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TAB 10

DEPARTMENT OF THE ARMY
OFFICE OF THE GENERAL COUNSEL
104 ARMY PENTAGON
WASHINGTON, DC 20310-0104

REPLY TO
ATTENTION OF

September 20, 2007

(b)(7)(C)
Chief, Disclosure Unit
U.S. Office of Special Counsel
1730 M Street, N.W., Suite 300
Washington, D.C. 20036-4505

Re: OSC File Nos. DI-06-1645 and
DI-06-1904

Dear (b)(7)(C)

I respectfully submit the following status report for the above captioned cases and request that you grant an extension of time to file the Department of the Army's report required by 5 USC §1213 for the above captioned Office of Special Counsel (OSC) cases where OSC determined that there is substantial likelihood that information provided by Deputy Inspector General (b)(7)(C) and Assistant Inspector General (b)(7)(C) discloses that (b)(7)(C) XVIII Airborne Corps and Fort Bragg Inspector General (IG), Department of the Army, Fort Bragg, North Carolina, breached his duty and violated his ethical obligations as Inspector General by arbitrarily and capriciously delaying, hindering, or failing to order investigations into his colleagues of similar rank, thus, abusing his authority and violating the procedural regulations designed to ensure due process and impartial investigations contained in Army Regulation 20-1, Inspector General Activities and Procedures.

You granted a previous request for an extension for sixty days on August 3, 2007, and had agreed that I would provide a status update on this pending action within sixty days or if the outstanding action had been completed, then the final Department of the Army report would be submitted to the Special Counsel. Since that time, the following actions have been taken on these cases.

On December 6, 2006, I forwarded the OSC correspondence to The Inspector General (TIG) for appropriate action pursuant to Army Regulation 20-1, *Inspector General Activities and Procedures.* I requested that TIG investigate and prepare a draft report of findings for submission to OSC. The TIG referred this action to the United States Army Forces Command (FORSCOM) IG for investigation. Additional time was needed for the FORSCOM IG to complete its investigation and you granted our request for an extension of time until March 30, 2007. On January 30, 2007 the FORSCOM IG report was submitted to the DA IG for staffing and then was forwarded to the Army's OGC for review and further staffing. As a result of this review, I asked that additional issues that surfaced during the initial investigation be addressed. That action necessitated our second request for an extension for time that was granted on April 2, 2007.

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Though some of these initial additional issues were addressed and incorporated into the draft investigative report, OGC requested that the remaining issues be more thoroughly addressed and clarified as appropriate. Additionally, when it was discovered that there were two other parallel and partially overlapping investigations underway by the Department of Defense Office of the Inspector General and the Department of the Army Office of the Inspector General, and were in various stages of completion, an analysis of those efforts and their impact on the Army's report relative to the OSC referred allegations became necessary as well. An appropriate consideration of these additional matters hampered OGC's ability to finalize the Army's report pending completion of those outstanding matters. A request for an extension of time was granted on August 3, 2007 to complete that analysis.

Since then, as OGC was preparing the draft of the final Army report, several issues required additional clarification and/or further inquiry, particularly in light of the complexity of the facts and circumstances surrounding the processing of the case files by the Office of the Fort Bragg Inspector General that were the subject of several of the allegations in question. We are in the final stages of incorporating that additional information into the draft final report and then complete the review and staffing process so that the final Army report can be forwarded to the OSC in satisfaction of the 5 USC §1213 requirements. This request for an extension of time will allow the Army to complete its final report and forward it to the OSC.

Should you grant this extension, please advise me as to the length of the extension. Within that allotted time, I will either provide you another status update on this pending action or be able to submit the final Department of the Army report to the Special Counsel.

I appreciate your assistance in considering the extension request. To advise me if this extension will be granted, you can reach me at (b)(7)(C)

(b)(7)(C)

Associate Deputy General Counsel
(Human Resources)