

17 May 2010

To Whom It May Concern:

After reviewing the approved report of investigation (ROI) from the Honorable Michael B. Donley, Secretary, Department of the Air Force, reference the 82d Training Wing Inspector General position, I would like to comment on the findings and the investigation conclusions.

Even though I am very pleased with the findings of the investigation, I am deeply concerned with the narrow scope, and the overlooked effects identified in the investigation. The lack of accountability for the willful violations of the Air Force Instruction this ROI revealed is also extremely concerning. The seriousness of these violations has not only affected me professionally, and personally; but most importantly, these intentional violations have impacted Sheppard AFB, the Inspector General corps, and the United States Air Force in whole.

Respectfully, I cannot agree with the overall findings of wrong doing. As stated in the report, the Inspector General should remain independent and should be fair and impartial at all times. Unfortunately, as the investigation report clearly shows, this was not the case involving Colonel Marcia Rossi, who served as the former 82 TRW IG by direction of our wing commanders based on her continued reassurance to them that she could remain independent and if unable she would recues herself from conflicting situations.

The ROI clearly shows Colonel Rossi *willfully and intentionally* violated the direct orders of leadership and higher headquarters when she failed to recues herself from a situation which would be considered a conflict. This direction was consistent throughout the ROI, and Colonel Rossi herself stated "I will make plans that if there's ever a conflict of any kind, that I step down" (ROI, pg 14). So, Colonel Rossi knew her actions against me, as not only the IG, DS, CCO, and as a Colonel in the United States Air Force, were wrong in reference to my situation (particularly as a conflict of interest), as she was **a)** in our SARC chain of command, **b)** hired my supervisor for whom I made my disclosure about, **c)** refused to act, on the now substantiated wrong doings of my supervisors law/regulation violations, **d)** and knew I made a protected disclosure to the vice wing commander. It is reported in the investigation that the wing commanders were very aware that they and Colonel Rossi was acting in violation of Air Force written policy. According to AFI 90-301 which governs the IG program, the direction does not allow for any deviation of the intent of the IG program with verbiage such as "must", "IG ensures", and "follow all", the excerpts from the AFI specifically state:

1.9. Authorized IG Positions

1.9.5 Commanders requesting IG authorization must certify that the individuals assigned will solely function as a full-time IG.

1.12 Mission Focus

1.12.2. The IG ensures the concerns of all complainants and the best interests of the Air Force are addressed through objective fact-finding.

1.18.5. Follow all procedures and requirements for handling IG complaints as outlined in this instruction.

1.20. Installation IG Program Background

1.20.1. The concept of appointing a separate full-time installation IG was implemented to remove any perceived conflict of interest, lack of independence, or apprehension by Air Force personnel as a result of the previous practice of assigning vice commanders IG duties. This issue was identified in Committee Report H.R. 4301 of the 1995 National Defense Authorization Act.

1.20.2. To sustain a trustworthy relationship with Air Force personnel, the installation IG must be independent (see paragraphs 1.2.3. and 1.27.3.). Air Force personnel must be free from any form of retribution, retaliation, or reprisal for communicating with the installation IG.

With the evidence presented in the Secretary's investigative report, Colonel Rossi and our wing leadership knowingly violated the above orders, which is an offense punishable under Article 92 of the Uniform Code of Military Justice. The elements for this charge are:

Article 92—Failure to obey an order or regulation

Any person subject to this chapter who—

- (1) violates or fails to obey any lawful general order or regulation;
- (2) having knowledge of any other lawful order issued by a member of the armed forces, which it is his duty to obey, fails to obey the order; or
- (3) is derelict in the performance of his duties; shall be punished as a court-martial may direct. "

Elements.

- (1) Violation of or failure to obey a lawful general order or regulation.

(a) That there was in effect a certain lawful general order or regulation;

(b) That the accused had a duty to obey it; and

(c) That the accused violated or failed to obey the order or regulation.

(2) Failure to obey other lawful order.

(a) That a member of the armed forces issued a certain lawful order;

(b) That the accused had knowledge of the order;

(c) That the accused had a duty to obey the order; and

(d) That the accused failed to obey the order.

(3) Dereliction in the performance of duties.

(a) That the accused had certain duties;

(b) That the accused knew or reasonably should have known of the duties; and

(c) That the accused was (willfully) (through neglect or culpable inefficiency) derelict in the performance of those duties.

The facts presented by the Secretary of the Air Force in both OSC File #DI-08-1283 and OSC File #DI-09-1734 validates leadership and Colonel Rossi's violation of this article as leadership and Colonel Rossi knew they were violating a law, rule, or regulation as they were informed and directed by higher headquarters that Colonel Rossi holding the multiple positions was in violation of Air Force Instructions.

What is extremely disturbing, the ROI appears to have focused on excusing Colonel Rossi and the wing commanders for violating Air Force Instructions based on AF manning issues. I feel there was a complete absence of "big picture" surrounding the intentional disregard of the importance of the IG duties and the responsibilities as an officer in the United States Air Force.

Understanding that the IG position is rank driven based on the size of our base population, I would like to also point out, (a) that at no time was a waiver request submitted as directed by our higher headquarters as stated in the ROI (pg 23, 24, 25, 28), and instead those directions were disregarded, (b) the *Director of Staff is not a mandatory position, nor is the base mandated to have the position. This position is considered a "nice to have"*, and far from

mission essential, unlike the Inspector General position, (c) there is no rank driven requirement for the Director of Staff position or Chief of Competitive Sourcing (as the Director of Staff position is currently being slated to be converted to a civil service position for Colonel Rossi to fill after her May 2010 military retirement), (d) according to Colonel Rossi's statement the Chief of Competitive Sourcing could have also been filled by a civilian as she mentioned in the ROI "her civilian deputy was strong" (pg 12) in that area, (e) the IG position could have been waived to a Major (05) position; as the Colonel billets are reserved for higher headquarter major commands and our leadership never made an attempt to protect the IG program, (f) and another avenue that could have been utilized (as the 82 TRW is currently doing and has done in the past for deployed leaders) is to have requested a reserve officer to fill the position until such time an active duty IG became available. Any of these options would have maintained the integrity and independence of the IG system if utilized.

As a 24 year government service civilian, I fully understand and appreciate the manpower shortage we as a collective Air Force have been faced with, but understanding the importance of the IG position, it would appear the desire to have a "non-authorized, *nice to have*" non-critical position of Director of Staff should not have take precedence over the position of the mandated critical position of Inspector General. It would appear the most logical, ethical, and legal decision about staffing the IG position would have been to fill the other positions with other individuals, or leave the Director of Staff position vacant since it is only intended as an "administrative staff", "communication conduit" or "buffer position", as stated in the ROI (pg 23).

There were many options available to leadership for them to maintain compliance of an independent IG, but according to the ROI, the leadership was reassured on numerous occasions by Colonel Rossi she would remain independent. Colonel Rossi, as the appointed IG, had the sole responsibility to inform the leadership that she could not fill all the desired positions; as her first responsibility should have been to maintain the critical position of the Inspector General.

On many occasions Colonel Rossi had the opportunity and obligation, to protect the IG system and notify leadership she could not hold the positions. Due to her volunteering to take on more positions and failing to notify leadership of the actions are not only unethical, but illegal as well. It appears from the collective ROI, Colonel Rossi was not focusing on the good of the Air Force and upholding the integrity of the IG program, but sadly it appears she was posturing herself for ultimate command and control. Evidence of that is when , Colonel Rossi, knowing the IG regulations, volunteered to hold the position of Director of Staff as the ROI reported "Colonel Rossi replied to her boss (General Devereaux) she would like to do the job and was working on an organizational construct" interjecting herself into the position of Director of Staff.

Additionally, for this investigation to use the war as an excuse for an agency designed to function the most efficiently in that type of environment is outright baffling. One would have to ask, isn't that what the Air Force trains to do? These excuses for the lack of accountability and punitive action is a dangerous precedence that allows all military commanders an excuse to fill IG positions with personnel that have only their own and their commander's personal interest in mind, thus eliminating a independent, fair, and impartial party filling such a critical position as mandated by the Secretary of the Air Force in AFI 90-301. Most importantly this ROI demonstrates that military leadership is not held to the same set of standards of their subordinates, and excused from abiding by laws, rules, and regulations with indefensible excuses.

The culmination of the facts shown in this ROI validates wing leadership and Colonel Marcia Rossi failed in their duties to maintain good order and discipline due to their blatant disregard of Air Force Instructions, AETC IG and higher headquarter directions. Their actions have discredited the Air Force and have breached the trust of military and civilian subordinates. Failure to maintain good order and discipline is a direct violation of military law and punishable under the Uniform Code of Military Justice Article 134. The elements for this charge are:

Article 134—General article

If the conduct is punished as a disorder or neglect to the prejudice of good order and discipline in the armed forces, or of a nature to bring discredit upon the armed forces, then the following proof is required:

(1) That the accused did or failed to do certain acts; and

(2) That, under the circumstances, the accused's conduct was to the prejudice of good order and discipline in the armed forces or was of a nature to bring discredit upon the armed forces.

Furthermore, I cannot agree with the findings of this report that no abuse of authority was identified. The facts shown, not only did Colonel Rossi destroy the integrity of the IG position, she was allowed to use her position as the IG to *willfully* with *malicious intent* commit retaliatory acts against me personally when she approached another Air Force officer and labeled me as a "trouble maker" for making a protected disclosure, and when she (Colonel Rossi) *willfully and maliciously* used her position to order me into a degraded detail position at Sheppard AFB, TX. She also abused her position when she *intentionally* removed position credit from my personnel file for work that was already performed under her supervision and which she approved prior to my disclosure. Also, when OSC directed their first investigation in reference to my disclosure about my supervisor's wrong doings, Colonel Rossi as the IG was responsible for overseeing the Command Directed Investigation that found no wrong doing had occurred. It was not until later,

after OSC directed again that an independent investigation be completed, which was then completed by an independent IG from our higher headquarters, that my disclosures of my supervisor's wrong doings were substantiated. Notably, this subsequent investigation was based upon the same information that was given to, or available to Colonel Rossi and the leadership at Sheppard AFB. In addition, Colonel Rossi used the "administrative staff" position as Director of Staff to make personnel decisions about me as those decisions extended far beyond the scope of the intended "staff position" as stated in the ROI by General Devereaux (pg 19).

The examples presented in this letter are just a few of the many actions that have occurred and still continue today. Just recently, it has been reported to me that Colonel Rossi refers to me today as the "General Killer" due to one of the generals not receiving their next promotion, and she is making open comments stating that I am a "trouble maker and that I needed to go". I have suffered and continue to suffer from reprisal for "following the letter of the law" and believing in my leadership to abide by the same standards expected of me. Yet, the persons perpetrating this reprisal have been given nothing but a pass laden with excuses and she, Colonel Rossi, continues to be praised with special treatment by the leadership. For example, it has become common knowledge at Sheppard AFB that leadership is converting the now military position of the Director of Staff which Colonel Rossi currently occupies to a government service civilian position with Colonel Rossi "earmarked" for the fill when she retires the end of May 2010. Another example is the military training leaders being instructed by wing officials that Colonel Rossi requested military students collect over 30,000 tin can "pop tops" to make her a "pop top" rug or curtain for one of her retirement gifts; thus requiring our students to dig in trash, or buy the drinks to complete the task. These are just a few examples of other abuse of authority issues that are occurring today.

These actions committed by an Inspector General, Director of Staff, and an Air Force Officer, are inexcusable. As the report shows, Colonel Rossi could not maintain her neutrality, she blatantly disregarded the instructions she was specifically given to recue herself from conflicting issues, and failed to perform her expected duties. Instead she continued to foster and escalate my situation by her inaction and inability to remain independent which led to me turning to OSC for assistance because I had no one in leadership to depend on to uphold the standards.

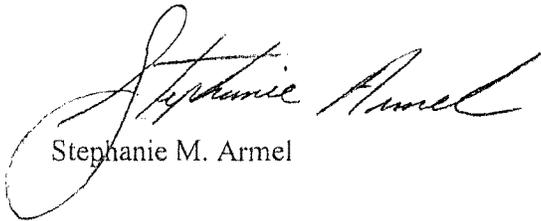
I request for the agency to demonstrate where at any time Colonel Rossi recued herself as the IG during her tenure in other conflicting situations. I know for a fact I am not the only individual who has been affected by her lack of independence. I personally know from direct observation, due to the proximity of my office, and thru statements from other individuals at Sheppard AFB base, as the IG, Colonel Rossi would *intentionally* and *willfully* call and inform other commanders within the wing when individuals from that organization would file an IG complaint, and she still today, even though she is no longer the 82 TRW IG, continues to interfere with IG matters as well as other independent agencies such as SARC, EEO/MEO and the Union. I request due to the issues raised in the ROI about her inability to maintain IG

independence that all IG cases handled during her tenure be thoroughly reviewed for any wrongdoing or intentional cover-ups by an independent source outside of Sheppard AFB.

I understand the findings in the ROI, and I disagree with the recommendation that no punitive action is warranted with regards to Colonel Rossi and the wing leadership. Even though I feel I will receive further retaliation, I request Colonel Rossi and wing leadership be held to the same standard as all other military members who intentionally commit wrong doings. Therefore, I request the appropriate punitive actions be taken on individual's documented *willful* violations and the *intentional* abuse of authority which is validated by the *willful* acts.

The bottom line is no matter how you look at this situation, the Director of Staff position was not a mandatory fill position. Colonel Rossi and wing leadership placed their personal wants and desires over the mandated needs of the Air Force and the Inspector General program which directly violated the laws, rules, and regulations that have been established and mandated. These individuals are in positions of trust and administer punitive actions to other military and civilian members who do not abide by laws, rules, or regulations. Just because of their position of leadership they should not be given unjustifiable excuses of their intentional violations. They should be held to the same standards, if not higher, as all other military and DoD civilians, and not be excused for their actions.

Sincerely,



Stephanie M. Armel