



INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
400 ARMY NAVY DRIVE
ARLINGTON, VIRGINIA 22202-4704

JUN 28 2007

The Honorable Scott J. Bloch
Special Counsel
Office of the Special Counsel
Suite 300
1730 M Street, NW
Washington, DC 20036-4505

Dear Mr. Bloch:

This is in response to your letter dated September 29, 2006, to the Secretary of Defense,¹ on the matter of Mr. Frank Hood, the former Chief of Supply, Logistics Readiness Bureau, 145th Airlift Wing, North Carolina Air National Guard (NCANG), Charlotte, North Carolina. Mr. Hood alleged that civilian and military personnel at the NCANG routinely claimed compensatory time for hours that were not spent in a stand-by status or performing mission-related work and that management officials were fully aware of these improprieties. Mr. Hood further alleged that NCANG personnel spent their standby time at the beach, golfing, and relaxing by the hotel pool.

In a memorandum dated February 9, 1998 (copy enclosed), the Secretary of Defense delegated to my office full power and authority to respond to requests for investigations under 5 U.S.C. § 1213.

The allegations at issue were assigned Defense Hotline case number 102108 and referred to the Inspector General (IG), Department of the Air Force, for investigation. Subsequently, an investigation was conducted by the IG, North Carolina National Guard, Raleigh, North Carolina. In accordance with the provisions of 5 U.S.C. § 1213(c) and (d), the results of the investigation are enclosed.

Should you have any questions concerning this matter, please contact me or Mr. Leonard Trahan, Jr., Director, Department of Defense Hotline, at (703) 604-8543.


Claude M. Kicklighter

Enclosures:
As stated

¹ OSC File No. DI-06-0961



THE SECRETARY OF DEFENSE
WASHINGTON, DC 20301

FEB 9 1998

MEMORANDUM FOR INSPECTOR GENERAL, DEPARTMENT OF DEFENSE

SUBJECT: Delegation of Authority to the Inspector General

In accordance with the authority contained in Title 10, United States Code (U.S.C.), Section 113, I hereby delegate to the Inspector General, Department of Defense, full power and authority to act for the Secretary of Defense to respond to requests for investigations under Title 5, U.S.C. Section 1213 from the Special Counsel, Office of Special Counsel, relating to allegations of violations of law, gross mismanagement and certain other matters.

The authority delegated herein may not be redelegated.

William S. [Signature]

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STATE OF NORTH CAROLINA
 DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY
 JOINT FORCE HEADQUARTERS
 NORTH CAROLINA NATIONAL GUARD



MICHAEL F. EASLEY
 GOVERNOR

WILLIAM E. INGRAM, JR.
 MAJOR GENERAL NCNG
 ADJUTANT GENERAL

BRYAN E. BEATTY
 SECRETARY

FOLLOW-UP HOTLINE COMPLETION REPORT
 18 APRIL 2007

1. Name of IG conducting the Investigation: [REDACTED]

2. Rank or Grade of Official: Colonel

3. Duty Position and Contact Telephone Number of Official IG:

Colonel [REDACTED]
 Inspector General, JFHQ-NC
 [REDACTED]

4. Organization of Official:

North Carolina National Guard, Joint Forces Headquarters, Raleigh, North Carolina

5. Defense Hotline Control Number and ACTS Case Number:

DOD HL# 102108, ACTS # 2006-09297

6. Scope of Investigation, Findings, Conclusions, and Recommendations:

a. Background. This office received notification that additional investigative work was required to provide a full accounting of the allegations to The Special Counsel. Notification was received on 4 April 2007. The original DOD hotline complaint was received by DOD IG 27 November 2006, and referred to the JFHQ-NC-IG office on 6 December 2006. The complaint alleged various misconduct and specifically that compensatory time for military technicians was inappropriately awarded by the 145th Airlift Wing, NCANG, Charlotte, North Carolina. There were no subjects listed in the allegations. The Adjutant General directed that an investigative inquiry be conducted into the allegations and issues on 6 December 2006. The initial Hotline Completion Report was submitted on 4 January 2007. On 4 April 2007, The Office of the IG, Department of Defense requested specific clarification for the following allegations:

1) Management's approval of compensatory time for time spent on leisure activities violates Office of the Adjutant General North Carolina Pamphlet 690-1 Section 10-24 requiring compensatory time be accrued only in support of the activity/base/unit missions.

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2) Under Title 5, employees on standby duty are restricted to:

- a) Their regular duty station,
- b) Quarters provided by the agency and designated for use by employees in a state of readiness to perform actual work, or
- c) The employee's living quarters, when so designated by the agency as the duty station and when the employee's whereabouts and activities are restricted substantially.

None of the LRS support personnel were sent on standby orders and their off-duty activities were not restricted so substantially that they could not use the time for their own purposes.

3) Approval of leave passes by Non-Commission Officers violates Air Force Instruction 36-3003, Sections B(4.2) and D(8.3) which requires Unit Commanders to approve leave passes, but allows delegation no lower than squadron section commander, deputies or equivalents.

b. The following people were re-interviewed by The Inspector General.

- 1) Witness. Personal Interview [REDACTED] 145th AW IG, 13-15 April 2007
- 2) Witness. Personal Interview [REDACTED] MAFFS Coordinator, 13-15 April 2007
- 3) Witness. Personal Interview [REDACTED] 145 MOF Superintendent, 13-15 April 2007
- 4) Witness. Personal Interview [REDACTED] Chief Pilot, MAFFS Coordinator, 13-15 April 2007
- 5) Witness. Personal Interview [REDACTED] Support Group Director, 13-15 April 2007
- 6) Witness. Personal Interview [REDACTED] ASCC, 13-15 April 2007
- 7) Witness. Personal Interview [REDACTED], Current LRS CDR, 13-15 April 2007

c. The following documents were reviewed by the Inspector General during this Investigative Review.

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- 1) All documentation from original investigation.
- 2) MAFFS memorandum of agreement
- 3) Office of the Adjutant General North Carolina (OTAGNC) 690-1
- 4) Air Force Instruction (AFI) 36-3003
- 5) Technician time cards, AGR leave forms

d. Allegation 1: Management's approval of compensatory time for time spent on leisure activities violates Office of the Adjutant General North Carolina Pamphlet 690-1 Section 10-24 requiring compensatory time be accrued only in support of the activity/base/unit missions.

1) Presentation of evidence: The allegation was inquired into through careful documentation review of Air Force Instructions, policy governing compensatory time and MAFFS missions. Previous audits, internal reviews, and inspections were also reviewed. The investigative review included several Inspector General re-interviews which included face to face interviews with subject matter experts in the areas of technician time and attendance and execution of MAFFS missions, and several members of the unit who deployed in support of the MAFFS missions in question.

2) Discussion: The inspector General could not find evidence to indicate that personnel deployed in support of MAFFS missions were claiming compensatory time when not on duty or on official stand-by status. It was found that personnel deployed in a technician status were in an on-duty status under the MAFFS mission. It was also determined that the MAFFS mission is considered an on station mission, even though it was conducted outside of North Carolina, thus allowing compensation in accordance with OTAGNC 690-1. The nature of the MAFFS mission and the memorandum of agreement for this mission allowed the MAFFS mission to be considered as on station. The mission commander in each situation coordinated with the higher headquarters agency (in Boise, the Forrest Service and in Pensacola, Hurricane Katrina, the DOD and New Orleans Fire Marshall), to place personnel on a 20 minute stand-by in an on-duty status. In both cases lodging was within the time constraints of the recall. In Idaho, a golf driving range was within walking distance of the flight line and personnel would conduct driving practice while in the stand-by status. Even though leisure type activities were being conducted, the personnel were still in an on duty status.

3) Conclusion: Management's approval of compensatory time for time spent on leisure activities violates Office of the Adjutant General North Carolina Pamphlet 690-1 Section 10-24 requiring compensatory time be accrued only in support of the activity/base/unit missions, is **Not Substantiated**.

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e. Allegation 2: That Airmen were in an off-duty status for compensatory time earned in violation of Title 5, employees on standby duty are restricted to:

- Their regular station
- Quarters provided by the agency and designated for use by employees in a state of readiness to perform actual work, or
- The employee's living quarters, when so designated by the agency as the duty station and when the employee's whereabouts and activities are restricted substantially.

None of the LRS support personnel were sent on standby orders and their off-duty activities were not restricted so substantially that they could not use the time for their own purposes.

1) Presentation of Evidence: The allegation was inquired into through careful documentation review of Air Force Instructions, policy governing compensatory time and MAFFS missions. Previous audits, internal reviews, and inspections were also reviewed. The investigative review included several Inspector General re-interviews which included face to face interviews with subject matter experts in the areas of technician time and attendance and execution of MAFFS missions, and several members of the unit who deployed in support of the MAFFS missions in question.

2) Discussion: In reference to the issue regarding the standby mode of the 145th Airlift Wing Logistics Readiness Squadron (LRS) personnel in both the Boise, Idaho MAFFS mission and the Pensacola, Florida (Hurricane Katrina) MAFFS mission:

a) Boise, Idaho MAFFS Mission. The 145th AW personnel fell under the control of the US Forestry Service. The air crews initially remained on the airstrip with the aircraft because of the frequency of air missions. When the number of missions began to diminish, it became a source of contention and a safety issue because of the extremely high temperatures (95 to 110 degrees) during July and August 2005. It was not prudent to keep the air crews with the aircraft so they were placed, while still on duty, in a standby mode. The Mission Commander coordinated this activity with the forestry service to allow half of the crew members to return to their motel rooms. The stipulation was that each person had to have access, either personally or be in the company of someone having, to an electronic means of communication. In standby mode, the airmen were restricted to the immediate area of their motel. The personnel were restricted from alcohol consumption, could not leave the vicinity of the motel, and had to be able to return to the flight line within 10 - 20 minutes. The motel was within a 10 minute walk from the airstrip. The other half of the air crew remained on the flight line in order to be able to launch an aircraft in a moment's notice. There was a driving range located adjacent to the flight line and some of those on duty were able to engage in this type of recreational activity because of the closeness of the driving range to the air strip and the time availability. The witnesses interviewed stated that they equated their activities on duty comparable to those of firemen. They had

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accomplished all their preparations and assigned duties, but while waiting for a mission they were able to engage in other activities in the immediate area. This enabled them to occupy their time during their 12 hour duty day. Those on standby mode testified that they had tested their ability to return to the flight line which proved that there was positive control over the personnel whereabouts and reaction time.

b) Pensacola, Florida MAFFS Mission. The 145th AW personnel fell under the control of the New Orleans City Fire Marshall. The first line of airborne delivery system of retardant were the Coast Guard and City Police helicopters. A helicopter was much more efficient in the use of dropping fire retardant because of the weight of the retardant and pin point accuracy. The use of C130 aircraft in dropping the retardant would cause a house to collapse. City fire trucks were used primarily in firefighting and then helicopters. C130 aircraft became the third choice in firefighting. Once this was realized by the mission commanders, an attempt was made to coordinate the return of the 145th back to North Carolina. However, Chain of Command decided it would be in the best interest to have the third backup available if needed, therefore the 145th was not allowed to return to NC. The 145th personnel were housed in a naval air station barracks. Transportation from the barracks to the flight line was a 10 minute bus ride. The buses were provided by the Navy and driven by the Wing. An agreement was reached between the Fire Marshall and the mission commanders to allow all crew members to be in a stand by mode in the event a C130 aircraft would be required for a mission. The agreement was based upon the crew ensuring the mission completion time would be within one and a half hours which included a 30 minute flight from Pensacola to New Orleans. Air crews spent the morning hours preparing the aircraft and themselves for a mission. In the afternoon they were restricted to their barracks area.

3) Conclusion: That Airmen were in an off-duty status for compensatory time earned in violation of Title 5 is **Not Substantiated**.

f. Allegation 3: Approval of leave passes by Non-Commission Officers violates Air Force Instruction 36-3003, Sections B(4.2) and D(8.3) which requires Unit Commanders to approve leave passes, but allows delegation no lower than squadron section commander, deputies or equivalents.

1) Presentation of Evidence: The allegation was inquired into through careful documentation review of Air Force Instructions, policy governing compensatory time and MAFFS missions. Previous audits, internal reviews, and inspections were also reviewed. The investigative review included several Inspector General re-interviews which included face to face interviews with subject matter experts in the areas of technician time and attendance and execution of MAFFS missions, and several members of the unit who deployed in support of the MAFFS missions in question.

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2) Discussion: In reference to the issue regarding the approval of leave passes of the 145th Airlift Wing Logistics Readiness Squadron (LRS) personnel for technicians and Active Guard Reserve (AGR):

a) The majority of the personnel who participated in the MAFFS missions were technicians who performed duty in a technician status. The governing regulation for technicians and compensatory time policy and approval authority is specified in OTAGNC 690-1 Section 10-25. The designated individual who can sign off on the leave passes is the first line supervisor. In some cases this individual would be a non commissioned officer. However, upon further research, it was determined in most cases that the final approval authority for the time cards was the complainant, [REDACTED]

b) The AGR personnel leave requests were approved by the officer chain of command IAW AFI 36-3003.

3) Conclusion: Approval of leave passes by Non-Commission Officers violates Air Force Instruction 36-3003, Sections B(4.2) and D(8.3) which requires Unit Commanders to approve leave passes, but allows delegation no lower than squadron section commander, deputies or equivalents is Not Substantiated

7. **Criminal or Regulatory Violations substantiated:** None

8. **Disposition:** The allegations within the complaint are not substantiated but clear guidance should be provided to prevent the appearance of excess compensatory time earned by military technicians and ultimately the appearance of fraud, waste, and abuse within the use of military technicians deployed in support of MAFFS missions.

9. **Security Classification of Information:** The information contained within the investigative inquiry is For Official Use Only and is protected by the Privacy act of 1974. There is no information included in the report that may jeopardize national defense or otherwise compromise security if the contents were disclosed to unauthorized sources.

10. **Location of Field Working Papers and Files:** The location of the original Inspector General Investigative Inquiry is in the office of the JFHQ-NC Inspector General. The address is 4105 Reedy Creek Road, Raleigh, North Carolina 27607-6410.

[REDACTED]
Colonel, U.S. Army
Inspector General

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Investigative Inquiry Directed by MG William E. Ingram, Jr., 6 December 2006

Document Review conducted 12-18 April 2007

The following documents were reviewed by the Office of the Inspector General, JFHQ-NC:

- Office of the Adjutant General North Carolina Pamphlet 690-1
- Air Force Instruction 36-3003
- Air National Guard Instruction 36-101
- 5 United States Code, 1213
- Technician Personnel Regulation 990-2
- Memorandum of Understanding Between the United States Air Force and the Participating States for Unified Effort in Providing Military Support to Civil Authorities for Wildland Firefighting Operations
- Headquarters Air Mobility Command Concept of Execution (CONEX)
- DOD Directive 3025.1
- The 2006 MAFFS Operating Plan, U.S. Forestry Service Director
- U.S. Code Title 32, Chapter 709, Technicians: employment, use, status
- 5 CFR, Chapter 1, Office of personnel Management, 5513.431, 551.432, and 551.501
- A Review of Existing Authorities and Procedures for Using Military Assets in Fighting Wildfires, Report by the Office of Management and Budget, dated 17 May 2004
- Financial Management Regulation (FMR), Vol 7
- 153d Airlift Wing MAFFS Support Procedures, dated 15 Dec 05
- Wyoming Military Department Military Technician Program Pamphlet
- Air Force Audit Agency (AFAA) Report of Audit on Leave and Compensatory Time on the 145th Airlift Wing, Charlotte, NC Dated June 2004
- AFAA Report of Audit on Air Force Support to Civil Authorities, 145th Airlift Wing, Charlotte, NC Dated March 2006
- 145th Airlift Wing, DCPS SOP, Time and Attendance Reporting dated 1 June 2003
- Position Descriptions and Time and Attendance Cards for the following:
 - [REDACTED], PPE 6 Aug 05, 20 Aug 05, 1 Oct 05
 - [REDACTED], PPE 17 Sep 05
 - [REDACTED], PPE 23 JUL 05, 6 Aug 05, 20 Aug 05, 3 Sep 05
 - [REDACTED], PPE 3 Sep 05
 - [REDACTED], PPE 3 Sep 05
 - [REDACTED], PPE 23 JUL 05, 6 Aug 05
 - [REDACTED], PPE 3 Sep 05, 17 Sep 05
 - [REDACTED], PPE 6 Aug 05
 - [REDACTED], PPE 3 Sep 05

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