG Mascolo's directive nature made people extremely uncomfortable at times. Several witnesses testified that BG Mascolo was an aggressive, assertive, demanding leader, but most believed that he had reasonable expectations.

4. Regarding BG Mascolo's leadership style, some witnesses complained that BG Mascolo led by fear and intimidation. COL (b)(7)(C) JFHQ, CTNG, testified that BG Mascolo "can be a tough guy to work for" and "used quite a bit of intimidation to get his point across." COL (b)(7)(C) testified that BG Mascolo leads by "fear and intimidation" with a "certain amount of bullying." CSM (b)(7)(C) JFHQ, CTNG, described BG Mascolo negatively as "dictatorial." He heard BG Mascolo "lose it

many, many times," and wished BG Mascolo would "calm down" so that he could focus more on improving his mentoring of subordinates. Additionally, witness testimony indicated that BG Mascolo used profanity and yelled at subordinates at times when he was frustrated with a work product or when under stress.

5. Several witnesses also complained that BG Mascolo, at times, gave unclear guidance. COL (b)(7) testified that during Hurricane Irene there were times when BG Mascolo provided "very unclear guidance." LtCol (b)(7)(C) testified that during the first few days of Hurricane Irene there were instances when BG Mascolo may not have given adequate guidance. COL (b)(7)(C) testified that BG Mascolo "didn't give clear direction under stressful situations." CO (b)(7)(C) testified that while BG Mascolo has a vision for the organization, he has difficulties conveying it to his subordinates.

6. BG Mascolo testified that he encountered significant pushback from a few long serving subordinates that he described as "legacy" employees who were resistant to change. He specifically identified them as Colonel (Col) (b)(7)(C) (b)(7)(C) JFHQ, CTNG), LtCol (b)(7)(C) and CSM (b)(7)(C). Prior to BG Mascolo assuming the position as Director of the Joint Staff, these three individuals reported directly to MajGen Martin. BG Mascolo explained that even though Col (b)(7)(C) LtCol (b)(7)(C) and CSM (b)(7)(C) were assigned to the Joint Staff and under his oversight, they continued, contrary to his guidance, to bypass him on certain matters by going directly to MajGen Martin. This initially caused him significant challenges in organizing and developing an effective and cohesive Joint Staff. MajGen Martin acknowledged that Col (b)(7) LtCol (b)(7)(C) and CSM (b)(7)(C) were "fiercely loyal" to him. MajGen Martin testified that the three had direct access to him, understood his vision, and knew how he wanted things done. He further testified that when BG Mascolo arrived and began to institute changes to further develop the Joint Staff, Col (b)(7) LtCol (b)(7)(C) and CSM (b)(7)(C) "resisted" his efforts. BG Mascolo testified that even though he had significant problems in dealing with these three key subordinate leaders, he did not raise these concerns to MajGen Martin because he did not want it to seem that he could not take care of his own internal problems.

7. Several witnesses testified that BG Mascolo has been effective as the Director of the Joint Staff. COL (b)(7)(C) testified that the Joint Staff is "highly functional" now on account of BG Mascolo's vision and leadership. COL (b)(7)(C) testified that a recent Vigilant Guard exercise that involved the Joint Staff went "fantastic" and showed that "the General and the staff had really started to click." LtCol (b)(7)(C) testified that when BG Mascolo arrived, he inherited a young, inexperienced staff. He further testified that due to BG Mascolo's vision and determination, the Joint Staff is in a "good place" now. MajGen Martin testified that BG Mascolo has been effective as the Director of the Joint Staff. Several witnesses also cited the performance of the Joint Staff during the 2012 Vigilant Guard exercise as

indicative of the significant improvements made in the staff's ability to perform its mission. BG Mascolo testified that the Joint Staff's performance during Vigilant Guard was "remarkable."

8. During Hurricane Irene (August 2011), the CTNG established a JTF Headquarters to assist with CT's disaster relief operations. To support these efforts, selected members of the Joint Staff plus additional augmentees from throughout the CTNG operated a Joint Operations Center (JOC). Typically, there were approximately 25-30 personnel, ranging in rank from junior enlisted to senior officers, working in 12-hour shifts. MajGen Martin testified that the Joint Staff experienced some growing pains during Hurricane Irene. He attributed it to a lack of training. MajGen Martin further testified that he was dissatisfied with some of the information that the staff provided to him and said it caused a "credibility problem with the data." During Hurricane Irene, he told BG Mascolo that he "needed to fix" the problem concerning the incorrect data that the staff was reporting.

9. Witness testimony reflected that there were occasions when BG Mascolo yelled and directed profanity towards JOC personnel during Hurricane Irene operations.

a. COL (b)(7)(C) testified that there were occasions when BG Mascolo screamed at people in the JOC for not being fast enough. BG Mascolo would threaten the staff by saying, "What good are you?" "I don't need you if you can't do this." "Hey, if you can't handle it, I'm sending somebody home." COL (b)(7)(C) further testified that there were occasions when BG Mascolo became "unglued" in such a manner that he had "never seen anybody in [his] entire career lose their composure the way he did." He would get upset, raise his voice, scream, and use the F-word toward the JOC staff.

b. COL (b)(7)(C) testified that BG Mascolo's leadership "was lacking tremendously at the time" of Hurricane Irene. He described an occasion in the JOC when BG Mascolo launched out at the staff in a "really aggressive, loud, non-team building" way such that everyone just sat there "demeaned," "shocked," in "stunned silence." COL (b)(7)(C) further testified that, during Hurricane Irene, his enlisted Soldiers on the JOC day shift told him that BG Mascolo's yelling "events were daily and constant occurrences." Because of that, he switched them from the day shift to the night shift because he did not want them "subjected to it anymore." COL (b)(7)(C) testified that BG Mascolo did not treat MAJ (b)(7)(C) "very well." He explained that while BG Mascolo did not call MAJ (b)(7)(C) derogatory names, he yelled at him using profane language in a public setting that included junior enlisted and senior officers.

c. MAJ (b)(7)(C) testified that during a shift change, BG Mascolo became "unhinged and started screaming." BG Mascolo started "laying into" him saying that he was not doing a good job as (b)(7)(C). BG Mascolo then shifted from him to "light" CSM (b)(7)(C) on "fire." MAJ (b)(7)(C) testified that he was so "stunned" he could

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not remember the specific words BG Mascolo used. BG Mascolo's reaction was "extraordinary."

d. COL (b)(7)(C) testified that BG Mascolo did not react well to stress. He cited frequent profanity-laced outbursts during Hurricane Irene, when BG Mascolo typically would say, "This is not the fucking way to do it." BG Mascolo was the antithesis of a "calming influence." COL (b)(7)(C) testified that sometimes it was the battle captains and sometimes it was the entire staff that took "heat rounds" from BG Mascolo. He felt that BG Mascolo treated MAJ (b)(7)(C) in a demeaning way by his use of profane language in a public forum. COL (b)(7)(C) explained his impression of BG Mascolo's behavior as "he was concerned about how he was perceived first" and mission accomplishment was a close second.

e. LtCol (b)(7)(C) testified that he recalled two incidents when BG Mascolo had "blow-ups on the JOC floor" in front of junior staff members. BG Mascolo exploded at a decibel level that he had never seen before. He threatened, "You MF'ers keep this up" and I'm going to send people home. "I'm not going to be embarrassed in front of the Adjutant General." LtCol (b)(7)(C) further testified that BG Mascolo directed plenty of expletives at CSM (b)(7)(C) while telling him that he was not doing his job.

f. CSM (b)(7)(C) testified that a large number of senior non-commissioned officers came to him and said that they did not want to work in the JOC because the "atmosphere was so poor" with the "yelling and screaming and demoralizing" of the staff members.

g. Col (b)(7)(C) testified that there were instances of BG Mascolo just "blowing up" in the JOC. He recalled a seven-minute profanity-laced tirade where BG Mascolo went after everyone in the JOC. Every other word was the "f-word." One day, BG Mascolo "flipped out" after the staff briefed some incorrect data to MajGen (b)(7)(C). This resulted in another profanity-laced tirade where BG Mascolo "lit into everyone." LtCol (b)(7)(C) felt that BG Mascolo "belittled" CSM (b)(7)(C) in the JOC because he pointed out on more than one occasion, in front of JOC personnel, that he was not doing his job.

h. CSM (b)(7)(C) did not recall a specific incident in the JOC during Hurricane Irene when BG Mascolo belittled or was disrespectful to him, though it was very possible. He had become very thick-skinned and was used to being yelled at by BG Mascolo.

i. COL (b)(7)(C) acknowledged that there were occasions when BG Mascolo got upset, lost his temper, and used profanity. During these times, BG Mascolo directed his anger towards the whole staff, not one specific individual. Although he believed that MAJ (b)(7)(C) probably felt personally attacked by BG Mascolo, he did not view it as such. He characterized BG Mascolo's behavior as "loud" but not "yelling and

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screaming." COL (b)(7) believed that BG Mascolo's behavior could fall under the definition of "inappropriate," but attributed it to a very stressful environment.

j. LtCol (b)(7)(C) testified that he remembered BG Mascolo being "stressed, agitated, frustrated" because he was not getting the right information from the staff, and that he came into the JOC and "let loose" on them. He did not recall any profanity used by BG Mascolo, but he did not view BG Mascolo's behavior as appropriate given that he was a senior officer. LtCol (b)(7)(C) attributed BG Mascolo's behavior to the efforts of a young staff that were not performing to the right standard.

k. LTC (b)(7)(C) CTARNG, testified that there was a serious incident that occurred during Hurricane Irene when BG Mascolo felt that the staff did not give the appropriate level of attention. As a result, BG Mascolo reacted with a profanity-laced tirade directed at the entire staff.

l. MajGen Martin testified that he was outside of the JOC one day with the CT Commissioner of Emergency Management when he heard BG Mascolo yelling at the staff. He could not hear specifically what was said, but he grabbed the Commissioner and moved him further down the hallway to get him out of earshot of BG Mascolo's outburst. MajGen Martin testified that he talked to BG Mascolo about this incident: "I brought him in and said, 'hey. . .there I was out with Commissioner Boynton and I am trying to get stuff done and I hear this blast come out of the JOC. Is that really the way you want to do business?'"

m. BG Mascolo testified that Hurricane Irene "caught us totally unprepared." He blamed Col (b)(7) for failing to develop the staff and to establish proper procedures to enable the JOC to perform its mission. He further testified that Col (b)(7) and CSM (b)(7)(C) were ineffective during the actual operations. BG Mascolo explained, "I had to roll up my sleeves" and perform action-officer type duties due to Col (b)(7)(C) and CSM (b)(7)(C) failures and ineffectiveness. The JOC was failing the information fight, as reflected by MajGen Martin's dissatisfaction with the inaccurate information that the staff repeatedly provided to him. BG Mascolo explained that it was a "very, very chaotic, stressful, environment." To fill what he described as a leadership void in the JOC, he stepped up by using "volume" and a "directive mode" to ensure the staff delivered the requisite products. He acknowledged using profanity, but disagreed with the characterization that he screamed or that he was out of control. BG Mascolo testified that he did not personally attack or swear directly at anyone. He did, however, acknowledge that he was "pretty hard" on CSM (b)(7)(C) and that it was possible that he stood up in the JOC and told CSM (b)(7)(C) with "expletives" that he needed to do his job.

10. Witness testimony reflected that there was an incident when BG Mascolo yelled and directed profanity towards CSM (b)(7)(C) and Col (b)(7)

a. COL (b)(7)(C) testified that during a rain storm that occurred soon after Hurricane Irene, MajGen Martin tasked the JOC to put out an e-mail message to all armories so they would be ready to respond if needed. BG Mascolo wanted to approve any messages that went out to subordinate units; however, he was not around at the time. COL (b)(7)(C) directed the JOC to send out the e-mail. Evidence reflected that CSM (b)(7)(C) prepared and sent the e-mail. COL (b)(7)(C) explained that 15 minutes after he informed BG Mascolo of the e-mail that was sent out to the armories, BG Mascolo summoned CSM (b)(7)(C) and Col (b)(7)(C) to his office. COL (b)(7)(C) who described his office as being directly across the hall from BG Mascolo's office, testified that BG Mascolo "was just berating those two guys" using the "F-word" and being so loud that he could hear him through two closed doors. He considered it a direct personal attack against both CSM (b)(7)(C) and Col (b)(7)(C). COL (b)(7)(C) testified that BG Mascolo was yelling so loud that other people came out of their offices down the hall wondering what was going on.

b. CSM (b)(7)(C) testified that BG Mascolo went after CSM (b)(7)(C) and Col (b)(7)(C) in a "very abusive way." He heard a "tremendous amount of yelling and swearing" from his office. He was in the hallway when CSM (b)(7)(C) and Col (b)(7)(C) came out of BG Mascolo's office, both were "red-faced" and one "almost teary-eyed" after having their "head handed to them." CSM (b)(7)(C) testified that he informed MajGen Martin about this incident and told him, "I did not like what I just heard. It is unbecoming of a general officer and I hope to never hear it again. . . ." He thought that MajGen Martin told BG Mascolo to calm down.

c. Col (b)(7)(C) testified that MajGen Martin wanted a message sent to all the CTNG armories stating that they needed to have a high-wheeled vehicle on standby until further notice due to potential flooding from a rain storm. At the time, BG Mascolo was not in. CSM (b)(7)(C) prepared and sent out the e-mail to the armories. Soon after, BG Mascolo sent him and CSM (b)(7)(C) an e-mail and told them to report to his office. CSM (b)(7)(C) got there first, and as he approached, he heard CSM (b)(7)(C) being "lambasted" by BG Mascolo. "Who the fuck do you think you are? God damn it I am a general officer." Col (b)(7)(C) testified that he tried to explain that MajGen Martin told them to send out the message, but BG Mascolo went off: "You get the hell out of my office. Fuck you. I'm a general officer. I'll be god damned if I will be treated like this." It was so loud that everyone in that corner of the building heard it.

d. CSM (b)(7)(C) testified that he was "personally and professionally" embarrassed by the "tongue lashing" that BG Mascolo gave him and Col (b)(7)(C) for sending a message to the armories without his prior approval. CSM (b)(7)(C) explained that "we were doing what his boss told us to do." BG Mascolo was not present at the time, and we informed him of what we had done to keep him in the loop. CSM (b)(7)(C) testified that when he walked out of BG Mascolo's office, "there were other people looking down the hallway to see what the commotion was." He felt belittled.

e. MajGen Martin testified that CSM (b)(7)(C) informed him that there had been a "heated exchange" between BG Mascolo and CSM (b)(7)(C) in BG Mascolo's office. At the same time he talked to BG Mascolo regarding the incident in the JOC when he overheard BG Mascolo screaming at the staff. MajGen Martin felt compelled to also speak to him about his conduct towards Col (b)(7)(C) and CSM (b)(7)(C). MajGen Martin explained that there was a "perception" that BG Mascolo "did a beat down on [CSM] (b)(7)(C)". MajGen Martin further testified that he advised BG Mascolo that "if you are always in project and scream then it loses its effectiveness pretty quickly. It can be a useful tool but it's a tool, it's not a way to operate." He got the impression that BG Mascolo clearly understood that it was inappropriate to act in such a manner, as yelling and screaming was an immediate turn off to people if it was a standard mode of operation.

f. BG Mascolo testified that he did not personally attack Col (b)(7)(C) or CSM (b)(7)(C). BG Mascolo understood that MajGen Martin directed them to send out the message to the armories, but he did expect them to inform him immediately after MajGen Martin told them to do something. He felt that they again disobeyed his guidance by not informing him before they sent out the message. He called them in and said, "When the fuck is this going to stop?" He testified that it was loud and quick, but doubted that anyone specifically heard what he said to Col (b)(7)(C) and CSM (b)(7)(C) because it took place in his office behind closed doors. Since he felt Col (b)(7)(C) and CSM (b)(7)(C) had similarly failed to keep him informed on numerous other occasions, he decided it was time to discuss the matter with MajGen Martin. BG Mascolo testified that he asked MajGen Martin to leave Col (b)(7)(C) in his current position, but that he requested to be assigned as Col (b)(7)(C) rather so that he could have more control/influence over his actions. MajGen Martin decided to reassign Col (b)(7)(C) to a different position out from BG Mascolo's supervision.

11. BG Mascolo testified that it was at the meeting he had with MajGen Martin about his issues with Col (b)(7)(C) and CSM (b)(7)(C) when MajGen Martin talked to him about his behavior, specifically the JOC incident and his heated exchange with Col (b)(7)(C) and CSM (b)(7)(C). Neither MajGen Martin nor BG Mascolo testified that they considered MajGen Martin's discussion about BG Mascolo's behavior as counseling.

12. Witness testimony reflected that there was an incident when BG Mascolo yelled and directed profanity at Col (b)(7)(C).

a. Col (b)(7)(C) testified that BG Mascolo "lit into" Col (b)(7)(C) during a staff meeting which took place on a drill weekend. BG Mascolo specifically asked Col (b)(7)(C) to contact someone. The individual called Col (b)(7)(C) back during the meeting. When Col (b)(7)(C) phone rang, BG Mascolo "swore at him" with expletives ("several F-bombs"). "How dare you take a call in here [and] interrupt my meeting." Col (b)(7)(C) testified "it was embarrassing for all."

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b. Col (b)(7)(C) testified that COL (b)(7)(C) phone rang during a meeting, and it sent BG Mascolo into a "tirade . . . telling him . . . how much of a piece of crap [COL (b)(7)(C) was. . ."

c. COL (b)(7)(C) testified that during a staff meeting, BG Mascolo was frustrated about problems he was having with his computer. When his phone rang, he thought it was someone who was calling to help out with BG Mascolo's computer, so he answered it during the meeting. COL (b)(7)(C) testified that BG Mascolo "was upset that I answered the phone and he threw me out of the room." COL (b)(7)(C) thought BG Mascolo over-reacted, but understood for the most part because BG Mascolo was upset with the computer issues. He did not recall specifically what BG Mascolo said, other than that BG Mascolo was mad. He thought he was doing the right thing, but "it kind of blew up in my face." There were approximately 25 people in the meeting, ranging from E-6 to O-6. COL (b)(7)(C) did not think BG Mascolo called him a piece of crap.

d. BG Mascolo testified that he was "more shocked than angered" when COL (b)(7)(C) phone went off during one of his staff meetings. He explained, "I think I said take it outside." BG Mascolo denied calling or referring to COL (b)(7)(C) as "a piece of crap" or anything like that.

13. Witness testimony reflected that there was an incident when BG Mascolo yelled and directed profanity at LTC (b)(7)(C) JFHQ, CTNG.

a. Col (b)(7)(C) testified that BG Mascolo took issue with LTC (b)(7)(C) because LTC (b)(7)(C) planned to miss one of BG Mascolo's staff meetings because of a conflict with a unit inspection. When BG Mascolo was informed that LTC (b)(7)(C) was not going to attend his staff meeting, BG Mascolo called them both into his office and proceeded to launch into a "five or six minute tirade" directed at LTC (b)(7)(C). BG Mascolo said things like, "Hey you know you're shit. Who the fuck do you think you are? I am a general officer, it is disrespectful [for you not to show up to my meeting]".

b. LTC (b)(7)(C) testified that there was an occasion when he had a scheduling conflict between one of BG Mascolo's staff meetings and an inspection in-brief for which he had some involvement. He did not recall specifically what BG Mascolo said to him other than that BG Mascolo used "general profanity" towards him. BG Mascolo expressed frustration with him, and LTC (b)(7)(C) blamed himself for failing to inform BG Mascolo about the scheduling conflict sooner. LTC (b)(7)(C) testified that he personally did not feel belittled, but thought that others might have taken BG Mascolo's words as "belittling." He acknowledged, "I was unhappy with how he treated me but you get over it and move on."

c. BG Mascolo testified that he scheduled a staff meeting for a day/time that was selected by his branch chiefs, one of whom was LTC (b)(7) . When LTC (b)(7)(C) informed him at the last minute that he could not attend his staff meeting, he felt that LTC (b)(7)(C) did not have his priorities in proper order. He recalled saying to LTC (b)(7)(C) (b)(7) "I'm not going to put up with the same bullshit I put up with over at Troop Command." It was possible that he used "strong language," to include "F-words," as it was not uncommon for him. He denied calling or referring to LTC (b)(7)(C) as a piece of shit.

14. Witness testimony reflected that BG Mascolo yelled and directed profanity at MAJ (b)(7)(C) CTARNG.

a. MAJ (b)(7)(C) testified that he had initially volunteered for a deployment, but ultimately backed out after he rethought his decision. There were more than enough volunteers for the deployment, and he decided that he really did not want to deploy at that time. When BG Mascolo found out that he had changed his mind about the deployment, MAJ (b)(7)(C) received "quite a wrath of anger, venom, and profanity" from BG Mascolo. MAJ (b)(7)(C) testified that BG Mascolo called him a "phony fucking field grade coward." He was offended by BG Mascolo's words.

b. LTC (b)(7)(C) CTARNG, testified that he observed a discussion between BG Mascolo and MAJ (b)(7)(C) regarding MAJ (b)(7)(C) decision to back out of a deployment. He described this discussion as a "strong mentoring," and while he could not recall specifics, he testified that BG Mascolo used profanity while speaking to MAJ (b)(7)(C)

c. BG Mascolo testified that he was upset when MAJ (b)(7)(C) backed out of a deployment at the last minute. He described MAJ (b)(7)(C) as a "failing field grade" who had a bad reputation. He felt that MAJ (b)(7)(C) could potentially excel during a deployment, which would help him overcome his reputation and get promoted. When he ran into MAJ (b)(7)(C) after he found out that MAJ (b)(7)(C) backed out of the deployment, he told him, (b)(7)(C) "what the fuck are you doing? Your colleagues . . . are going to think you are a coward and you're never going to get promoted." BG Mascolo denied calling MAJ (b)(7)(C) a "phony field grade" or a "coward."

15. A few witnesses testified that BG Mascolo used derogatory terms such as "mother fucker," "f-ing nimrod," "f-ing idiot," and "f-ing knucklehead." BG Mascolo testified that in a private setting he could have as "banter" referred to someone as a knucklehead or nimrod, but never publicly or in their presence. There was no corroboration of an instance when BG Mascolo specifically referred to an individual in such derogatory terms.

16. Several witnesses testified that they have observed a significant change in BG Mascolo's behavior since the Hurricane Irene timeframe. COL (b)(7)(C) testified that he noticed the change in BG Mascolo after he returned from attending the General Officer Orientation Course ("Charm School") – "it was like an epiphany." Others highlighted BG Mascolo's behavior during the September 2012 Vigilant Guard Exercise as evidence that he has learned to control his emotions and react appropriately when confronted with an issue or shortcoming. BG Mascolo testified that since he has had the time to develop the joint staff, and that he now has the right personnel in place, he is less directive, less hands-on, delegates more, and can focus more on strategic type matters.

ANALYSIS/DISCUSSION:

1. Evidence reflected that during Hurricane Irene operations, BG Mascolo reacted badly in a stressful environment and did not treat subordinates with dignity and respect. There were several occasions when BG Mascolo lost his composure and launched into profanity-laced tirades directed towards JOC personnel. The tirades consisted of yelling, screaming, and excessive profanity, to include frequent use of the "F-word." These events could be described as group beat downs, non-team building events that made JOC personnel uncomfortable. Witnesses described BG Mascolo's behavior during Hurricane Irene as overly aggressive, demeaning, and inappropriate. While evidence reflected that the staff had struggled and at times provided inaccurate information to senior leadership, several witnesses indicated that BG Mascolo's unclear guidance contributed to the staff failings. Instead of training and mentoring subordinates, BG Mascolo chose to use what he described as "volume," "strong language," and a "directive mode" to ensure that the staff accomplished its mission. BG Mascolo's tirades also included threats to send people home who he did not think were performing to standard. Witnesses described the JOC environment at the time of Hurricane Irene as negative, primarily attributed to the way BG Mascolo treated the JOC personnel. Additionally, MajGen Martin's testimony reflected that BG Mascolo's intemperate behavior was more the norm than the exception at the time he addressed the matter with him.

2. In addition to the group beat downs of JOC personnel, evidence reflected that BG Mascolo verbally abused certain individuals as well which further reflected his failure to treat subordinates with dignity and respect.

a. During Hurricane Irene, several witnesses testified that BG Mascolo yelled and used profanity directly at MAJ (b)(7)(C) and CSM (b)(7)(C). These personal attacks took place in the JOC in front of approximately 25 personnel and typically involved BG Mascolo aggressively and openly criticizing them for failing to do their jobs. Some witnesses considered this treatment belittling. There was no evidence that BG Mascolo,

SAIG-IN (ROI 12-015)

at any time, pulled MA (b)(7)(C) or CSM (b)(7)(C) aside to counsel them outside of the public setting.

b. BG Mascolo's profanity-laced tirade directed at Col (b)(7) and CSM (b)(7)(C) after they had executed a task as directed by MajGen Martin represented a personal attack indicative of BG Mascolo's inability to maintain self-control and react appropriately to a situation. BG Mascolo's treatment of Col (b)(7) and CSM (b)(7)(C) was so raucous that it was heard by personnel in other offices, even though it took place behind closed doors. COL (b)(7) described the exchange as "berating." CSM (b)(7)(C) testified that he felt belittled and demeaned.

c. While COL (b)(7)(C) did not personally feel demeaned by BG Mascolo when BG Mascolo yelled profanities at him and tossed him out of a staff meeting, such behavior is not appropriate given the public setting, the magnitude of the reaction, and the lack of basis for such action. Regarding LTC (b)(7)(C) even though he did not feel belittled by BG Mascolo's profanity-laced lashing, he acknowledged that he did not feel good about it and could see how others could have taken BG Mascolo's words as belittling.

3. BG Mascolo testified that although he did use profanity and a loud voice, he never intended to belittle or demean anyone. Witness testimony reflected that BG Mascolo has modified his behavior and does not seem to overreact or lose his composure anymore.

4. Although Hurricane Irene presented a stressful environment, BG Mascolo, as a senior leader, was expected to maintain composure, lead with confidence, display self-control, and set the conditions for a positive environment. However, BG Mascolo's actions during Hurricane Irene reflected his failure to demonstrate the aforementioned leadership traits. The pattern of behavior BG Mascolo exhibited was inappropriate and not in accordance with Army Values. His yelling, screaming, and profanity-fused outbursts directed at both groups and individuals failed to foster a positive environment, failed to foster effective communication, and failed to develop team cohesiveness. BG Mascolo's behavior represented verbal mistreatment and was not rare or a one-time event, reflecting a failure to treat subordinates with dignity and respect.

CONCLUSION: The evidence reflected that the allegation that BG Mascolo failed to treat subordinates with dignity and respect was substantiated.

SAIG-IN (ROI 12-015)

RECOMMENDATIONS:

1. This report be approved and the case closed.
2. Refer this report to the Office of The Judge Advocate General.

(b)(7)(C)

ETC, IG
Investigator

(b)(7)(C)

Investigator

APPROVED:



PETER M. VANGJEL
Lieutenant General, USA
The Inspector General

Encls

ROI Abbreviations and Acronyms

The following abbreviations and/or acronyms appeared in this report:

AR	Army Regulation
BG	Brigadier General, Army
COL	Colonel, US Army
Col	Colonel, Air Force
CSM	Command Sergeant Major
CT	Connecticut
CTARNG	CT Army NG
CTNG	Connecticut National Guard
DA	Department of the Army
DAIG	Department of the Army Inspector General Agency
DSCA	Defense Support to Civil Authorities
HQ	Headquarters
IG	Inspector General
IO	Investigating Officer
JFHQ	Joint Force Headquarters
JOC	Joint Operations Center
JTF	Joint Task Force
LTC	Lieutenant Colonel, Army
LtCol	Lieutenant Colonel, Air Force
MAJ	Major, Army
MajGen	Major General, Air Force
MG	Major General, Army
NG	National Guard
ROI	Report of Investigation
TAG	The Adjutant General
US	United States

SAIG-IN (ROI 12-015)

ROI Personnel Listing

(b)(7)(C) COL, (b)(7)(C) CTARNG

(b)(7)(C) CTARNG

(b)(7)(C) COL, (b)(7)(C) CTARNG

(b)(7)(C) LTC, (b)(7)(C) CTARNG

(b)(7)(C) CSM, (b)(7)(C) CTNG

(b)(7)(C) COL, (b)(7)(C) JFHQ, CTNG

(b)(7)(C) SFC, (b)(7)(C) JFHQ, CTNG

(b)(7)(C) LTC, (b)(7)(C) CTARNG

(b)(7)(C) COL, (b)(7)(C) CTARNG

(b)(7)(C) MSG, (b)(7)(C) JFHQ, CTNG

(b)(7)(C) COL, (b)(7)(C) JFHQ, CTNG

(b)(7)(C) MAJ, (b)(7)(C) CTARNG

(b)(7)(C) COL, (b)(7)(C) JFHQ, CTNG

(b)(7)(C) COL, (b)(7)(C) JFHQ, CTNG

Martin, Thaddeus J., MajGen, TAG, JFHQ, CTNG

Mascolo, Eugene L., BG, Director, Joint Staff, JFHQ, CTNG

(b)(7)(C) LTC, (b)(7)(C) JFHQ, CTNG

(b)(7)(C) MAJ, (b)(7)(C) JFHQ, CTNG

(b)(7)(C) LtCol, (b)(7)(C) JFHQ, CTNG

Russo, Mark A., BG, Assistant Adjutant General / Land Component Commander, CTARNG

SAIG-IN (ROI 12-015)

(b)(7)(C) CSM (b)(7)(C) JFHQ, CTNG

(b)(7)(C) LTC, (b)(7)(C)
(b)(7)(C) JFHQ, CTNG

(b)(7)(C) MAJ, (b)(7)(C) CTARNG

(b)(7)(C) Col, (b)(7)(C) CT Air NG

(b)(7)(C) LtCol, (b)(7)(C) JFHQ, CTNG

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LIST OF EXHIBITS

EXHIBIT ITEM

A Directive and Legal Reviews

B Documents

- B-1 Chain of E-mails between MAJ (b)(7)(C) and IO regarding alleged incidents involving BG Mascolo
- B-2 E-mails and Briefing Slides provided by BG Mascolo
- B-3 Excerpts from Field Manual 6-22, dated 12 October 2006
- B-4 DIG 12-00016, approved 15 June 2012

C Testimony

- C-1 (b)(7)(C) (PI) and MFR FOIA: Yes
- C-2 Col (b)(7)(C) (PI) and MFR FOIA: Yes
- C-3 LtCol (b)(7)(C) (PI) and MFR FOIA: Yes
- C-4 CSM (b)(7)(C) (PI) and MFR FOIA: No
- C-5 LTC (b)(7) (PI) and MFR FOIA: Yes
- C-6 COL (b)(7) (PI) FOIA: Yes
- C-7 BG Russo (PI) FOIA: Yes
- C-8 MAJ (b)(7)(C) (PI) FOIA: Yes
- C-9 LTC (b)(7)(C) (PI) FOIA: No
- C-10 COL (b)(7)(C) (PI) FOIA: No
- C-11 LTC (b)(7)(C) (PI) FOIA: Yes
- C-12 LTC (b)(7)(C) (PI) FOIA: No
- C-13 COL (b)(7)(C) FOIA: Yes
- C-14 COL (b)(7)(C) FOIA: No
- C-15 CSM (b)(7)(C) FOIA: Yes
- C-16 MSG (b)(7)(C) FOIA: Yes
- C-17 COL (b)(7)(C) FOIA: No
- C-18 (b)(7)(C) (MFR) FOIA: No
- C-19 COL (b)(7)(C) (MFR) FOIA: No
- C-20 SFC (b)(7) (MFR) FOIA: No
- C-21 MAJ (b)(7)(C) (MFR) FOIA: No
- C-22 MajGen Martin FOIA: No
- C-23 LtCol (b)(7)(C) FOIA: No
- C-24 COL (b)(7)(C) FOIA: No
- C-25 BG Mascolo FOIA: No

SAIG-IN (ROI 12-015)

D Notifications

D-1 GEN McKinley

D-2 MajGen Martin

D-3 BG Mascolo (Subject)

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BG PETER DELUCA

DIG 12-00042



DEPARTMENT OF THE ARMY
OFFICE OF THE INSPECTOR GENERAL
1700 ARMY PENTAGON
WASHINGTON DC 20310-1700

DEC 31 2012

US ARMY INSPECTOR GENERAL AGENCY
PRELIMINARY INQUIRY
(Case 12-00042)

NAMES/POSITIONS: (b)(7)(C)

(b)(7)(C)

BG Peter Deluca, Commandant, US Army Engineer School,
US Army Maneuver Support Center of Excellence, FLW, Missouri

ALLEGATIONS AND CONCLUSIONS:

1. The allegation that BG Deluca engaged in an inappropriate relationship was substantiated. The evidence indicated that BG Deluca was married to (b)(7)(C)

(b)(7)(C) when he publically announced his fiancée, (b)(7)(C)

2. (b)(7)(C)

(b)(7)(C)

3. (b)(7)(C)

(b)(7)(C)

BACKGROUND: On 28 February 2012, DAIG-IN received an anonymous complaint from the FLW-IG alleging BG Deluca resided in housing with his fiancée. The complainant stated BG Deluca was married to another woman, but she was not living at FLW. Additionally, the complainant stated the FLW CG was aware of the situation.

ALLEGATION # 1: BG Deluca engaged in an inappropriate relationship.

STANDARD: AR 600-100, Army Leadership, paragraph 2-1, states that every leader will set and exemplify the highest ethical and professional standards as embodied in the Army Values.

ANALYSIS/DISCUSSION:

1. BG Deluca was married to (b)(7)(C) as reflected in the DOD Employee Interactive Data System (DEIDS). The DEIDS Family Member Listing report reflected (b)(7)(C) as BG Deluca's spouse and (b)(7)(C) as "other."

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2. (b)(7)(C) 1st Engineer BDE S-1 Shop, FLW, stated she in-processed BG Deluca and helped him add (b)(7)(C) to his emergency contact information form. (b)(7)(C) stated a person could be added to the Family Member Listing without actually being related. The person could be listed as "other" and would be considered a "not authorized dependant."

3. (b)(7)(C) GS-11, Deputy Director, Defense Military Pay Office, FLW, in-processed BG DeLuca on 8 December 2011. BG DeLuca listed his marital status as "separated" and provided a separation agreement dated 25 January 2008.

4. The 22 November 2011 edition of the *Pulaski County Daily News* cited BG Deluca as the new Engineer School Commander and listed (b)(7)(C) as BG Deluca's "fiancée." The *Pulaski County Daily News* quoted BG Deluca: "This is a person who was a 26-year New Yorker who agreed to move to Missouri so I think it must be love. . . I certainly wasn't about to let her get away and I think when you meet her you'll know why." MG Yenter attended the ceremony.

[IO Note: The *Pulaski County Daily News* is an independent news source for the Fort Leonard Wood community. The site provides news and information on government, school, police, fire, and community events.]

5. BG Deluca testified he approached his wife in 2007 with a settlement and separation agreement and since then encountered years of unmet expectations in an attempt to finalize his divorce.

a. An initial, uncontested settlement and separation agreement was signed on 25 January 2008. Since 2008, Mrs. Deluca denied him every opportunity to finalize the divorce.

(b)(7)(C) and (b)(7)(D)

(b)(7)(C) and (b)(7)(D)

[IO note: The Uniformed Services Former Spouse Protection Act (USFSPA) permits former spouses to continue receiving commissary, exchange, and health care benefits after a divorce in certain cases. To qualify for continued benefits, a former spouse must show that the Service member served at least 20 years of creditable service, that the marriage lasted at least 20 years, and that the period of the marriage overlapped the period of service by at least 20 years. A former spouse who meets these requirements

is known as a 20/20/20 former spouse and is entitled to full commissary, exchange, and health care benefits. These benefits include TRICARE and inpatient and out-patient care at a military treatment facility. Under the USFSPA a 20/20/20 spouse may also receive up to 50% of the service member's retirement as payment directly from Defense Finance and Accounting Services (DFAS). BG Deluca and Mrs. Deluca were married 3 October 1992; 20 years was not until 3 October 2012. The marriage at that point overlapped 20 years of BG Deluca's active federal service.]

b. Mrs. Deluca and her lawyer obtained a change in venue to another county, further delaying the proceeding. BG Deluca believed his spouse was delaying the divorce's finality in order to establish herself as a 20/20/20 spouse. BG Deluca indicated that he was prepared to do whatever was needed to obtain the divorce.

c. He met (b)(7)(C) in 2009 in New York. By 2010 they were dating, and they became engaged in 2011. He was actively seeking his divorce. He told his son and estranged wife of the new relationship, and he wanted the divorce finalized. BG Deluca testified he was an old Soldier with a demanding career and an active social life associated with work but not outside of work. He did not see a relationship in his future, and it took him by surprise.

d. (b)(7)(C) signed a lease agreement on 9 April 2012 in St. Robert, MO. He and (b)(7)(C) did not live together at FLW, although it might have appeared that way on the housing paperwork. (b)(7)(C) was sensitive to the situation and remained in her own apartment in St. Robert, MO.

e. (b)(7)(C) helped BG Deluca establish his quarters at FLW. When she came to FLW in November 2011 to help set up the house, she stayed with him; she did not get a motel room. In 2011, they spent Thanksgiving and Christmas together. (b)(7)(C) had a presence on post and in the housing community after she arrived in November 2011. She visited BG Deluca once a month, and BG Deluca brought her to some events. They attended the Chemical Regimental Ball together.

f. MG Yenter knew BG Deluca had a pending divorce and knew he was engaged to (b)(7)(C). BG Deluca briefed MG Yenter on his situation when he first arrived at FLW in November 2011. He explained to MG Yenter that the divorce would be finalized very quickly. All the expectations of his divorce being finalized quickly were unmet.

g. BG Deluca wanted to protect the Army institution. He was honest with everyone, deceived no one, and misled no one. He tried to behave in a way that would not reflect badly on the Army. Because of expectations and a desire for some support, he testified he probably created a situation that could be misread and cast in a bad light for the service. He was "regretful;" he owed the Army everything, and would do whatever the Army felt he needed to do to rectify the situation.

SAIG-IN (DIG 12-00042)

6. (b)(7)(C) a VA attorney, represented BG Deluca from 2007 to 2011 when the separation and settlement agreement was uncontested.

(b)(7)(C)

b. Mrs. Deluca used delaying tactics for years to stall the divorce. Every time Mrs. Deluca seemed willing to move forward with the divorce, she would change her mind. It went back and forth. She came back with amendments to the settlement, which BG Deluca quickly agreed to, only to change her mind again. BG Deluca did everything possible to make his estranged wife happy with the settlement and to finalize the divorce.

(b)(7)(C)

8. The evidence indicated BG Deluca engaged in an inappropriate relationship with (b)(7)(C). Despite his efforts to finalize his divorce since 2008, BG Deluca was engaged to (b)(7)(C) while he was still married to Mrs. Deluca. BG Deluca's engagement, which he admitted was romantic, did not represent the exemplary conduct expected of a senior officer and was not consistent with the standards embodied in the Army values.

ALLEGATION # 2: (b)(7)(C)

(b)(7)(C)

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(b)(7)(C)

ALLEGATION # 3: (b)(7)(C)

(b)(7)(C)

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(b)(7)(C)

OTHER MATTER: On 25 August 2011 BG Deluca submitted a housing application to the FLW Housing office which reflected (b)(7)(C) as his spouse. The housing application was signed on 15 November 2011. BG Deluca testified he did not fill out the housing paperwork for on post housing. He testified the *Leonard Wood Family Communities* housing office completed the form for him. BG Deluca informed the housing office (b)(7)(C) would move in with him once they were married. Although BG Deluca initialed the bottom of each page, he did not notice (b)(7)(C) had been added as his spouse. BG Deluca never portrayed (b)(7)(C) to be his spouse and did not falsify any information. (b)(7)(C) did not live with BG Deluca; she signed a one-year lease for her own apartment.

SAIG-IN (DIG 12-00042)

RECOMMENDATIONS:

1. Record the allegation that BG Deluca engaged in an inappropriate relationship as substantiated.

2. (b)(7)(C)
(b)(7)(C)

3. (b)(7)(C)
(b)(7)(C)

4. The issue in other matters be dropped.

5. Refer this report to OTJAG.

(b)(7)(C)

LTC, IG
Investigator

APPROVED:



PETER M. VANGJEF
Lieutenant General, USA
The Inspector General

COORDINATION:

IN, Legal
Chief, PI Br
IG, Legal
Chief, IN Div
OGC

Initials: (b)(7)(C)
Initials:
Initials:
Initials:
Initials: SA

Date: 2012 12 12
Date: 14 Dec 12
Date: 19 Dec 12
Date: 21 Dec 12
Date: 21 Dec 12

Encls

LIST OF EXHIBITS

EXHIBIT

ITEM

A Complaint/Legal Review

B Standard:

B-1: AR 600-100

B-2: AR 600-20

C Document Summary:

C-1: DEERS enrollment for BG Deluca

C-2: Family Member Listing for BG Deluca

C-3: Customer Housing application for BG Deluca

C-4: Pulaski County Daily, dtd 22 November 2011

C-5: DA Form 5960, BAQ form from FLW Finance, dtd 8 December 2011

C-6: Separation and Settlement agreement for BG Deluca, dtd 25 January 2008

C-7: DEIDS Report

C-8: Command Policy #20 Housing Assignment for Key and Essential Personnel

C-9: DA Form 3881 for BG Deluca

C-10: Residential Lease for (b)(7)(C)

(b)(7)(C)

D Testimony Summary:

D-1: (b)(7)(C)

FOIA: Yes

D-2: BG Deluca

FOIA: No

D-3: (b)(7)(C)

FOIA: N/A

D-4:

FOIA: N/A

D-5: MG Yenter

FOIA: No

#10

BG French

DIG 12-00067



DEPARTMENT OF THE ARMY
OFFICE OF THE INSPECTOR GENERAL
1700 ARMY PENTAGON
WASHINGTON DC 20310-1700

**US ARMY INSPECTOR GENERAL AGENCY
REPORT OF INVESTIGATION
(Case 12-00067)**

Update

MAY -3 2013

NAME/POSITION: BG Kristin K. French, Commanding General, 3rd Sustainment Command

ALLEGATION AND CONCLUSION: The allegation that BG French misused government personnel for personal services was substantiated. The evidence indicated that while deployed to Afghanistan in 2012, BG French would bring her laundry to her office where Soldiers would take it to the laundry facility and pick it up for her. The evidence indicated this was not done for everyone in the headquarters. The taking care of laundry for BG French was considered using Soldiers to perform a personal service. BG French used Soldiers to perform this personal service.

BACKGROUND:

1. Between 6 May 2012 and 7 August 2012, DAIG received allegations against BG French.
2. The Inspector General approved the initial investigation findings on 19 December 2012 and provided BG French the opportunity to respond to the substantiated finding.

EVIDENCE: On 4 April 2013, BG French submitted her response to the allegation. She stated, "During my unit's deployment, I never intended to receive any preferential treatment from the Soldiers under my command. After reflection and education, I realize I should not have allowed other Soldiers to drop-off and pick-up my laundry in my absence from the Kandahar Airfield, where I resided. I have always done the utmost to adhere to the high standards expected of me and my profession. I have always strived to set the example. I appreciate the opportunity to respond again. This was a hard lesson to learn. I will not make the same mistake again." (Exhibit A)

ANALYSIS: BG French submitted her response within the 30 days that was given. She admitted to the impropriety of using Soldiers in providing a personal service for her.

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SAIG-IN (DIG 12-00067)

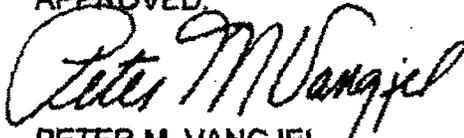
RECOMMENDATION:

1. Record the allegation that BG French misused government personnel for personal services in the IN database as substantiated.
2. File this report with DIG 12-00067.
3. Refer this report to the Office of The Judge Advocate General for appropriate action on the substantiated allegation.

(b)(7)(C)

LTC, IG
Investigator

APPROVED:



PETER M. VANGJEL
Lieutenant General, USA
The Inspector General

COORDINATION:

IN, Legal
Chief, PI Br
IG, Legal
Chief, IN Div
OGC

Initials
Initials
Initials
Initials
Initials

(b)(7)(C)

Date: 26130409
Date: 20130411
Date: ~~20130413~~ 16 APR 13
Date: 18 APR 13
Date: 24 APR 13

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DEPARTMENT OF THE ARMY
OFFICE OF THE INSPECTOR GENERAL
1700 ARMY PENTAGON
WASHINGTON DC 20310-1700

DEC 21 2012
US ARMY INSPECTOR GENERAL AGENCY
REPORT OF INVESTIGATION
(Case 12-00067)

NAMES/POSITIONS: BG Kristin K. French, Commanding General (CG),
3rd Sustainment Command (Expeditionary) (ESC), Joint Sustainment
Command-Afghanistan (JSC-A) (b)(7)(C)

ALLEGATIONS AND CONCLUSIONS:

1. The allegation that BG French misused government personnel for personal services was substantiated. (b)(7)(C)

(b)(7)(C) The evidence indicated that BG French would bring her laundry to her office, where Soldiers took it to the laundry facility and picked it up for her. Although BG French testified that she thought this was done by the mail clerk for everyone in the headquarters, the evidence indicated it was not. Taking care of laundry was an individual responsibility. Further, (b)(7)(C) advised BG French several times that she should take care of her own laundry. (b)(7)(C)

(b)(7)(C)

(b)(7)(C)

(b)(7)(C)

BACKGROUND: Between 6 May 2012 and 7 August 2012, DAIG received notification of allegations against BG French and (b)(7)(C) from six anonymous complainants and one named complainant. (b)(7)(C) stated he made at least one of the anonymous complaints. The complaints alleged that:

(b)(7)(C)

c. BG French and (b)(7)(C) improperly used Soldiers to clean their living quarters and drop off/pick up their laundry.

(b)(7)(C)

ALLEGATION #1: BG French and (b)(7)(C) misused government personnel for personal services.

STANDARDS:

1. Department of Defense (DOD) 5500.07-R, Joint Ethics Regulation (JER), dated 30 August 1993 (through Change 7, dated 17 November 2011), states in paragraph 3-303(b), that because of the potential for significant cost to the Federal Government, and the potential for abuse, DOD employees, such as secretaries, clerks, and military aides, could not be used to support the unofficial activities of another DOD employee or for any other non-Federal purposes.
2. Title 5, Code of Federal Regulations (CFR), Standards of Ethical Conduct for Employees of the Executive Branch, states in paragraph 2635.705(b), that an employee will not encourage, direct, coerce, or request a subordinate to use official time to perform activities other than those required in the performance of official duties or authorized in accordance with law or regulation.

ANALYSIS/DISCUSSION:

1. An anonymous complainant alleged that BG French and (b)(7)(C) used Soldiers to clean their living quarters and drop off/pick up laundry at the KAF laundry site.
2. Witness testimony reflected:
 - a. SFC (b)(7) picked up laundry for BG French and (b)(7)(C) at BG French's direction when they would be late getting back from a battlefield circulation mission. BG French also directed him to have her room cleaned due to contractor maintenance on the air conditioner in her quarters. Both incidents occurred in April 2012. SFC (b)(7)(C) delegated the one-time cleaning task to SPC (b)(7)(C), SPC (b)(7)(C), SPC (b)(7)(C) and SPC (b)(7)(C).
 - b. SPC (b)(7)(C) 3rd ESC, (b)(7)(C) cleaned BG French's quarters. (b)(7) performed this duty after air conditioner maintenance was conducted on the quarters.
 - c. COL (b)(7)(C) 3rd ESC, testified he was not aware of anyone using Soldiers to clean living quarters or to pick up or drop off laundry.
 - d. COL (b)(7)(C) 3rd ESC, testified he was not aware of Soldiers used to clean living quarters. It was common practice for someone within the same office to take another person's laundry to the KAF laundry facility.

e. SFC (b)(7)(C) 3rd ESC, testified that he never took the laundry for BG French or any other command group member to the contracted laundry facility. He would take his laundry, and his two roommates' laundry, he never had more than three laundry tickets in his possession.

f. CSM (b)(7)(C) testified:

(1) At the time of the Transfer of Authority, the 4th ESC Commander was on emergency leave. Soldiers from both the 3rd ESC and 4th ESC were tasked to inventory the 4th ESC CDR's personal gear and his quarters. Since BG French was to move into the same quarters, SFC (b)(7) was responsible for preparing the quarters for occupancy by BG French. BG French gave the keys to SFC (b)(7) to inventory the former CDR's gear, and SFC (b)(7) probably took the initiative to clean the quarters. CSM (b)(7)(C) never directed any Soldiers to clean the quarters, nor had any Soldiers cleaned his quarters. One time, he procured a desk from another site and asked a Soldier to help him move it to his quarters because it was heavy. He was aware that one time, the enlisted aide emptied the trash inside BG French's quarters, and a Soldier installed a computer in her quarters.

(2) The operating hours for the laundry facility were 0600-2100, and it was a 5-10 minute walk from the 3rd ESC area. BG French and her aide brought their laundry to the office, and Soldiers would ensure BG French's and her aide's laundry got dropped off and picked up from the laundry facility. He never directed any Soldier to provide that service for him, nor had any Soldier done so. He advised BG French to take care of her own laundry several times. The operating hours did not conflict with her work schedule. He voluntarily picked up the laundry one time for BG French and the aide as a courtesy.

g. BG French testified:

(1) She was not aware of anyone cleaning her quarters after her arrival and never directed anyone to do so. The former CDR's aide informed her when the quarters were ready for occupancy. She cleaned her own quarters. On one occasion, she found out that her aide emptied the trash in her quarters after a Soldier completed installing a computer. She told the aide that, "It's my job, it's my room." She was not aware of any Soldier cleaning CSM (b)(7)(C) quarters. On Sunday mornings, CSN (b)(7)(C) cleaned his quarters as evidenced by rugs drying outside.

(2) The mail clerk picked up and dropped off laundry at the HHC, 3rd ESC, supply room. She never dropped off her laundry at the supply room. The laundry was consolidated at the supply room and turned into the laundry facility by Supply Room personnel. She brought her laundry to work, but the laundry facility was not open when she arrived for work or when she completed her duty. Soldiers in her office would take

care of her laundry, as well as others, when they were going to the laundry facility. She never directed or asked any Soldier to do so. She thanked the Soldier(s) for taking care of her laundry. SPC (b)(7)(C) volunteered to conduct this service for many Soldiers. She believed SFC (b)(7)(C) had informed her of the service provided by SPC (b)(7)(C). There were many people who took advantage of the same service.

[IO NOTE: The IO interviewed SPC (b)(7)(C) and he denied taking BG French's laundry to the laundry facility. It was apparent that BG French was mistaken about which Soldier took the laundry.]

(3) She had picked up and/or dropped off laundry a couple times for other Soldiers as well. She worked extremely long hours and conducted numerous trips in and around Afghanistan. Her Soldiers took care of each other, and she did not have a perception that someone thought she was being singled out regarding laundry services.

3. CSM (b)(7)(C) used personnel one time to assist him in moving a heavy piece of furniture into his quarters. His use of a Soldier in a deployed environment to move what was presumably government-owned furniture into his government-provided quarters is not a violation of any standard regarding the provision of personal services, but is consistent with the duties of a Soldier. Additionally, CSM (b)(7)(C) cleaned his own living quarters. The evidence does not support a finding that he misused government personnel to clean his quarters.

4. BG French was not aware of anyone cleaning her quarters after her arrival and never directed anyone to do so. In one instance, Soldiers cleaned BG French's quarters prior to her occupying them. When BG French's predecessor left on emergency leave, he left his personal property in the quarters, and they were not ready for occupancy by the next occupant, BG French. The Soldiers inventoried the former commander's equipment and cleaned the quarters prior to BG French's occupancy because the prior occupant did not. In another instance, some Soldiers cleaned her quarters after a contractor made some repairs to the quarters. The use of Soldiers to clean a government contractor's work area in an Army facility does not constitute a personal service to BG French. In each of these instances the cleaning was consistent with the official duties that might be expected of a Soldier. The evidence does not support a finding that BG French misused government personnel to clean her quarters.

5. The evidence established that BG French's subordinates picked up and returned her laundry. BG French was aware that Soldiers in her office took care of her laundry. BG French indicated that she was merely including her laundry with a collection from other Soldiers for transport from her headquarters to the laundry facility. The testimony of CSM (b)(7)(C) and SPC (b)(7)(C) indicated that her laundry was not part of some sort of group pick-up for Soldier laundry in the headquarters, but rather Soldiers were making a

SAIG-IN (DIG 12-00067)

non-incident effort to take care of BG French's laundry. BG French's use of Soldiers to perform this laundry transport service was not authorized and constituted misuse of government personnel to perform personal services for her.

(b)(7)(C)

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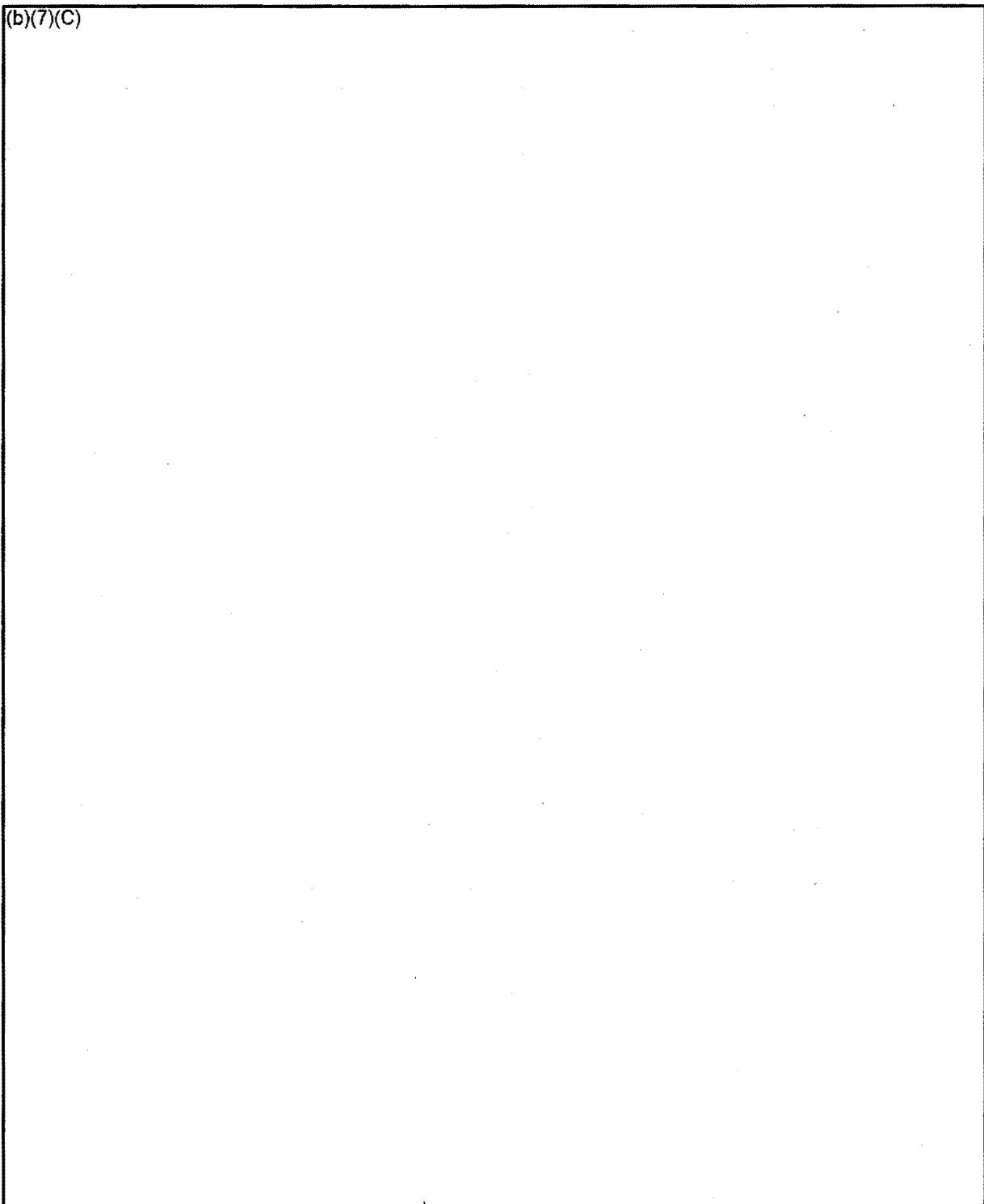
SAIG-IN (DIG 12-00067)

(b)(7)(C)

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SAIG-IN (DIG 12-00067)

(b)(7)(C)



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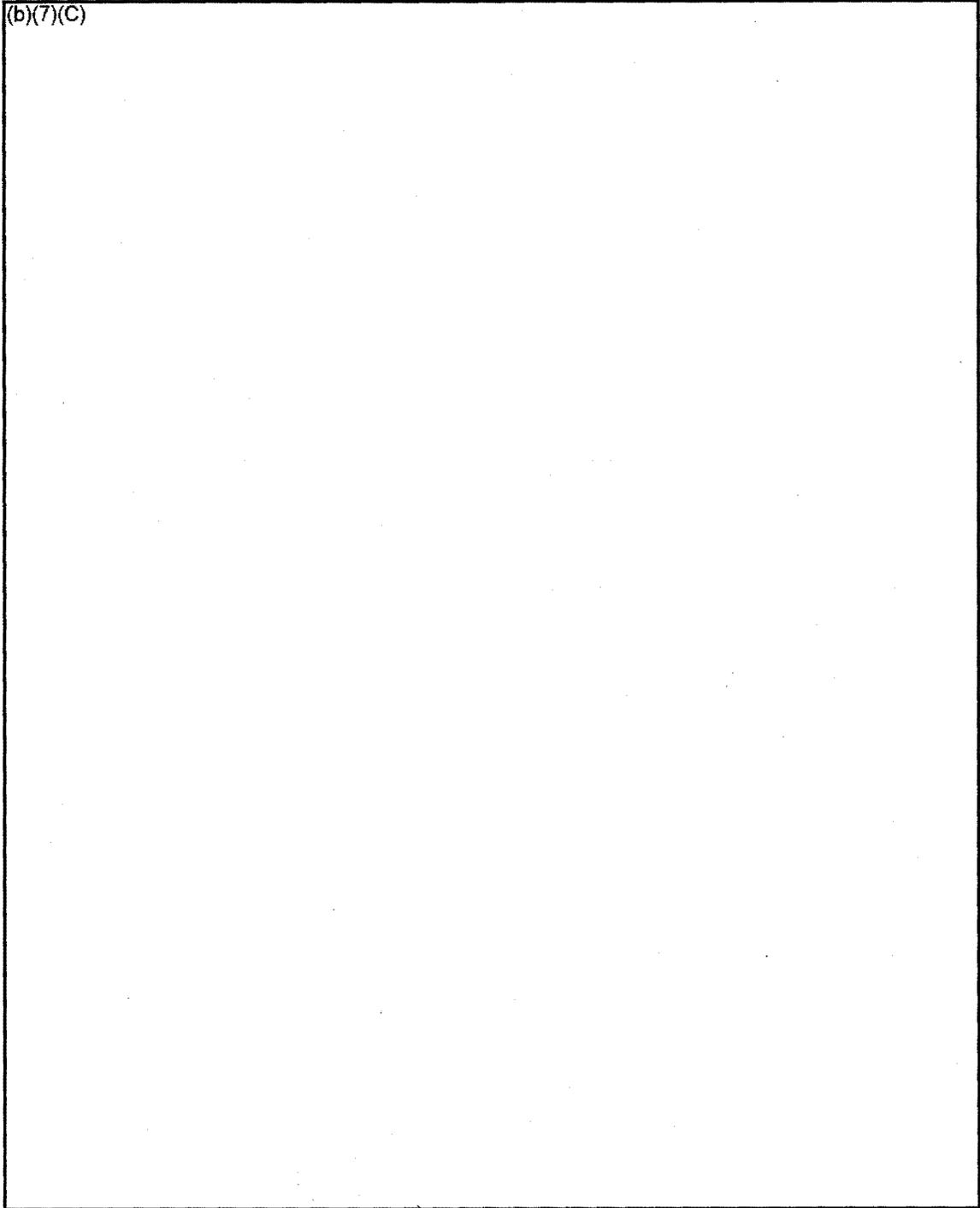
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8

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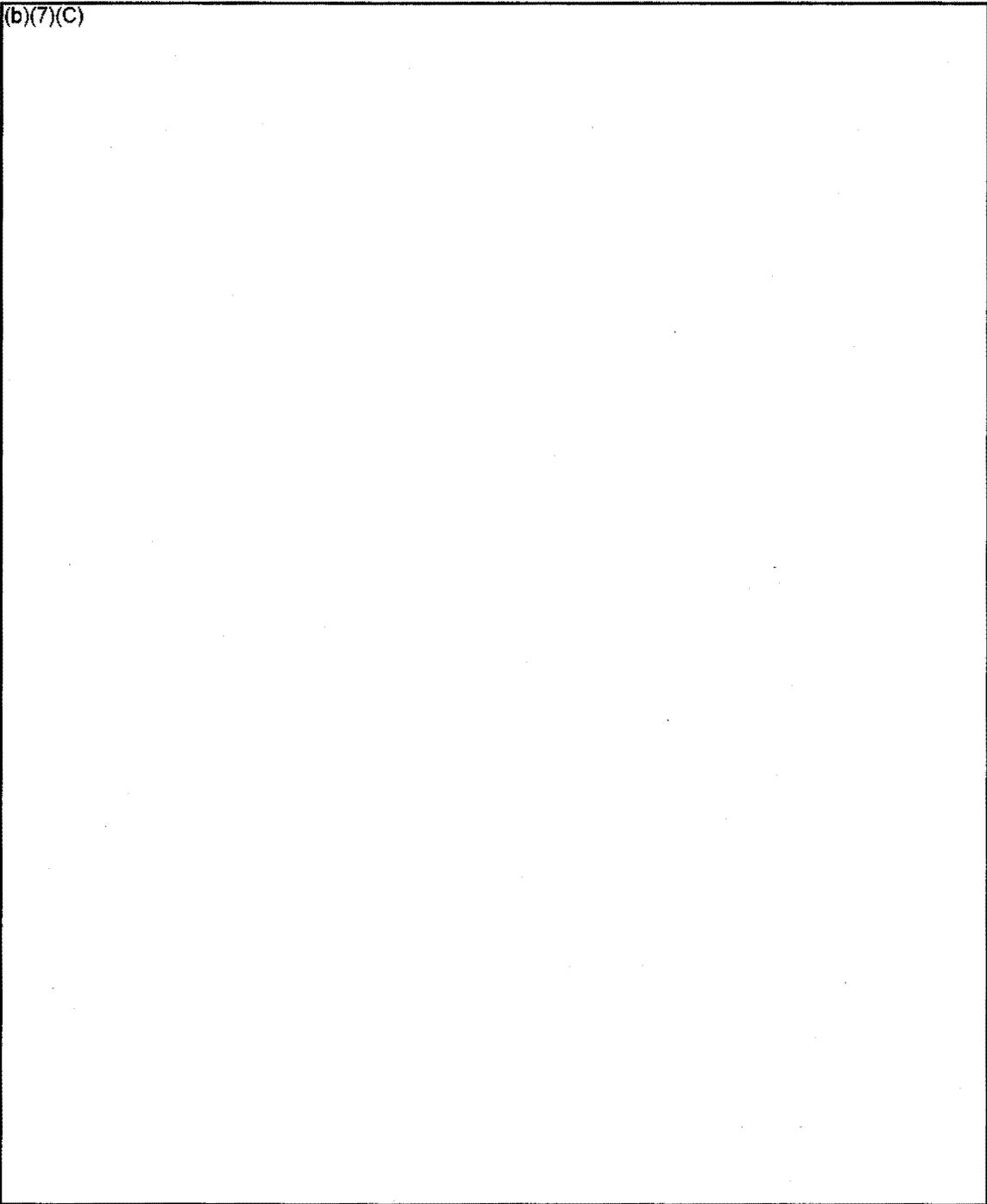
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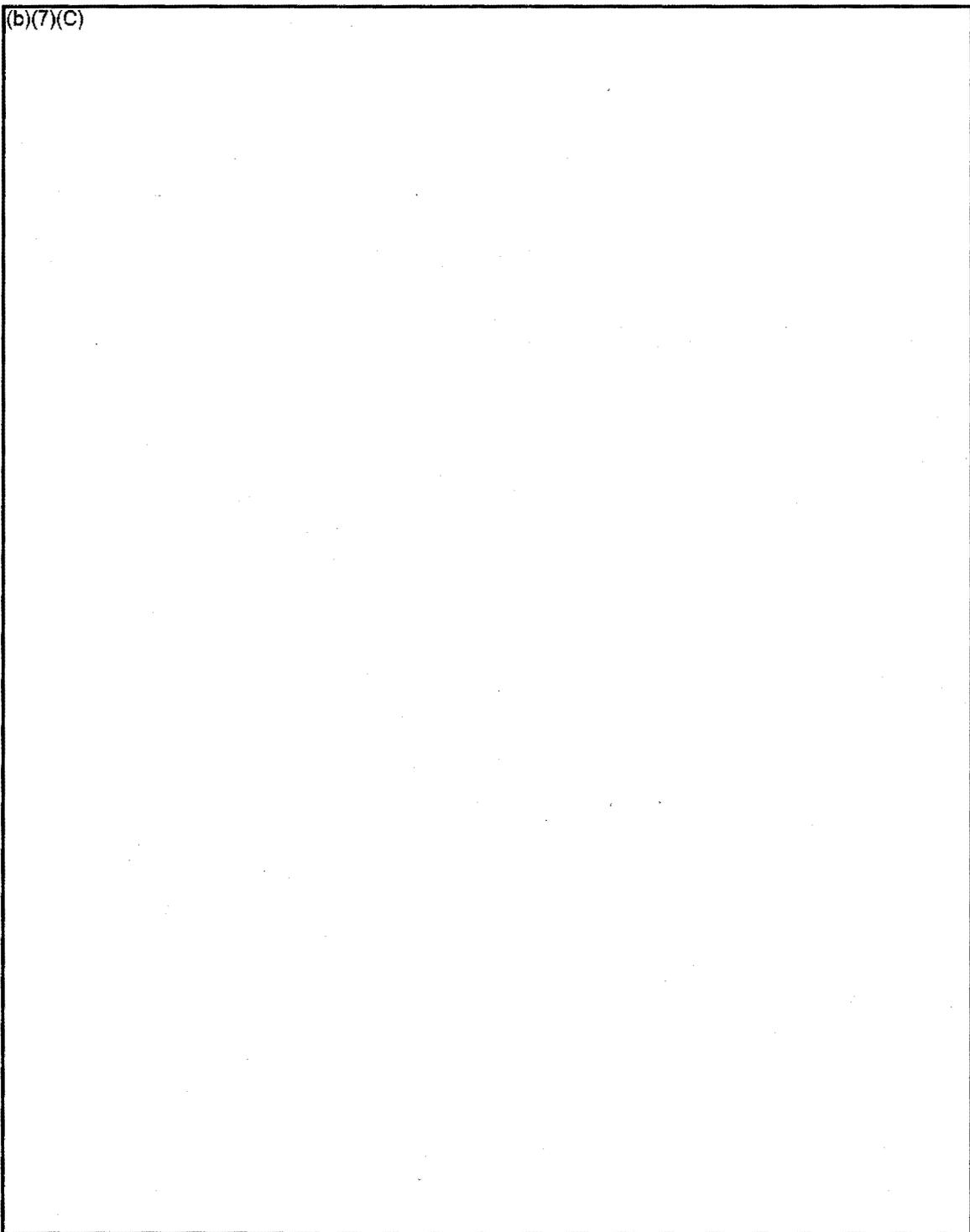
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(b)(7)(C)



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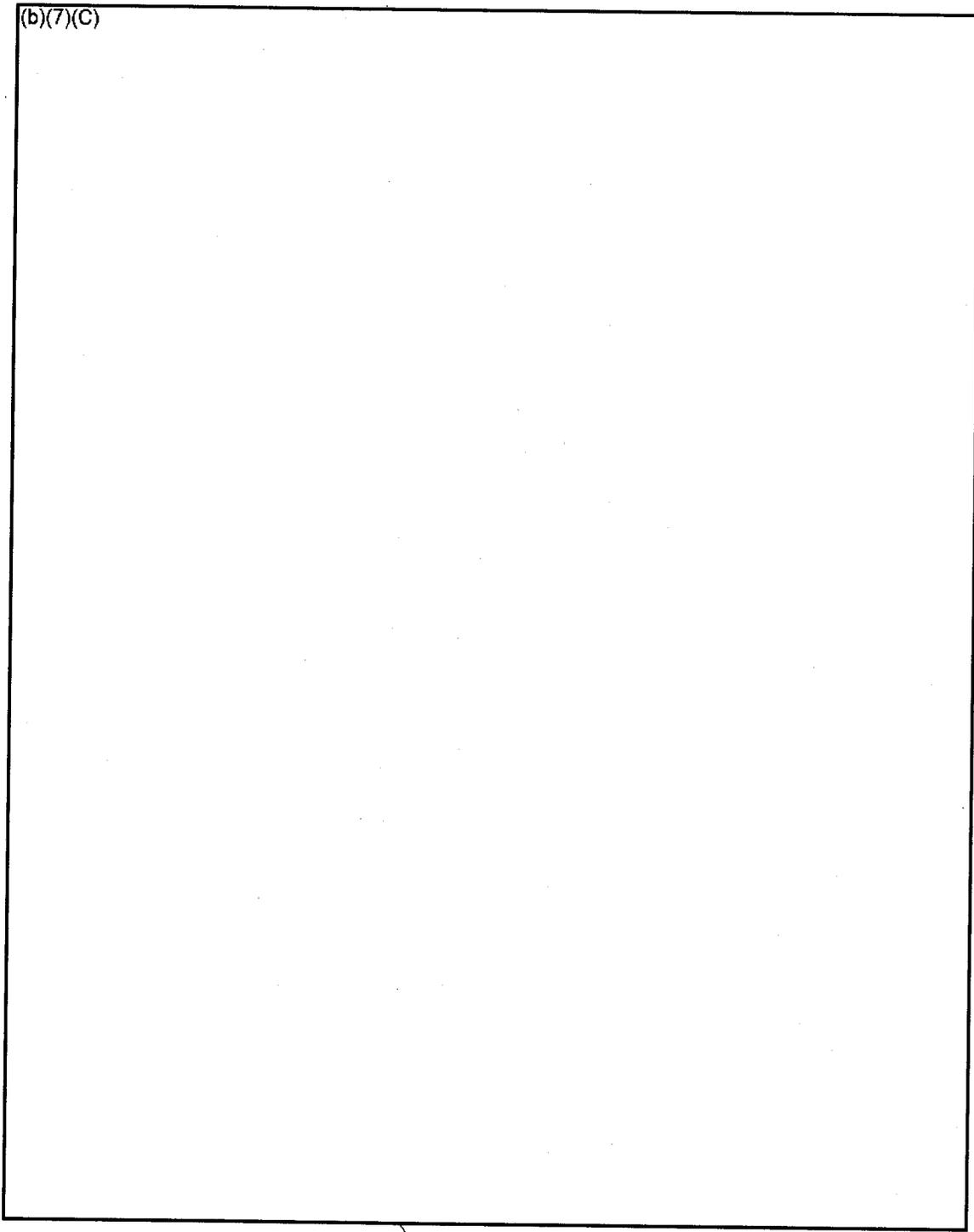
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(b)(7)(C)

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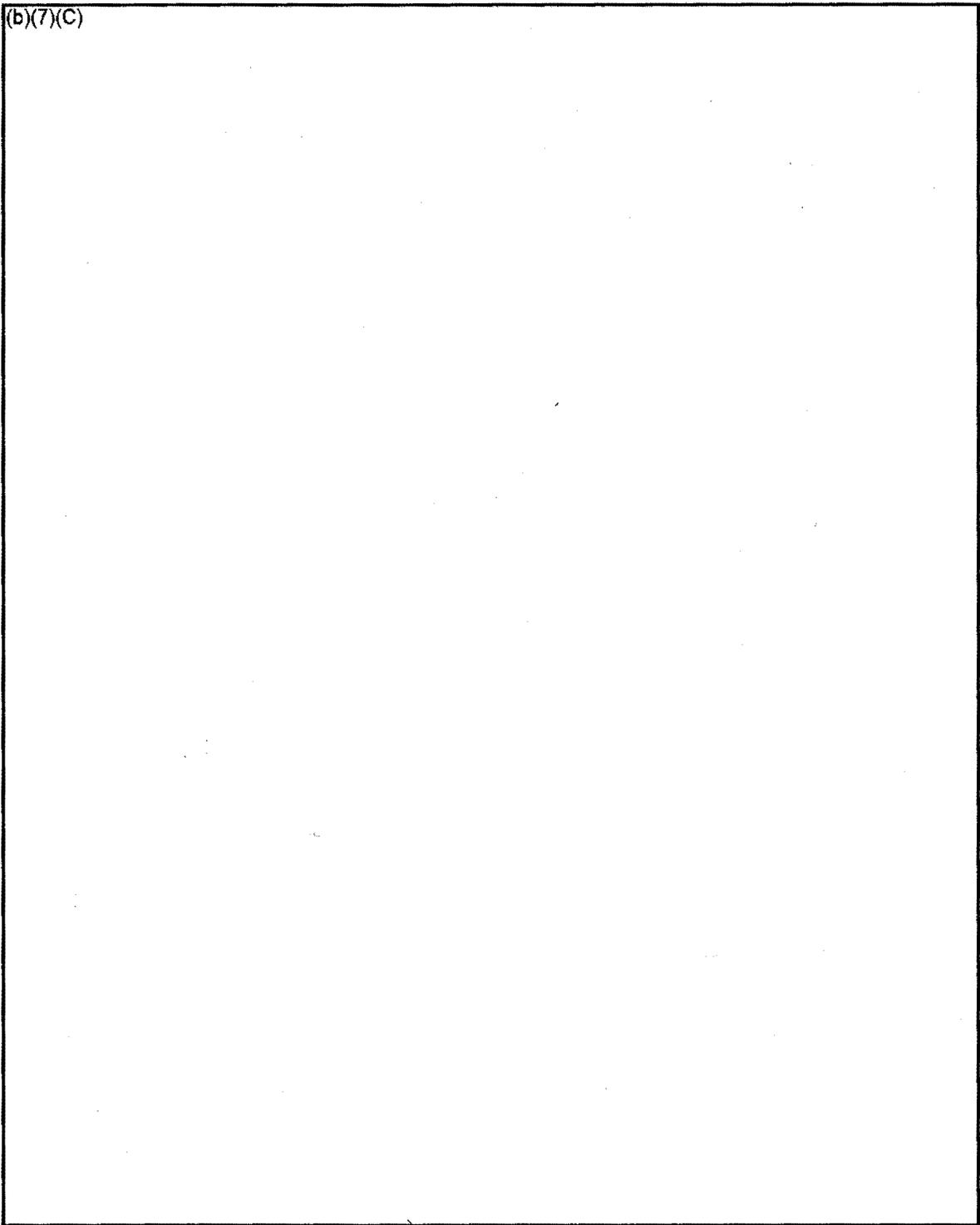
(b)(7)(C)



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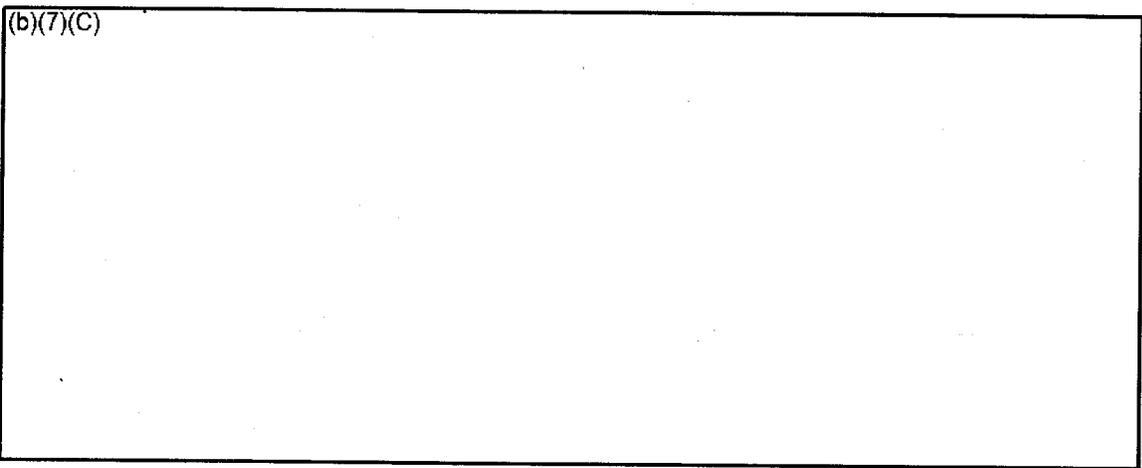
(b)(7)(C)



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SAIG-IN (DIG 12-00067)

(b)(7)(C)



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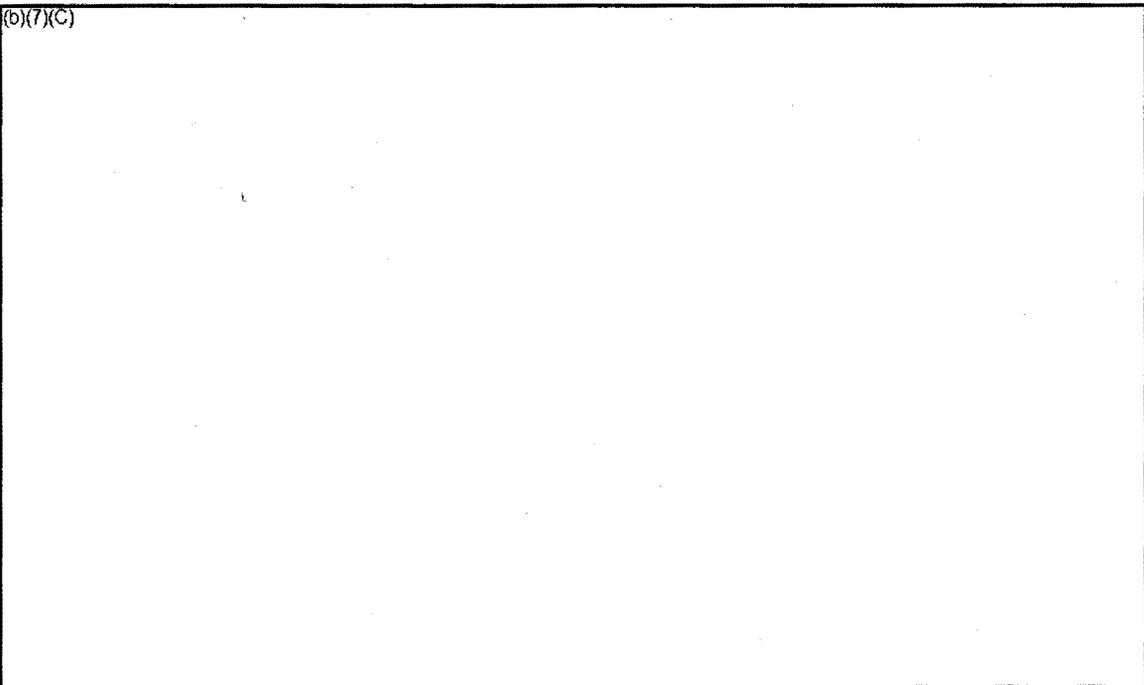
RECOMMENDATIONS:

1. Inform BG French of the intent to substantiate the allegation that she misused government personnel for personal services.

a. Provide BG French 30 days from the approval date of this report to provide a response.

b. Record the allegation that BG French misused government personnel for personal services in the IN database as open.

(b)(7)(C)



8. File this report as DIG 12-00067.

(b)(7)(C)



LTC, IG
Investigator

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APPROVED:



PETER M. VANGJEL
Lieutenant General, USA
The Inspector General

COORDINATION:

IN, Legal
Chief, PI Br
IG, Legal
Chief, IN Div

Initials:
Initials:
Initials:
Initials:

(b)(7)(C)

Date: 11/4/12
Date: 5 Dec 12
Date: 5 Dec 12
Date: 19 Dec 12

Encls

LIST OF EXHIBITS

EXHIBIT

ITEM

A Complaint/Allegation: DOD-IG received six anonymous complaints and one named complaint:

- A-1: Complaint, 6 May 2012
- A-2: Complaint, 16 May 2012
- A-3: Complaint, 16 May 2012
- A-4: Complaint, 8 June 2012
- A-5: Complaint, 15 July 2012
- A-6: Complaint, 16 July 2012
- A-7: Complaint, 7 August 2012

B Standards:

- B-1: DOD 5500.07-R, JER, dated 30 August 1993 (through Change 7, dated 17 November 2011)
- B-2: Title 5, CFR, Standards of Ethical Conduct for Employees of the Executive Branch, dated 1 January 2011, paragraph 2635.705 (b)
- B-3: Title 5, CFR, Basic Obligation of Public Service, dated 1 January 2011, paragraph 2635.101(b)(7) and paragraph 2635.101(b)(9)
- B-4: (b)(7)(C)
- B-5:
- B-6: AR 600-20, Army Command Policy, dated 18 March 2008, with Rapid Action Review, dated 4 August 2011
- B-7: (b)(7)(C)
- B-8: AR 600-100, Army Leadership, dated 8 March 2007
- B-9: (b)(7)(C)

C Document Summary:

- C-1: (b)(7)(C)
- C-2:
- C-3:
- C-4:
- C-5:
- C-6:
- C-7:
- C-8:

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C-9: (b)(7)(C)
C-10:
C-11:

C-12:
C-13:
C-14:

D Testimony Summary:

D-1: COL	(b)(7)(C)	FOIA: No
D-2: COL		FOIA: No
D-3: CPT		FOIA: No
D-4: SFC		FOIA: No
D-5: SPC		FOIA: Yes
D-6: MAJ		FOIA: No
D-7: CPT		FOIA: No
D-8: LTC		FOIA: No
D-9: SSG		FOIA: No
D-10: LTC	(b)(7)(C)	FOIA: Yes
D-11: COL	(b)(7)(C)	FOIA: No
D-12: LTC	(b)(7)(C)	FOIA: No
D-13: LTC	(b)(7)(C)	FOIA: No
D-14: LTC	(b)(7)(C)	FOIA: No
D-15: SGM	(b)(7)(C)	FOIA: No
D-16: BG French (w/ DA 3881)		FOIA: No
D-17: CSM	(b)(7)(C)	FOIA: Yes
D-18: SFC		FOIA: No
D-19: SGM		FOIA: Yes
D-20: SPC		FOIA: Yes
D-21: SGT		FOIA: Yes
D-22: SFC		FOIA: Yes
D-23: SPC		FOIA: No

E Notifications: BG French, MG Stein, LTG Brooks

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#11

BG Arnold

ROI 13-011 / DIG 12-00085



DEPARTMENT OF THE ARMY
OFFICE OF THE INSPECTOR GENERAL
1700 ARMY PENTAGON
WASHINGTON DC 20310-1700

US ARMY INSPECTOR GENERAL AGENCY

Report of Investigation

(Case 13-011)

MAY 22 2013

NAME/POSITION: BG Mark C. Arnold, US Army Reserve (USAR), Commanding General (CG), 100th Training Division (TD)(Operational Support), Fort Knox, KY

ALLEGATION / FINDING # 1: The allegation that BG Arnold encouraged subordinates to perform activities for other than official purposes was substantiated.

ALLEGATION / FINDING # 2: The allegation that BG Arnold improperly disclosed confidential inspector general (IG) information was substantiated.

BACKGROUND:

1. On 9 August 2012, the Department of the Army Inspector General Agency (DAIG) received an e-mail from MSG (b)(7)(C) IG, 80th Training Command (TC), containing information from SFC (b)(7)(C) IG, 100th TD. SFC (b)(7)(C) expressed concerns that BG Arnold expected (b)(7)(C) (b)(7)(C) Executive Secretary, 100th TD, to get his lunch. The e-mail also contained information that BG Arnold improperly disclosed confidential IG information.

2. DAIG inquiry 12-00085, dated 20 February 2013, determined the allegations that BG Arnold encouraged a subordinate to perform activities for other than official purposes and improperly disclosed confidential IG information required further investigation.

3. On 21 February 2013, The Inspector General (TIG) directed further investigation.

ALLEGATION #1: BG Arnold encouraged subordinates to perform activities for other than official purposes.

STANDARD: Title 5, Code of Federal Regulations (CFR), Standards of Ethical Conduct for Employees of the Executive Branch, dated 1 January 2010, states in paragraph 2635.705(b), an employee will not encourage, direct, coerce, or request a subordinate to use official time to perform activities other than those required in the performance of official duties or authorized in accordance with law or regulation.

TESTIMONY:

1. SFC (b)(7)(C) testified she had only spoken to BG Arnold twice; once to (b)(7)(C) (b)(7)(C) and the second concerning his lunch.

a. She was talking to (b)(7)(C) when BG Arnold arrived and informed (b)(7)(C) that he needed someone to coordinate for his lunch. SFC (b)(7) was about to go to lunch, so she volunteered to pick up BG Arnold's lunch; BG Arnold paid her for his lunch. When she returned with his lunch, BG Arnold said something to the effect of, "we are going to have to keep this arrangement for the rest of the week." She believed that BG Arnold expected her to pick up his lunch for the rest of the week.

b. The next day she went to BG Arnold's office under the assumption that he wanted her to get his lunch. BG Arnold saw her and asked, "Where's my lunch?" He had already given his order and money to (b)(7)(C) for the rest of the week. He called (b)(7)(C) who informed him that she had picked up his lunch and was on the way back. SFC (b)(7)(C) did not pick up BG Arnold's lunch anymore that week.

2. MG William H. Gerety, CG, 80th TC, testified that during an August 2012 counseling session with BG Arnold, BG Arnold acknowledged that he had his secretary pick up his lunch.

a. BG Arnold stated his secretary picked up his lunch for him twice. The first time was unsolicited, when she was about to go pick up her own lunch, and the second time he was in back-to-back meetings and asked her to get him a sandwich and drink. MG Gerety believed BG Arnold paid for his own lunch both times.

b. MG Gerety counseled BG Arnold about the matter and had not heard anything else about it until now.

3. CSM (b)(7)(C) 100th TD, testified that he and BG Arnold had three or four working lunches in BG Arnold's office. Usually, they had BG Arnold's aide get lunch for the group. One time, BG Arnold asked (b)(7)(C) to coordinate his lunch so he could work through his lunch break. SFC (b)(7) was present and volunteered to get BG Arnold's lunch since she was about to go get her own lunch. CSM (b)(7)(C) did not believe there was an expectation for others to get BG Arnold his lunch.

4. (b)(7)(C) testified that while BG Arnold was attending training in June 2012, BG Arnold asked (b) if there was a menu to Tim Horton's restaurant. (b)(7)(C) pulled up the menu on her computer and BG Arnold picked out a meal. SFC (b)(7)(C) was present and volunteered to pick up his lunch since she was about to go to lunch.

a. (b)(7)(C) suggested that BG Arnold pick a menu item for the rest of the week and (b) would go pick it up since he had limited time for lunch. This was a onetime occurrence, and BG Arnold does not routinely ask anyone to pick up his lunch.

b. BG Arnold's aide frequently offered to get BG Arnold's lunch for him, but (b)(7)(C) did not believe BG Arnold asked him to. She typically saw BG Arnold eating in the dining facility with CSM (b)(7)(C) and did not believe BG Arnold had an expectation for anyone to get his lunch.

5. SFC (b)(7)(C) aide, 100th TD, testified that BG Arnold never asked her directly to get him lunch; however, (b)(7)(C) got his lunch twice. She never heard BG Arnold ask (b)(7)(C) to get his lunch or that he expected her to get it.

a. One time (b)(7)(C) asked SFC (b)(7)(C) if she had money for BG Arnold's lunch since BG Arnold owed her money for a sandwich. SFC (b)(7)(C) told her to ask BG Arnold directly for the money because he did not like to owe anyone money. BG Arnold did reimburse (b)(7)(C) for his meal.

b. When BG Arnold became the CG, she took his uniforms to get badges sewn on. BG Arnold paid her for it. Every aide had a fund to pay for various things such as coffee, water, etc. Purchases were recorded in a spreadsheet, and BG Arnold reimbursed the aide.

[IO Note: In accordance with AR 614-200, Enlisted Assignments and Utilization Management, chapter 8, section 8-11b(1), dated 26 February 2009, enlisted aides may assist with care, cleanliness, and order of assigned quarters, uniforms, and military personal equipment.]

6. BG Arnold testified that in June 2012 he was at training across from his headquarters where he would go during lunch breaks to do work.

a. (b)(7)(C) talked to him about picking up lunch, and SFC (b)(7)(C) offered to do so as long as he paid for it. He accepted SFC (b)(7)(C) offer. He could not recall if SFC (b)(7)(C) picked up his lunch other than that one day.

b. He initiated the conversation about lunch and for (b)(7)(C) to possibly pick up lunch for him. He paid for his own lunch; however, it was at the expense of SFC (b)(7)(C) and (b)(7)(C) time and energy to go get lunch. They picked up his lunch for him three of the four days.

c. He did not order (b)(7)(C) or anyone to pick up his lunch. He asked (b)(7)(C) if it was not too much trouble, could she pick up his lunch. He could not recall anyone picking up his lunch for him outside of this week.

SAIG-IN (ROI 13-011)

ANALYSIS/DISCUSSION:

1. BG Arnold asked his secretary if she would get his lunch and created an impression that he expected her and other members of his staff to bring him lunch.
2. Although BG Arnold paid for the lunches, he still requested or encouraged his subordinates to perform an activity that was for his personal benefit and was not part of those subordinates' official duties. BG Arnold's subordinates were not authorized to perform personal services for him.
3. BG Arnold's encouragement of his subordinates to perform personal services for him as part of their official duties violated 5 CFR 2635.705. However, BG Arnold appeared to have terminated this practice when advised that it was improper.

CONCLUSION: The allegation that BG Arnold encouraged subordinates to perform activities for other than official purposes was substantiated.

ALLEGATION #2: BG Arnold improperly disclosed confidential IG information.

STANDARD: AR 20-1, IG Activities and Procedures, dated 29 November 2010, states in paragraph 1-6f(3), if the IG's commander (CDR) wants to share confidential IG information with a subordinate CDR or anyone else outside the IG-CDR relationship, he or she may do so, but must contact TIG for approval if the information pertains to investigations.

DOCUMENTS/TESTIMONY:

1. On 6 August 2012, LTC (b)(7)(C) IG, 100th TD, forwarded BG Arnold an e-mail summarizing a named Soldier's complaint of abuse of authority and reprisal by her chain of command. On the same day, BG Arnold forwarded the Soldier's complaint to members of his staff and directed LTC (b)(7)(C) in the future to courtesy copy such e-mails to his command staff.
2. BG Arnold testified that he forwarded a Soldier's IG complaint against one of his brigade CDRs to his command group, including his chief of staff, former Assistant Deputy CDR, and his civilian executive officer.
 - a. He did so because whenever he had a decision to make regarding subordinate units, he consulted with his command group to make a more informed decision. After he forwarded the e-mail, his IG informed him that he could not share IG sensitive information.

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SAIG-IN (ROI 13-011)

b. He had never worked with an IG before and did not realize he was violating a regulation. This was a difficult learning experience for him; he apologized, and regretted that his action led to an investigation.

ANALYSIS/DISCUSSION:

1. BG Arnold forwarded an e-mail that contained confidential IG information to members of his staff.
2. BG Arnold admitted he forwarded IG sensitive information to his command group. At the time, he was not aware of the prohibition in AR 20-1, paragraph 1-6f(3), against disclosing such information. He simply wanted to get feedback from his staff so that he could make a good decision in the matter.

CONCLUSION: The allegation that BG Arnold improperly disclosed confidential IG information was substantiated.

RECOMMENDATIONS:

1. Record the allegations that BG Arnold encouraged subordinates to perform activities for other than official purposes and improperly disclosed confidential IG information in the IN database as substantiated.
2. Refer this report to the Office of The Judge Advocate General.

(b)(7)(C)

COL, IG
Investigator

APPROVED:



ROSS E. RIDGE
Major General, USA
Deputy The Inspector General

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LIST OF EXHIBITS

EXHIBIT ITEM

A Authority/Complaint

- A-1: Directive
- A-2: E-mail, Subject: Senior Official Allegation, dated 9 August 2012
- A-3: Legal Review

B Standard

- B-1: Title 5, Code of Federal Regulations (CFR), Standards of Ethical Conduct for Employees of the Executive Branch, dated 1 July 2011
- B-2: AR 20-1, Inspector General Activities and Procedures, dated 29 November 2010

C Documents

- C-1: E-mail traffic from BG Arnold to LTC (b)(7)(C) informing him to keep his command group informed on IG sensitive information
- C-2: AR 614-200, Enlisted Assignments and Utilization Management, dated 26 February 2009 and Department of Defense Instruction, 1315.09, dated 2 October 2007

D Testimony

- | | |
|--------------------|-----------|
| D-1: SFC (b)(7)(C) | FOIA: Yes |
| D-2: MG Gerety | FOIA: Yes |
| D-3: CSM (b)(7)(C) | FOIA: Yes |
| D-4: (b)(7)(C) | FOIA: No |
| D-5: SFC (b)(7)(C) | FOIA: Yes |
| D-6: BG Arnold | FOIA: Yes |

E Notification

- E-1: BG Arnold
- E-2: MG Gerety
- E-3: MG Lesniak

MG LARRY WYCHE

DIG 14-40024



DEPARTMENT OF THE ARMY
OFFICE OF THE INSPECTOR GENERAL
1700 ARMY PENTAGON
WASHINGTON DC 20310-1700

OCT 23 2015

SAIG-IN

MEMORANDUM FOR INSPECTOR GENERAL, US ARMY TRAINING AND
DOCTRINE COMMAND, 661 SHEPPARD PLACE, RM 121, FORT EUSTIS,
VA 23604-5708

SUBJECT: Referral of Issue (DIG 14-40024)

1. The Department of the Army Inspector General Agency recently completed the review of an anonymous complaint regarding the (b)(7)(C) Commanding General, US Army Combined Arms Support Command, Fort Lee, VA. The complainants were (b)(7)(C)

(b)(7)(C)

(b)(7)(C)

at Fort Lee.

2. Army Regulation (AR) 600-20, Army Command Policy, states Army Well-being is the personal - physical, material, mental, and spiritual-state of the Army Family, including Soldiers and their Families, that contributes to their preparedness to perform and support the Army's mission. The focus of Army Well-being is to take care of the Army Family.

3. AR 600-100, Army Leadership, states every leader will ensure the physical, moral, personal, and professional wellbeing of subordinates; treat subordinates with dignity, respect, fairness, and consistency, and foster a healthy command climate.

4. We determined the matter is more appropriate for review and action by the command at this time. Accordingly, it is referred to you for appropriate action. If during your review, you discover evidence of senior official involvement in an impropriety, refer the matter to us with supporting documentation.

5. Our point of contact for this action is (b)(7)(C) DSN (b)(7)(C) or commercial (b)(7)(C)

(b)(7)(C)

Encl

Colonel, IG
Chief, Investigations Division

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#11

MG NESBITT

DIG 11-00046



DEPARTMENT OF THE ARMY
OFFICE OF THE INSPECTOR GENERAL
1700 ARMY PENTAGON
WASHINGTON DC 20310-1700

JUN 10 2013
US ARMY INSPECTOR GENERAL AGENCY
PRELIMINARY INQUIRY
(Case 11-00046)

NAMES/POSITIONS: MG (Ret) William T. Nesbitt, former The Adjutant General (TAG), Georgia National Guard (GANG) (b)(7)(C)

(b)(7)(C)

[IO Note: MG Nesbitt (b)(7)(C) retired effective 2 October 2011. MG Nesbitt received MG retirement pay based on over 42 years of active and traditional National Guard service. (b)(7)(C)

(b)(7)(C)

BACKGROUND: From 13 April 2011 until 16 September 2011, DAIG received five complaints that contained allegations against MG Nesbitt; (b)(7)(C)

(b)(7)(C)

(b)(7)(C)

(b)(7)(C)

(b)(7)(C)

(b)(7)(C)

(b)(7)(C)

This report focused exclusively on the allegations associated with MG Nesbitt (b)(7)(C). The remaining allegations involving (b)(7)(C) and (b)(7)(C) were addressed in DIG 11-00101 and approved by The Inspector General (TIG) on 6 October 2012 and Department of Defense Inspector General (DODIG) on 9 November 2012.

ALLEGATIONS AND CONCLUSIONS:

1. The allegation that MG Nesbitt engaged in a relationship that caused a perception of partiality or unfairness and appeared to compromise the integrity of the chain of command was substantiated. The allegation that MG Maria Britt engaged in the same relationship that caused a perception of partiality or unfairness and appeared to compromise the integrity of the chain of command was not substantiated. MG Nesbitt and MG Maria Britt engaged in a close personal/professional relationship for at least 15 years. MG Nesbitt characterized it as a professional (senior to subordinate) mentoring relationship; however, many members of the GANG perceived it as an inappropriate personal relationship that lasted for many years and degraded the organization. Although the perception was widespread and long lasting, none of the witnesses had ever seen them act improperly. Rather, the perception was based on the amount of time they spent together in a professional and social capacity, as well as a perceived favoritism that MG Nesbitt displayed towards

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MG Maria Britt. MG Nesbitt testified that he was aware of the GANG perception and was confronted on it more than once; however, there was no evidence that he took any significant action to correct it. MG Maria Britt testified that she was very concerned about the perception and asked MG Nesbitt on several occasions to back off on his attempts to spend time with her. As MG Maria Britt's supervisor, MG Nesbitt had primary responsibility to prevent the perception. Therefore, the allegation that MG Nesbitt engaged in a relationship that caused a perception of partiality or unfairness and appeared to compromise the integrity of the chain of command was substantiated, while the same allegation was not substantiated for MG Maria Britt.

2. (b)(7)(C)
(b)(7)(C)

3. (b)(7)(C)
(b)(7)(C)

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SAIG-IN (DIG 11-00046)

(b)(7)(C)

4. (b)(7)(C)

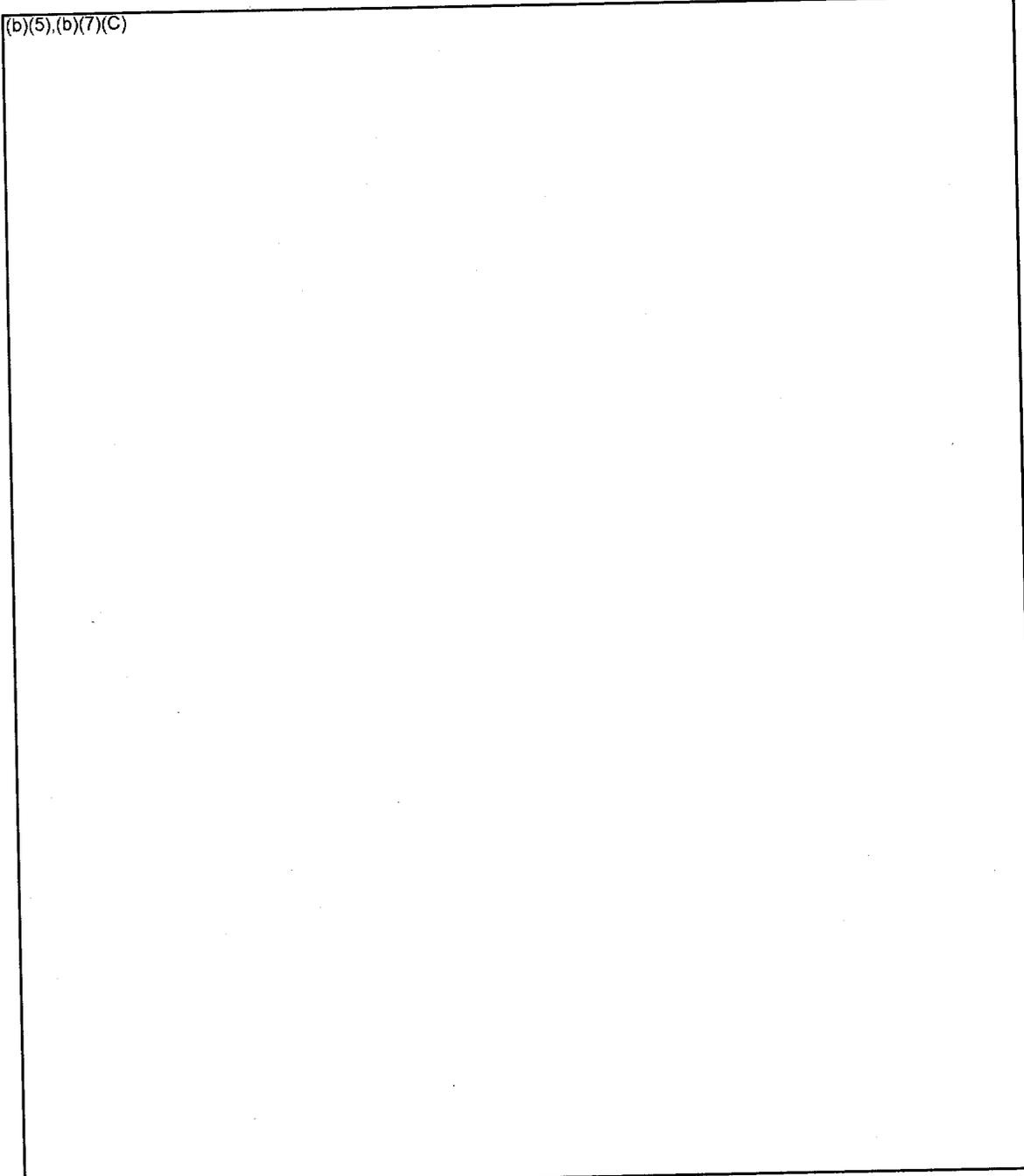
(b)(7)(C)

(b)(5),(b)(7)(C)

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SAIG-IN (DIG 11-00046)

(b)(5),(b)(7)(C)



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SAIG-IN (DIG 11-00046)

(b)(5),(b)(7)(C)



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SAIG-IN (DIG 11-00046)

(b)(5),(b)(7)(C)

ALLEGATION 1: MG Nesbitt and MG Britt engaged in a relationship that caused a perception of partiality or unfairness and appeared to compromise the integrity of the chain of command.

STANDARD: AR 600-20 states:

a. In paragraph 4-14(b)(1), relationships between Soldiers of different rank are prohibited if they compromise, or appeared to compromise, the integrity of supervisory authority or the chain of command.

b. In paragraph 4-14(b)(2), relationships between Soldiers of different rank are prohibited if they cause actual or perceived partiality or unfairness.

ANALYSIS/DISCUSSION:

1. MG Nesbitt and MG Maria Britt were alleged to have had an inappropriate relationship that lasted for many years and degraded the organization. The perception was based on numerous observations of MG Nesbitt and MG Maria Britt in frequent social contact through lunch dates, official travel, and social engagements. Witnesses also complained about favoritism MG Nesbitt displayed towards MG Maria Britt and the resulting influence she had over him.

2. BG Tim Britt testified:

a. MG Nesbitt went above and beyond to mentor MG Maria Britt over a 15-year period. He paid far more attention to her professional and personal life than he paid to any other officer. MG Nesbitt called her several times a day and always asked her to lunch. He could rarely go to lunch with his wife without MG Nesbitt being invited to come along. MG Nesbitt frequently had MG Maria Britt attend his temporary duty (TDY) events even if she had no reason to be there. He would also attend her TDY events when he had no reason to be there. While on TDY, MG Nesbitt often booked his plane seat and hotel room next to hers. He heard they also did a lot of after-hours socializing while on TDY.

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b. All the interaction between MG Nesbitt and MG Maria Britt resulted in the perception of an inappropriate relationship, and rumors of their relationship were rampant throughout the GANG. He had people coming up to him to ask if he realized what was going on between MG Nesbitt and MG Maria Britt and how he could stand it. He was embarrassed and frustrated. A few times he approached MG Nesbitt, man to man, to discuss his concerns. In each instance, MG Nesbitt said he was only interested in her professionally and was just trying to mentor her. MG Nesbitt promised to back off on the lunches and the unnecessary TDY, but that rarely lasted more than a few days. He found it ever more difficult to trust his wife even though he wanted to. Eventually, he just stopped caring and focused on his own career. Their marriage ended with a divorce in September of 2010.

c. MG Maria Britt told BG Tim Britt that she asked MG Nesbitt on several occasions to back off on all his attempts to spend time with her. BG Tim Britt recognized that MG Maria Britt was in a difficult position. She was obviously benefiting professionally from all her contact with MG Nesbitt, but if she pushed back too much on MG Nesbitt's attempts to be social with her, it could backfire and MG Nesbitt might treat her in a negative fashion.

d. BG Tim Britt thought the perception of an improper relationship between MG Nesbitt and MG Maria Britt made the GANG organization quite dysfunctional, particularly among the senior leadership. It had a huge impact on people and their careers. Some people were ostracized and/or sent home early for having a cross word with MG Maria Britt. MG Maria Britt would play to MG Nesbitt's power to have people dealt with who challenged her.

3. COL (b)(7)(C) testified:

(b)(7)(C)

b. She did not have any evidence that MG Nesbitt and MG Maria Britt had an improper physical relationship, although she suspected that it occurred at some point.

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Regardless, she thought they had an inappropriate personal relationship in terms of the undue influence she seemed to have over him. She thought MG Nesbitt had very strong feelings for MG Maria Britt that caused him to be extremely compliant with work-related decisions she wanted him to make. MG Maria Britt could voice an opinion at virtually any time, and he would enact it.

(b)(7)(C)

4. COL (b)(7)(C) testified:

a. He thought MG Nesbitt and MG Maria Britt had an inappropriate relationship that lasted for many years. They were often seen together out for lunch and out for dinner when TDY. They commonly came to meetings together, sometimes late from their lunches. They traveled extensively on TDY together, and he heard that when doing so, they would request adjoining rooms. He also heard that on one occasion, Mrs. Nesbitt came to the headquarters and told MG Nesbitt's personal staff that she did not want MG Nesbitt traveling TDY any more with "that woman," indicating MG Maria Britt. He thought their relationship was a large contributor to the failure of MG Maria Britt's marriage to BG Tim Britt. At the time, he and others could not understand why BG Tim Britt would put up with her relationship with MG Nesbitt. He did not have any hard evidence, but given all the time MG Nesbitt and MG Maria Britt spent together, he was convinced that they had an inappropriate relationship.

(b)(7)(C)

c. MG Maria Britt was junior to him when she entered the GAARNG, but they were both promoted to MAJ on the same date. At that time, she was working in the HQ with (then) GAARNG Chief of Staff, COL Nesbitt. When they were considered for LTC, he was higher on the order of merit list than her; however, his records were somehow sent to the wrong promotion board. He asked through the G1 what happened. The G1 said that they told MG Nesbitt about the mix up and MG Nesbitt said he would not reconsider putting MAJ (b)(7)(C) file before the board because he did not want a LTC serving in his ROTC position at North Georgia College. Instead MG Nesbitt created a new LTC

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AGR position and promoted then MAJ Maria Britt to fill it. COL (b)(7)(C) thought there were a lot of officers over the years that were seen as competition for MG Maria Britt, and as a result, they were moved out of the way or forced to retire early.

5. LTC (b)(7)(C) GANG, testified:

a. When she first came to the GANG in (b)(7) she was told that MG Nesbitt and MG Maria Britt had an inappropriate relationship. It appeared to her that at some point they did. She wondered how else anyone could explain MG Nesbitt's interest in MG Maria Britt and "how he pulled her along the way he did." Her perception was that MG Maria Britt received a lot of allowances to get her to her current position, allowances that other people did not receive.

b. In July 2011, she was working in her office when SSG (b)(7)(C) (b)(7)(C) GANG, approached and said that MG Nesbitt wanted to talk to SSG (b)(7) by phone; SSG (b)(7) wanted LTC (b)(7) to silently listen as a witness. SSG (b)(7) contacted MG Nesbitt, and they spoke by speakerphone without MG Nesbitt knowing that LTC (b)(7) was listening. MG Nesbitt asked SSG (b)(7) repeatedly (b)(7)(C) (b)(7)(C) (that could implicate MG Maria Britt). SSG (b)(7) repeatedly said no. LTC (b)(7) was surprised that a two-star general would be phoning an (b) and calling her by her first name. Initially MG Nesbitt was friendly and said he could help her with boards (promotion and retention) if she would just be honest with him. Once again she said that she did not talk to anyone about the incident. Then he switched to a threatening tone and said that he did not believe her and if he found out that she was lying there would be consequences, and she knew what that meant. LTC (b)(7) was startled by the exchange and MG Nesbitt's tone. She thought MG Nesbitt was not personally involved in the incident and was therefore surprised that he went to such lengths to intervene for MG Maria Britt.

6. (b)(7)(C) testified:

a. She was aware of a strong perception within the GANG that MG Nesbitt and MG Maria Britt had an inappropriate relationship that lasted for many years. She had a positive opinion of them both, but thought the perception of their relationship was everywhere and believed that it had a detrimental effect on the organization. Morale was low and everybody was on edge. She also knew that the perception went beyond the GANG and was referred to within the NG, and across other states, as the "NesBritt thing."

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b. There was also a perception in the GANG that if you angered MG Maria Britt, you would feel the wrath of MG Nesbitt. MG Nesbitt "thought the world of Maria Britt," and would pretty much back up anything she said. She stated that MG Maria Britt was thought to have had the same power as MG Nesbitt as a result of their relationship.

7. MG Robert Hughes, former Deputy Commanding General, First Army, testified:

a. He thought MG Maria Britt was at one time a competent officer but was promoted beyond her competence. He attributed this to the very close personal bond she developed with MG Nesbitt. He thought MG Nesbitt treated MG Maria Britt like the teacher's pet. She was looked after and protected by MG Nesbitt and given the choice assignments. Their relationship created a perception throughout the GANG that she was given "the inside track" for most of her career. At one time, their relationship was (b)(7)(C) although he never saw anything to prove this. When he was commanding the 48th Brigade (1997-2000), he became so concerned about this perception that he went to Atlanta to have a meeting with BG Tom McCullough, former ATAG, and MG Nesbitt (then COL and GAARNG Chief of Staff). He told them both about how this relationship was perceived in the field and that they needed to do something about it. He never saw a change; if anything, he thought it got worse.

b. In the late 1990s, an underground e-mail periodical was developed named "The Old Dobbin," after Dobbins Air Force Base. The periodical was really a blog that bashed the senior GANG leadership. MG Nesbitt and MG Maria Britt were frequently featured in this blog based on rumors of their inappropriate relationship. He could not believe that MG Nesbitt chose to not take action and change this perception. MG Hughes thought their relationship really degraded the organization.

[IO Note: (b)(7)(C) IG complaint stated that MG Nesbitt had either rated or senior rated MG Maria Britt for over 20 years. A review of MG Maria Britt's evaluations indicated that MG Nesbitt had either rated or senior rated MG Maria Britt for 14 of her last 22 evaluations. In the final four evaluations, MG Nesbitt rated and senior rated MG Maria Britt by virtue of his position as the TAG and hers as the Commanding General of the GAARNG. MG Maria Britt was continuously given top block ratings by all her raters.]

8. COL (b)(7)(C) GANG, testified:

a. He was (b)(7)(C) and knew that MG Nesbitt and MG Maria Britt had a long history together. Their relationship was

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based on trust and confidence. MG Nesbitt preferred to have MG Maria Britt in the tough jobs because he thought she was a strong performer. He knew MG Nesbitt thought she was the GANG's top officer and provided her preferential treatment based on her merit.

b. He was aware of the rumors that MG Nesbitt and MG Maria Britt had an inappropriate relationship, but personally he was not aware of them having anything other than a professional relationship. (b)(7)(C)

(b)(7)(C) COL (b)(7)(C) considered their relationship to be similar to that of anyone else who worked directly together. He found that whole notion of an inappropriate relationship to be absurd.

c. He did not think MG Nesbitt and MG Maria Britt ever traveled TDY together frequently. When they did travel together, it made sense to him. There was never an indication that they attempted to get adjoining rooms while TDY. He thought MG Maria Britt was considered to be like a daughter to the Nesbitt family.

9. COL (b)(7)(C) GAARNG (b)(7)(C) (b)(7)(C) testified that he was aware of the rumors of an inappropriate relationship between MG Nesbitt and MG Maria Britt. He thought they did their job, and he did not know what they could have done to mitigate that perception. He also did not think MG Nesbitt gave preferential treatment to MG Maria Britt. COL (b)(7)(C) thought MG Maria Britt did a great job under the circumstances she was given. She had to do everything everyone else did, but she had to do it better because she was a female. He thought she felt like a victim of water cooler conversations and of being a female in a mostly male organization.

10. MG Maria Britt testified:

a. That MG Nesbitt was her boss for many years and also acted as her mentor and sponsor. It was very rough being one of the first women to come into the Georgia Guard 20 years ago. There were only a few female officers and none over the rank of CPT, with most of those being on the medical side. MG Nesbitt quickly realized that with her West Point education and eight years of distinguished active duty service that she was an asset to the GANG and he took an interest in furthering her career. People began to notice the time they spent together and developed a perception that they had a personal relationship. She thought if she had been a man, this would not have been an issue, but since she was a woman, people thought it had to be a personal relationship. It was never about a personal relationship.

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b. MG Maria Britt thought MG Nesbitt was a very extraverted person. He liked to talk to people, to go out to lunch, to reach out and give his opinion, and to agree to disagree. He wanted people around him that would tell him if he was doing something that did not make sense. She tried to be honest with him and thought he valued her opinion. She also thought MG Nesbitt valued her because she spoke her mind, and they thought alike about Soldiers, leadership, and doing the harder right. She did not think he was infatuated with her, but admired and respected her and had confidence that she could get the job done.

c. She could only think of one conference that they attended together, and she asked him to reconsider attending because she did not want to encourage the perception of their personal relationship. The conference they attended was the annual MI Conference held at Fort Huachuca the year that she was the new Military Intelligence (MI) battalion commander within the GANG. She told MG Nesbitt, "Sir, I got this, I really don't need you to come to the conference." He replied, "I'm not going to avoid doing what I need to do as a leader because people are talking. I'm going to continue to do the right thing. I've gone to the infantry and armor conferences. We have stood up a new MI battalion in Georgia, and I'm going to the MI conference."

d. There was another TDY situation she recalled when she learned after arriving at the hotel that they were booked in adjoining rooms. She told MG Nesbitt that she was uncomfortable with this arrangement and said she needed to go downstairs and have her room changed. When she attempted to change the room, she learned that the hotel was otherwise booked. Moving to another hotel was not a reasonable option, so she just accepted the room. Once again, she thought this would not have been a problem if she was a man.

e. She did not recall attending any activity with MG Nesbitt that was not work related. They never went out for a beer or anything like that. She was careful not to let that happen. They had lunch together about once a week, and it was almost always in a public setting, although sometimes they had a working lunch in his office because "we were going a hundred miles an hour." Other staff personnel often attended, but the focus was always business. These meetings were not dates.

f. She thought sometimes MG Nesbitt wanted to spend too much time with her and that made her feel uncomfortable. She told him that he needed to back off and give her some space, so she could prove herself on her own merit. On one occasion, she said, "Sir, you have to back off because I understand that you do not want to treat me differently, but I am different, I'm a woman; I'm married; I've got children and people are getting the wrong idea." She was so concerned about the perception of their

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relationship that at one point she drew up a letter of resignation that she presented to MG Nesbitt. She told him that she could not lead Soldiers like this anymore. It was also stressing her out to deal with the marital pressure of having her husband, BG Tim Britt, think there was something going on between them. MG Nesbitt said that he was not going to accept the letter and that the organization needed her. He agreed to back off, however, she did not think he took it as seriously as she would have liked.

g. She thought she earned every rank she received. All MG Nesbitt did was to provide her a level playing field. "I earned every job through the work that I did, the team that I built, and the metrics that I preached. I was good, still am, and now I'm doing it for students instead of Soldiers (as Associate Vice President for Operations at Kennesaw State University).

11. MG Nesbitt testified he had a long-standing mentoring relationship with MG Maria Britt. He did not think they had a personal relationship other than through their professional relationship. He also thought MG Maria Britt was one of the most principled people he knew. They did not socialize outside the office other than an occasional working lunch. Many years ago he became aware of a GANG perception that they were having an inappropriate relationship. This occurred back when MG Maria Britt started to show a great deal of promise. He thought there were some bigots in the GANG that did not want to see a high ranking female officer in the organization and that was what fueled many of the allegations against her. He also mentored several other minority officers and females that showed promise. MG Nesbitt was concerned enough about the perception that he approached BG Tim Britt on the subject; and BG Tim Britt told him that he did not have any concerns at this point. He was also not aware of a time that they had adjoining hotel rooms and indicated that most of the travel they had done together was in the company of other staff.

12. MG Nesbitt and MG Maria Britt engaged in a close personal and professional relationship for at least 15 years. MG Nesbitt characterized it as a professional (senior to subordinate) mentoring relationship; however, many members of the GANG perceived it as an inappropriate personal relationship that lasted for many years and degraded the organization. Although the perception was widespread and long lasting, none of the witnesses had ever seen them act improperly. Rather, the perception was based on the amount of time they spent together in a professional and social capacity, as well as a perceived favoritism that MG Nesbitt displayed towards MG Maria Britt.

13. MG Maria Britt made an effort to address the perception problem. She testified that she was very concerned about the perception and asked MG Nesbitt on several occasions to back off on his attempts to spend time with her, to no avail. She also

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considered resigning, and at one point drew up a letter of resignation, but MG Nesbitt talked her out of it.

14. MG Nesbitt testified that he was aware of the GANG perception and was confronted on it more than once. However, there was no evidence that he made any significant effort to address or minimize the perception problem. MG Hughes testified that when he was commanding the 48th Brigade, he met with MG Nesbitt (then COL and Chief of Staff) and BG McCullough (former ATAG) to discuss the strong perception down in the field units and that they needed to do something about it. He stated that he never saw a change, if anything it got worse.

15. As MG Maria Britt's supervisor, MG Nesbitt had primary responsibility to prevent the perception problem. MG Maria Britt, as his subordinate, had limited options to deal with the perception, and she was frustrated by MG Nesbitt in her attempts to address the problem. Her former husband, BG Tim Britt, testified that MG Maria Britt was in a difficult position. If she pushed back too much on MG Nesbitt's attempts to be social with her, MG Nesbitt might treat her in a negative fashion.

16. The allegation that MG Nesbitt engaged in a relationship that caused a perception of partiality or unfairness and appeared to compromise the integrity of the chain of command was substantiated because he was the superior and was aware of the problem, but did not make an adequate effort to address it. The same allegation was not substantiated for MG Maria Britt because she was his subordinate, and she attempted to address the perception problem.

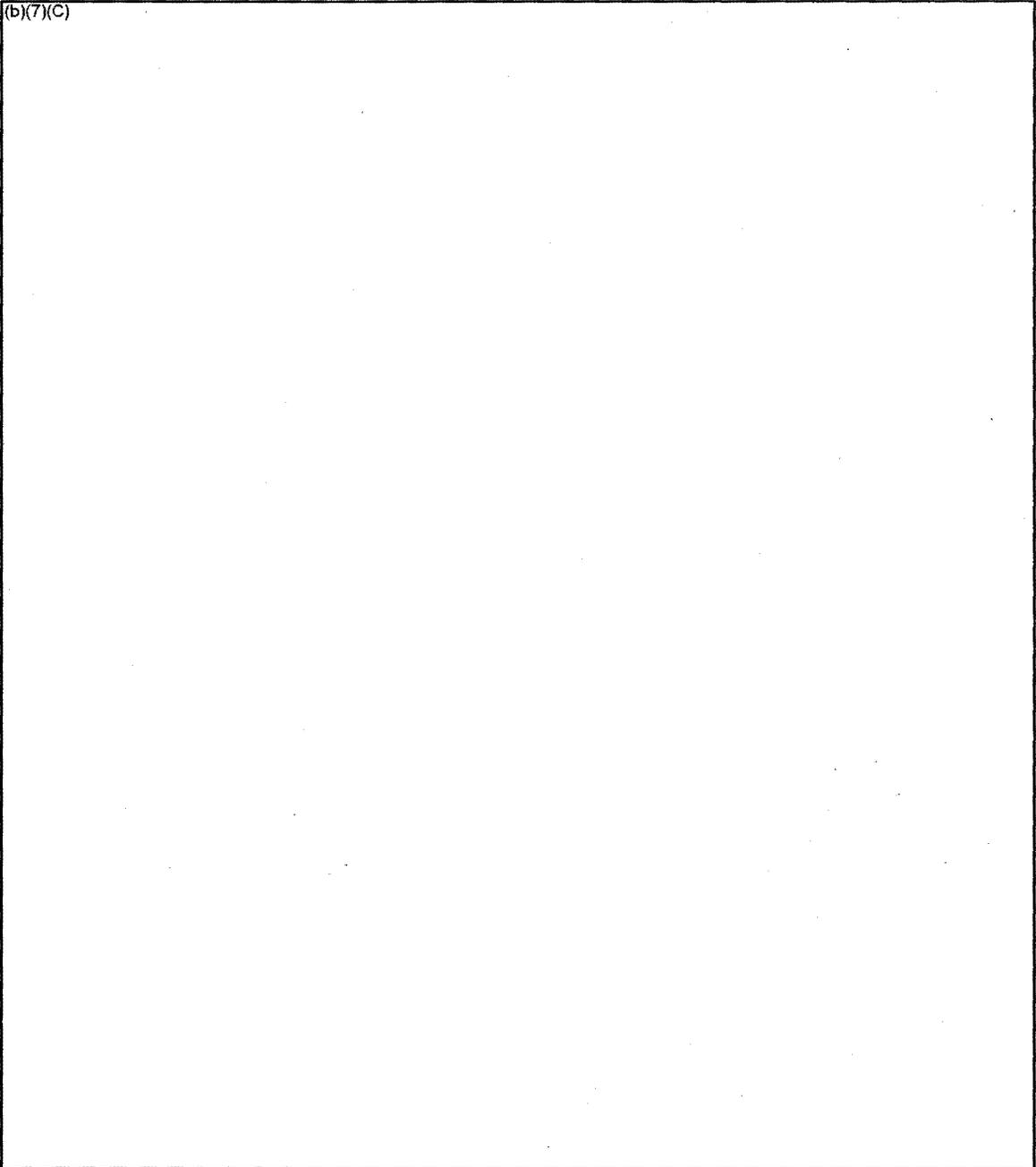
ALLEGATION 2: (b)(7)(C)

(b)(7)(C)

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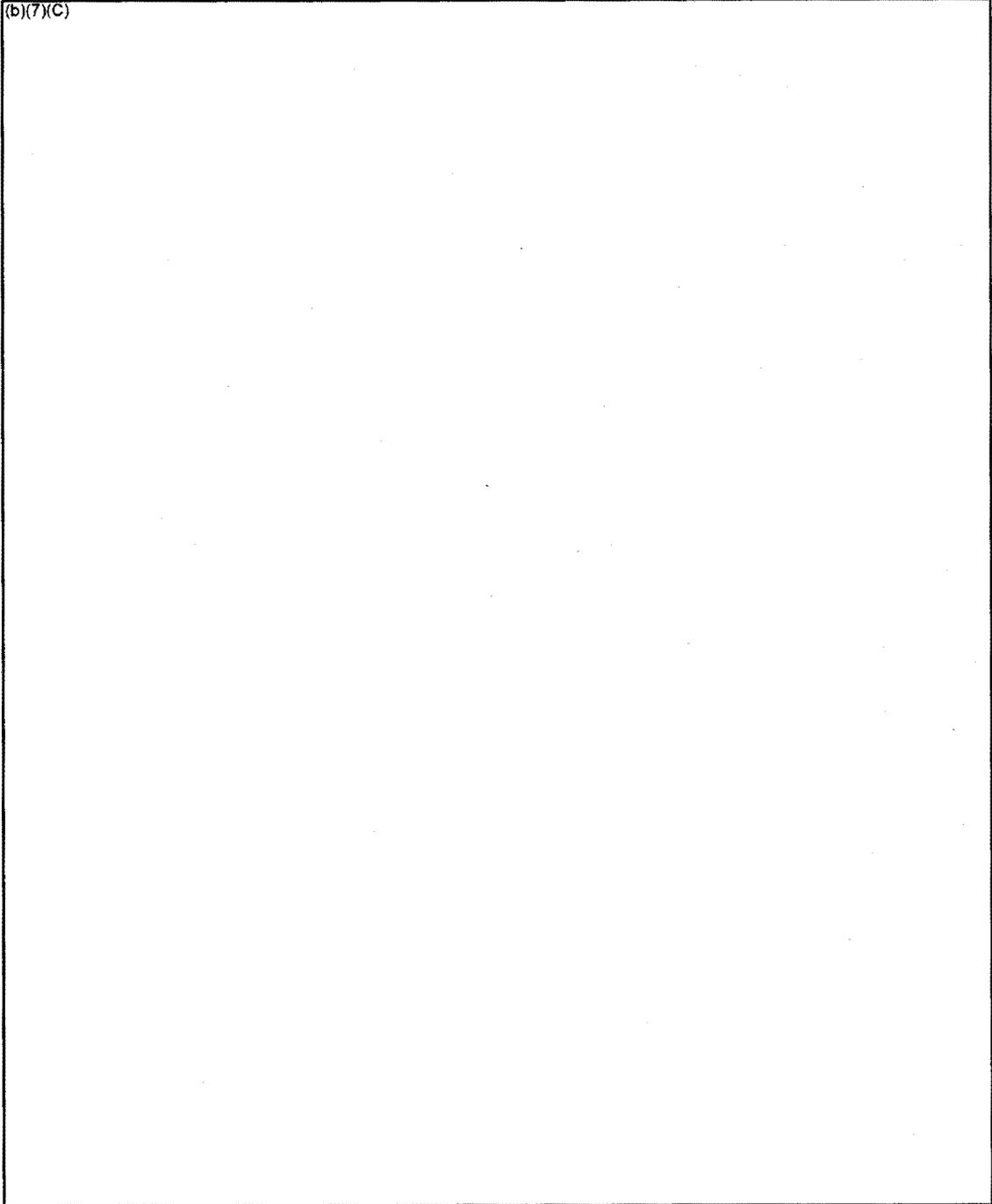
(b)(7)(C)



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(b)(7)(C)



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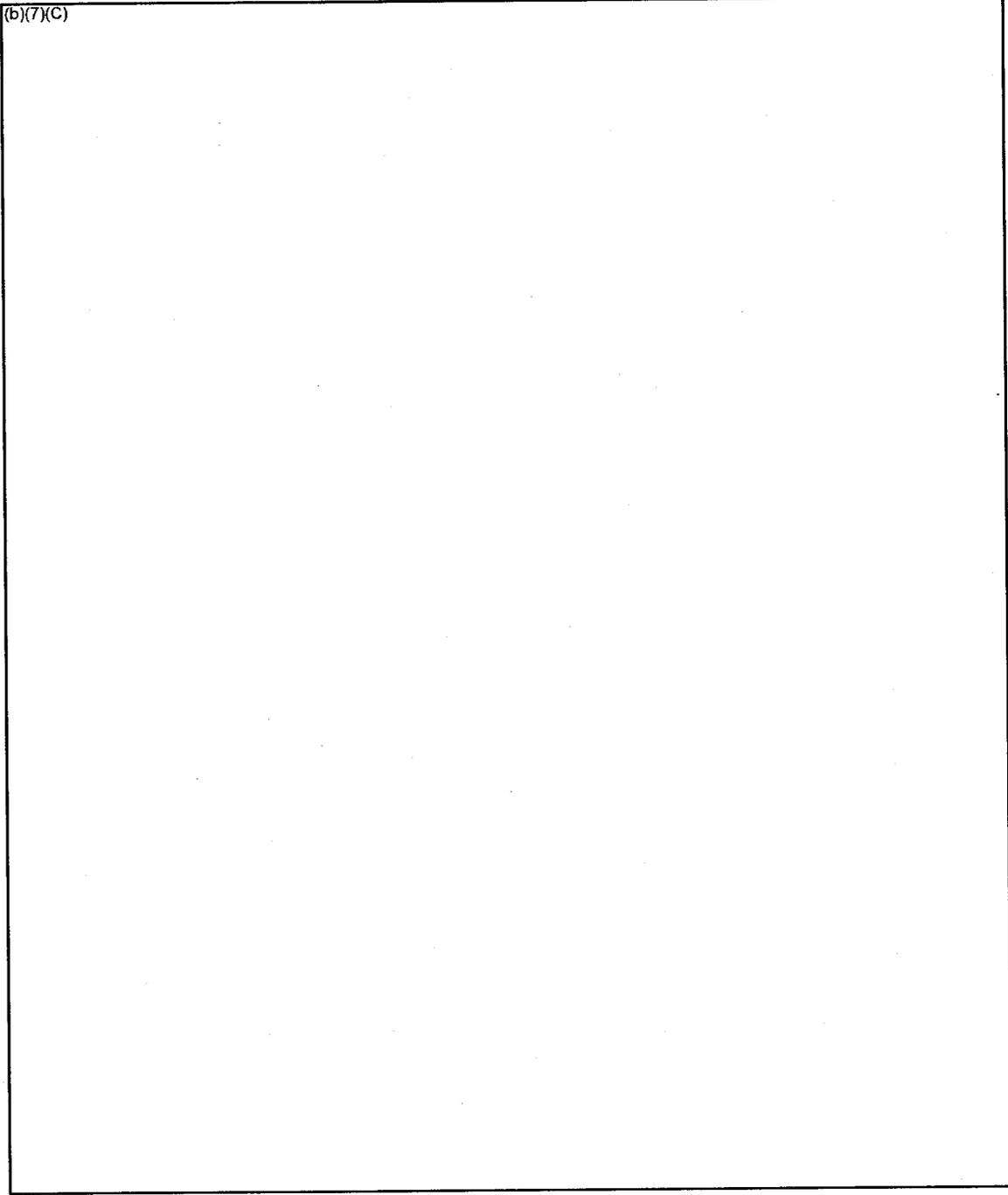
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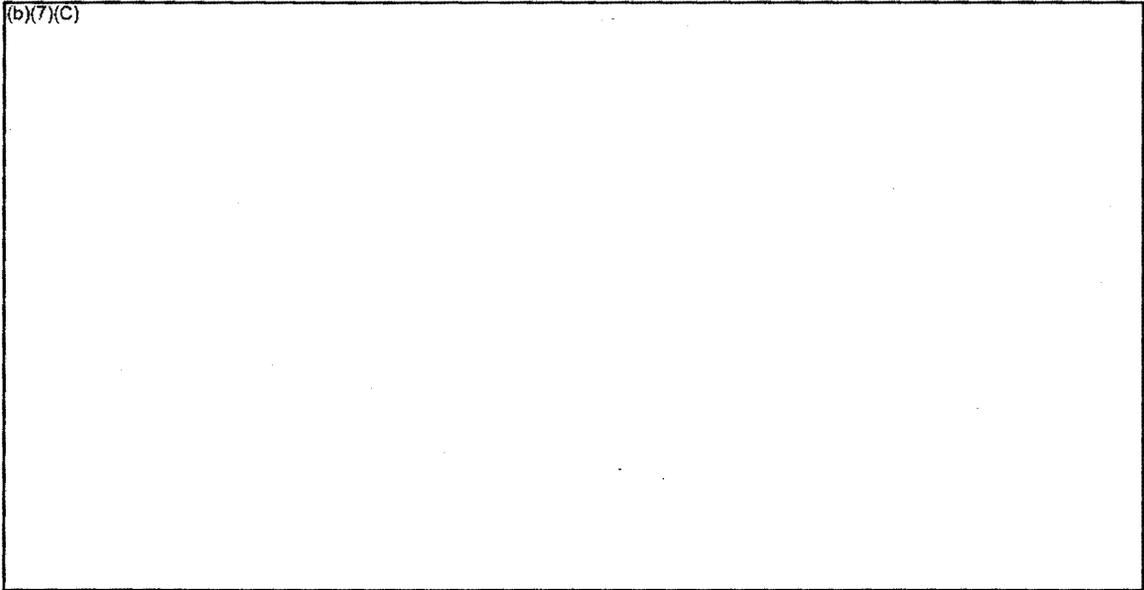
(b)(7)(C)



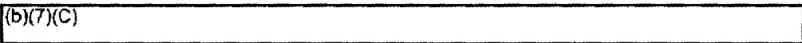
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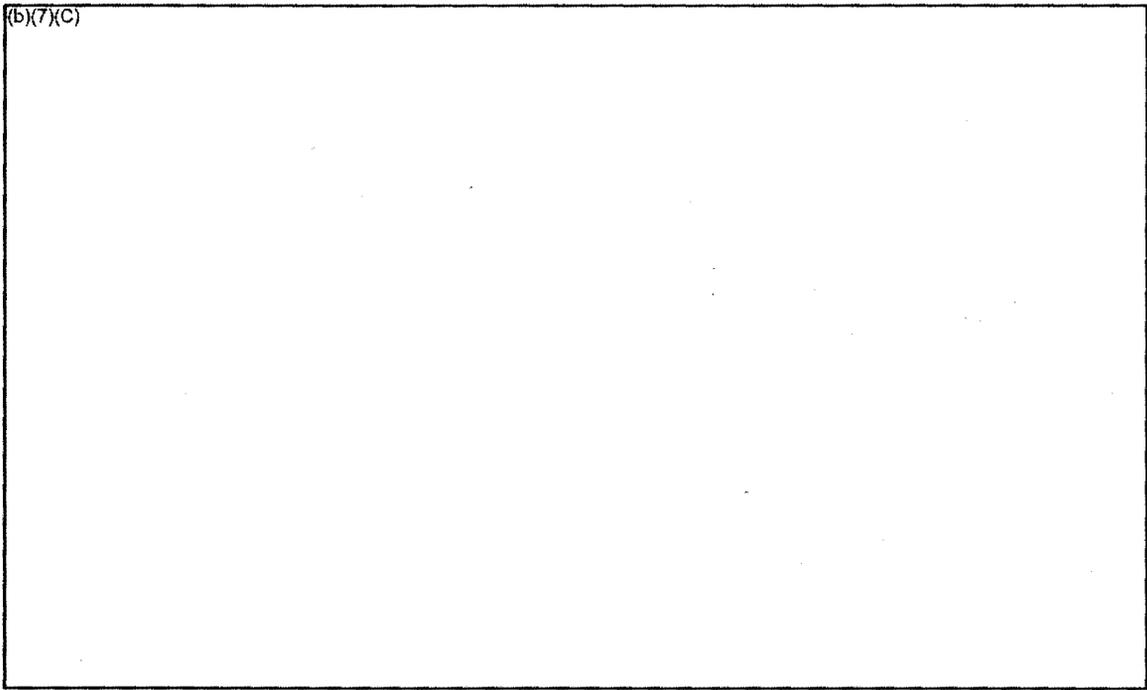
(b)(7)(C)



ALLEGATION 3: (b)(7)(C)



(b)(7)(C)



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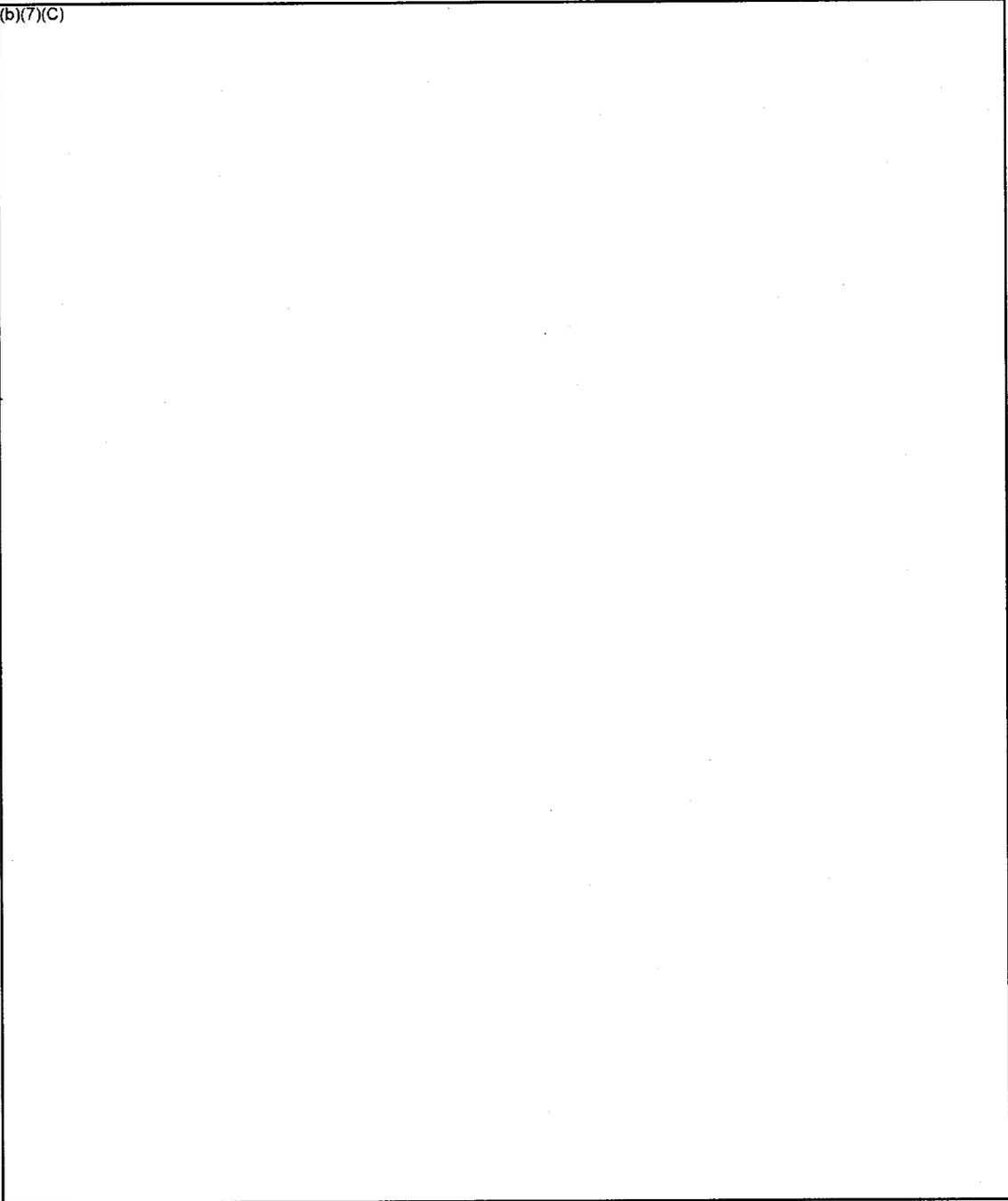
ALLEGATION 4: (b)(7)(C)

(b)(7)(C)

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(b)(7)(C)



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(b)(7)(C)



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(b)(7)(C)

OTHER MATTER: (b)(7)(C)
(b)(7)(C)

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RECOMMENDATIONS:

1. Record the allegation that MG Nesbitt engaged in a relationship that caused a perception of partiality or unfairness and appeared to compromise the integrity of the chain of command in the IN database as substantiated.

2. (b)(7)(C)
(b)(7)(C)

3. (b)(7)(C)
(b)(7)(C)

4. (b)(7)(C)
(b)(7)(C)

5. (b)(7)(C)
(b)(7)(C)

6. (b)(5),(b)(7)(C)

7. (b)(5),(b)(7)(C)

8. (b)(5),(b)(7)(C)

9. (b)(5),(b)(7)(C)

10. (b)(5),(b)(7)(C)

11. (b)(5),(b)(7)(C)

12. (b)(5),(b)(7)(C)

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13. [Redacted] (b)(5),(b)(7)(C)

14. [Redacted] (b)(5),(b)(7)(C)

15. [Redacted] (b)(5),(b)(7)(C)

16. [Redacted] (b)(5),(b)(7)(C)

17. [Redacted] (b)(7)(C)

18. Refer this report to the Office of The Judge Advocate General.

19. File this report as DIG 11-00046.

[Redacted] (b)(7)(C)

LTC, IG
Investigator

APPROVED:


ROSS E. RIDGE
Major General, USA
Deputy The Inspector General

COORDINATION:

IN, Legal	Initials:	(b)(7)(C)
Chief, PI Br	Initials:	(b)(7)(C)
IG, Legal	Initials:	(b)(7)(C)
Chief, IN Div	Initials:	(b)(7)(C)

Date: 26130526
Date: 20 May 13
Date: 23 MAY 13
Date: 7 June 13

Encls

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LIST OF EXHIBITS

EXHIBIT

ITEM

A Complaints/Allegations:

- A-1 (b)(7)(C) Complaint, 12 April 2011
- A-2 Anonymous Complaint, 12 May 2011
- A-3 (b)(7)(C) Complaint, 28 June 2011
- A-4 (b)(7)(C) Complaint, 15 August 2011
- A-5 (b)(7)(C) Complaint, 13 September 2011

B Standards:

- B-1 AR 600-20, Army Command Policy, paragraph 4-14(b)(1-2)
- B-2 DOD Directive (DODD) 7050.06, Military Whistleblower Protection
- B-3 AR 600-100, Army Leadership, paragraph 2-1a
- B-4 AR 600-20, Army Command Policy, paragraph 4-4a(2)

C Documents:

- C-1 Allegations Coordinated with OGC for inquiry/abeyance
- C-2 Event Timeline
- C-3 Allegations sent to the Governor's Office, 10 July 2011
- C-4 (b)(7)(C)
- C-5 Army Times article
- C-6 Atlanta Journal-Constitution article
- C-7 (b)(7)(C)
- C-8
- C-9
- C-10
- C-11
- C-12
- C-13 MG Maria Britt's OERs
- C-14 (b)(7)(C)
- C-15
- C-16 Retired status of MG Nesbitt, (b)(7)(C) (b)(7)(C) and (b)(7)(C)
- C-17 (b)(7)(C)
- C-18 Notice of an unsuccessful search for MG Nesbitt's e-mails
- C-19 (b)(7)(C)

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D

Testimony:

D-1	BG (Ret) Lawrence Dudney	FOIA: Yes
D-2	COL (b)(7)(C)	FOIA: No
D-3	Col (b)(7)(C)	FOIA: Yes
D-4	Col	FOIA: Yes
D-5	COL (b)(7)(C)	FOIA: Yes
D-6	BG (Ret) Timothy Britt	FOIA: No
D-7	COL (b)(7)(C)	FOIA: No
D-8	(b)(7)(C)	FOIA: No
D-9	MG (Ret) Robert Hughes	FOIA: No
D-10	MAJ (b)(7)(C)	FOIA: Yes
D-11	(b)(7)(C)	FOIA: Yes
D-12	COL (b)(7)(C)	FOIA: No
D-13	COL	FOIA: No
D-14	COL (b)(7)(C)	FOIA: No
D-15	SSG	FOIA: No
D-16	LTC	FOIA: Yes
D-17	SSG	FOIA: No
D-18	SSG	FOIA: No
D-19	MSG (b)(7)(C)	FOIA: Yes
D-20	BG Kenneth Roberts	FOIA: No
D-21	MG (Ret) William Nesbitt	FOIA: No
D-22	MG (Ret) Maria Britt	FOIA: No

E

Legal Reviews:

E-1	IN, Legal
E-2	IG, Legal

(SES) MS. JOYCE MORROW

ROI 12-006

**(Investigation Report for Preliminary
Analysis DIG 12-0009)**



DEPARTMENT OF THE ARMY
OFFICE OF THE INSPECTOR GENERAL
1700 ARMY PENTAGON
WASHINGTON DC 20315-1700

FEB 4 2013

US ARMY INSPECTOR GENERAL AGENCY
REPORT OF INVESTIGATION
(Case 12-006)

NAMES/POSITIONS:

Ms. Joyce Morrow, Senior Executive Service (SES), Administrative Assistant to the Secretary of the Army (AASA), Pentagon, Washington, DC

(b)(7)(C)

SUBSTANTIATED ALLEGATION AND CONCLUSION: Ms. Morrow misused government resources. The preponderance of the evidence established that Ms. Morrow routinely used her immediate staff (Executive Assistants (EAs), XOs, and Assistant XOs (AXOs)) during official work hours to conduct personal errands for her. On several occasions, Ms. Morrow also requested her staff to perform personal errands for her family members and her pet. To comply with Ms. Morrow's requests and expectations, her subordinates improperly used government resources (fax, telephone, computer, and official time) to perform the unofficial tasks.

SUBSTANTIATED ALLEGATION AND CONCLUSION: Ms. Morrow failed to foster a healthy organizational climate. The preponderance of the evidence established that Ms. Morrow produced high quality work products and achieved a level of excellence required in getting Department of the Army (DA) policy or signatures from Secretary of the Army (SA). To achieve such level of perfection, all witnesses testified that Ms. Morrow and/or her staff often worked very late hours. These late hours and the way Ms. Morrow went about achieving this level of perfection took a toll on employees. Witness testimony indicated that Ms. Morrow did not foster a healthy workplace environment that facilitated cooperation and teamwork, or supported constructive resolution of conflicts.

(b)(7)(C)

(b)(7)(C)

(b)(7)(C)

BACKGROUND:

1. Ms. Morrow began serving as the AASA in March 2006. As the AASA, she oversees four field operating agencies with an authorized staff of about 3,000 personnel (1,331 civilians, 153 military, and 1,495 contractors) and an organizational budget totaling nearly \$1 billion. From May 2009 to January 2011, she also served as the Acting Deputy Under Secretary of the Army (DUSA).

2. On 14 October 2011, DAIG received notification of an allegation against Ms. Morrow from an anonymous complainant. The complainant alleged that Ms. Morrow required her personal staff to get lunch for her on a daily basis and required subordinates to purchase coffee and tea for her at their own personal expense. The complainant further alleged that Ms. Morrow constantly belittled and talked down to her staff both in private and in public forums; she required civilian members of her staff to constantly change their required day off to preclude them taking annual or sick leave; she treated several of her African American AXOs with less respect than their rank deserved and with racial overtones; (b)(7)(C)

(b)(7)(C)

3. A PI, DIG 12-00009, approved 3 February 2012, determined the allegations that

(b)(7)(C)

(b)(7)(C)
(b)(7)(C) The allegations that Ms. Morrow misused government resources,
(b)(7)(C) required further
investigation. (b)(7)(C)
(b)(7)(C)

4. On 15 February 2012, the SA directed an investigation by DAIG. During the course of the investigation, the evidence established the allegation that (b)(7)(C)
(b)(7)(C) On 18 March 2012, SA approved the expansion of the investigation to include the new allegation.

5. On 27 March and 4 April 2012, DAIG provided Ms. Morrow with a summary of comments regarding the allegations that she misused government resources, failed to treat subordinates with dignity and respect, (b)(7)(C)
(b)(7)(C) On 1 May 2012, Ms. Morrow provided a written response to those comments and submitted to a follow-on interview that was conducted on 15 May 2012.

6. During the course of the investigation, the allegations that (b)(7)(C)
(b)(7)(C) and that (b)(7)(C)
(b)(7)(C) were changed to "Ms. Morrow failed to foster a healthy organizational climate" (b)(7)(C)
(b)(7)(C) The allegations were changed to better reflect the alleged impropriety.

SYNOPSIS:

SUBSTANTIATED ALLEGATION: Ms. Morrow misused government resources.

1. An anonymous complainant alleged Ms. Morrow routinely required members of her staff to get her lunch and to purchase coffee and tea for her at their personal expense.
2. Department of Defense (DOD) 5500.07-R, Joint Ethics Regulation (JER), dated 30 August 1993 (through Change 7 dated 17 November 2011), states in paragraph 3-303(b), that because of the potential for significant cost to the federal government, and the potential for abuse, DOD employees, such as secretaries, clerks, and military aides, could not be used to support unofficial activities of another DOD employee or for any other non-Federal purposes.
3. Title 5, Code of Federal Regulations (CFR), Standards of Ethical Conduct for Employees of the Executive Branch, dated 1 January 2011, states in paragraph 2635.705(b), an employee will not encourage, direct, coerce, or request a subordinate

to use official time to perform activities other than those required in the performance of official duties or authorized in accordance with law or regulation. Paragraph 2635.704(a) states that an employee has a duty to protect and conserve government property and shall not use such property, or allow its use, for other than authorized purposes.

4. E-mail evidence and testimony established that as a part of their required duties, Ms. Morrow requested her EAs, XOs, and AXOs to perform personal errands for her on a regular basis during official work hours.

a. Fourteen witnesses who were current or former members of Ms. Morrow's immediate staff testified that she requested her EAs, XOs, and AXOs to get her lunch on a regular basis. The evidence established that the military personnel and the EA not only got lunch for Ms. Morrow, but, on occasion, they also got lunch for (b)(7)(C). Eight of the nine former XOs and AXOs testified that they believed that getting Ms. Morrow's lunch was a part of their normal tasks and did not mind performing such duties. (b)(7)(C) However, Ms. Morrow's EA, (b)(7)(C) believed that the practice of getting Ms. Morrow's lunch was "abusive."

b. (b)(7)(C) testified that the military staff were expected to get Ms. Morrow's lunch on a daily basis, but when they were not available, (b)(7)(C) was expected to do so. Ms. Morrow required (b)(7)(C) to have lunch on her desk at a certain time. In some cases, Ms. Morrow had (b)(7)(C) travel from opposite floors and corridors within the Pentagon to get specific meal items from different locations within the Pentagon. Ms. Morrow often provided detailed instructions on how she wanted her meals prepared. The staff knew that when getting Ms. Morrow's iced tea, she wanted it in a styrofoam cup with a lid, a straw, and no ice. If the tea was in the wrong cup, Ms. Morrow would refuse to drink it. (b)(7)(C) believed this practice was abusive.

c. In late September 2011, (b)(7)(C) informed (b)(7)(C) that (b)(7)(C) should not have the military staff getting Ms. Morrow's lunch. (b)(7)(C) testified that (b)(7)(C) evidently mentioned it to Ms. Morrow who stopped having people do such errands, but Ms. Morrow also treated (b)(7)(C) "colder" in the office. As a result, Ms. Morrow barely spoke to (b)(7)(C). E-mail evidence further established that in addition to getting Ms. Morrow's lunch, (b)(7)(C) was also asked to reconcile medical documents for Ms. Morrow's mother, fax documents to "Closets by Design" for Ms. Morrow's closet redesign, fax documents to "1-800-dogmeds" for Ms. Morrow's pet, make reservations for a personal trip for Ms. Morrow and her husband, and cancel hair appointments for both Ms. Morrow and her husband.

d. Colonel (COL) (b)(7)(C) former XO, AASA, testified that Ms. Morrow asked (b)(7)(C) to take 14 pairs of shoes to the Pentagon shoe repair shop to get them fixed. (b)(7)(C)

informed Ms. Morrow that (b)(7) was not hired to do such errands, but (b)(7) did it anyway. COL (b)(7)(C) testified that "it was like you were in a Prisoner of War Camp"; if you did not do what Ms. Morrow wanted, she would ridicule you and treat you "more harshly." Later, Ms. Morrow asked (b)(7) to take her shoes to the repair shop to have them polished. COL (b)(7)(C) indicated that Ms. Morrow's shoes had to be done a certain way or Ms. Morrow was not going to pay for them. COL (b)(7)(C) further testified that everyone was afraid to say anything because they did not want to deal with Ms. Morrow.

5. In a written statement, Ms. Morrow indicated that she did not recall details regarding the Pentagon shoe repair shop. She recalled taking shoes to the shoe repair shop on one occasion. She believed that she went in person to see what services they offered, the cost, and to pay for the service. She believed that it was possible that a staff member offered to walk with her. Ms. Morrow further stated that the demands of the job did not afford her time to take a lunch break. She did not want to leave her office to get lunch – especially when she was dual-hatted or working a special project. She stated that some days she would not eat; other days (but not every day) she allowed her staff (military AXOs, or on occasion the XOs and EA) to call in and pick up a lunch order for her at the Army Executive Dining Facility. She stated in retrospect, she regretted "allowing" her staff to help her in that way.

6. In a DAIG interview, Ms. Morrow was asked to clarify her statement. Ms. Morrow testified she did not recall any ethics briefing that specifically addressed the use of her immediate staff. She did have members of her staff get her lunch, but she thought that they were doing so when they were getting lunch for themselves. She recalled bringing a large bag of shoes into the Pentagon, but she did not recall anyone taking her shoes to the repair shop for her. She further testified that she did not recall anyone ordering dog medication for her ailing pet, making personal hair appointments and/or travel arrangements for her and her husband, or faxing documents for her closet redesign. She did recall seeking a medical malpractice suit as a result of her mother's hip surgery. She testified that she possibly had (b)(7)(C) Management Analyst, assist her late one evening to organize some documents as a result of that action. Ms. Morrow further acknowledged that she did have her closets redesigned and did have an ailing dog that has since passed away.

7. The preponderance of evidence established that Ms. Morrow requested members of her staff to perform unofficial activities for her for non-official purposes. These included getting her lunches, beverages, and performing personal errands for her, her family, and pet. The evidence established that Ms. Morrow did not require employees to pay for the meal items and tasks they performed on her behalf. All witnesses testified that they were reimbursed by Ms. Morrow for the items they purchased for her. Although Ms. Morrow stated that she "allowed" her staff to get her lunches and could not recall specifics of any personal errands, the preponderance of evidence revealed several instances of her subordinates performing such tasks. Further, documentary evidence included e-mails from her documenting specific instances noted above. Ms. Morrow's

Improper use of her staff to perform personal errands was unofficial and not authorized by regulation.

SUBSTANTIATED ALLEGATION: Ms. Morrow failed to foster a healthy organizational climate.

1. An anonymous complainant alleged that Ms. Morrow constantly belittled and talked down to her staff in private and in public forums.
2. Army Regulation (AR) 600-100, Army Leadership, dated 8 March 2007, states in paragraph 2-1 that a leader will foster a healthy command climate and will treat subordinates with dignity, respect, fairness, and consistency. A leader will also build cohesive teams and empower subordinates, and build discipline while inspiring motivation, confidence, enthusiasm, and trust in subordinates.
3. The Guide To SES Qualifications, dated June 2010, states in paragraph 2 that "Leading People" is an Executive Core Qualification (ECQ) necessary for success as an SES. This ECQ involves the ability to lead people toward meeting the organization's vision, mission, and goals. Inherent to this ECQ is the ability to provide an inclusive workplace that fosters the development of others, facilitates cooperation and teamwork, and supports constructive resolution of conflicts.
4. A total of 24 witnesses were interviewed; 6 were current and 16 were former members of Ms. Morrow's staff, and 2 were witnesses who worked on the Army staff and had knowledge of the process in which the military personnel were selected for positions within AASA. The evidence established that witness assessments regarding Ms. Morrow's treatment varied. The employees who no longer work for Ms. Morrow generally had a more unfavorable assessment of their treatment and the climate of the organization compared to the ones who currently work for her.
 - a. Of the 22 current and former employees interviewed, 16 (2 current and 14 former employees) indicated that Ms. Morrow failed to foster a healthy organizational climate. Witness testimony indicated Ms. Morrow was a perfectionist and the level of perfection she required had negative repercussions – undermined morale, created tension, and contributed to significant disruption and a lack of continuity as numerous subordinates left the organization as a result of her management style. Four witnesses, including (b)(7) SESs, testified Ms. Morrow created a "toxic" and/or "hostile" environment. Witness testimony indicated that Ms. Morrow berated employees in front of other members of the office, would often talk about employees to other employees or make negative comments about employees' work so that the employee and others could hear her negative assessment of them. Four witnesses characterized Ms. Morrow's treatment of them as "mental" and/or "verbal abuse."

(1) [B7C and B7D] SES and [B7C and B7D]

testified the command climate under Ms. Morrow's leadership when she was dual-hatted as the Acting DUSA was absolutely "horrible," "corrosive," and "toxic." Ms. Morrow was a "terrible leader." The members of the DUSA staff were "absolutely miserable." He testified that Ms. Morrow was "an abusive leader." He was "absolutely appalled" and embarrassed to be in the room to hear the way Ms. Morrow spoke to one of her XOs. He believed that she treated the military XOs with "visible contempt." He indicated that Ms. Morrow's relationship with him was fairly professional, but there were times when "she started to go down that route even with him." When asked would you work for her again he replied, "Not in my worst day."

(2) [B7C and B7D] SES and [B7C and B7D]

testified that AASA became a "higher producing" organization under Ms. Morrow. However, he testified that there was not a sense of urgency in meeting suspenses. The staff often waited until Ms. Morrow went on leave to get things signed by him in order to get actions moved. He testified that Ms. Morrow had very high standards and produced "top-notch" products. If anything was not top-notch, the staff's reaction to Ms. Morrow's remonstrations could be anything from anger to tears. It could be a little embarrassing if other people were around and some might feel demeaned. It was obvious who Ms. Morrow liked and disliked. Her demeanor would change and the disliked person probably could not get a piece of correspondence through her. Ms. Morrow was an "initial impression-type person." Once she formed an initial impression, it could be lasting. Her favorite word was "crap." She would say that "this is a piece of crap" and give the action back. When asked whether Ms. Morrow was fair and consistent, [B7C and B7D] testified that "she was consistent." He testified that she was fair if you were meeting her standards, but her standards would not be his standards. If you were not meeting her standards, the person would be moved. He did not believe that she was fair and consistent with the military personnel. Ms. Morrow did not want a military person in there. He testified that her treatment of the staff would not be anything that he would do. He believed that people would say the climate was unhealthy because of the late hours and the scrutiny. When asked whether she treated subordinates with dignity and respect, he replied, "Probably not always." If you were not in her inner circle or were disliked by her, she would not honor requests to speak to her or callers were placed on indefinite hold. She created competition in the office by having two people work the same action or by taking someone's action and giving it to someone else to work. He believed that she did that because of her auditor background - If two people came up with the same answer, then it must be good. At the end of the day, whatever went to the Secretary was perfect. The Secretary did not see what went on behind the scenes.

(3) [B7C and B7D] SES and [B7C and B7D]

AASA, [B7C and B7D] testified that Ms. Morrow established a toxic leadership environment. Ms. Morrow would talk about one subordinate to another and would state that someone was incompetent, stupid, or not getting something right.

Ms. Morrow would not address her concerns with the person; instead Ms. Morrow would just avoid the person. She never heard Ms. Morrow give constructive criticism; she would just complain about the staff to others or ignore the person whom she did not believe met or could meet her standards. She testified that under Ms. Morrow, there was "no compassionate leadership, no empowering leadership." Ms. Morrow did not communicate with her staff, she did not inspire or motivate; it was leadership through fear. Ms. Morrow avoided people or her interaction was abrupt and curt. Ms. Morrow was not fair and consistent, and at times, Ms. Morrow did not treat people with dignity and respect. She definitely would not work for Ms. Morrow again.

(4) (b)(7)(C) GS-15, (b)(7)(C) AASA, testified that Ms. Morrow was not a good leader of people. She would be "a good leader of an organization without people." Ms. Morrow's leadership style was autocratic, demanding, and insensitive. She had very little patience for someone being ill or having a death in the family. She had little of the normal human compassion required of a leader. Ms. Morrow was harder on the military personnel than the civilians, and she was certainly harder on some of the Colonels. Ms. Morrow was a perfectionist, but the level of perfection was not productive in how Ms. Morrow treated her employees. "It was not physical abuse, but it was certainly mental abuse." Ms. Morrow often said that people were incompetent and stupid, but she did not say those things in public. In a close group environment, she would talk about staff members. If Ms. Morrow disliked someone, she would say in a harsh tone: "What do you want? What is this? This is stupid!" If Ms. Morrow disliked a person, other people who were well liked would have to put their name on the disliked person's actions to get the action through Ms. Morrow. The sneers, looks, and mistreatment of individuals were uncomfortable to witness, and she did not want to go back to work for Ms. Morrow so she retired. She chose not to have a retirement ceremony because she knew that, when Ms. Morrow had to speak in public, the AASA staff would be there until midnight as Ms. Morrow constantly rewrote her speech. She did not want to put her coworkers through that, so she chose to just walk out the door.

(5) Major (MAJ) (b)(7)(C) former AXO, AASA, (b)(7)(C) (b)(7) testified the environment under Ms. Morrow was very toxic. The climate reflected leadership through fear. There were veiled threats, and people were scared. Ms. Morrow was overly critical of people and would say things behind their backs. Ms. Morrow would not address an individual directly; instead she would call the XO into the office and criticize the individuals' work so that everyone in the office could hear Ms. Morrow's criticism of the person. She would not look at staff actions from people whom she disliked. The staff would filter paperwork through the people whom Ms. Morrow liked to get the action through her. The most unprofessional thing Ms. Morrow would do was to stop speaking to a person. No matter what needed to get done, she would stop talking to people. It felt like a kind of punishment. Staff actions would come to a "screeching halt" when Ms. Morrow was having difficulties with the XO. Ms. Morrow respected certain military personnel, but she believed that Ms. Morrow was

inexperienced with the military and could only relate to them with her civilian experience. Ms. Morrow was not a leader, she was just a manager of people and she did that well. "A leader would teach, coach, mentor, and influence people to do what you want and not lead them through fear." It was a very tense climate. If Ms. Morrow was in uniform, she would be defined as a toxic leader. It was an emotional rollercoaster. (b)(7)(C)

(b)(7)(C) She could not wait to leave the organization.

(6) COL (b)(7)(C) retired, former XO, AASA, (b)(7)(C) testified (b) attempted to protect the staff by insulating them from Ms. Morrow. Ms. Morrow would talk about employees in front of other employees. Ms. Morrow used "stupid" and "lazy" a lot. After 30 days in the job, she told the Director of the Army Staff (DAS) to either retire (b) or to move (b) because (b) could not work for Ms. Morrow. Ms. Morrow gave (b) the impression that she had no regard for Soldiers or anyone in uniform. Ms. Morrow was neither a leader nor a manager. Ms. Morrow had passive/aggressive tendencies. Ms. Morrow was extremely condescending in how she talked to people, and she was not afraid to call people out in a public forum and tell them how stupid they were. (b)(7)(C) went back to the DAS and asked him to move (b) now or retire (b)(7) immediately. He complied and COL (b)(7) was transferred out of AASA. COL (b)(7) testified that (b)(7) would never work for Ms. Morrow again.

(7) COL (b)(7)(C) former Acting XO, AASA, (b)(7)(C) testified Ms. Morrow's leadership style was "totally dreadful." Ms. Morrow belittled her by calling her a liar and stating she did not believe anything she said. When she defended her integrity, Ms. Morrow's response was, "Yeah, right." After working for Ms. Morrow, "it felt like you had PTSD." "You questioned yourself." She was supposed to be there for approximately six months as an acting XO, but after four months she asked the DAS to move her because she did not want to be subjected to the way Ms. Morrow treated people. It was a very unpleasant atmosphere. People did not want to work for Ms. Morrow. Ms. Morrow was not a professional person. At times Ms. Morrow was out of control, and she did not trust her staff. Ms. Morrow had a demeanor that was very unpleasant. She would make comments about people after they would leave the room. She talked about everyone. She belittled people through her demeanor and mannerisms. Ms. Morrow would tell her staff that they did not know what they were doing. Ms. Morrow continually said rude things, typically in an open forum. Everyone knew the kind of person Ms. Morrow was, but no one was willing to do anything about it. No one should ever be treated the way Ms. Morrow treated her. It was mental and verbal abuse. She would never work for Ms. Morrow again.

(8) COL (b)(7)(C) former XO, AASA, (b)(7)(C) testified that Ms. Morrow was one of the most dedicated and loyal bosses he ever had. When expressing anger, she was often direct, but sometimes she would not talk to a person. It was obvious when Ms. Morrow was not talking to a person, she was not

happy with that person's performance. He never recalled her yelling or being abusive. Not talking to a person was her way of showing her displeasure. Because of the "silent treatment" he received; he did not enjoy going to work towards the end of his assignment in AASA. Ms. Morrow would bypass him and work actions with the AXO. He would not work directly for Ms. Morrow again because of the long hours.

(9) COL (b)(7)(C) former XO, AASA, (b)(7)(C) testified Ms. Morrow did not always treat people with dignity and respect. If something was presented to her that wasn't exactly the way she wanted it, she would speak in a manner that was demeaning to the individual as opposed to taking a more understanding approach or providing constructive feedback. She would display her anger by stating, "[Y]ou are worthless. . . .[H]ow could this happen. . . .[Y]ou didn't do what you were supposed to do." She would state these things when often the problem or issue was not within that person's control. She believed that sometimes Ms. Morrow realized that she was being more direct than she should be and would apologize. She did not believe that Ms. Morrow thought that military personnel were as competent as her civilian staff. Ms. Morrow did not realize military personnel held the same kind of degrees and experiences that most civilians had at that level. Ms. Morrow was brutal in what she would say to the AXO. She could be very direct and sometimes hurtful. She thought about filing a complaint, not only for the work hours (she felt that they were unreasonable – there was no way she could have sustained the hours for two to three years, especially if she had a family), but because of the way that Ms. Morrow snapped at people — it was demeaning. It was in the delivery. COL (b)(7)(C) stated that Ms. Morrow made a person feel like a "piece of crap." The staff was extremely frustrated. However, COL (b)(7)(C) believed that the number of jobs Ms. Morrow was holding down might have contributed to the way she treated people, but she also believed that that was no excuse. She did not think Ms. Morrow was a good leader. She believed she was a good manager. She did not think Ms. Morrow worked well with people at all. She would not work for Ms. Morrow again.

(10) COL (b)(7)(C) retired, former XO, AASA, from (b)(7)(C) testified his plan was to serve as XO for two to three years as his last assignment, but decided to retire early, after one year. Ms. Morrow was the worst leader he had in his (b)(7)(C). He believed that (b)(7)(C) — "You did not know how she was going to be day-to-day or even hour-to-hour." She was very passive/aggressive. She was "bitingly sarcastic without directly saying that she was disappointed or that she did not like the way a person accomplished the task." She was not very respectful of people in uniform, nor did she think a lot of them. He had to confront Ms. Morrow a couple of times because of the way she became bitterly sarcastic with the AXOs when they were trying to help her. She would "go at" them. Her treatment would vary week-to-week, day-to-day. She would automatically default to the conclusion that people were dumb or stupid. He would advise anyone to avoid working for Ms. Morrow. He could not leave the military personnel to be subjected to Mr. Morrow's treatment so he

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found MAJ (b)(7)(C) and Chief Warrant Officer 4 (CW4) (b)(7)(C) new assignments before he left. He would absolutely not work for Ms. Morrow again.

(11) CW4 (b)(7)(C) (b)(7)(C) (b)(7)(C) AASA, (b)(7)(C) testified Ms. Morrow did not treat people with dignity and respect. She left AASA because of the work environment. She did not think a team was built under Ms. Morrow. When Ms. Morrow was unhappy with something, it was almost like "you were invisible"; Ms. Morrow treated her employees as if they were not there. No matter what a person did, it was not good enough for Ms. Morrow. Once Ms. Morrow formed an opinion about a person, that person could expect to be treated a certain way. She believed that, by virtue of their position, Ms. Morrow respected military personnel; however, Ms. Morrow had more trust in civilians. In her opinion, Ms. Morrow created a hostile environment. She just did not want to go to work. She would definitely not work for Ms. Morrow again.

(12) MAJ (b)(7)(C) former AXO, AASA, (b)(7)(C) testified Ms. Morrow's leadership style was not direct, but more passive/aggressive. She was quick to say "that was stupid" or "what was this babble?" The staff knew to process things through Ms. Morrow depending on whether she had a good or bad day. If she was frustrated, she would say, "That was not it... I will do it myself." In other words, she would attempt to do your job instead of you doing it. Her demeanor could be considered offensive, but he did not believe that she did it to be malicious. She did not relate to the military personnel. She respected them, but the military aspect did not matter to her and was not really understood by her. He would not work for Ms. Morrow again.

(13) MAJ (b)(7)(C) former AXO, AASA, (b)(7)(C) testified that it was an abusive climate in AASA. The organization was not good. Ms. Morrow had a short fuse for everything. There were a lot of people who worked in the office who were displeased. There was a lot of backstabbing from the top down and not from the bottom up. He would not work for her again.

(14) Command Sergeant Major (CSM) (b)(7)(C) former Sergeant Major (SGM), AASA, (b)(7)(C) testified that it was a tense atmosphere. Everyone that worked for Ms. Morrow wanted out of the organization. The staff was very intimidated by Ms. Morrow. If a person did not get along with her and did not jump at everything that she said, you were not on her good side. She was looking for a "yes person." It was different with the people with whom she built trust. Ms. Morrow had very little experience with Soldiers and did not understand them. He would not work for Ms. Morrow again. She did not treat people with the dignity and respect that they deserved.

(15) (b)(7)(C) GS-15, (b)(7)(C) AASA, (b)(7)(C) (b)(7)(C) testified Ms. Morrow was a brilliant person and expected

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AS AUTHORIZED BY AR 20-1.

quality work, but he personally did not believe she had the leadership skills to run an organization of about 2,000 people. If things were not up to her expectation, whatever that person brought in, she would just ignore him or her. She would express her unhappiness to the person right there. He did not work in her front office, but he heard that she may have said things to people that were inappropriate, although he never heard her say anything inappropriate firsthand. He heard that she could become a little mean spirited. He worked for five SESs before he retired from the military, and their leadership style was much more conducive to the staff, and people were willing to work harder because they were given freedom to work at the level expected of them. He believed that Ms. Morrow respected the military, but he did not know if she grasped the lifestyle and what it meant to achieve the rank. Although he believed that OAASA was productive, he believed that the work environment may have been harder, and the hours were longer, to get the same productivity. He would not want to work directly for Ms. Morrow. He would not want to work for someone who would not give him the freedom to do his job. She was a micromanager. If she did not look at an action and correct it, then it just was not right.

(16) (b)(7)(C) AASA, (b)(7)(C) testified Ms. Morrow was very harsh with a lot of people from SESs down. Instead of answering a question, Ms. Morrow often gave a snide comment. It was a horrible atmosphere. Ms. Morrow was like "Jekyll and Hyde," and everyone noticed it. There was an "A" list and a "B" list, and once you got on the "B" list, you never got back. (b)(7)(C) testified that Ms. Morrow treated her senior civilians better than she treated her and the military personnel. Within the first two years, Ms. Morrow had nine XO's and an additional four in the following three years. COL (b)(7)(C) would cry on a weekly basis. COL (b)(7)(C) had PTSD from his deployment and was "beat down by Ms. Morrow." COL (b)(7) told Ms. Morrow that she was absolutely horrible to her staff, that people did not want to come to work, and that he did not appreciate the way she treated the military personnel. COL (b)(7) moved the military personnel before he left. He was not going to leave them for Ms. Morrow to abuse. When staff members left the room, Ms. Morrow would talk about them to other staff members. She would belittle people and kill a person's self-esteem. The former Deputy said that OAASA "was like a house with children inside who are abused and beat with the shades down and Ms. Morrow was on the front porch waving." In September 2011, she was "treated colder" in the office after she informed (b)(7)(C) that she no longer wanted to get Ms. Morrow's lunch. Ms. Morrow would barely speak to her and made it obvious to everyone that she was no longer liked. Ms. Morrow never yelled or used profanity. When she was angry, she would give people the "cold shoulder." Her use of the silent treatment was vindictive.

b. The testimony of the remaining six employees (two current and four former) was generally favorable to Ms. Morrow personally, but still suggested Ms. Morrow's treatment of subordinates was unfavorable.

(1) [B7C and B7D] testified that he never heard Ms. Morrow say or do anything inappropriate. He believed that Ms. Morrow interacted with "most of her subordinates very well, but she has high standards." If something was not up to her standards, she would make sure it was redone. He believed that since Ms. Morrow worked on behalf of the SA, she was obligated to ensure that all correspondence was not only correct, but was in the style of the SA. He believed that some military personnel, especially the colonels, had a hard time doing administrative work. Most of the officers were former brigade commanders, and they could not just direct things to happen. They needed to be a part of the process to get things done. Ms. Morrow was extremely dedicated in terms of setting the example as a leader. When asked how he obtained his assessment of the former military XOs when he only worked with one XO (COL [b)(7)(C)] during his tenure, [B7C and B7D] testified that his assessment was through his conversation with Ms. Morrow. When asked whether she fosters a healthy command climate, [B7C and B7D] testified, "I don't think she fosters an unhealthy climate. . . . She could do more to foster a more positive climate."

(2) [b)(7)(C)] XO, AASA, [b)(7)(C)] testified that Ms. Morrow was very, very dedicated. There was no one who was more dedicated and tried to do his or her job better than Ms. Morrow. Ms. Morrow worked long hours and interacted with "most of the subordinates very well but she had high standards." Under Ms. Morrow, they attempted to achieve a level of excellence required in getting Department of the Army (DA) policy or signatures from SA. Ms. Morrow strived for 100 percent perfection and that caused frustration. Ms. Morrow wanted whatever came out of the OAASA to be a quality product. Ms. Morrow was demanding, and a person had to be prepared to meet her high expectations or "you were going to be disappointed." Ms. Morrow was not trying to make an example of a person by giving him or her harsh criticism. There was a mission to accomplish and some people's feelings would get hurt, but they were adults and this was a job.

(3) [b)(7)(C)] GS-15, [b)(7)(C)] AASA, [b)(7)(C)] [b)(7)(C)] testified that OAASA was a mostly civilian organization and sometimes it was hard for military personnel to work for a female civilian. She loved working in OAASA. It was a fast-paced, high-visibility work environment. Ms. Morrow was definitely not a micromanager. There was a lot of rework that was frustrating for the staff, but if it was done right the first time it would not have to be redone. She never heard Ms. Morrow raise her voice, but Ms. Morrow had a facial expression that would show her displeasure. She believed that Ms. Morrow was fair and consistent, but the perception was that she was not. She could see how some people would think that she was not. She lost count of the number of XOs, but she knew that they would not think that Ms. Morrow was fair and consistent.

(4) [b)(7)(C)] GS-14, [b)(7)(C)] AASA, [b)(7)(C)] testified that she had a strong relationship with Ms. Morrow, and she believed that

Ms. Morrow had a strong relationship with people in the office. Some people may not feel that way. Individual employees may read into Ms. Morrow's body language and may not interpret her body language accurately. People were intimidated by Ms. Morrow because she was the AA. She never observed Ms. Morrow getting angry. She believed Ms. Morrow was trying to foster a healthy climate. Ms. Morrow might have referenced something being stupid, and may have expressed that some of the AXOs were incompetent as a result of an action having errors. Ms. Morrow would show frustration if an action had to go back several times for corrections. She believed that Ms. Morrow was fair and consistent, but there were some who would not agree.

(5) COL (b)(7)(C) XO, AASA, (b)(7)(C) testified that the AASA staff attempted to achieve a level of excellence required in getting DA policy or signatures from SA – there needed to be a higher standard of ensuring that those things were absolutely solid. Ms. Morrow was tough. People had to be prepared to meet her high standards or “they were going to be disappointed.” “If you did not have a tough approach to Ms. Morrow, she could be pretty hard on you.” He did not see toxic leadership, but Ms. Morrow was very demanding. He never saw her lose her temper. When asked whether she treats people with dignity and respect, COL (b)(7)(C) testified, “I think yes, but when she is unhappy with an action she would just get quiet,” and would not say anything to anybody on that one issue forever. He did not recall her calling the staff stupid or incompetent, but such comments may have been made in a private conversation with him. He testified that Ms. Morrow was not a great leader, but she was a great administrator. He believed that she was not trained to be a leader. When asked whether he would work for Ms. Morrow again, he responded, “I prefer not to.” He stated that he spent too much time away from his family. He further stated that he would have liked Ms. Morrow to be more generous with her compliments to the staff.

(6) LTC (b)(7)(C) former Acting XO, AASA, (b)(7)(C) (b)(7)(C) testified that the climate in AASA was good. Some people had a hard time dealing with Ms. Morrow. It was how they perceived her. “She is very analytical; she is very straightforward and does not hide her emotions when she is upset with something.” “You’re going to see it on her face.” That could be frustrating for some people. Ms. Morrow could be direct. Sometimes she would say, “Well that’s just stupid.” He never heard her call anyone stupid or incompetent. He enjoyed being the XO but he would not have adopted her style. He would not be so quick to say something was stupid. Ms. Morrow was a very good manager and was an okay leader. If Ms. Morrow was frustrated with someone, she would have a difficult time communicating with them without showing her frustration. At times she just would not speak to them. He would work for her again. When asked whether Ms. Morrow treated subordinates with dignity and respect, LTC (b)(7)(C) testified that she “treated people with dignity.” He later added respect only after being questioned about his odd response.

5. In a written statement and testimony, Ms. Morrow indicated:

a. She maintained high standards for both herself and OAASA and was firmly committed to doing the best job possible. If a problem was presented to her, she took the time to get the facts before she made a decision. There were several statements provided by the witnesses that were not true. Specifically, witness testimony indicated that Ms. Morrow was a micromanager and would not delegate actions to others that were qualified to work those actions on her behalf. Ms. Morrow testified that assessment of her was not true. She testified that she would not be able to accomplish the vast array of missions assigned to the OAASA if she did not delegate and empower subordinates. She relied heavily on members of her team. Given the scope of her responsibilities, she delegated and empowered employees, but also remained accountable.

b. She stated that five percent of the AASA team is military and she valued their contributions immensely. For some, particularly XO's, coming to AASA was a difficult transition. She believed that the following witness statements captured it well: "Some folks had a hard time, especially military, grappling with the fact that everybody really needed to work. They needed to be part of the process to help get things done. . . . The colonels who had command positions and had combat experience had a hard time coming in and adjusting to the fact that they really needed to roll up their sleeves and do a lot of administrative work." She stated that in hindsight, she was probably too open with individuals in her inner circle, including her military XO and AXO. She believed that she should have been more selective in the information that she shared with them, but she was attempting to build a strong working relationship with them. She further noted that three of her SESs were retired military officers.

c. She stated that other witness statements were either misleading or not true. She denied making disparaging comments or being abusive. She testified that she may have said that something was stupid, but she never stated that someone was stupid. Lazy was not a word that she used. She did not intentionally give anyone the "silent treatment." She may have walked between the offices without stopping to talk to everyone along the way. She was focused and generally she did not want to disrupt people.

d. When asked, "Did you see any need to change your way of doing business?" Ms. Morrow testified that, other than the use of staff for personal services, she did not see a need to change. She believed that she empowered subordinates, strove to build a cohesive team, and did an enormous amount of work for her organization.

6. In an e-mail, dated 11 July 2012, Ms. Morrow requested DAIG interview [B7C and B7D] [B7C and B7D] who she believed could provide "valuable insight/perspective." On 16 July 2012, [B7C and B7D] was interviewed and testified that she periodically visited the OAASA to check on

Ms. Morrow and her staff, especially [B7C and B7D] because of the late hours that the OAASA staff worked. She believed the command climate under Ms. Morrow's leadership was good. Ms. Morrow's staff was very supportive and professional. She did not know what the organizational climate was when she was not there. She testified that the climate could have been different when she was not there, but she did not know. Her primary interaction was with Ms. Morrow. She was not aware of any concerns voiced to the senior Army leadership regarding Ms. Morrow's leadership or her management style. She spoke to [B7C and B7D] regarding the work hours, but she did not recall the specifics of their conversation. She further testified that she did not recall any concerns with the office environment, and/or Ms. Morrow's management/leadership style. She believed that Ms. Morrow was very detailed and a dedicated civilian. She testified that Ms. Morrow was "by the book" but had to be because of the nature of her position.

7. The preponderance of the evidence established that Ms. Morrow held many duties while assigned as the AASA. From May 2009 to January 2011, Ms. Morrow served as the DUSA while maintaining high standards as the AASA and managing a workforce of about 3,000 personnel. Witness testimony indicated that Ms. Morrow always produced high quality work products and achieved a level of excellence required in getting DA policy or signatures from SA. As a perfectionist, witnesses testified that all staff actions produced by Ms. Morrow were "top notch." To achieve such level of perfection, witnesses testified that Ms. Morrow and/or her staff often worked very late hours. These late hours and the way Ms. Morrow went about achieving this level of perfection took a toll on employees. Witnesses described Ms. Morrow's leadership style and the work environment as "toxic." They attribute her toxic leadership to the way she treated and talked to subordinates. Three witnesses testified that Ms. Morrow was passive/aggressive and never gave them constructive criticism in order to help them meet her expectations. Testimony established that she frequently referred to staff members as "stupid" or "incompetent" to others. Ten witnesses testified that Ms. Morrow would talk about subordinates to other subordinates and/or would make comments about a person so that others in the office could hear her negative assessment of that person.

a. Witnesses testified that Ms. Morrow created a climate of employee-to-employee conflict through dual-assignment of actions as a means to foster competition among the employees. This action contributed to a chaotic and unhealthy work environment. When the military XOs attempted to organize, move, or encourage Ms. Morrow to make decisions regarding staff actions, the evidence established that they were treated poorly. These staffing challenges and responses exhibited by Ms. Morrow directly contributed to a sense of frustration among the staff and undermined the cohesiveness and teamwork within the organization.

b. Thirteen witnesses testified that Ms. Morrow was not a leader. Witnesses testified that there was no teaching, training, coaching, or mentoring. Witness testimony

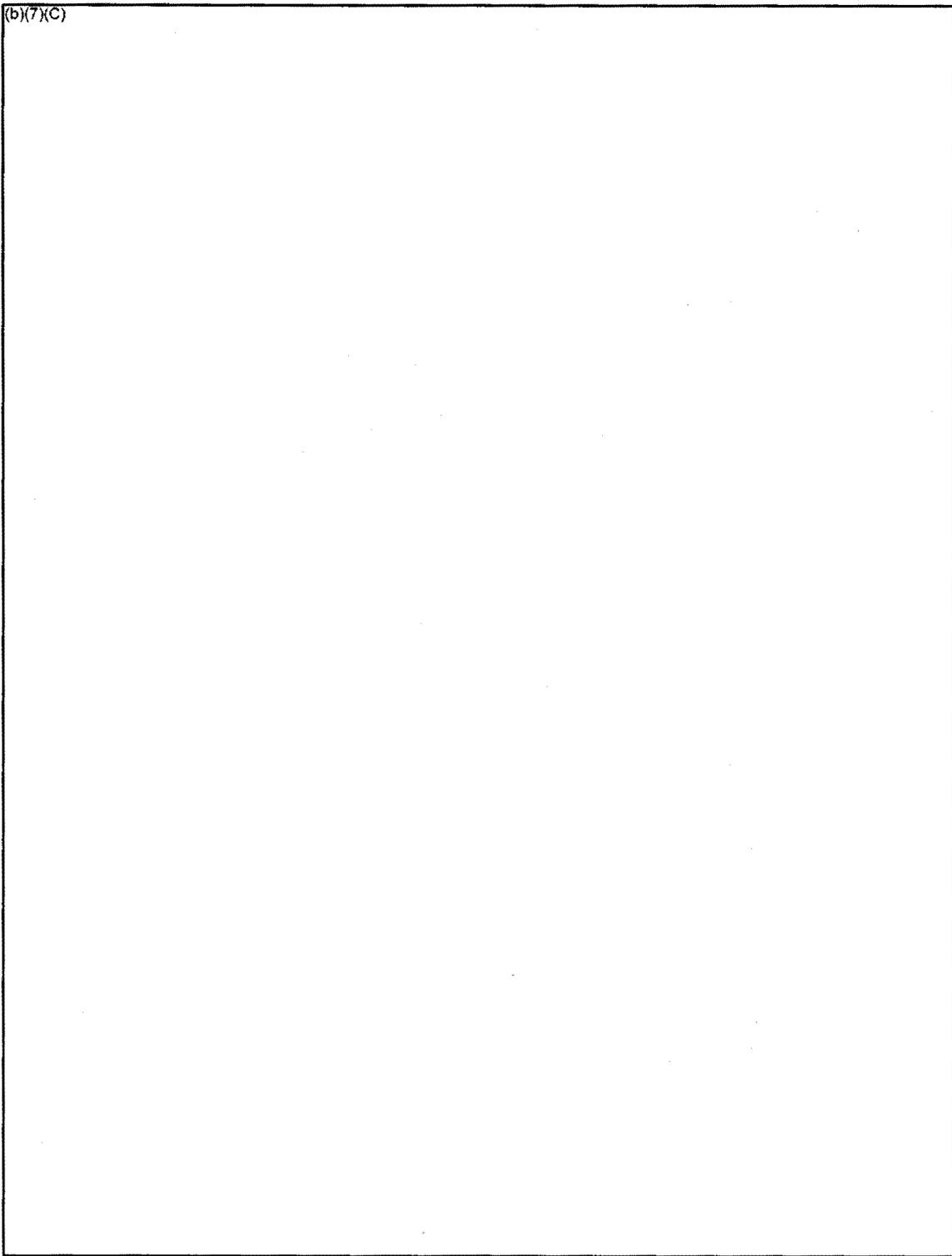
established that Ms. Morrow did not give constructive guidance or address alleged shortfalls with employees, which further degraded their standing with her. Fourteen witnesses testified that Ms. Morrow would display her displeasure with an employee by not speaking to them. Witness testified that no matter what needed to be accomplished, Ms. Morrow would simply stop talking to employees. The evidence further established that instead of allowing the staff to do their job, Ms. Morrow would attempt to do their jobs for them, or would bypass them and work actions directly with their subordinates. Twelve out of sixteen former employees testified that they would not work for Ms. Morrow again, further illustrating the poor organizational climate and work environment that Ms. Morrow created.

c. Nine witnesses testified that Ms. Morrow lacked a general understanding of the capabilities of her military personnel, which directly contributed to a sense of frustration among the staff and affected the cohesiveness within the organization. Witness testimony indicated that staff actions halted when there was an impasse between Ms. Morrow and her XO. The evidence indicated that Ms. Morrow had 9 XOs in her first two years as the AASA and a total of 13 during her tenure. Mr. Stubblefield and Lieutenant General James Campbell, former DAS, testified that the military personnel selected as the permanent XOs and AXOs for Ms. Morrow were "Black Book" candidates. LTG Campbell testified that he was provided a list of "top candidates" in a binder, or a "Black Book." The list was screened and voted on by him, the Vice Chief of Staff, the Chief of Staff, and, if necessary, the Secretary of the Army before it was provided to the staff principal for consideration. Witness testimony indicated that all of the military personnel were personally interviewed by Ms. Morrow for the position. Although, all of the military personnel were interviewed by Ms. Morrow, only the permanent XOs were black book candidates. Several of the 13 XOs that Ms. Morrow had during her tenure were "acting" in that capacity until Ms. Morrow secured a permanent replacement; however, three military personnel (two permanent and one temporary XO) elected to end their tour early.

8. The preponderance of the evidence established that Ms. Morrow maintained a level of perfection and held many duties as the AASA and acting DUSA. While attempting to achieve the level of perfection needed as the AASA, witness testimony indicated that Ms. Morrow did not provide a workplace environment that fostered the development of others, or facilitated cooperation and teamwork. Further, by her frequent use of the silent treatment towards subordinates, she failed to support constructive resolution of conflicts. These actions by Ms. Morrow created an unhealthy work environment. The unhealthy climate was fostered by the deliberate peer-to-peer conflicts by dual tasking, public displays of maltreatment and ostracizing of employees, the lack of organization due to the inability to empower subordinates to work at the level commensurate with their expertise, and a reluctance to accept certain work products after forming an initial impression of an employee. The totality of these actions supported the allegation that Ms. Morrow failed to foster a healthy organizational climate.

SAIG-IN (ROI 12-006)

(b)(7)(C)



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SAIG-IN (ROI 12-006)

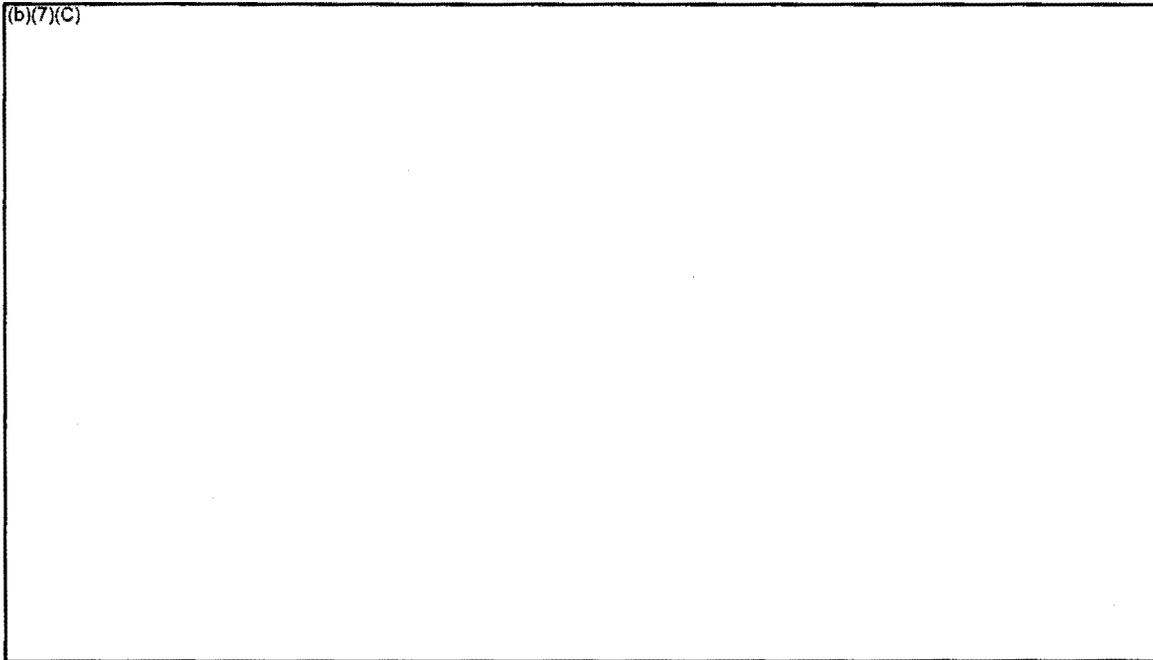
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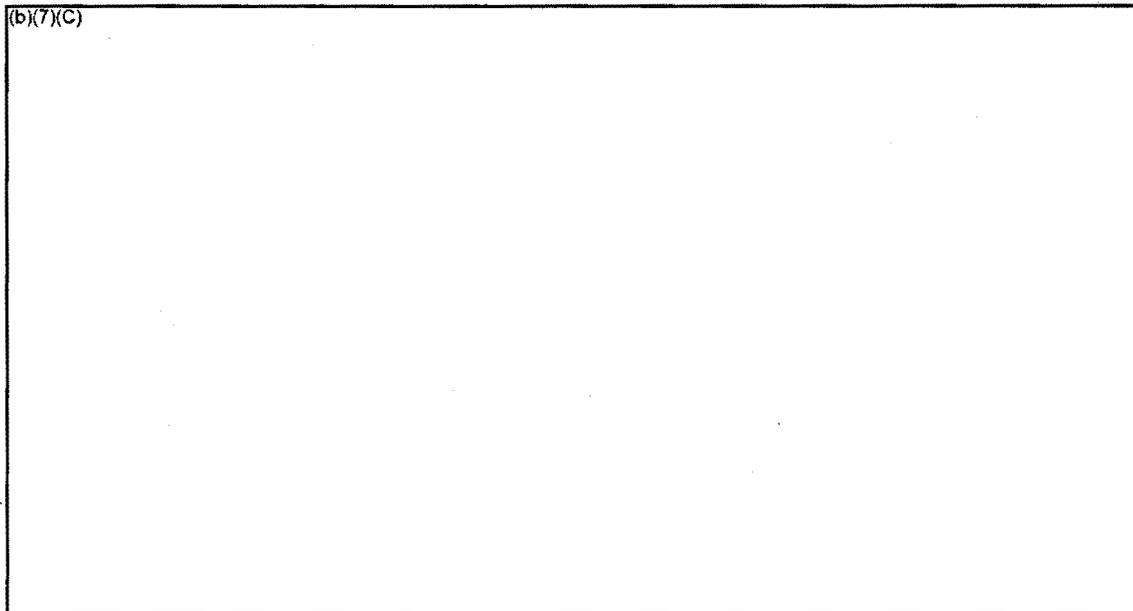
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SAIG-IN (ROI 12-006)

(b)(7)(C)

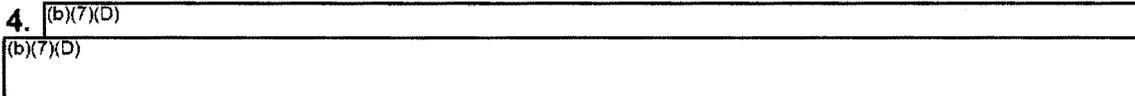


(b)(7)(C)



4. (b)(7)(D)

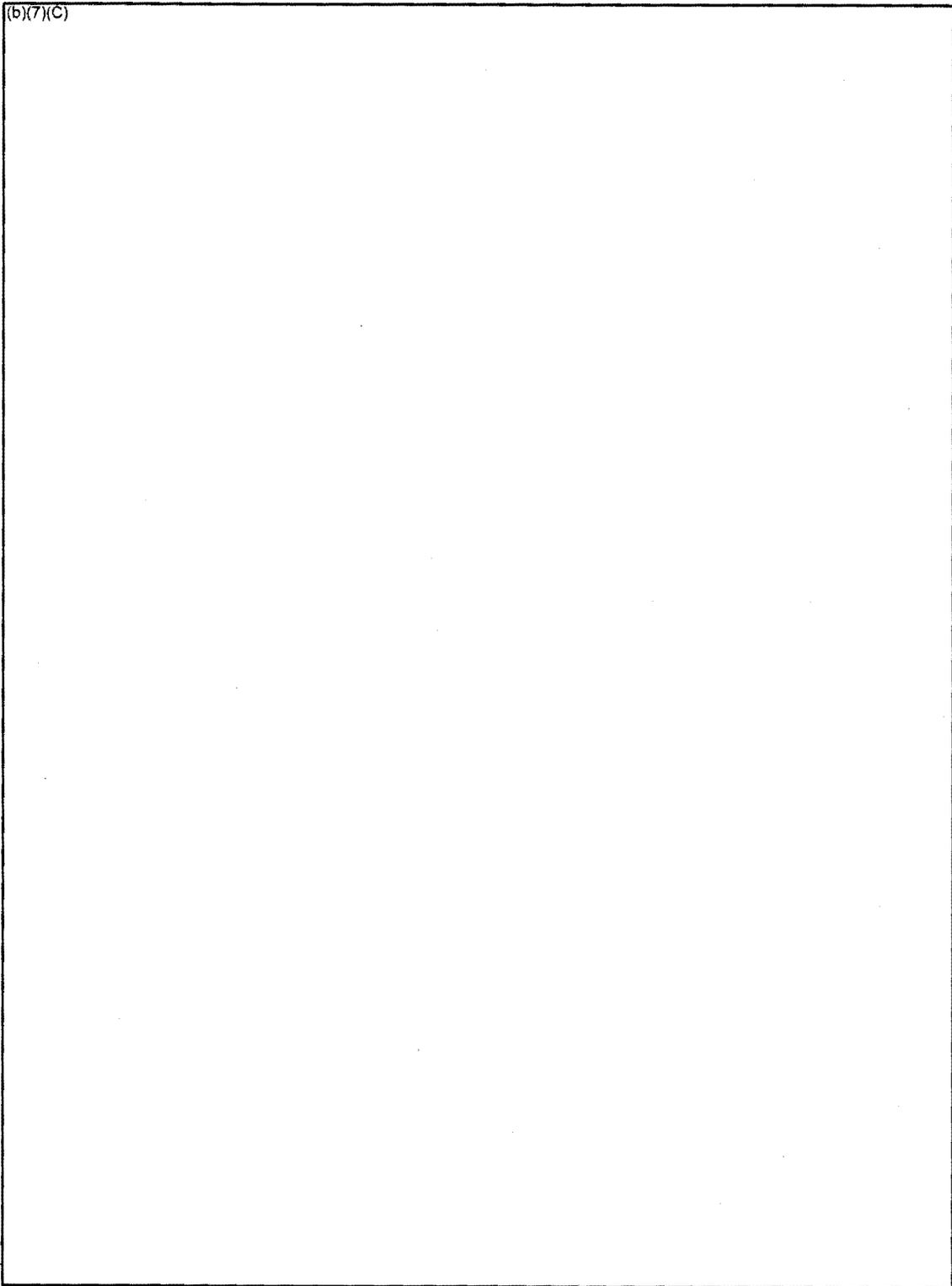
(b)(7)(D)



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SAIG-IN (ROI 12-006)

(b)(7)(C)



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SAIG-IN (ROI 12-006)

(b)(7)(C)

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SAIG-IN (ROI 12-006)

RECOMMENDATIONS:

1. This report be approved and the case closed.
2. Refer this report to the Civilian Senior Leader Management Office for appropriate action.

(b)(7)(C)

Investigator

(b)(7)(C)

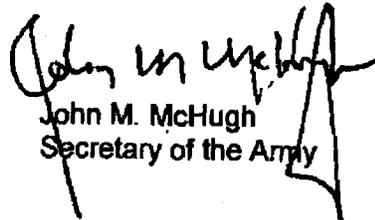
Investigator

CONCUR:



PETER M. VANGJEL
Lieutenant General, USA
The Inspector General

APPROVED:



John M. McHugh
Secretary of the Army

Encls

ROI Abbreviations and Acronyms

AA	Administrative Assistant
AASA	Administrative Assistant to the Secretary of the Army
AR	Army Regulation
ASA M&RA	Assistant Secretary of the Army Manpower & Reserve Affairs
AXOs	Assistant XOs
CFR	Code of Federal Regulations
COL	Colonel
CPT	Captain
CSM	Command Sergeant Major
CW4	Chief Warrant Officer 4
DA	Department of the Army
DAIG	Department of the Army Inspector General Agency
DAS	Director of Army Staff
DODD	Department of Defense Directive
DTS	Defense Travel System
DUSA	Deputy Under Secretary of the Army
EA	Executive Assistant
ECQ	Executive Core Qualifications
EEO	Equal Employment Opportunity
EO	Equal Opportunity
FLSA	Fair Labor Standards Act
JER	Joint Ethics Regulation
LTC	Lieutenant Colonel
MAJ	Major
NATO	North Atlantic Treaty Organization
OAA	Office of the Administrative Assistant
OAASA	Office of the Administrative Assistant to the Secretary of the Army
PI	Preliminary Inquiry
PTSD	Post Traumatic Stress Disorder
RDO	Required day off
SA	Secretary of the Army
SES	Senior Executive Service
SGM	Sergeant Major
TDY	Temporary duty
XO	Executive Officer

ROI Personnel Listing

(b)(7)(C) GS-14, (b)(7)(C) AASA

(b)(7)(C) MAJ, (b)(7)(C)
(b)(7)(C) and former AXO, AASA

Campbell, James, L., LTG, retired, former DAS

(b)(7)(C) GS-15, (b)(7)(C) AASA, (b)(7)(C)
(b)(7)(C) AASA

(b)(7)(C) MAJ, (b)(7)(C) and former AXO,
AASA

Condon, Kathryn, SES, former Special Assistant to the Under Secretary of the Army

(b)(7)(C) GS-15, Retired, (b)(7)(C) AASA

(b)(7)(C) GS-11, Acting AXO

(b)(7)(C) COL, (b)(7)(C) and former XO, AASA

(b)(7)(C) MAJ, (b)(7)(C)
and former AXO, AASA

(b)(7)(C) CW4, (b)(7)(C)
(b)(7)(C) AASA

(b)(7)(C) GS-11, (b)(7)(C) AASA

(b)(7)(C) COL, (b)(7)(C)
(b)(7)(C) and former XO, AASA

O'Keefe, Gerald, SES, Deputy AASA

(b)(7)(C) COL, (b)(7)(C)
(b)(7)(C) and former XO, AASA

Randon, Diane, SES, Director, Installation Services, and former Director of Resources
and Programs, AASA

(b)(7)(C) COL, (b)(7)(C)
(b)(7)(C)

SAIG-IN (ROI 12-006)

(b)(7)(C) GS-12, (b)(7)(C) AASA

(b)(7)(C) GS-15, (b)(7)(C) AASA

(b)(7)(C) GS-15, (b)(7)(C) AASA, and (b)(7)(C)
AASA

(b)(7)(C) COL, (b)(7)(C) and former
Acting XO, AASA

(b)(7)(C) COL, (b)(7)(C) former Acting XO, AASA

(b)(7)(C) SGM, AASA

(b)(7)(C) COL, (b)(7)(C) former XO, AASA

Stubblefield, Larry, SES, Deputy Assistant Secretary of the Army for Diversity and
Leadership at ASA (M&RA), and former Deputy, AASA, AASA

(b)(7)(C) COL, (b)(7)(C) former XO, AASA

LIST OF EXHIBITS

EXHIBIT ITEM

A Directive, Expanded Investigation, and Legal Reviews

B Standards:

- B-1 The Guide To SES Qualifications, dated June 2010
- B-2 Title 29 USC § 201
- B-3 Title 5 CFR § 551.401
- B-4 DOD Financial Management Regulation, DOD 7000.14-R, Volume 8, dated June 2010

C Documents:

- C-1 Biographical summary, Ms. Morrow
- C-2 Organizational chart, duty descriptions
- C-3 OAASA Front Office Organizational Chart
- C-4 E-mails regarding personal errands required of (b)(7)(C)
- C-5 Memorandum, dated 16 January 2012, subject: Realignment of SES Positions Within OAASA, with enclosure, memorandum, dated 8 September 2008, subject: Restoration of SES Position for US Information Technology Agency
- C-6 Daily log from COL (b)(7)(C)
- C-7 E-mail, dated 27 March 2012, subject: Official Matter, with attachment (witness comments) from DAIG to Ms. Morrow
- C-8 E-mail, dated 2 April 2012, subject: Witness Comments Part 2, from DAIG to Ms. Morrow
- C-9 E-mail, dated 1 May 2012 subject: Witness Comments Part 2, with attachment (response to witness comments) from Ms. Morrow to DAIG
- C-10 List of XOs from March 2006 to present
- C-11 E-mail, dated 11 July 2012, subject: Morrow
- C-12 Position Descriptions: Management Analyst (b)(7)(C) Supervisor Management Analyst (b)(7)(C) and Management and Program Analyst (b)(7)(C)
- C-13 DIG 12-0009, approved 3 February 2012

D Testimony:

- | | | |
|-----|---------------|-----------|
| D-1 | Ms. Morrow | FOIA: NO |
| D-2 | (b)(7)(C) | FOIA: NO |
| D-3 | (b)(7)(C) | FOIA: NO |
| D-4 | (b)(7)(C) | FOIA: NO |
| D-5 | (b)(7)(C) | FOIA: NO |
| D-6 | COL (b)(7)(C) | FOIA: YES |

SAIG-IN (ROI 12-006)

D-7	(b)(7)(C)	FOIA: NO
D-8	Mr. Stubblefield	FOIA: YES
D-9	Ms. Randon	FOIA: NO
D-10	(b)(7)(C)	FOIA: NO
D-11	MAJ (b)(7)(C)	FOIA: YES
D-12	COL (b)(7)(C)	FOIA: YES
D-13	COL (b)(7)(C)	FOIA: NO
D-14	COL (b)(7)(C)	FOIA: NO
D-15	COL (b)(7)(C)	FOIA: NO
D-16	CW4 (b)(7)(C)	FOIA: YES
D-17	MAJ (b)(7)(C)	FOIA: NO
D-18	MAJ (b)(7)	FOIA: NO
D-19	(b)(7)(C)	FOIA: NO
D-20	CSM (b)(7)(C)	FOIA: YES
D-21	Mr. O'Keefe	FOIA: NO
D-22	(b)(7)(C)	FOIA: NO
D-23	(b)(7)(C)	FOIA: NO
D-24	COL (b)(7)(C)	FOIA: NO
D-25	LTC (b)(7)(C)	FOIA: YES
D-26	LTG James Campbell (R), former DAS	FOIA: NO
D-27	COL (b)(7)(C)	FOIA: NO
D-28	Ms. Condon	FOIA: YES

E Notifications:

E-1	Ms. Morrow (subject)
E-2	(b)(7)(C)

COL LAWRENCE THOMS

ROI 12-022

**(Investigation Report for Preliminary
Analysis DIG 12-00023)**



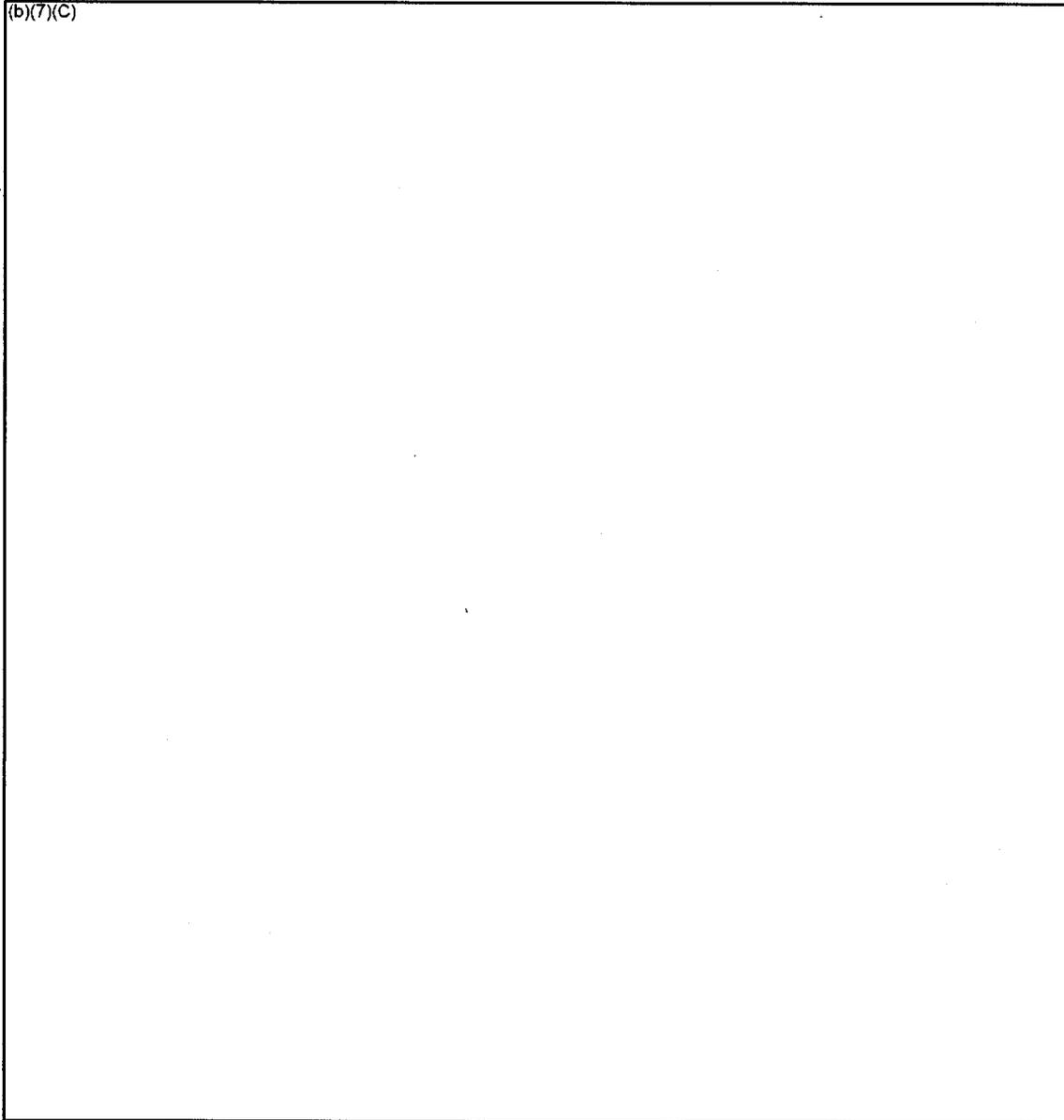
**DEPARTMENT OF THE ARMY
OFFICE OF THE INSPECTOR GENERAL
1700 ARMY PENTAGON
WASHINGTON DC 20310-1700**

**US ARMY INSPECTOR GENERAL AGENCY
REPORT OF INVESTIGATION
(Case 12-022)**

NOV 20 2012

NAME/POSITION: Colonel (COL) Lawrence F. Thoms (US Army Reserve), Chief of Staff, Operational Command Post, 335th Signal Command (Provisional), Camp Arifjan, Kuwait

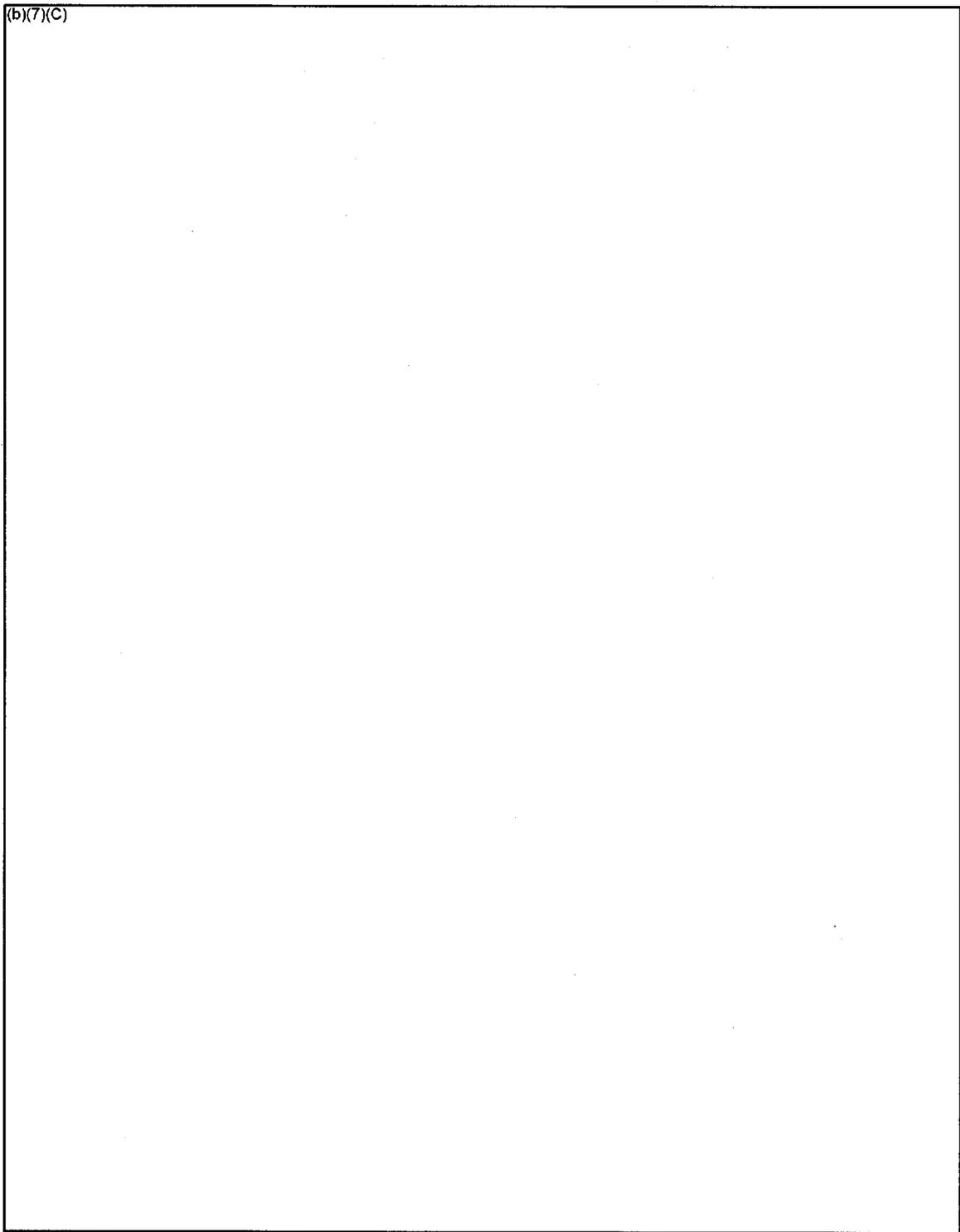
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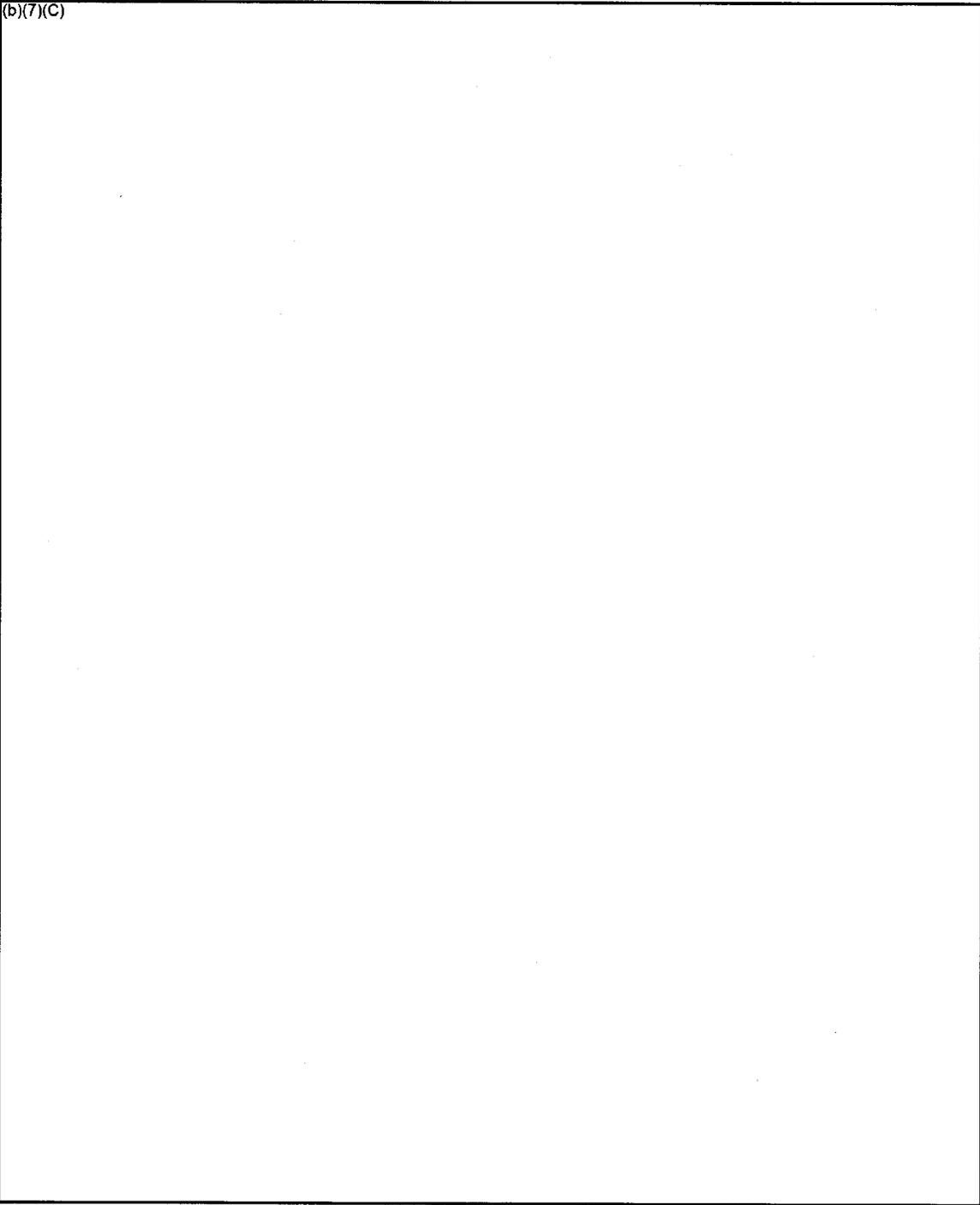
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SAIG-IN (ROI 12-022)

(b)(7)(C)



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(b)(7)(C)



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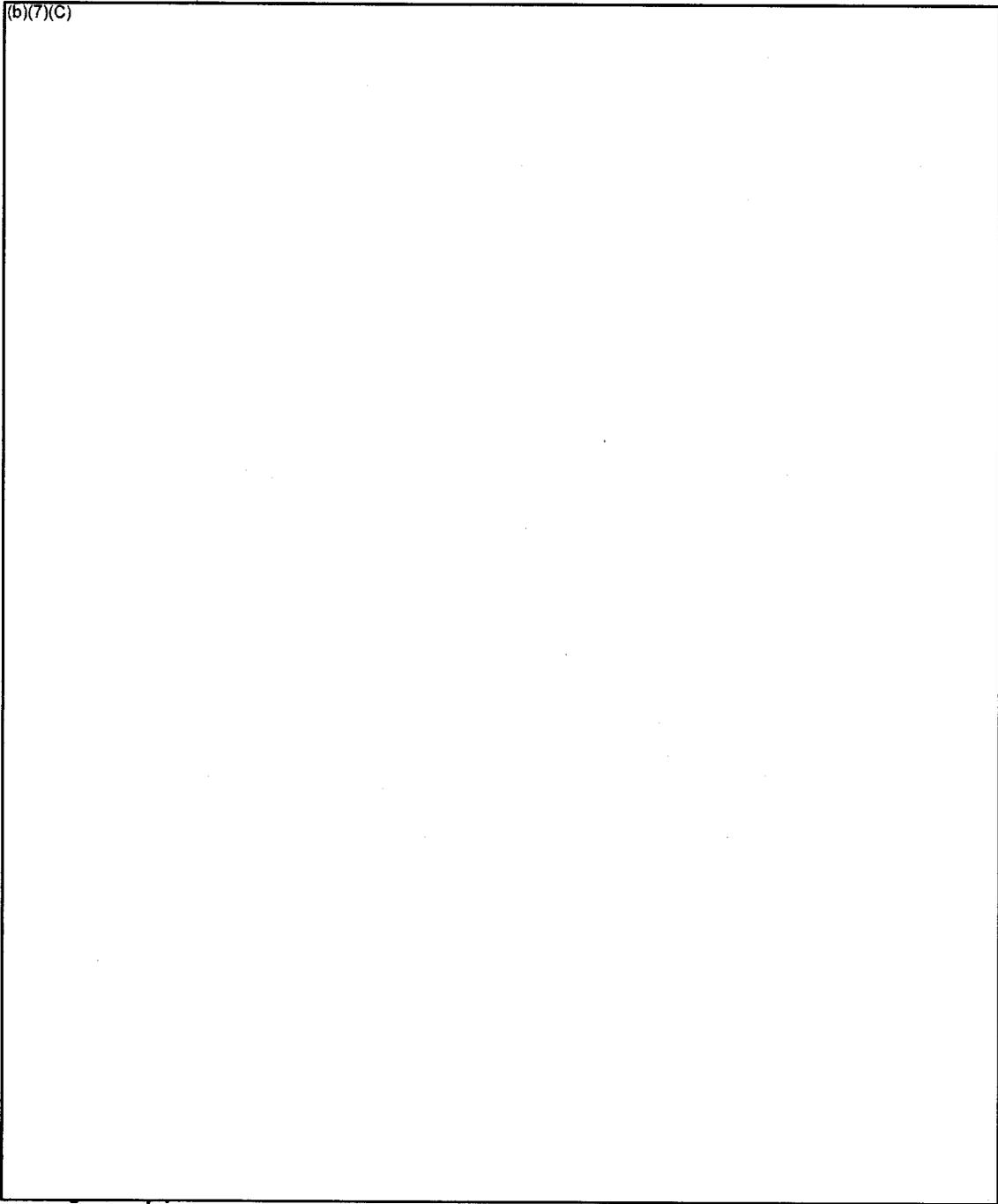
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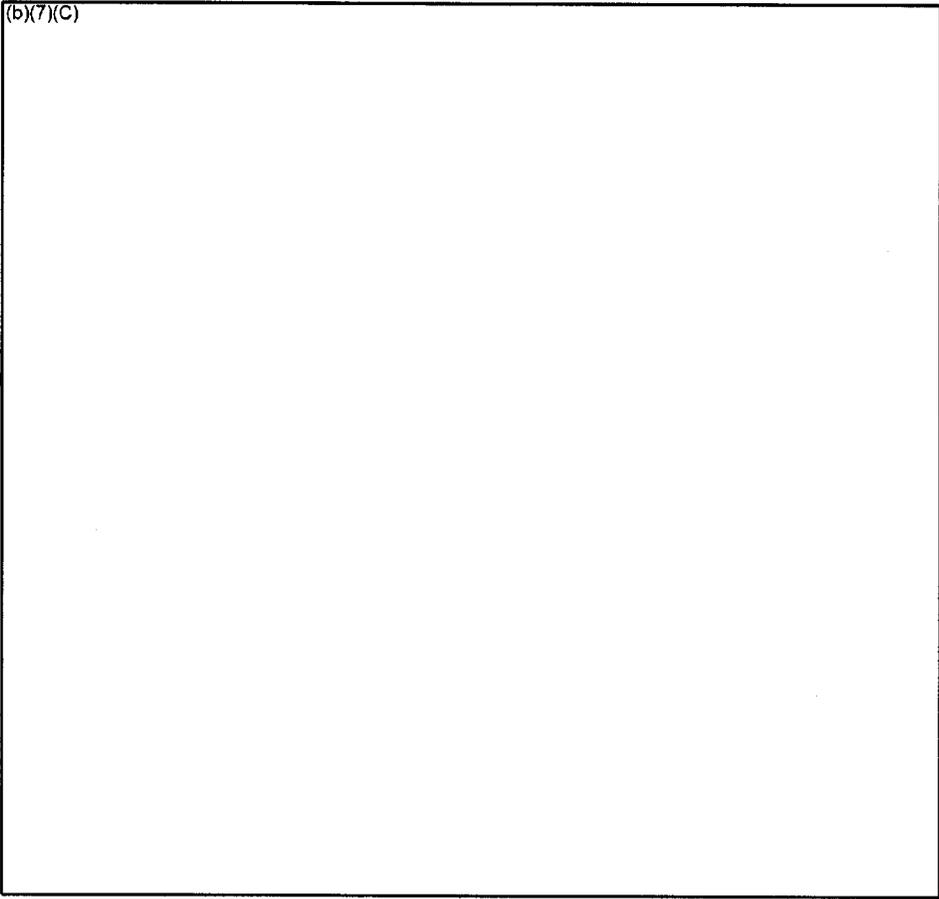
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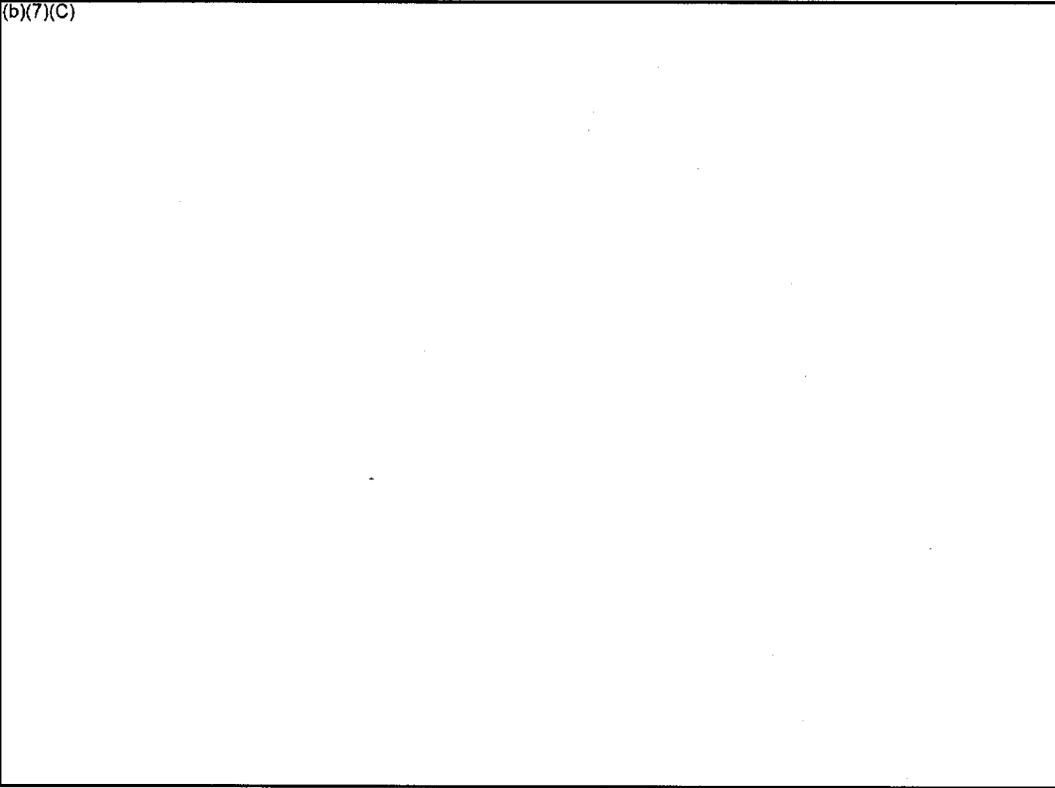
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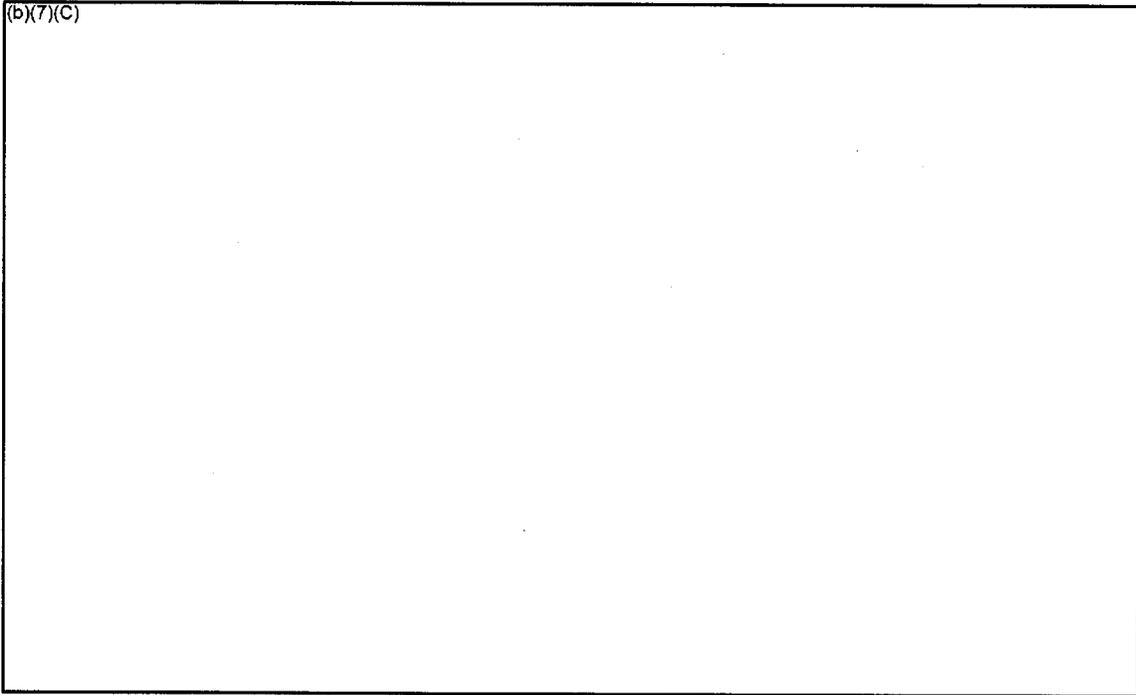
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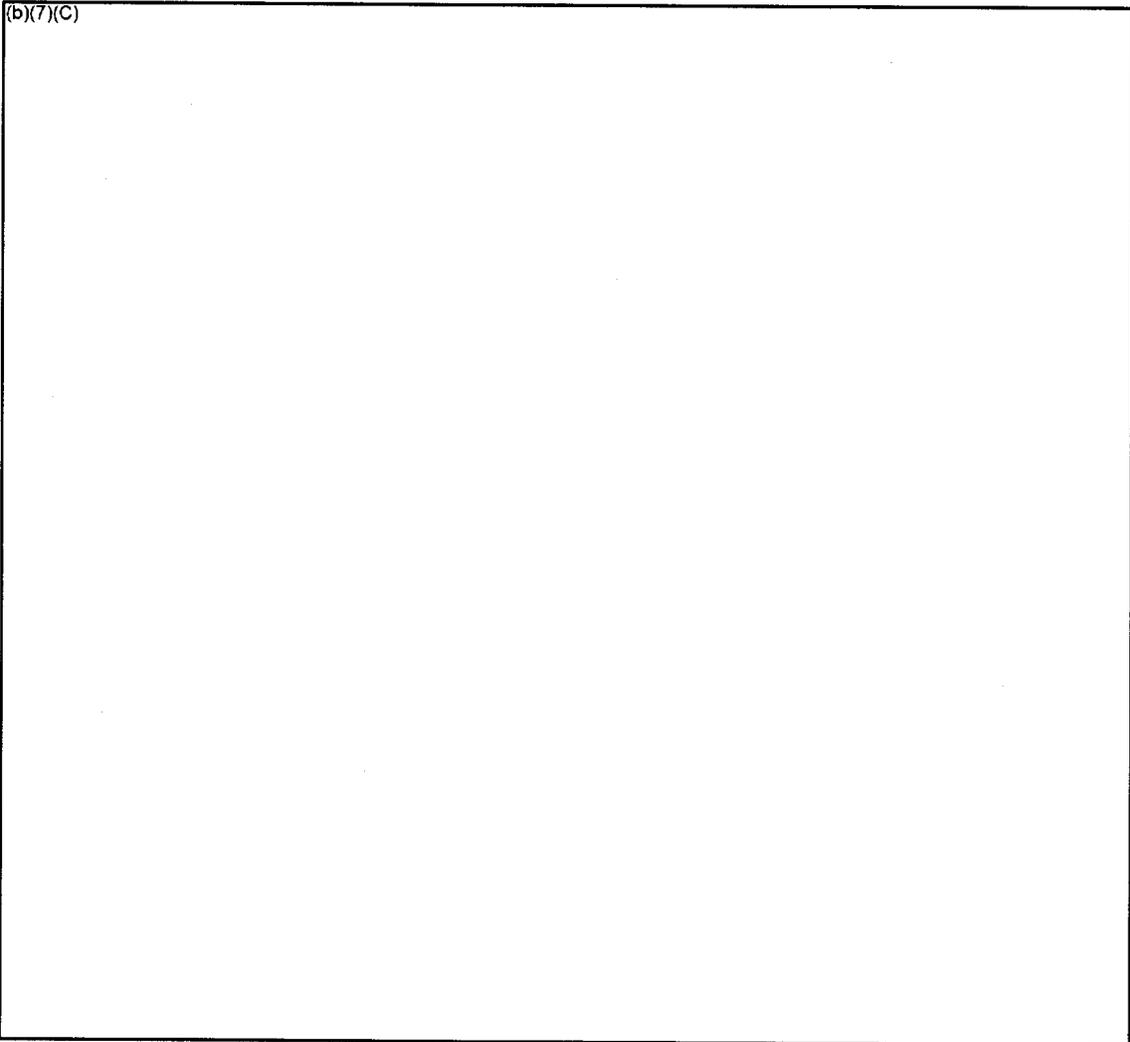
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SAIG-IN (ROI 12-022)

(b)(7)(C)



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BG CHARLOTTE L. MILLER

ROI 12-018

**(Investigation Report for Preliminary
Analysis DIG 12-00038**



DEPARTMENT OF THE ARMY
OFFICE OF THE INSPECTOR GENERAL
1700 ARMY PENTAGON
WASHINGTON DC 20310-1700

US ARMY INSPECTOR GENERAL AGENCY
REPORT OF INVESTIGATION

(Case 12-018)
NOV 20 2012

NAME/POSITION: Brigadier General (BG) Charlotte L. Miller, former Assistant Adjutant General, California National Guard (CANG), Sacramento, California (CA)

[Investigating Officer (IO) Note: BG Miller is currently assigned to the US Army Reserve (USAR), Standby Reserve - Inactive Status.]

SUBSTANTIATED ALLEGATION AND CONCLUSION: BG Miller improperly disseminated military records and personally identifiable information (PII). The preponderance of credible evidence reflected that BG Miller improperly released military records and documents that contained PII of individuals assigned to the CANG to members of the CA State Senate without proper authorization.

SUBSTANTIATED ALLEGATION AND CONCLUSION: BG Miller improperly wore a military uniform. The preponderance of credible evidence reflected that BG Miller improperly wore her military uniform when she testified to members of the CA State Senate at the confirmation hearing for Major General (MG) David S. Baldwin, The Adjutant General (TAG), CANG. BG Miller was in a Standby Reserve - Inactive status, was not on orders, and was not in an official capacity at the time of the hearing. There were no regulatory provisions that authorized BG Miller to testify at that time in her military uniform.

BACKGROUND:

1. On 13 February 2012, the Department of the Army Inspector General Agency (DAIG) received notification from the Inspector General (IG), CANG, of allegations against BG Miller. (b)(7)(C)
(b)(7)(C) alleged that BG Miller improperly received, possessed, and disseminated (b)(7)(C) military records and PII. Additionally, (b)(7)(C) alleged that BG Miller, while not in a duty status, improperly wore her military uniform.
2. A preliminary inquiry, DIG 12-00038, approved 13 August 2012, determined that the allegations that BG Miller improperly disseminated military records and PII, and that BG Miller improperly wore a military uniform require further investigation.
3. On 13 August 2012, The Inspector General directed an investigation by the DAIG.

SYNOPSIS:

SUBSTANTIATED ALLEGATION: BG Miller improperly disseminated military records and PII.

1. (b)(7)(C) alleged that BG Miller improperly received, possessed, and disseminated two documents from (b)(7)(C) official military personnel file: specifically, an officer evaluation report (OER), with a thru date of 24 November 2010, and a general officer memorandum of reprimand (GOMOR). Both documents contained derogatory information.
2. Title 5 US Code Section 552a, The Privacy Act of 1974, states in paragraph 552a(i)(1), that any officer or employee of an agency, who by virtue of his employment or official position, has possession of, or access to, agency records which contain individually identifiable information the disclosure of which is prohibited by this section or by rules or regulations established there under, and who knowing that disclosure of the specific material is so prohibited, willfully discloses the material in any manner to any person or agency not entitled to receive it, shall be guilty of a misdemeanor and fined not more than \$5,000. Paragraph 552a(i)3 states that any person who knowingly and willfully requests or obtains any record concerning an individual from an agency under false pretenses shall be guilty of a misdemeanor and fined not more than \$5,000. Department of Defense (DOD) Directive (DODD) 5400.11, DOD Privacy Program, dated 8 May 2007, states in paragraph E3.1.2, that DOD personnel shall not disclose any personal information contained in any system of records, except as authorized by DOD 5400.11-R, DOD Privacy Program, dated 14 May 2007, or other applicable laws or regulations.
3. Evidence reflected that in July 2011, MG Baldwin involuntarily separated BG Miller from the CANG. MG Baldwin took this action because he had lost faith and confidence in her abilities as a senior leader.
4. On 15 February 2012, the CA State Senate Rules Committee conducted its confirmation hearing for MG Baldwin's appointment as TAG, CANG. Evidence indicated that the hearing was scheduled at least a week prior to 15 February 2012. LTC (b)(7)(C) State Policy and Liaison, JFHQ, CANG, stated that BG Miller was part of a well-organized group that opposed MG Baldwin's confirmation as TAG. He further stated that prior to the confirmation hearing, BG Miller met with each State Senator, or respective Senate Staffer, of the Senate Rules Committee, as well as other State Senators, concerning MG Baldwin's confirmation. Evidence reflected that BG Miller gave each State Senator or Staffer a packet of documents that she claimed showed MG Baldwin's preferential treatment of certain subordinates. The packet of documents provided by BG Miller included LTC (b)(7)(C) un-redacted OER, an

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un-redacted GOMOR, as well as the findings of an un-redacted CANG Army Regulation (AR) 15-6 investigation.

5. On 9 February 2012, evidence reflected that BG Miller dropped off the same packet of documents with Colonel (COL) (b)(7)(C) Director, Joint Staff / Chief of Staff, JFHQ, CANG. COL (b)(7)(C) Staff Judge Advocate, JFHQ, CANG, stated that he got involved soon after BG Miller dropped off the packet. He recognized that some of the documents contained PII and that the CANG had to take whatever necessary steps to control any further spillage of the PII. Regarding LTC (b)(7)(C) OER, his full name and social security number, as well as the full names and social security numbers for his rater, COL (b)(7)(C) and senior rater, MG John S. Harrel, were not redacted from these documents. COL (b)(7)(C) informed Senator Darrell Steinberg, Chair, Senate Rules Committee, of the PII spillage, and asked him to safeguard the PII and not post it to the CA State Senate daily public record. LTC (b)(7)(C) stated that he met with (b)(7)(C) Appointments Director, Senate Rules Office, CA State Senate, once he was notified of the PII spillage and asked him to intervene to ensure the documents provided by BG Miller did not become part of the State Senate daily public record. Additionally, CANG sent letters to LTC (b)(7)(C) COL (b)(7)(C) and MG Harrel to inform them of the release of their PII.

6. When BG Miller provided the packet of documents to members of the CA State Senate and COL (b)(7)(C) she did so in her personal capacity; she was not assigned in any type of official duty status. Further, evidence reflected that there was no official request for these documents from members of the CA State Senate. BG Miller provided these documents on her own initiative. LTC (b)(7)(C) testified that he did not give BG Miller permission to obtain and disseminate these documents, which contained his PII.

7. On 5 October 2012, BG Miller's legal counsel advised DAIG via e-mail that BG Miller invoked her right to remain silent and declined to make a statement regarding the allegation.

[IO Note: During the course of the investigation, without testimony or a statement from BG Miller, it could not be determined when or how she obtained LTC (b)(7)(C) OER, GOMOR, and the AR 15-6 investigation findings. Upon a review of historical access of LTC (b)(7)(C) iPERMS account, there was no evidence that BG Miller accessed it and viewed his OER and GOMOR.]

8. The preponderance of credible evidence reflected that BG Miller improperly released military records and documents that contained PII of individuals assigned to the CANG to members of the CA State Senate without proper authorization. LTC (b)(7)(C) OER, GOMOR, and the AR 15-6 investigation findings were official Army records that contained PII. BG Miller did not receive proper authorization to release these official

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documents. The CA State legislature is not one of the exceptions listed as an appropriate recipient of PII and is not covered in the federal statute. Regardless, the documents provided by BG Miller were not requested by the CA State Senate, as evidence reflected that she provided them on her own initiative. BG Miller did not testify or provide a statement regarding the allegation. The allegation that BG Miller improperly disseminated military records and PII in violation of the Privacy Act of 1974 and DODD 5400.11 was substantiated.

SUBSTANTIATED ALLEGATION: BG Miller Improperly wore a military uniform.

1. AR 670-1, Wear and Appearance of Army Uniforms and Insignia, paragraph 30-2, states that USAR personnel are only authorized to wear the uniform when participating in reserve training assemblies, exercises, conferences, or ceremonies in an official capacity under competent orders, and on certain other occasions not relevant to the facts of this case.

2. Evidence established that BG Miller wore her military uniform to testify at the CA State Senate during the 15 February 2012 confirmation hearing for MG Baldwin.

a. LTC (b)(7)(C) stated that no witnesses that appeared at the confirmation hearing were requested, invited, or subpoenaed to appear. BG Miller attended the confirmation hearing on her own volition and attended in military uniform, even though she was not on any type of orders.

b. (b)(7)(C) explained that MG Baldwin's confirmation hearing was open to the public. Any member of the public could attend and testify before the hearing members. None of the witnesses were invited, requested, or subpoenaed to attend.

c. (b)(7)(C) Office of the Chief, Army Reserve, General Officer Management Office, stated that BG Miller was not on orders when she testified on 15 February 2012 to members of the CA State Senate.

d. COL (b)(7) stated that BG Miller was not on official orders or acting in an official capacity when she testified in front of the CA State Senate on 15 February 2012. Additionally, BG Miller was in uniform the day she dropped off the packet of documents with COL (b)(7)(C)

[IO Note: A DVD recording of MG Baldwin's 15 February 2012 confirmation hearing showed that BG Miller appeared as a witness and testified against MG Baldwin's confirmation. She introduced herself as "Charlotte Miller, formerly a Brigadier General in the California Military Department." She was in her military uniform.]

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3. Evidence reflected that BG Miller was a member of the Standby Reserve – Inactive Status at the time she testified at MG Baldwin’s confirmation hearing. Additionally, she was not on any type of military orders at that time. BG Miller testified at MG Baldwin’s confirmation hearing in her personal capacity, on her own initiative, and not in any type of official status.
4. BG Miller did not testify or provide a statement regarding the allegation.
5. The preponderance of credible evidence reflected that BG Miller improperly wore her military uniform when she testified to members of the CA State Senate at MG Baldwin’s confirmation hearing. BG Miller testified on her own initiative. There were no provisions in AR 670-1 that authorized BG Miller to testify at that time in her military uniform. BG Miller was in a USAR Standby Reserve - Inactive status, was not on orders, and was not in an official capacity on 15 February 2012.

OTHER MATTER: A query of iPERMS indicated that there were some individuals in the CANG who may have had unauthorized access to LTC (b)(7)(C) iPERMS account and may have improperly viewed his OER and GOMOR.

RECOMMENDATIONS:

1. This report be approved and the case closed.
2. Refer this report to the Office of The Judge Advocate General.
3. Refer the Other Matter Issue to TAG, CANG.

(b)(7)(C)

LTC, IG
Investigator

(b)(7)(C)

Investigator

APPROVED:



PETER M. VANGJEL
Lieutenant General, USA
The Inspector General

Encls

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ROI Abbreviations and Acronyms

The following abbreviations and/or acronyms appeared in this report:

AR	Army Regulation
BG	Brigadier General
CA	California
CANG	California National Guard
COL	Colonel
DAIG	Department of the Army IG Agency
DOD	Department of Defense
DODD	Department of Defense Directive
E-mail	Electronic Mail
GOMOR	General Officer Memorandum of Record
IG	Inspector General
IO	Investigating Officer
JFHQ	Joint Force Headquarters
LTC	Lieutenant Colonel
LTG	Lieutenant General
OER	Officer Evaluation Report
MG	Major General
PII	Personally Identifiable Information
TAG	The Adjutant General
USAR	United States Army Reserve

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ROI Personnel Listing

Baldwin, David S., MG, TAG, CANG

(b)(7)(C) LTC, State Policy and Liaison, JFHQ, CANG

(b)(7)(C) COL, Staff Judge Advocate, JFHQ, CANG

(b)(7)(C) COL, G-1, Headquarters, CA Army National Guard

Miller, Charlotte L., BG, Former Assistant Adjutant General, JFHQ, CANG

Mustion, Richard P., MG, Commanding General, United States Human Resources Command

(b)(7)(C) General Office Management Office, Office of the Chief, Army Reserve

(b)(7)(C)

(b)(7)(C) COL, Director, Joint Staff / Chief of Staff, JFHQ, CANG

Steinberg, Darrell, Senator and Chair, Senate Rules Committee, CA State Senate

Talley, Jeffrey W., Lieutenant General (LTG), Chief, Army Reserve / Commanding General, United Army Army Reserve Command

(b)(7)(C) Appointments Director, Senate Rules Office, CA State Senate

LIST OF EXHIBITS

EXHIBIT ITEM

A Directive and Legal Reviews

B Standard: DODD 5400.11, DOD Privacy Program

C Documents

- C-1 Department of the Army Memo 600-8-104, dated 26 June 2006
- C-2 Picture of BG Miller at MG Baldwin confirmation hearing, 15 February 2012
- C-3 E-mail, dated 5 October 2012, BG Miller declination to testify or provide a statement
- C-4 Chain of E-mails from COL (b)(7) regarding PII Spillage
- C-5 E-mail, dated 15 October 2012, Actions taken by CANG concerning improper access to PII
- C-6 Chain of E-mails from G-1, CA Army National Guard, regarding access to LTC (b)(7)(C) iPERMS account
- C-7 DIG 12-00038, approved 13 August 2012

D Testimony

- | | | |
|-----|---------------------|----------|
| D-1 | LTC (b)(7)(C) (PI) | FOIA: NO |
| D-2 | (b)(7)(C) (MFR) | FOIA: NO |
| D-3 | COL (b)(7) (MFR) | FOIA: NO |
| D-4 | COL (b)(7)(C) (MFR) | FOIA: NO |
| D-5 | LTC (b)(7)(C) (MFR) | FOIA: NO |
| D-6 | COL (b)(7)(C) (MFR) | FOIA: NO |
| D-7 | LTC (b)(7)(C) (MFR) | FOIA: NO |
| D-8 | (b)(7)(C) (MFR) | FOIA: NO |

E Notifications

- E-1 LTG Talley
- E-2 MG Mustion
- E-3 BG Miller

#18

SES Gable

DIG 12-00056



DEPARTMENT OF THE ARMY
OFFICE OF THE INSPECTOR GENERAL
1700 ARMY PENTAGON
WASHINGTON DC 20310-1700

MAY 17 2013

US ARMY INSPECTOR GENERAL AGENCY
PRELIMINARY INQUIRY
(Case 12-00056)

NAMES/POSITIONS: Mr. William R. Gable, former Deputy Auditor General
Installations, Energy and Environment Audits, Army Audit Agency (AAA), (b)(7)(C)
(b)(7)(C) AAA, Alexandria, VA

[IO Note: Mr. Gable and (b)(7)(C) were married on 6 December 2012 and (b)(7)(C)
has since changed her name to Ms. Gable.]

ALLEGATIONS AND CONCLUSIONS:

1. The allegation that Mr. Gable and (b)(7)(C) engaged in an inappropriate relationship was substantiated. The preponderance of the evidence indicated that Mr. Gable had an inappropriate relationship with (b)(7)(C) a married subordinate. This relationship caused Mr. Gable's leadership and some peers to lose trust and confidence in him as a senior executive. As a result of this relationship, on 15 July 2012, Mr. Gable was removed from his Senior Executive Service (SES) position as a Deputy Auditor General and assumed a GS-15 position in a different AAA directorate. (b)(7)(C) was also reassigned to a separate AAA directorate at her request. Actions to reassign them to different positions impacted the AAA agency with a minor loss of productivity. Although the witnesses considered the impact of their relationship to be minimal, it was a self-reported inappropriate relationship between a subordinate and her rater. The relationship resulted in a loss of trust and confidence in Mr. Gable, as well as a minor loss of productivity through their agency reassignments.

(b)(7)(C)

(b)(7)(C)

BACKGROUND:

1. On 5 April 2012, DAIG received official notification from Mr. Randall Exley, The Auditor General, AAA, that Mr. Gable had self-reported his involvement in an inappropriate relationship to Mr. Joseph Mizzoni, Principal Deputy Auditor General, AAA. Mr. Gable reported that the inappropriate relationship was with (b)(7)(C) a married subordinate. Mr. Gable indicated that the relationship started in February 2012 and resulted in (b)(7)(C) pregnancy. Their daughter was born on (b)(7)(C)

2. Mr. Mizzoni summarized Mr. Gable's admission in a memorandum for record (MFR) that he sent to Mr. Exley on 5 April 2012 and forwarded to DAIG on the same day. The MFR was also sent to the Secretary of the Army, who on 19 April 2012, directed the Assistant Secretary of the Army for Manpower and Reserve Affairs (ASA(M&RA)) to review the matter and to take action as he deemed appropriate. On 23 April 2012, the ASA (M&RA) further directed Mr. Roy Wallace, Assistant Deputy Chief of Staff, G-1 and a member of the SES Corps, to review the matter. The ASA (M&RA) further directed that should Mr. Wallace, in the exercise of his independent judgment, determine that corrective/disciplinary action was warranted against Mr. Gable; Mr. Wallace was to serve as initiating official.

(b)(7)(C)

4. On 11 July 2012, having reviewed Mr. Mizzoni's MFR, Mr. Wallace directed that Mr. Gable be removed from his SES position and from the SES Corps, effective 15 July 2012. Mr. Wallace indicated that Mr. Gable was within his one-year probationary period and had demonstrated a lack of good judgment and professionalism and violated the trust placed in him. Mr. Gable has since assumed a GS-15 position in a different AAA directorate as the Program Director for Supply Audits.

ALLEGATION #1: Mr. Gable and (b)(7)(C) engaged in an inappropriate relationship.

STANDARD: Title 5, Code of Federal Regulation (CFR), section 735.203, Conduct Prejudicial to the Government, states that an employee shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the Government.

ANALYSIS/DISCUSSION:

1. Mr. Mizzone testified that on 5 April 2012, Mr. Gable came to his office and revealed that he was in a romantic relationship with (b)(7)(C) that started in February 2012. Mr. Gable's wife died in October 2011 and a close friend of his died a few months later. As a result, he was under a lot of emotional stress. (b)(7)(C) was apparently in a bad marriage. Mr. Gable told him that his relationship with (b)(7)(C) was real and not just a fling. Mr. Mizzone immediately changed (b)(7)(C) rating scheme so that he, rather than Mr. Gable, was now her senior rater. He also moved (b)(7)(C) from the forensic auditing team that Mr. Gable led. Mr. Mizzone thought the only negative impact on the organization was that (b)(7)(C) was removed from the audit that she was working and that her experience and case knowledge would be missed. He thought Mr. Gable had been performing reasonably well given all that was going on in his life. He admitted to some disappointment with Mr. Gable's behavior and that he had lost some trust and confidence in him. He also knew Mr. Exley had expressed his own disappointment with Mr. Gable. Mr. Mizzone was not aware of any morale issues in the organization associated with Mr. Gable's and (b)(7)(C) relationship and thought that as of 7 June 2012, very few people knew of their relationship.

B7C and B7D

B7C and B7D

(b)(7)(C) testified that in February 2012; (b)(7)(C) Then, in May 2012, he found out that she was having an affair with Mr. Gable and that she was pregnant with Mr. Gable's baby. He was totally shocked and had no indication of their affair before she told him. He thought (b)(7)(C) and Mr. Gable had worked together frequently in 2011 and their relationship had adversely affected the AAA. (b)(7)(C)

(b)(7)(C)

3. (b)(7)(C) AAA testified that he was shocked in August 2012 when he heard rumors from (b)(7)(C) AAA, of a romantic relationship between Mr. Gable and (b)(7)(C) He thought that if it was true, Mr. Gable and (b)(7)(C) did a good job keeping it a secret. (b)(7)(C) recalled an instance that could have been an indication of how their relationship may have started. In

November 2011, Mr. Gable apparently drove with (b)(7)(C) to a TDY site instead of flying separately. He was not aware of any significant impact on the organization based on their relationship.

4. (b)(7)(C) testified that in May 2012, she saw (b)(7)(C) in the Huntsville, AL, office and that she appeared to be pregnant. (b)(7)(C) was surprised because she knew that (b)(7)(C). After that day, she did not see (b)(7)(C) in the office again and heard that she had been allowed to telework. She was shocked when she later found out about the affair between (b)(7)(C) and Mr. Gable. By October 2012, many in the agency knew of the relationship and that (b)(7)(C) was pregnant. Prior to that, she thought the management kept their relationship quiet for a long time and that it had a minimal impact on the organization.

5. (b)(7)(C) AAA, testified that (b)(7)(C) contacted him in April 2012 and told him that (b)(7)(C) was in an inappropriate relationship with Mr. Gable. (b)(7)(C) indicated that he played football with (b)(7)(C) in high school and that (b)(7)(C) knew that he worked for AAA. Furthermore, (b)(7)(C) assumed that (b)(7)(C) knew he (b)(7)(C) could not just "sit on the information," and would have to tell the AAA management. (b)(7)(C) thought the AAA management was put in a very difficult position and discretely controlled the situation for as long as they could. He also gave Mr. Gable some credit for self-reporting the relationship.

6. (b)(7)(C) AAA, testified that he had been (b)(7)(C) rater since January 2012. On 6 April 2012, Mr. Gable called him and explained the nature of his relationship with (b)(7)(C). Mr. Gable also stated that he would no longer senior rate (b)(7)(C). (b)(7)(C) was a little disappointed with Mr. Gable over the situation and thought it put somewhat of a burden on him (b)(7)(C) as (b)(7)(C) rater. Later in April 2012, (b)(7)(C) transitioned to a new job under a new Audit Manager and started to telework the majority of the time. He remained her rater throughout the evaluation period ending in September 2012, and he knew the AAA management approved her telework status. In May 2012, she was seen in the office scanning some paperwork and appeared to be pregnant. Shortly thereafter (b)(7)(C) approached him individually to ask about (b)(7)(C) and her pregnancy. (b)(7)(C) did not divulge to them what he knew about the situation. In August 2012, Mr. Gable started to let some of his closer friends and his SES colleagues know about his relationship with (b)(7)(C). He also told them that he was not going to leave the agency as he had previously considered doing, but that he would assume a GS-15 position in a different AAA directorate. Until then, only a few senior people knew about their relationship and kept it quiet. (b)(7)(C) thought the effect on the agency was minimal. People liked to work for Mr. Gable and were concerned for him. Many initially assumed that he took the GS-15 job because the stress of being an SES was difficult after the death of his wife.

7. (b)(7)(C) AAA, testified that she had known and worked with Mr. Gable for many years. Mr. Gable appeared to be happily married prior to the unexpected death of his wife in October 2011. Evidently

(b)(7)(C)

(b)(7)(C) learned of Mr. Gable's involvement with (b)(7)(C) in April 2012. (b)(7)(C) thought she was one of the first to hear of the situation because he approached her to get her advice on what to do. In his words, "I fell in love with a subordinate and we are having a baby." Mr. Gable explained that he and (b)(7)(C) were both at low points in their life because of his wife's death and because (b)(7)(C) was in a bad marriage. She thought Mr. Gable probably came back to work too soon after the death of his wife and made an error in judgment with (b)(7)(C). Initially, only a few people knew of their relationship, but there were some rumors that circulated. She thought Mr. Mizzoni did the right thing by allowing (b)(7)(C) to move to the Pentagon office in February 2012 (at (b)(7)(C) expense) to fill a job vacancy. She knew Mr. Mizzoni was concerned that his decision may have been viewed as preferential treatment; however, he also did not want to deny (b)(7)(C) the position just because of her circumstances. (b)(7)(C) thought the decision made sense because the Huntsville office was well staffed and the Pentagon office was understaffed.

8. Mr. Gable testified he first met (b)(7)(C) in 2003, but did not start to work with her until he graduated from the Army War College in June 2011. After graduation, he assumed responsibility as the Program Director for Forensic Audits and Applied Technology. (b)(7)(C) was working on a forensic audit of the Army RAP program. On 3 October 2011, his wife tragically passed away and it was a very difficult time for him. Mr. Gable testified that as he worked with (b)(7)(C) on the RAP audit, they did get to know each other better, but their romantic relationship did not start until 31 January 2012. On that date, they went out socially and ended up talking on a personal level and expressing feelings for each other.

9. Mr. Gable self-reported his inappropriate relationship with (b)(7)(C) on 5 April 2012. The Army leadership took action on 15 July 2012 and removed him from the SES Corps and from his SES duty position. The AAA management handled the situation discretely such that each of the witnesses were surprised to learn of the relationship between Mr. Gable and (b)(7)(C). As a result, the witnesses also thought the relationship had a minimal impact on the AAA agency. Mr. Mizzoni thought that the only impact to the organization was the requirement to reassign Mr. Gable and (b)(7)(C) within the agency.

10. The evidence indicated that Mr. Gable had an inappropriate relationship with (b)(7)(C) a married subordinate. This relationship caused Mr. Gable's management officials and some peers to lose trust and confidence in him as a senior executive.

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Mr. Gable was removed from his SES position as a Deputy Auditor General and assumed a GS-15 position in a separate AAA directorate and was removed from the SES Corps during his probationary period. (b)(7)(C) was also reassigned to a different AAA directorate at her request. Actions to reassign them to different positions impacted the AAA agency with a minor loss of productivity. Although the witnesses considered the impact of their relationship to be minimal, it was a self-reported inappropriate relationship between a rater and his subordinate. The relationship resulted in a loss of trust and confidence in Mr. Gable, as well as a minor loss of productivity through their agency reassignments. As her rater from the point that the relationship began until he self-reported the relationship and was reassigned, there was a nexus between their relationship and their official duties.

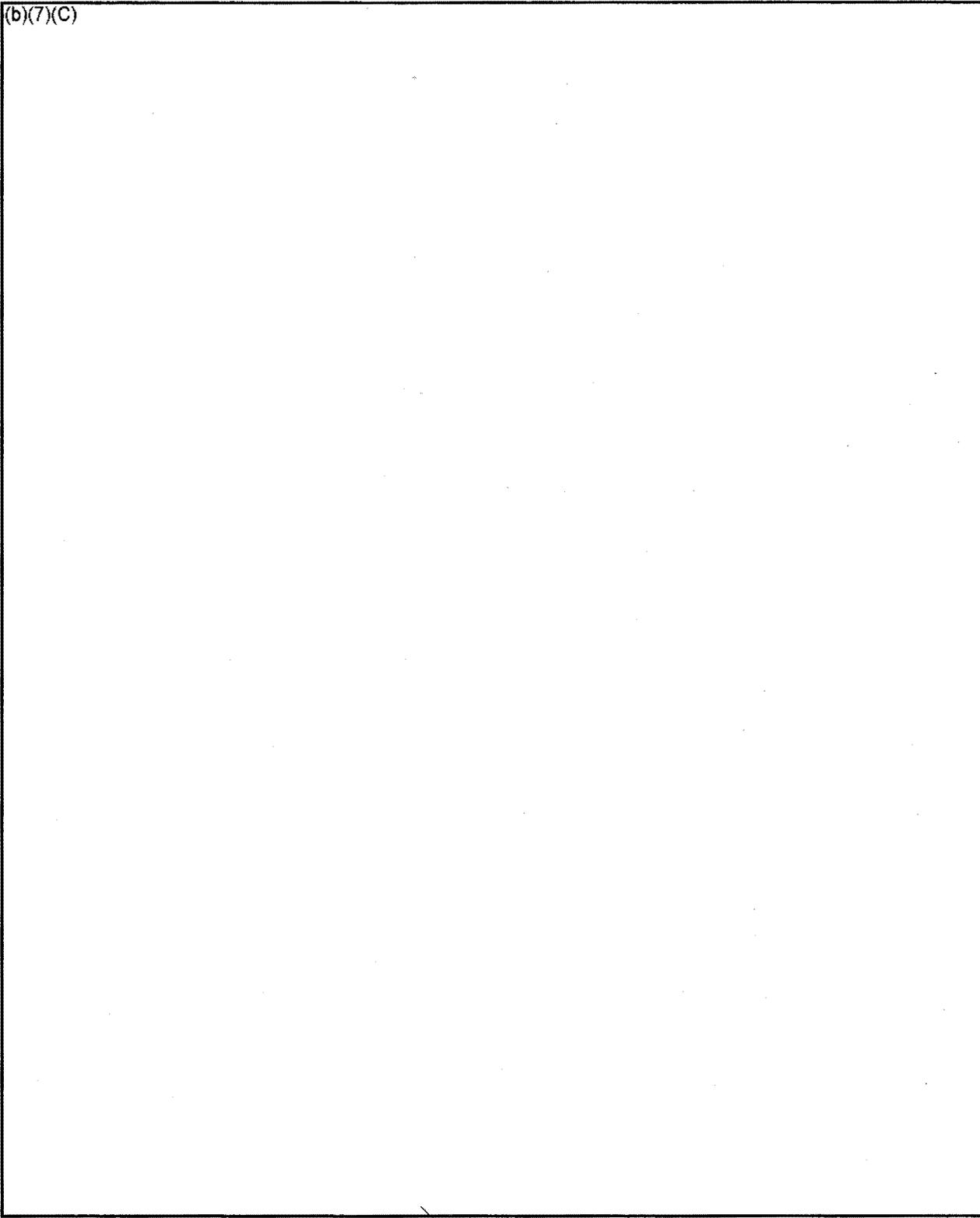
[IO Note: (b)(7)(C) was notified of DAIG's intention to substantiate this allegation and declined to be interviewed or provide a written response.]

(b)(7)(C)

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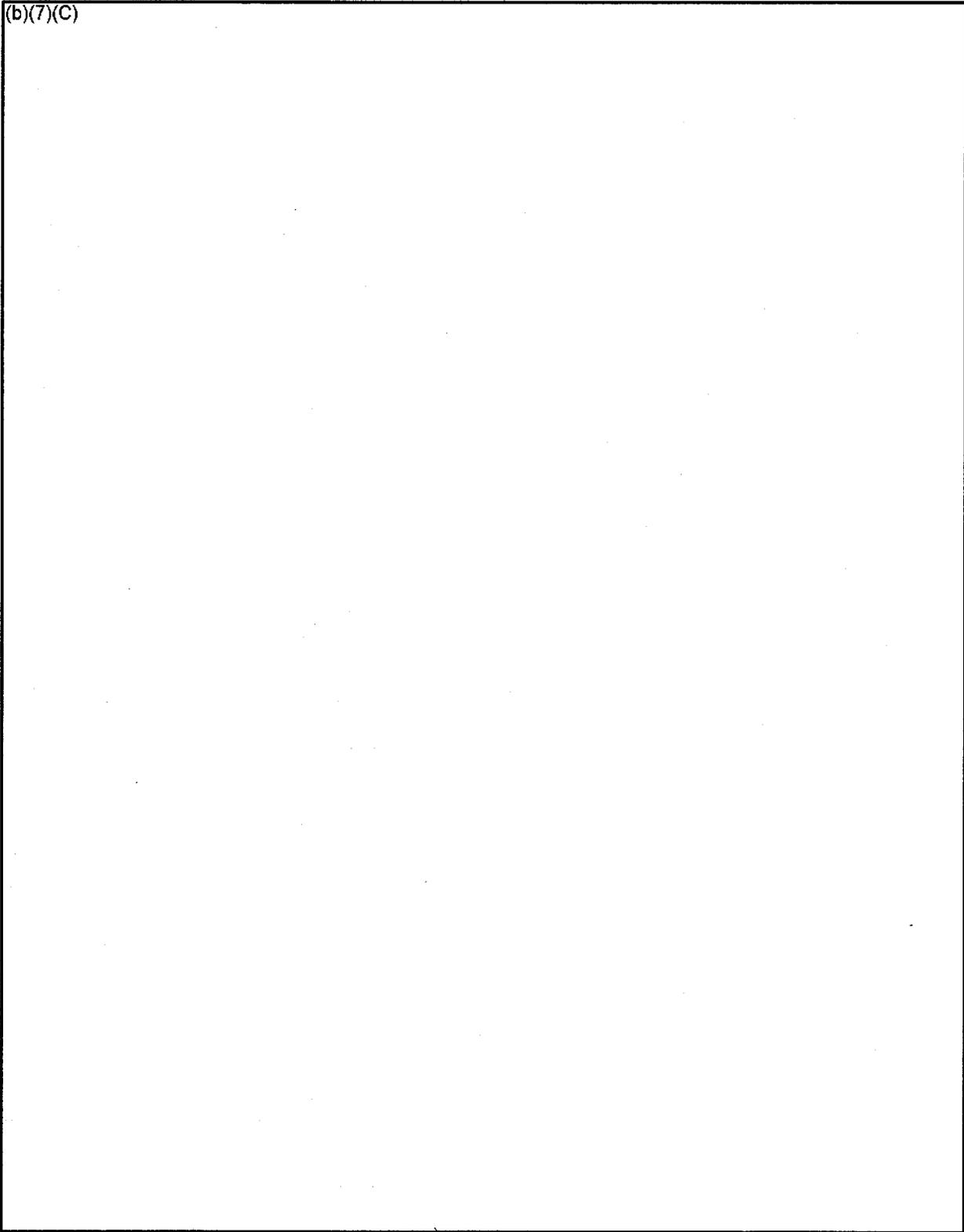
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(b)(7)(C)

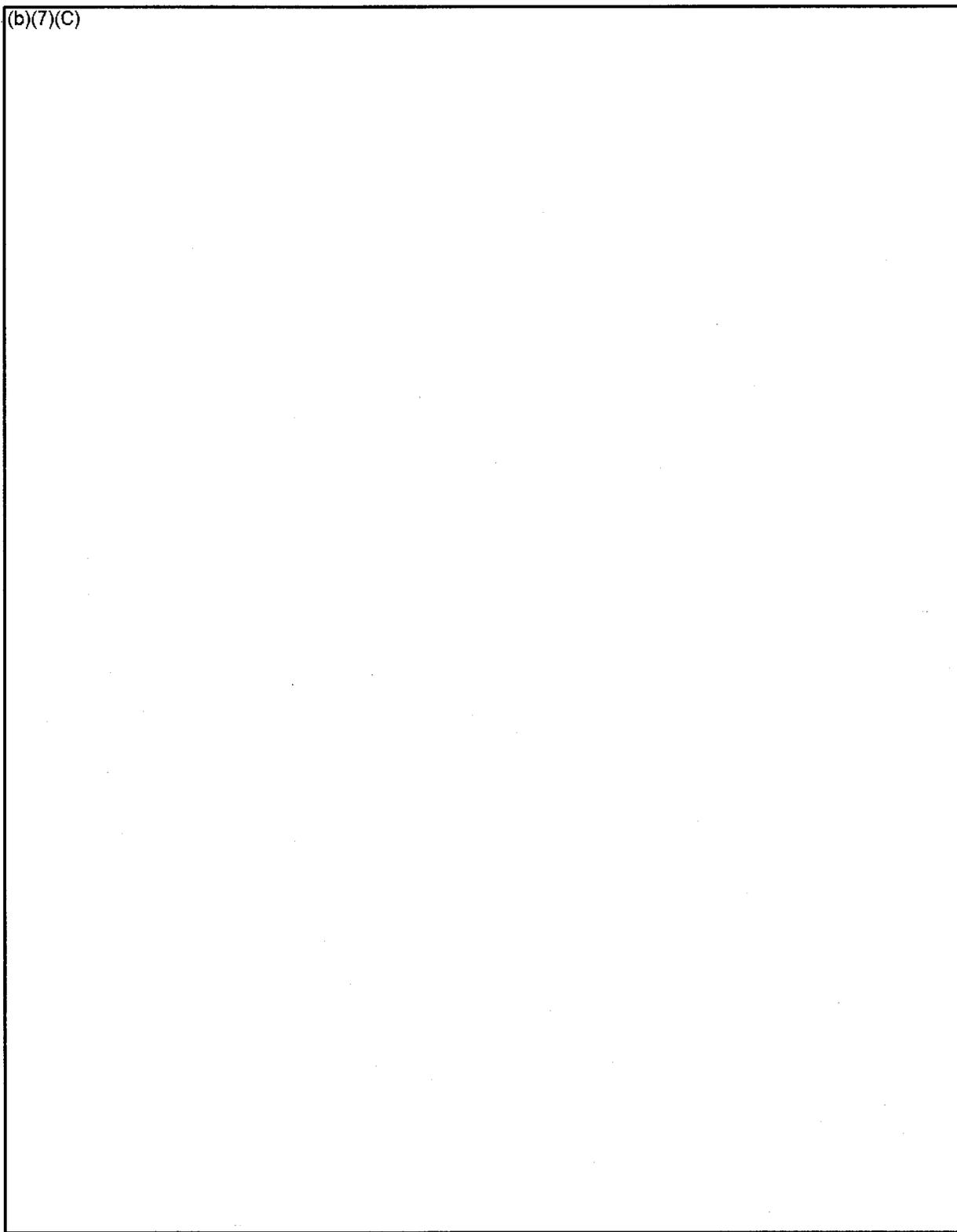


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(b)(7)(C)



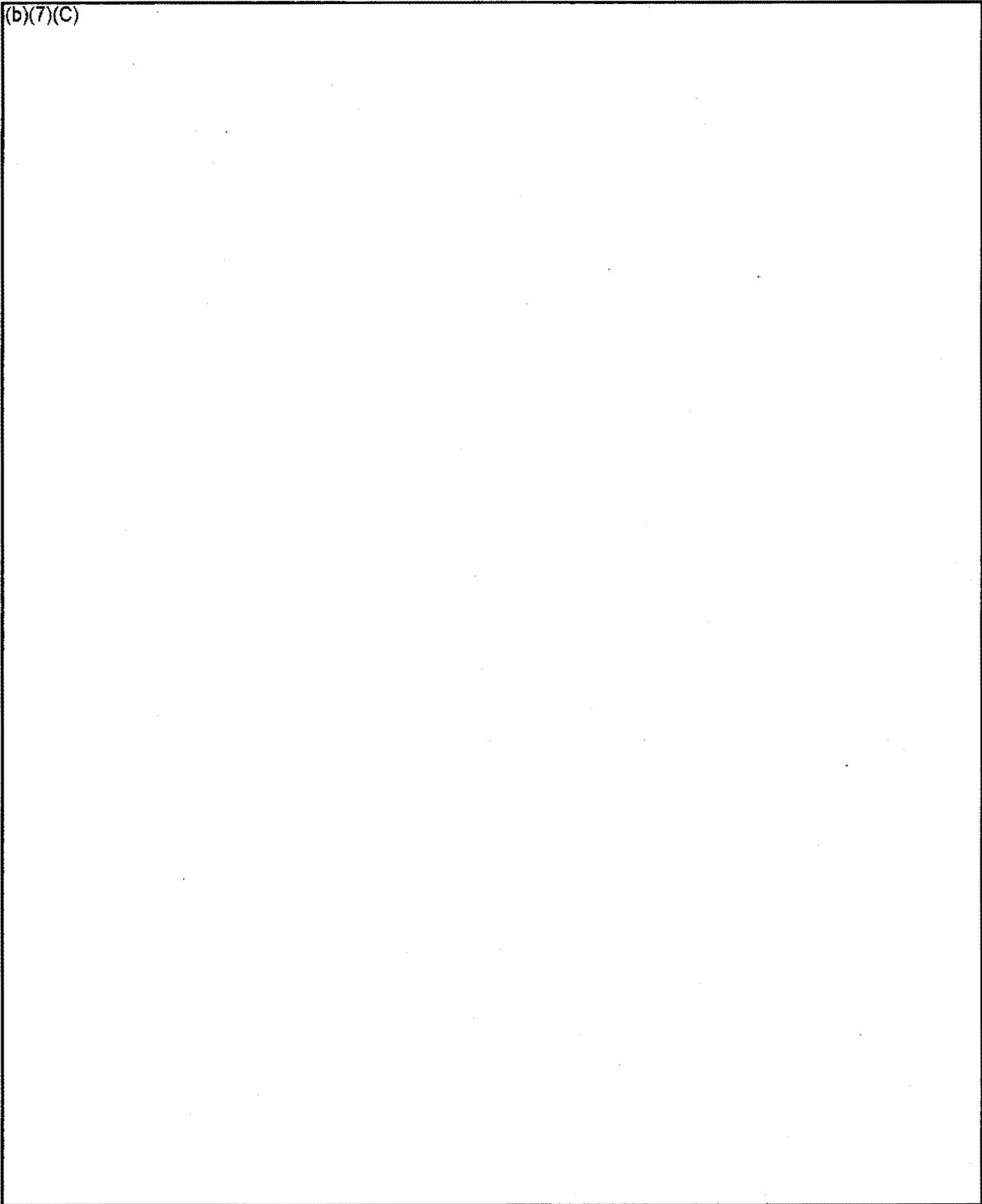
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SAIG-IN (DIG 12-00056)

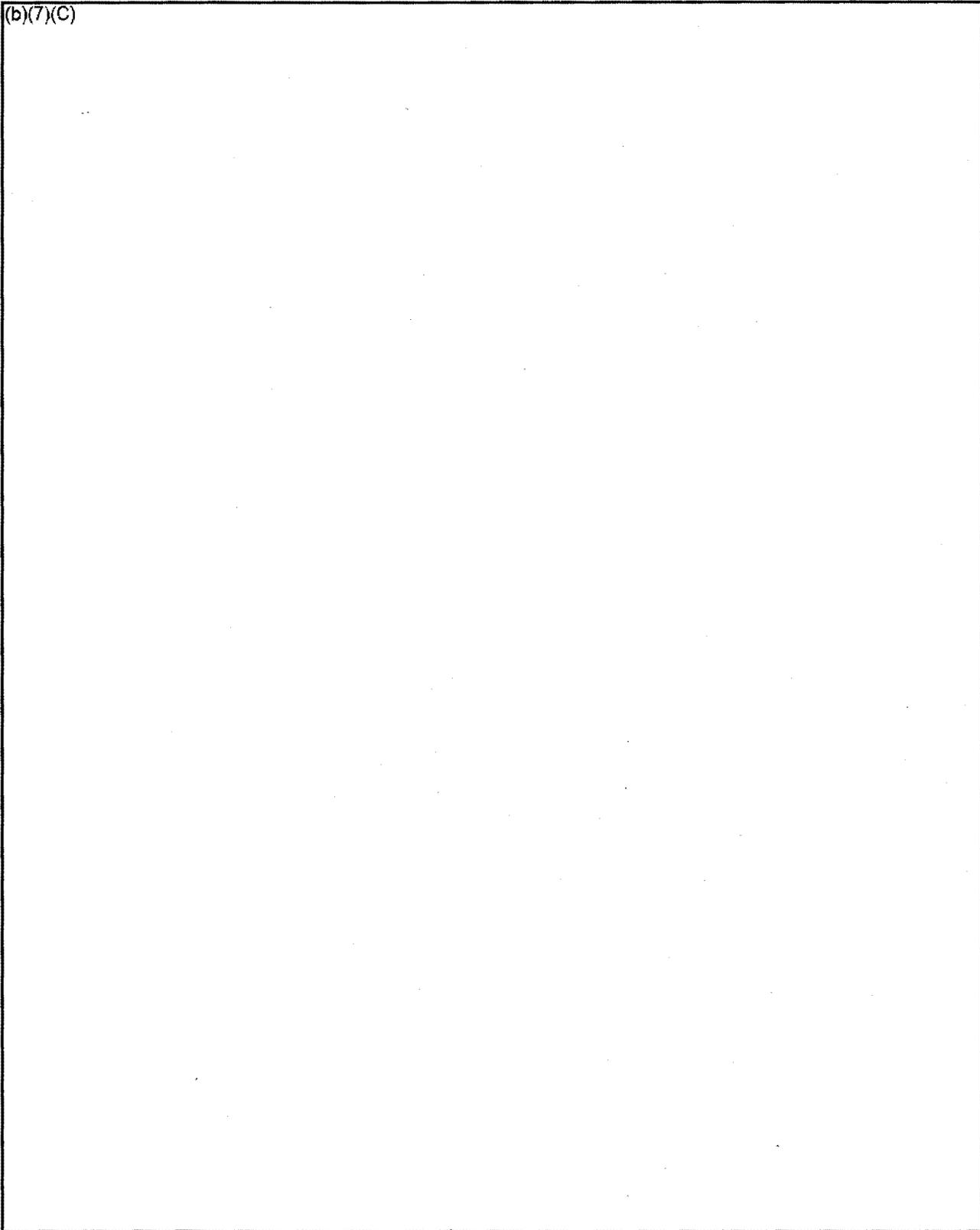
(b)(7)(C)



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SAIG-IN (DIG 12-00056)

(b)(7)(C)



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(b)(7)(C)

[Redacted]

OTHER MATTERS:

1. The Army leadership has taken action against Mr. Gable for his inappropriate relationship with (b)(7)(C) by removing him from his SES position and removing him from the SES Corps. (b)(7)(C)

(b)(7)(C)

[Redacted]

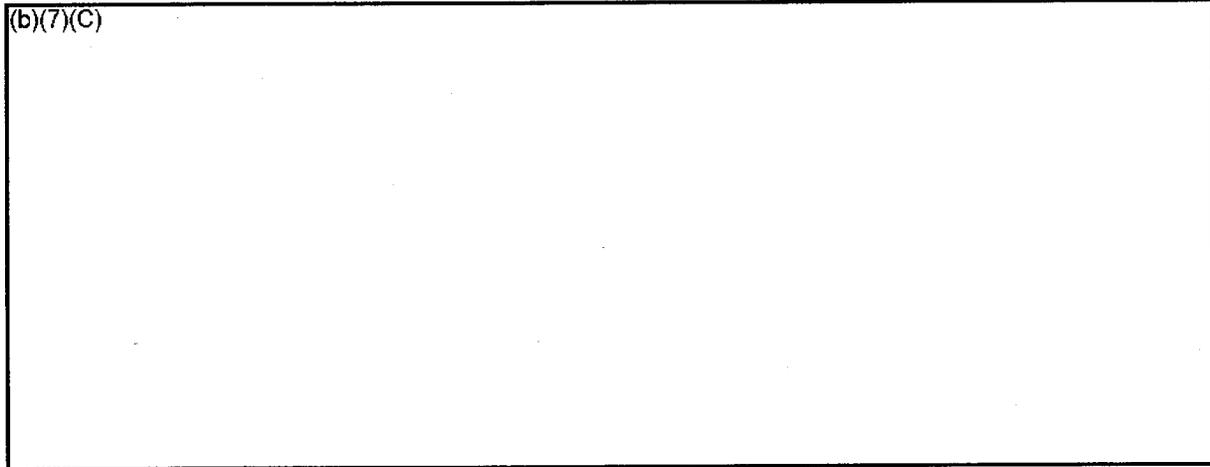
2. (b)(7)(C)

[Redacted]

(b)(7)(C)

[Redacted]

(b)(7)(C)



SAIG-IN (DIG 12-00056)

RECOMMENDATIONS:

1. Record the allegation that Mr. Gable and (b)(7)(C) engaged in an inappropriate relationship as substantiated.

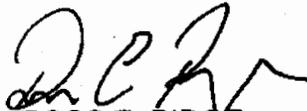
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4. (b)(7)(C)
- (b)(7)(C)

(b)(7)(C)

LTC, IG
Investigator

APPROVED:


ROSS E. RIDGE
Major General, USA
Deputy The Inspector General

COORDINATION: (b)(7)(C)

IN, Legal	Initials:	
Chief, PI Br	Initials:	
IG, Legal	Initials:	
Chief, IN Div	Initials:	

Date: 28136206
Date: 18 Mar 13
Date: 15 MAY 13
Date: 15 May 13

Encls

LIST OF EXHIBITS

EXHIBIT ITEM

A Complaints/Allegations:

- A-1 **Mr. Mizzoni's Memorandum for Record**
- A-2 (b)(7)(C) IGAR complaint
- A-3 (b)(7)(C) complaint
- A-4 **Legal Reviews**

B Standards:

- B-1 **5 CFR 735.203**
- B-2 **5 USC 2301 and 2302**
- B-3 **5 CFR 2635.704(a) and 2635.705(b)**

C Documents:

- C-1 **Timeline of events**
- C-2 **Memorandum from Mr. McHugh, Secretary of the Army, dated 19 Apr 12**
- C-3 **Memorandum from Mr. Lamont, ASA(M&RA), dated 23 Apr 12**
- C-4 **Memorandum from Mr. Wallace, Acting Deputy Chief of Staff, G-1, dated 11 Jul 12**
- C-5 **AAA organizational chart**
- C-6 (b)(7)(C) Memorandum for Record, dated 25 Sep 12, with
enclosures
- C-7 (b)(7)(C) evaluation documents
- C-8 **AR 690-400, Chapter 4302, Total Army Performance Evaluation System, dated 16 Oct 98**
- C-9 **E-mail between Mr. Gable and (b)(7)(C), dated 13 Oct 11, and Mr. Gable and (b)(7)(C) dated 24 Oct 11**
- C-10 **Mr. Gable's and (b)(7)(C) DTS records**
- C-11 **Records search results for Mr. Gable's e-mails**
- C-12 **E-mail from (b)(7)(C)**
- C-13 (b)(7)(C)
- C-14 (b)(7)(C)

D Testimony:

- D-1
- D-2
- D-3
- D-4
- D-5
- D-6
- D-7
- D-8

(b)(7)(C)

Mr. William Gable

- FOIA: Yes
- FOIA: Yes
- FOIA: Yes
- FOIA: No
- FOIA: Yes
- FOIA: Yes
- FOIA: Yes
- FOIA: No

E Notifications:

- E-1 Initial notification of Mr. Gable by MG Ridge
- E-2 Notification of Mr. Gable for rights warning/waiver
- E-3 Notification of (b)(7)(C) of DAIG's intention to substantiate
- E-4 (b)(7)(C) e-mail to decline an interview or written response