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May 17, 2005

The Special Counsel

The President
The White House
Washington, D.C. 20500

Re: OSC File No. DI-03-1637

Dear Mr. President:

I received disclosures from a whistleblower at the Aberdeen Proving Ground (APG), Department of Law Enforcement (DLES), U.S. Army, that officials at that facility were engaged in gross mismanagement and activities that resulted in a substantial and specific danger to public health and safety. The whistleblower was particularly concerned that mismanagement of the security program could allow unauthorized individuals access to sensitive APG facilities and compromise APG's ability to respond to threats and emergencies.

The whistleblower in this case requested anonymity. As discussed further in the attached report, the agency partially substantiated the whistleblower's allegations.

Specifically, the whistleblower alleged that John Furmankiewicz, a lead dispatcher with the DLES Communication Center at APG, did not follow security procedures and regulations for admitting individuals to highly sensitive areas of the facility and, instead, granted admission to individuals based on voice recognition. The whistleblower alleged that Mr. Furmankiewicz instructed other employees to admit individuals solely on voice recognition. The whistleblower also alleged that Mr. Furmankiewicz frequently turned off the teletype machine in the DLES Communication Center which is used to obtain critical information regarding potential security threats and/or criminal activity from law enforcement agencies and the Department of Homeland Security. Finally, the whistleblower alleged that on several occasions Mr. Furmankiewicz made statements the whistleblower and other employees considered threatening including statements regarding shooting dispatchers from a nearby water tower and taking hostages.

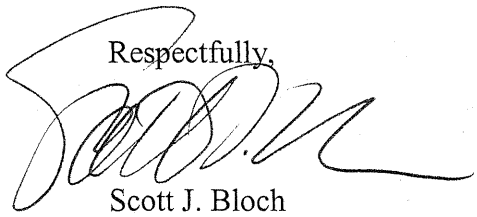
I required the Secretary of Defense to conduct an investigation into these disclosures pursuant to 5 U.S.C. § 1213(c) and (d). The Secretary of Defense referred the matter to the Secretary of the Army. Authority to review and sign the report was delegated to former Mr. Reginald J. Brown, Assistant Secretary of the Army (Manpower

and Reserve Affairs). The whistleblower declined to comment on the report. As required by law, 5 U.S.C. § 1213(e)(3), I am now transmitting the report to you.

I have reviewed the original disclosures and the agency report. Based on that review, I have determined that the agency report contains all of the information required by statute and that its findings appear to be reasonable.

As required by law, 5 U.S.C. § 1213(e)(3), I have sent a copy of the report to the Chairmen of the Senate and House Committees on Armed Services. I have also filed a copy of the agency report in our public file and closed the matter.

Respectfully,



Scott J. Bloch

Enclosure

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Analysis of Disclosures, Agency Investigation and Report, Whistleblower Comments, and Comments of the Special Counsel

Summary

OSC File No. DI-03-1637

This case involved allegations of gross mismanagement and a substantial and specific danger to public safety by employees of the Department of Defense, Directorate of Law Enforcement (DLES), Aberdeen Proving Ground (APG), Maryland. The whistleblower, who requested anonymity, alleged the following:

- Mr. John W. Furmankiewicz, a lead dispatcher at DLES Communication Center, did not follow and instructed other employees not to follow the security procedures required by APG regulations for verifying the identity of individuals requesting admission to highly sensitive areas of the facility.

- Mr. Furmankiewicz frequently turned off the DLES Communication Center teletype printer used to receive critical information from law enforcement agencies and the Department of Homeland Security on threats or suspicious activity that could affect APG. The whistleblower alleged that this would prevent DLES from taking the security measures necessary to respond to emergency situations.

- Mr. Furmankiewicz made threatening statements and exhibited behavior co-workers considered threatening resulting in concerns that Mr. Furmankiewicz might engage in workplace violence. The whistleblower alleged that DLES employees voiced these concerns to management, including Mr. Ian F. Booth, Supervisor of Dispatchers, but that no action had been taken to address the problem.

The Special Counsel referred the allegations to the Secretary of Defense for an investigation. In accordance with DoD Directive 5500. 19, the case was referred to the DoD Office of the Inspector General and thereafter to the U.S. Army. The Secretary of the Army delegated authority for the investigation to the Office of the Assistant Secretary (Manpower and Reserve Affairs). The Army referred the case to the Army Material Command (AMC) for investigation. The report further explains that APG DLES is an Army entity subject to two chains of command: 1) to the mission commander who is also the Commander of the Research, Development and Engineering Command and 2) to the Garrison Commander who reports to the Installation Management Activity (IMA). Colonel Mardi Mark, Garrison Commander, appointed an investigating officer to conduct the review of these allegations. The investigation partially substantiated the whistleblower's allegations.

The agency found that Mr. Furmankiewicz failed to follow the regulations for admitting individuals to highly sensitive areas of APG and, thus, was in violation of APG Regulation 190-9, and APG DLES Standard Operating Procedure No. 100 and No. 26. The investigation also revealed that there were other employees who did not follow the proper procedures. The investigation did not, however, substantiate the allegation that Mr. Furmankiewicz ordered or instructed employees to violate the regulations, nor did it substantiate the allegation that Mr. Furmankiewicz frequently turned off the DLES teletype printer. Although the report confirmed that the teletype printer was periodically offline, the information gathered during the investigation indicates that this was inadvertent and not attributable to Mr. Furmankiewicz. Finally, the investigation revealed that there were concerns regarding Mr. Furmankiewicz' behavior prior to OSC's referral. The report notes that the agency was already in the process of suspending
Mr. Furmankiewicz for incidents which occurred in October and November 2003. Following OSC's referral and the agency's subsequent investigation, additional information was discovered which supported expediting his suspension.

After review and consideration of the information provided, the Special Counsel found that the agency report contains all the information required by statute and that its findings appear to be reasonable. A more detailed summary of the whistleblower's allegations and the agency report is set forth below.

The Whistleblower's Disclosures

The whistleblower alleged that Mr. Furmankiewicz instructed employees to admit individuals to sensitive areas of APG based on voice recognition alone. The whistleblower states that the secure facilities at APG store highly sensitive and potentially hazardous military materials. Access to these areas is remotely controlled by Police and Fire Dispatchers (dispatchers). The whistleblower explained that the dispatchers were required under APG regulation 190-9 to confirm the identity and access authorization of individuals requesting entry to the facility by verifying their names and personal code numbers listed in an access book. Mr. Furmankiewicz reportedly became angry and verbally abusive when dispatchers consulted the access book instead of relying on their memories. The whistleblower asserted that allowing individuals to gain access to these sensitive areas solely upon voice recognition created a substantial and specific danger to public health and safety.

The whistleblower also alleged that Mr. Furmankiewicz frequently turned off the DLES Communication Center teletype printer which is used to receive critical information from law enforcement agencies and the Department of Homeland Security regarding threats or suspicious activity that could affect APG. According to the whistleblower, the failure to monitor this information could prevent DLES from responding appropriately to threats or emergencies. To support this contention, the whistleblower cited one incident when the Pennsylvania State Police issued a warning about an individual potentially threatening APG. Because the teletype printer was offline, APG officials were unaware of this potential threat. Fortunately, the individual was apprehended before reaching APG. Nevertheless, this incident highlights the importance of monitoring information as it is received.

Finally, the whistleblower alleged that Mr. Furmankiewicz made statements and exhibited behavior that the whistleblower and co-workers considered threatening. For instance, the whistleblower alleged that Mr. Furmankiewicz made comments about shooting dispatchers from a nearby water tower, taking hostages, using explosives on APG grounds and committing suicide. Given these comments and his hostile demeanor, the whistleblower and others were concerned that he would engage in workplace violence. DLES employees expressed their concerns to management, in particular, to
Mr. Ian Booth, Supervisor of Dispatchers. However, the whistleblower alleged that there had been no response to these concerns.

The Report of the Department of the Army

The report explains that APG regulation 190-9 and APG Standard Operating Procedures (SOPs) No. 100, *911 Center Operations,* and No. 26, *Radio Telecommunications Operator and Alarms Monitor* specify regulations and procedures dispatchers must use to verify the name and access code number for individuals requesting access to sensitive sites, bunkers and alarmed facilities at APG. Under the SOPs the dispatchers are supposed to check an access book to verify name and access authority of individuals before deactivating the alarm and granting admission to any sensitive area. The investigation showed that the DLES dispatchers were aware of the regulations, and that a majority of the dispatchers followed the proper procedures.

The investigation also showed that Mr. Furmankiewicz and other dispatchers admitted individuals to alarmed facilities based on voice recognition and their memory of the person's access code and the locations that person was permitted to enter. Some of the dispatchers interviewed stated that Mr. Furmankiewicz became irritated and berated them for checking the access book every time someone requested entry. He stated that they should be able to admit individuals solely on voice recognition and their knowledge of the individual's access authority. In addition, Mr. Furmankiewicz advised new employees that in time they would be able to verify access authorization based on voice recognition and code memorization.

The report concludes that the regulations governing admitting individuals to the facility, DLES SOPs, were violated. It notes that DLES management, supervisors and trainers were aware of and implicitly condoned the dispatchers' use of voice recognition and code memorization to authorize access. The report also establishes that
Mr. Furmankiewicz told other employees they should be able to use voice recognition only and berated those employees who did not. However, the investigation did not reveal, nor did the report conclude that Mr. Furmankiewicz instructed or ordered employees not to check the access book. Finally, the report is careful to point out that there was no evidence that anyone was granted unauthorized access to any sensitive area of APG.

The whistleblower's second allegation involved APG DLES access to the National Crime Information Center (NCIC) through a computer terminal and printer provided by the Maryland State Police. The investigation demonstrated that the NCIC printer is the teletype machine to which the whistleblower referred in the allegations. According to the report, the NCIC terminal

receives information from other law enforcement agencies on a number of topics including "be on the lookout" messages communicating potential threat and emergency information.

The Army's investigation also included interviews with dispatchers regarding the use of the NCIC printer. The dispatchers acknowledged that the printer should not be turned off completely except for maintenance. However, they explained that advancing the printer's paper feed to retrieve a printout required placing the machine offline. The investigation revealed that, at times, the machine was inadvertently left offline for "extended periods of time" but did not identify Mr. Furmankiewicz as the source of this problem. Instead, the report notes that any one of several different dispatchers may have left the printer offline inadvertently. In addition, the report notes that the NCIC printer is monitored by the Maryland State police. When an NCIC printer is offline for an extended period of time, the police notify the agency so that agency personnel can check the machine. The report states that there was no indication that the Maryland State Police contacted APG because its NCIC printer was offline. The report further notes that even if the printer is offline, law enforcement information specific to APG appears on the screen of the computer monitor and a printout is generated when the printer is reset.

The report identifies two instances when APG was not advised in real time of important law enforcement information. In these cases, there was no contemporaneous record of the information but the information was not lost. Rather, it remained in the printer queue until the printer was reset. The report states that there is no evidence that there was any adverse effect from the delays in receiving the information.

The whistleblower's third allegation was that Mr. Furmankiewicz made threatening statements and exhibited behavior co-workers considered threatening. According to the whistleblower, even though DLES employees voiced concerns that Mr. Furmankiewicz may engage in workplace violence to Mr. Booth, Supervisor of Dispatchers, in particular, management had not dealt with the problem.

The report states that Mr. Furmankiewicz was designated as a lead dispatcher for Squad Two in March/April 2002. In that capacity, he assisted Mr. Booth in resolving schedule conflicts, time-keeping, and ensuring the flow of information between management and Squad Two personnel. The lead dispatchers, including Mr. Furmankiewicz did not, however, have supervisory authority over employees nor did they evaluate them. In May 2002, prior to OSC's referral, the DLES Director ordered an investigation into allegations that Mr. Furmankiewiz verbally abused and harassed both members of the public and co-workers. That investigation found that Mr. Furmankiewicz was abrupt and abrasive with the public and often rude, impolite and unmannerly to his co-workers. Based on the results of the investigation, a formal letter of reprimand was placed in Mr. Furmankiewicz' personnel file for a period of two years.

In the summer of 2002, co-workers reported to the civilian personnel representative that Mr. Furmankiewicz made violent comments in the workplace including a disturbing reference to a 1966 shooting that occurred at the University of Texas. These comments were reported to Mr. Booth who informed the personnel representative that these allegations had been addressed by the investigation of May 2002 and took no further action.

The report states that in August 2002, the APG Chief of Occupational Health Services informed Mr. Booth that he had received a letter regarding concerns about Mr. Furmankiewicz' mental stability. Mr. Furmankiewicz met with the Chief and was referred to Perry Point Veterans Affairs Medical Center for additional consultation. He was then cleared to return to duty.

According to the report, in November 2003, Mr. Booth took steps to suspend Mr. Furmankiewicz due to complaints that he harassed, verbally abused and made violent comments to his coworkers in October and November 2003. The investigation substantiated the events of October and November 2003 and also determined that Mr. Furmankiewicz made inappropriate comments of a sexual nature to a female co-worker in December 2003. This latest finding was added to the conduct cited in support of suspension already proposed by Mr. Booth. The report notes that with the additional information generated by the OSC referral his suspension was expedited by Col. Mark.

Corrective Measures Taken by the Army

The report describes a number of corrective measures planned by APG in response to this investigation and its recommendations. Those measures are briefly described below.

DLES management will emphasize to employees the importance of adhering to the proper verification procedures when admitting individuals to restricted areas of APG. Dispatchers should be required to consult the access book unless they were absolutely sure they could identify the caller's right to access, name and other pertinent information and that no change had occurred prior to allowing the individual entry to the facility. Refresher training on access procedures for protected areas was also ordered for DLES personnel.

With respect to the NCIC printer, DLES implemented the investigation's recommendation that management emphasize the importance of ensuring that the printer is online at all times. In addition, refresher training on the proper operation of the NCIC printer was conducted and a sign posted reminding staff to check the status of the printer. Refresher training will continue to be provided as needed.

In view of Mr. Furmankiewicz' conduct, a 30-day suspension without pay was proposed. The report specifies that this severe penalty was warranted because of the serious nature of the underlying offenses and because similar offenses were documented in the letter of reprimand issued July 2002. Mr. Furmankiewicz served his suspension and was reassigned to a different squad to minimize contact with co-workers who had filed complaints about his conduct. Mr. Furmankiewicz was also ordered to attend counseling. In addition, the title and duties of lead dispatcher were revoked to eliminate the perception that those individuals exercised special authority and all DLES employees, including Mr. Furmankiewicz, were required to attend training on the consideration of others and the prevention of sexual harassment.

The report also describes significant changes to the DLES Operations Division prompted by this investigation. As first-line supervisor in the DLES Operations Division, Mr. Booth

exercised responsibility for six separate sections. Mr. Booth reported to Sergeant First Class Stephen S. Kontak, DLES Operating Division Chief, who in turn, reported to Mr. Robert W. Krauer, APG Director, Law Enforcement and Security.

After the investigation prompted by the OSC referral, Mr. Krauer counseled Mr. Booth and stripped him of responsibility over one of those sections, the 911 Center. Sergeant First Class Kontak assumed responsibility for direct supervision of the 911 Center.

The Director, Northeast Region, IMA, Diane M. Devens, had significant concerns regarding the conduct of DLES employees revealed by the investigation, and the apparent inaction by DLES supervisory management. In response to those concerns, in the summer of 2004, she directed APG's new Garrison Commander, Colonel John T. Wright to counsel Mr. Krauer, in his capacity as Director, Law Enforcement and Security, and Sergeant First Class Kontak, in his capacity as DLES Operating Division Chief, on their responsibilities to ensure that DLES personnel understand and comply with applicable regulations and SOPs and that the environment is free from harassment and hostility. Col. Wright counseled those officials as directed.

Finally, APG is undertaking a more comprehensive reorganization strategy. To that end, APG plans to hire a new civilian supervisor who will manage all six areas previously managed by Mr. Booth. In addition, the position of Chief, DLES Operations Division, will be converted from a military to a civilian position. When the reorganization is complete, Mr. Booth and Sergeant First Class Kontak will have non-supervisory roles at APG.

Conclusion

Based on the representations made in the agency report and as stated above, the Special Counsel has determined that the agency report contains all of the information required by statute and that its findings appear to be reasonable.