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The Honorable Scott J. Bloch
The Special Counsel
U.S. Office of Special Counsel
1730 M Street, N.W., Suite 300
Washington, D.C. 20036-4505

Re: OSC File No. DI-03-1637

Dear Mr. Bloch:

In accordance with Title 5, United States Code (USC), Sections 1213 (c) and (d), the enclosed report is submitted in response to your referral of information in the above referenced case.

The Secretary of the Army has delegated to me the authority to review, sign, and submit this report (TAB AA).

INFORMATION WITH RESPECT TO WHICH INVESTIGATION INITIATED

By letter of December 17, 2003 (TAB BB), the Office of Special Counsel (OSC) referred to the Secretary of Defense its conclusion that there was a substantial likelihood that information provided by an employee at the Department of Defense (DoD) disclosed gross mismanagement and a substantial and specific danger to public health and safety arising out of actions by employees at the DoD, Department of Law Enforcement (DLES), Aberdeen Proving Ground (APG), Maryland, specifically:

1. That Mr. John Furmankiewicz, a Lead Dispatcher in the DLES Communication Center at APG failed to follow, and instructed the whistleblower and other employees to disregard, proper security procedures, by admitting individuals to highly sensitive APG facilities based on voice recognition alone, without verifying the individuals' personal code numbers to ascertain whether they were authorized to enter the facility, as required by APG Regulation 190-9, *Military Police Intrusion Detection System*.
2. That Mr. Furmankiewicz frequently turned off the DLES Communication Center teletype machine used to obtain critical information from law enforcement agencies and the Department of Homeland Security regarding potential security threats and suspicious or criminal activity that could affect APG, potentially preventing DLES from carrying out necessary security measures under an emergency situation.

3. That Mr. Furmankiewicz had made statements and exhibited behavior that his co-workers considered threatening, generating concerns that Mr. Furmankiewicz would engage in workplace violence. The OSC referred information indicating that DLES employees have made known these concerns to management, in particular to Mr. Ian Booth, Supervisor of Dispatchers, but that management had not taken appropriate steps to address the problem.

CONDUCT OF THE INVESTIGATION

Because the DoD employee who disclosed this information to OSC did not identify specifically the organization by which he was employed, the OSC addressed its initial correspondence to the Secretary of Defense. The Secretary of Defense forwarded the case for action by the DoD Inspector General (DoDIG), in accordance with DoD Directive 5500.19, *Cooperation with the United States Office of Special Counsel*. After determining that the APG DLES was a component of the U.S. Army, the DoDIG advised the OSC on December 31, 2003, that the matter had been referred to the Army IG (TAB CC). Because the Army General Counsel (AGC) exercises oversight of Army responses to OSC's referral of whistleblower complaints, the Army IG subsequently referred the matter to AGC.

On January 13, 2004, in accordance with standard procedure for the processing of OSC whistleblower investigation actions, AGC forwarded this case to the Office of Command Counsel, U.S. Army Materiel Command (AMC), the Army Major Command with responsibility for the APG installation (Tab DD). AMC advised that the APG DLES was an Army activity subject to dual reporting chains: to the mission commander, MG John Doesburg, who served concurrently as the Commander of the Research, Development, and Engineering Command, the principal tenant of the APG installation and a major subordinate command of AMC; and to the Garrison Commander, who in turn reported to the Installation Management Activity (IMA), an Army field operating activity.

The AMC Command Counsel referred the case to APG for investigation. On January 15, 2004, Colonel Mardi Mark, Garrison Commander, appointed an investigating officer (IO) in accordance with Army Regulation (AR) 15-6, *Procedures for Investigating Officers and Board of Officers*, to investigate the information referred by OSC (Tab EE, Enclosure 1). On January 30, 2004, the IO submitted his report of investigation (ROI) to Colonel Mark. On February 4, 2004, excepting the recommendation to hire two supervisory dispatchers to facilitate closer supervision of the APG DLES, Colonel Mark approved the IO's findings and recommendations and on February 12, 2004, forwarded the ROI through AMC to AGC for review (TAB EE).

Meanwhile, on February 20, 2004, the AGC, in coordination with the Office of the General Counsel of the Department of Defense, requested formally that OSC transfer responsibility for this matter from DoD to Army, given that the allegations at issue related to an Army activity (TAB FF). Ms. Catherine McMullen, Chief, Disclosure Unit, OSC, granted the request.

AGC's review of the APG ROI generated several additional questions that were referred through AMC to Colonel Mark for response. By supplemental written memorandum dated April 22, 2004, Colonel Mark responded in writing to these questions via AMC. AMC Command Counsel forwarded Colonel Mark's responses to AGC on May 18, 2004 (TAB GG).

On June 14, 2004, AGC referred the ROI and allied papers to the Office of Chief Counsel, IMA, for further review and action, as appropriate (TAB HH).

By memorandum of August 9, 2004, the Director, Northeast Region, IMA, which exercised jurisdiction over APG, advised, with the concurrence of the Director, IMA, that she was directing additional corrective action in this case. In memoranda dated August 18 and August 20, 2004, the Director, Northeast Region, IMA, detailed additional action she had caused to be undertaken to remediate the deficiencies identified in the allegations referred by OSC (TAB II).

Pursuant to Title 5, USC, Section 1213(c)(1)(B), within 60 days of the date OSC transmits information to the appropriate agency head, that official must conduct an investigation and submit to OSC a written report setting forth its findings. The statute contemplates that the Special Counsel may agree to extensions of this time limit, however. Given the delay generated in ascertaining the appropriate agency head to which the OSC information at issue should be referred and the need for coordination of the matter with two distinct chains of command, each exercising some responsibility for the APG DLES, four extensions of time were required to conduct the investigation and prepare this report. Each extension was approved in writing by Ms. McMullen (TAB JJ, Exhibits 1 - 4).

SUMMARY OF EVIDENCE OBTAINED FROM THE INVESTIGATION

The evidence obtained from the agency investigation is set forth below, as it applies to each of the allegations referred by OSC:

1. That Mr. Furmankiewicz failed to follow, and instructed the whistleblower and other employees to disregard, proper security procedures, by admitting individuals to highly sensitive APG facilities based on voice recognition alone, without verifying the individuals' personal code numbers to ascertain whether they were authorized to enter the facility, as required by APG Regulation.

The APG 15-6 investigation generally references the presence on the installation of a number of sensitive sites, bunkers, and other alarmed facilities. On any given day personnel were required to access one or more of these areas to perform official mission relate functions or otherwise to inspect and verify the physical security of these sites. It appears that intrusion detention system employed by APG required individuals seeking access to an alarmed site to present at the site to which they sought access, from which they would telephone

the 911 Center, a component of the APG DLES and provide their name, a four digit telephone access code number, and the location to which they sought access to the responding dispatcher/alarm monitor. After verifying that the information provided was correct, the 911 operator/dispatcher would remotely disengage the alarm, using the computer monitor that controlled the intrusion detection system. The same process would be employed upon an individual's departure from the facility. Upon exit, the responsible individual would call the 911 Center and provide his name, telephone access code number, and the location, at which time the responding dispatcher would reset the alarm and ensure that the computer monitor reflected the site's status as "secure."

APG Regulation 190-9 (TAB EE, Exhibit 1), and APG DLES SOPs #100, *911 Center Operations* (TAB EE, Exhibit 2), and #26, *Radio Telecommunications Operator and Alarms Monitor* (TAB EE, Exhibit 3), together impose on DLES supervisors and employees serving as dispatchers/alarm monitors a requirement to ensure that an individual seeking telephonic access to sensitive locations on APG is authorized such access by verifying the individual's name and code number. The SOPs require that the dispatcher/alarm monitor verify the caller's name and code number by checking a reference commonly known as the "access book," in which that information is recorded, together with the listing of sensitive sites to which individual personnel are authorized access, before deactivating the alarm and granting the caller access to the site. In written statements, each of the DLES employees whose duties included service as a dispatcher/alarm monitor indicated knowledge of these requirements. A majority of the dispatchers consult the "access book" on each occasion on which a individual calls seeking access to an alarmed facility.

Several dispatchers, including Mr. Furmankiewicz, do not consult the "access book" each time an individual calls seeking access. In written statements these dispatchers asserted that based on their recognition of callers' voices from repeated telephonic and/or face-to-face conversations occurring over a long period of time, and their ability to commit to memory the code numbers of those persons, together with the locations to which each was authorized access, they did not check the "access book" with every request for such access (TAB EE, Exhibits 14, 18, and 20). All of the dispatchers, including Mr. Furmankiewicz, affirmed that they knew to check the "access book" if they were unsure of the caller's identity, code number, or the locations to which the individual was authorized access.

It appears that DLES management, supervisors, and trainers were aware of and implicitly condoned certain dispatchers' use of voice recognition and code memorization procedures to authorize access (TAB EE, Exhibits 8, 10, and 27). One dispatcher who routinely checks the "access book" before granting any caller access to a sensitive location asserted that Mr. Furmankiewicz berated him for failing to authorize access based on voice recognition alone (TAB EE, Exhibit 7). Another asserted that although Mr. Furmankiewicz never directed her not to

check the "access book," he had on occasion become irritated at the length of time required for her to verify a caller's name and code number before granting access and commented that she should "know[] the person's voice and know[] their code by heart like he does" (TAB EE, Exhibit 23).

The investigation revealed that, on occasion, Mr. Furmankiewicz had advised new dispatcher hires that there would come a time when they too would be able to verify access authorization based solely on voice recognition and code memorization (TAB EE, Exhibits 16 and 23).

My review of the APG 15-6 investigation identified no evidence that any unauthorized individual had been granted access to a sensitive area on APG because a dispatcher/alarm monitor had failed to check the "access book."

2. That Mr. Furmankiewicz frequently turned off the DLES Communication Center teletype machine used to obtain critical information from law enforcement agencies and the Department of Homeland Security regarding potential security threats and suspicious or criminal activity that could affect APG, potentially preventing DLES from carrying out necessary security measures under an emergency situation.

The APG DLES accesses the National Crime Information Center (NCIC) of the Federal Bureau of Investigation through a computer terminal and printer provided by the Maryland State Police and linked to the NCIC through the Maryland State telecommunications systems (TAB II, Executive Summary). Investigation revealed that the "teletype" machine to which this allegation refers was the printer component of this NCIC system. The APG NCIC terminal and printer receive and print information from other law enforcement agencies, most commonly related to upcoming NCIC training, general law enforcement issues, road closures, and "be on the lookout" messages (TAB EE, Exhibit 27).

All of the DLES dispatchers who rendered statements in the context of the APG 15-6 investigation acknowledged that the NCIC printer should never be turned off completely, except for maintenance, but all noted that advancing the printer's paper feed to retrieve a printout required the operating dispatcher to place the printer in an "off-line" status (TAB EE, Exhibits 4, 6, 11, 12, 14, 16, 18, 20, 22, 23, 25, and 26).

The APG investigation revealed that, on occasion, the NCIC printer was inadvertently left "off-line" for extended periods of time (TAB EE, Exhibits 4, 6, 7, 12, 16, 20, 23, and 27). The investigation did not pinpoint Mr. Furmankiewicz as the sole source of this problem, but rather indicated that any one of several dispatchers may have inadvertently left the printer "off-line" after retrieving a printout (TAB EE, Exhibits 4, 6, 7, 11, 16, 20, 22, and 23.) The status of the NCIC printer is monitored by the Maryland State Police who will notify an agency when they notice that the printer has been left "off-line" for an extended

period of time (TAB EE, Exhibit 27). Even if the printer is "off-line," however, law enforcement queries specific to APG continue to appear on the screen of the NCIC computer monitor (TAB II, Executive Summary).

My review of the APG AR 15-6 investigation revealed no evidence that the Maryland State Police had contacted the DLES to advise that the NCIC printer was "off-line." The AR 15-6 investigation documents two situations in which the APG DLES was not aware in "real time" of law enforcement information of interest to the installation (TAB EE, Exhibits 6 and 7); in each case it appears that because the NCIC printer was "off-line" no contemporaneous written record of the information was generated. It appears that the information remained in the computer's "print queue," printing in hard copy only after the printer was reset "on-line" status, sometime several hours after the information at issue was first distributed. My review of the AR 15-6 investigation revealed no evidence that any actual adverse impact resulted from any of these delays, however.

3. That Mr. Furmankiewicz had made statements and exhibited behavior that his co-workers considered threatening, generating concerns that Mr. Furmankiewicz would engage in workplace violence. DLES employees have made known these concerns to management, in particular to Mr. Ian Booth, Supervisor of Dispatchers, but management had not taken appropriate steps to address the problem.

In the March/April 2002 timeframe, Mr. Furmankiewicz was designated as a "lead dispatcher" for Squad Two (TAB EE, Exhibit 14). In this context, Mr. Furmankiewicz exercised no formal supervisory authority over the other members of the Squad nor did he rate or evaluate them. Rather his designation as "lead" required him to assist Mr. Booth, the first-line supervisor, in resolving scheduling conflicts, time-keeping, and in ensuring the flow of information between management and Squad Two personnel (TAB EE, Exhibit 10).

In May 2002, the Director, Law Enforcement and Security, APG, directed an internal investigation into allegations that Mr. Furmankiewicz harassed, verbally abused, and intimidated both members of the public he served and his co-workers. That investigation substantiated that Mr. Furmankiewicz was, at times, abrupt and abrasive with the general public and often rude, impolite, and unmannerly to his co-workers, using abusive and offensive language (TAB EE, Exhibit 29). On July 3, 2002, as a result of that investigation, a formal letter of reprimand was filed in Mr. Furmankiewicz's official personnel file for a period of two years (TAB EE, Exhibit 30).

Later in the summer of 2002, two DLES employees informed their servicing civilian personnel representative that Mr. Furmankiewicz had made comments of a violent nature in the workplace. They alleged that in the context of his having a "bad day at work" Mr. Furmankiewicz stated, "this would be a good day to go to the tower," referring to the infamous 1966 University of Texas

tower shooting incident (TAB EE, Exhibits 6, 7, 14, 17, 18, 22, and 27). Ultimately, report of these comments was transmitted to the first-line supervisor, Mr. Booth (TAB EE, Exhibits 6, 7, 8, and 10). Mr. Booth advised the civilian personnel representative that these allegations had been addressed previously in the May 2002 internal investigation and took no further action (TAB EE, Exhibit 8).

Subsequently, in or around the month of August 2002 (TAB EE, Exhibits 10 and 31) the Chief of Occupational Health Services at APG advised Mr. Booth that he had received a letter relaying concerns about Mr. Furmankiewicz's mental stability, citing his comments about "the tower." Mr. Furmankiewicz met with the Chief, Occupational Health and was subsequently referred to Perry Point Veteran's Affairs Medical Center for further consultation before being cleared to return to duty.

The APG AR 15-6 investigation conducted in response to the OSC referral documented that in November 2003, prior to the OSC referral, Mr. Booth, initiated coordination with his servicing civilian personnel advisory center to suspend Mr. Furmankiewicz from his duties in the DLES (TAB EE, Exhibits 8, 9, 14, and 19). Mr. Booth took this action in response to complaints that in October and November 2003, Mr. Furmankiewicz had harassed, verbally abused, and made inappropriate comments of a violent nature to DLES co-workers (TAB EE, exhibits 16 and 24). The record of the APG 15-6 investigation includes documentary evidence of an unsigned letter of counseling from Mr. Booth to Mr. Furmankiewicz, dated November 7, 2003 (TAB EE, Exhibit 9); it is unclear whether this letter ever was served on Mr. Furmankiewicz or was subsumed by a more severe penalty. The APG 15-6 investigation substantiated the occurrence of the October and November 2003 incidents and further determined that in December 2003, Mr. Furmankiewicz made inappropriate comments of a sexual nature to a female co-worker (TAB EE, Exhibit 24). This finding was added to the list of behaviors cited in support of the suspension Mr. Booth already had proposed, with a view to ensuring the imposition of an appropriate level of punishment. Further, processing of the proposed suspension was expedited (TAB EE, Memorandum of Colonel Mardi Mark, dated February 12, 2004 and TAB KK).

**LISTING OF VIOLATION OR APPARENT VIOLATION
OF LAW, RULE, OR REGULATION**

1. 5 Code of Federal Regulations, Section 735.203, *Conduct Prejudicial to the Government.*
2. 29 Code of Federal Regulations, Section 1604.11, *Sexual Harassment.*
3. Army Regulations 690-700, Chapter 751, *Discipline.*
4. APG Regulation 385-5, *Workplace Violence Prevention Program.*

5. APG Directorate of Law Enforcement and Security Standard Operating Procedures (SOPs) #100, *911 Center Operations*, and #26, *Radio Telecommunication Operator and Alarms Monitor*.

CORRECTIVE ACTION TAKEN OR PLANNED

The following corrective actions have been or will be taken with regard to each of the allegations referred by OSC:

1. Sensitive/alarmed site access procedures --

Colonel Mark approved the AR 15-6 IO's recommendation that DLES management reemphasize to all employees the importance of following the proper verification procedures when admitting individuals to protected areas at APG. The IO caveated his recommendation, noting that dispatchers/alarm monitors should be required to consult the "access book" *unless they were absolutely sure that they could verify a caller's right to access based on voice recognition, caller's name, code number, and specific location, and that no change had occurred in the caller's status since the access book was last consulted regarding that caller.* By memorandum of April 22, 2004 (TAB GG), Colonel Mark, the APG Garrison Commander further indicated her intent to direct amendment of the APG DLES SOPs to authorize personal recognition and memory in lieu of a physical check of the written "access list" in appropriate circumstances. It is unclear whether these amendments were enacted.

Colonel Mark's April 22, 2004 memorandum further verifies that the DLES conducted refresher training on the procedures for granting access to protected locations.

In due course, Colonel Mark concluded her service as the APG Garrison Commander and was replaced by Colonel John Wright. The Director, Northeast Region, IMA, directed Colonel Wright, to counsel both the Director, Law Enforcement and Security, and the DLES Division Chief on their responsibilities to ensure that "all applicable regulations" and SOPs pertaining to DLES and APG "are understood and complied with by DLES personnel" (TAB II). Colonel Wright personally counseled the Director, Law Enforcement and Security to this effect on August 27, 2004. The DLES Division Chief is presently attending military schooling; upon his return to APG, he too will be counseled by Colonel Wright.

2. Operation of the NCIC printer --

DLES management has implemented the APG IO's recommendation, approved by Colonel Mark, that management reemphasize the importance of ensuring that the NCIC printer is "on-line" at all times and sensitize the

dispatchers to check the printer throughout the shift to ensure it is properly functioning, minimizing the time the printer may be inadvertently left "off-line" (TAB EE, Findings and Recommendations, approved by Colonel Mark on February 4, 2004). In addition, the DLES has conducted refresher training on the operation of the NCIC printer (TAB GG).

It appears that for the present, the APG DLES will be required to continue to use the NCIC computer terminal and printer provided by the State of Maryland. Because that equipment is so outdated as to be incompatible with hardware and software in the APG inventory, information technology solutions proposed by the Director of Information Management, APG, have proven ineffective in resolving the problem; further, it appears that Maryland is unable to offer APG any assistance in upgrading the equipment. In the meantime, the Director, Law Enforcement and Security has placed a conspicuous sign on the printer reminding all users to ensure the printer is "on-line" (TAB II, Executive Summary, August 18, 2004).

Further, AGC coordinated with representatives of the Office of the Provost Marshal General (OPMG), the organization charged with oversight of law enforcement policy throughout the Army. The OPMG representative confirmed that most Army installations are required to purchase or lease NCIC equipment from the State in which the installation is located and to use that equipment and the State Police computer connectivity to facilitate installation law enforcement access to the NCIC. The OPMG representative indicated that one of his organization's long-term goals was to budget for the purchase of modern NCIC access equipment for distribution to each Army installation with a view to facilitating each installation's direct and independent access to the NCIC, eliminating the requirement for interface through the State Police.

Additionally, the OPMG representative indicated that he would effect direct personal contact between the Army Crimes Record Center (ACRC), the organization responsible for oversight of NCIC participation Army-wide, and the APG DLES. As appropriate, the ACRC will provide the APG DLES with additional refresher training and assistance in matters related to participation in the NCIC and operation of NCIC access equipment.

3. Mr. Furmankiewicz's harassing, abusive, and intimidating conduct toward members of the public and his co-workers:

a. *Suspension without pay.* On March 2, 2004, a thirty-day suspension from duty was proposed against Mr. Furmankiewicz (TAB KK). The proposed suspension was consistent with the civilian personnel Table of Penalties for Various Offenses, Table 1-1, and Army Regulation 690-700, chapter 751, offense number 7b. This severe penalty was warranted both because of the serious nature of the underlying offenses and because of the similar offenses previously documented in the July 2002 letter of reprimand. The proposed suspension also

directed Mr. Furmankiewicz to attend counseling intended to assist him in correcting his behavior. Mr. Furmankiewicz elected not to respond to the proposed suspension. The Director, Law Enforcement and Security sustained the proposed suspension by memorandum of April 12, 2004 (TAB GG). Mr. Furmankiewicz served his thirty-day suspension, beginning April 16, 2004, and returned to duty on May 16, 2004. Mr. Furmankiewicz received no pay for the period of suspension. In her memorandum of April 22, 2004, Colonel Mark indicated that should Mr. Furmankiewicz "fail to conduct himself appropriately after he returns to work, appropriate action will be taken" (TAB GG).

b. *Reassignment.* Mr. Furmankiewicz has been reassigned from Squad Two to Squad One, with a view to minimizing his interaction with co-workers who had complained of his harassing, abusive, and intimidating conduct (TAB GG). This reassignment was one component of a more comprehensive internal reorganization of the dispatcher division, the intent of which was to enable the supervisor to have more direct interaction with and oversight of the dispatchers for whom he is responsible (TAB GG).

c. *Revocation of Lead Dispatcher Designation.* The title and responsibilities of "lead dispatcher" have been revoked from all who had been so designated, to include Mr. Furmankiewicz (TAB GG). This action would appear both to reinforce the direct responsibility of the designated first-line supervisor and to eliminate any perception by persons assigned to the DLES, or the public they serve, that Mr. Furmankiewicz exercises any special authority.

d. *Training.* Together with all other DLES employees. Mr. Furmankiewicz has been required to attend Consideration of Others and Prevention of Sexual Harassment Training (TAB II, Memorandum dated August 9, 2004). Training of all DLES employees will be completed by October 2004.

The following corrective actions have been initiated with regard to the organization and leadership of the DLES:

The DLES Operations Division, APG, was initially organized as set out in the organizational chart at TAB EE, Exhibit 32.

The first-line supervisor, Mr. Booth, initially exercised responsibility for six separate sections: Administration, Absent Without Leave (AWOL) Apprehension, Civil Liaison, Systems Administration, Vehicle Coordinator; and 911 Center, as depicted on the chart. Mr. Booth reported to Sergeant First Class Kontak, the Chief, DLES Operations Division, who in turn reported to Mr. Krauer, the Director, Law Enforcement and Security, APG.

The information referred by OSC pertained to employees serving in the 911 Center. After the APG investigation prompted by the OSC referral of information, the Director, Law Enforcement and Security counseled Mr. Booth,

“stripping” him of his supervisory responsibility over the 911 Center but retaining him as the supervisor of the Administration, AWOL Apprehension, Civil Liaison, Systems Administration, and Vehicle Coordinator sections. Sergeant First Class Kontak, the Chief, DLES Operations Division assumed responsibility for the direct supervision of the 911 Center.

Based on her concerns about some of the conduct in DLES discovered during the investigation and the “apparent inaction” by the DLES supervisory chain in the face of identified problems, the Director, Northeast Region, IMA directed Colonel Wright, the new APG Garrison Commander, to counsel the Director, Law Enforcement and Security and the DLES Operating Division Chief, on their responsibilities to ensure that the working environment in DLES was free from harassment and any perceived hostilities and that all applicable regulations and SOPs pertaining to DLES and APG were understood and complied with by DLES personnel (TAB II). Colonel Wright reported that he personally counseled Mr. Krauer, the Director, Law Enforcement and Security on August 27, 2004. Sergeant First Class Kontak, the Chief, DLES Operations Division is presently out of the area attending a military school. He will be counseled by both the Director, Law Enforcement and Security and Colonel Wright upon his return in October 2004.

As part of a more comprehensive reorganization of the DLES Operations Division, APG is presently recruiting and will so hire a new civilian supervisor to exercise management responsibility for all six of the functions formerly managed by Mr. Booth, to include the 911 Center. Further, the position of Chief, DLES Operations will be converted from a military to a civilian slot; recruitment and hiring for this position will be expedited. It is understood that Mr. Booth and Sergeant First Class Kontak will assume non-supervisory roles in the organization.

The following actions have been initiated to address collateral issues not originally referred by OSC, but raised in course of the AR 15-6 investigation conducted in response to OSC’s referral of information:

1. Allegations of time card falsification. Colonel Mark initially indicated that she did not intend to investigate further certain claims by DLES employees in statements rendered in the context of the AR 15-6 investigation that Mr. Booth, Mr. Furmankiewicz and two others falsified time sheets (TAB GG and TAB EE, Exhibit 6). Recently, however, the Director, Northeast Region, IMA has directed Colonel Wright, the new APG Garrison Commander to initiate a supplemental investigation under provisions of AR 15-6 into the allegation of time card fraud or abuse and to forward a copy of the investigation to her, together with a memorandum detailing the findings, recommendations, and actions taken, if any (TAB II, Memorandum of August 20, 2004). Colonel Wright reported that he would initiate the investigation expeditiously.

2. Regarding the complaint by one DLES employee that his age discrimination complaint had not been acted on (TAB EE, Exhibit 7), Colonel Mark reported that the APG Equal Employment Opportunity (EEO) Office advises that the employee at issue has never filed an EEO complaint with that office (TAB GG).

There is no criminal violation inquiry referral to the Attorney General pursuant to Title 5, USC, Section 1213(d)(5)(d).

CONCLUSION

I deeply regret that the incidents surfaced by the OSC in this case transpired. I am most appreciative of OSC's role in making the Army and APG aware of these allegations and affording the Army the opportunity to investigate the matter and to rectify the situation. I am most appreciative of the patience exhibited by OSC in granting the multiple extension requests required to bring this investigation to closure and to staff fully this action. I am confident that OSC's decision to refer this matter to the Army, coupled with the Army's commitment to ascertaining the truth of the information asserted, and the comprehensive nature of the corrective actions outlined above, have, and will continue to effect positive change in the APG DLES—both for the organization as a whole and with regard to each individual employee. Further, I am confident that the leaders of AMC, the IMA, and the APG Garrison are, and will remain, fully invested in the continued development of the APG DLES and its employees and are committed to maintaining appropriate levels of oversight as the organization continues to progress.

Please feel free to contact Ms. Cassandra Tsintolas Johnson, at 703-695-0562, should you have any further questions or require any additional assistance in this matter.



Reginald J. Brown
Assistant Secretary of the Army
(Manpower and Reserve Affairs)

Enclosures
as