



U.S. OFFICE OF SPECIAL COUNSEL
1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505
202-254-3600

July 14, 2010

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

Re: OSC File No. DI-09-1734

Dear Mr. President:

The Office of Special Counsel (OSC) received disclosures from Stephanie M. Armel, a whistleblower employed as a Sexual Assault Prevention and Response Assistant at the Department of the Air Force (AF), Sheppard Air Force Base (AFB), 82nd Training Wing (Wing), Sheppard AFB, Texas. Mrs. Armel, who consented to the release of her name, alleged that employees have violated AF rules and procedures by allowing an employee to adopt multiple leadership roles, thus failing to maintain the independence and integrity of the Inspector General (IG) position. She asserted that the actions of these employees constituted a violation of law, rule, or regulation, gross mismanagement, and an abuse of authority.

Mrs. Armel's allegations were referred to the Honorable Michael B. Donley, Secretary, AF, to conduct an investigation pursuant to 5 U.S.C. § 1213(c) and (d). On January 20, 2010, the Secretary submitted a report to this office. On May 17, 2010, Mrs. Armel provided comments on the report pursuant to 5 U.S.C. § 1213(e)(1). As required by law, 5 U.S.C. § 1213(e)(3), OSC is now transmitting the report and Mrs. Armel's comments to you.

The investigation was conducted by the Senior Officials Directorate (SOD) of the AF Inspector General (SAF/IG). Mrs. Armel's allegations were substantiated in part. In its investigation, SOD concluded that the actions of AF employees Colonel Marcia Rossi, then-Brigadier General Richard T. Devereaux, and Brigadier General Otis G. Mannon, resulted in violations of AF policy when Colonel Rossi simultaneously served as the Wing's IG, Director of Staff, and Director of Competitive Sourcing. *See* AFI 90-301, *Inspector General Complaints Resolution* (2005 and 2008 Eds.) SOD also found that General Devereaux and his staff did not request a waiver from the AF regarding Colonel Rossi's status as IG, which could have alleviated these issues. *See* AF Report, pg. 33. However, SOD did not substantiate Mrs. Armel's allegation that AF employees committed gross mismanagement and an abuse of authority. SOD found that the violations at issue "stemmed, in large part, from systemic issues in the AF (including severe personnel shortages) and the fact that the nation was (and remains) at war." *Id.* at 41. In light of this and the mitigating circumstances set forth in its report, the agency found that ". . . no personnel action with respect to any one officer is appropriate." *Id.*

As a result of the investigation, the SAF/IG sent a memorandum to the Complaint Resolution Divisions (IGQs) of the major command divisions. The memorandum directs the IGQs "to advise their IG and commanders to process all requests for waivers of pertinent IG AFI requirements through their IG chain of command to SAF/IGQ for action . . ." *Id.* at 42. Moreover, AFI 90-301 will be reissued to include language that emphasizes the requirement to process requests for waivers of AFI 90-301 requirements when necessary. The anticipated completion date is December 30, 2010. The IGs of the major command divisions were directed to attend an IG conference where all attendees received training on the proper procedures for seeking policy waivers of AFI requirements. Additionally, an article was published in the SAF/IG's quarterly magazine addressing the issues raised in this investigation in the Winter 2010 edition.

In her comments, Mrs. Armel conveyed her concern about the narrow scope of the investigation. Among other things, she disagreed with the agency's determination that disciplinary action is not warranted in this case. Mrs. Armel asserted that the facts of this situation signify that Colonel Rossi willfully and intentionally violated AF rules by remaining in her position as IG while also fulfilling other conflicting roles, thus undermining the independence and integrity of the IG position.

We have reviewed the original disclosure, the agency's report, and Mrs. Armel's comments. Based on that review, OSC has determined that the agency's report contains all of the information required by statute, and the findings appear to be reasonable.

As required by 5 U.S.C. § 1213(e)(3), we have sent copies of the agency's report and Mrs. Armel's comments to the Chairmen and Ranking Members of the Senate Committee on Armed Services and the House Committee on Armed Services. We have also filed copies of the revised report and Mrs. Armel's comments in our public file, which is now available online at www.osc.gov. The revised report identifies AF employees (other than Mrs. Armel, Colonel Rossi, General Devereaux and General Mannon) and witnesses by title only and contains certain language substituted to maintain the confidentiality of the parties involved.¹ OSC has now closed this file.

Respectfully,



William E. Reukauf
Associate Special Counsel

Enclosures

¹ The AF provided OSC with a revised report, which substituted titles for the names of AF employees and witnesses referenced therein. The AF cited the Privacy Act of 1974 (Privacy Act) (5 U.S.C. § 552a) as the basis for these revisions to the reports produced in response to 5 U.S.C. § 1213. OSC objects to the AF's use of the Privacy Act to remove the names of these individuals on the basis that the application of the Privacy Act in this manner is overly broad.