



DEPARTMENT OF THE AIR FORCE
WASHINGTON DC 20330

OFFICE OF THE GENERAL COUNSEL

8 September 2020

SAF/GCA
1740 Air Force Pentagon
Washington DC 20330-1740

██████████
Retaliation and Disclosure Unit
United States Office of Special Counsel
1730 M. Street, N.W., Suite 218
Washington D.C. 20036-1505
VIA EMAIL: ██████████

Re: OSC File Nos. DI- 17-3277, DI-18-3883, and DI-18-1621

██████████,

By letter dated June 23, 2020, you identified several concerns with the Air Force Report to OSC dated December 6, 2019. Your first concern was that the report did not reasonably interpret the evidence in regards to ██████████ because it found ██████████ “merely negligent” and failed to find an abuse of authority or gross mismanagement of the Hill AFB Equal Employment Opportunity (EEO) office. Your second concern was that the report did not address any actions taken or planned against two lawyers at Hill AFB for multiple errors and lack of candor in dealing with this case. You also indicated that OSC expects the Air Force to take the following actions: “disciplinary action against ██████████, including ██████████ removal from the EEO office; immediate training for the remaining EEO employees; and a commitment by the USAF to refer for possible disciplinary or other corrective action the two Hill AFB attorneys involved in these cases.”

The Air Force has taken action against ██████████ and ██████████ is no longer employed in the EEO office at Hill AFB. Specifically, between March 23, 2020 and May 8, 2020, a proposing and deciding official reviewed the evidence in the case, including the Air Force Report. The deciding official determined that the appropriate action was to issue ██████████ a Letter of Counseling and to management reassign ██████████ into a position with no like responsibilities and in which ██████████ has no influence over EEO complaints at Hill AFB. On September 1, 2020, the Air Force Mobility Command (AFMC) Director of Manpower, Personnel, and Services, provided an independent review of the action taken by the deciding official for the purpose of assessing its appropriateness. After reviewing the evidence, this independent reviewer determined that the action taken against ██████████ was reasonable and supported by the evidence. The Air Force does not intend to take further action against ██████████.

Early this year, the Air Force provided supplemental training to Hill AFB's remaining EEO employees. In February 2020, AFMC held an EO training workshop in which all AFMC installation EO offices participated, to include the remaining members of Hill AFB's EEO office. Reflecting a number of lessons learned from the incidents at Hill AFB, this training included a block of instruction on the verbiage counselors are required to use when establishing legal grounds for filing a formal complaint. It covered the sensitive nature of asking complainants for factual documentation that supports their allegations. It instructed counselors on ways to explain the EEO complaint process without appearing to be dissuading in nature. Finally, the workshop included blocks of instruction on defining/identifying responsible management officials and settlement authorities when using the ADR process.

In regards to the two attorneys involved in the case, the Air Force referred the information contained in the Air Force Report to the Professional Responsibility Program for the Air Force Judge Advocate General Corps for review on or about July 30, 2020. An inquiry into the allegations of unprofessional conduct has been initiated. Per AFI 51-110, *Professional Responsibility Program*, paragraph 7.4, the Air Force's goal is to complete inquiries within 120 days from complaint receipt.

If you have any questions regarding this response, please contact [REDACTED]

Sincerely,

MCGUIRE.SHANNO
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Shannon A. McGuire, SES
Deputy General Counsel
(Fiscal, Ethics and Administrative Law)