

14 May 2010

To Whom It May Concern:

After reviewing the approved investigation report from the Honorable Michael B. Donley, Secretary, Department of the Air Force, in reference to the 82 Training Wing Sexual Assault Response Coordinator, Ms. Barbara King's violations, I would like to comment on the findings and the investigation conclusions.

I am very pleased with the findings of the investigation. However, I am deeply concerned with the narrow scope, and the overlooked effects identified in the report of investigation (ROI). I am saddened at the lack of accountability for the leadership officials at Sheppard AFB who refused to properly investigate the facts of my original disclosure on 6 December 2007.

I approached Colonel Kris Beasley, the former 82d Training Wing Vice Commander, and Colonel Marcia Rossi, the former 82d Training Wing Inspector General, Director of Staff, and Director of Competitive Sourcing in good faith and, after providing them with massive amounts of hardened facts, both individuals turned a blind eye to my supervisor's improper actions. Now, after more than two years from my original disclosure, and the completion of an OSC directed independent agency investigation, my disclosures have been substantiated.

The most concerning issue is the fact that I used my chain-of-command on 6 December 2007 in good faith to report the wrong doings of my former supervisor, Ms. Barbara King, as reported in the ROI. The additional findings of this ROI are extremely disturbing relating to the actions/inactions taken by my chain-of-command. The facts seem to show there has been no accountability for their actions or inactions. As stated in the ROI (pg 3), the first Command Directed Investigation was said to be completed using the guidelines set forth in AFI 90-301, *Inspector General Complaints Resolution*, a process in which Colonel Maria Rossi, as the IG, was responsible for at Sheppard AFB. Surprisingly, the investigation report prepared by Captain Tisdell resulted in no findings of wrong doing. Captain Tisdell, as stated in the ROI, failed to interview any of my witnesses and solely accepted the excuses of my supervisor, just as Colonel Beasley had done. Oddly, Captain Tisdell's Officer Performance Report (a promotion tool) is processed through Colonel Marci Rossi, who was not only the IG at the time, but also the Director of Staff who was responsible for the Officer Performance Reports. This is supported by Air Force Investigation to OSC File No. DI-09-1734, pg 19, in which General Devereaux stated "the Director of Staff would have oversight on administrative matters which included Officer Performance Reports."

At a minimum, this ROI clearly demonstrates both Colonel Beasley and Colonel Rossi were derelict in the performance of their duties when they, (a) failed to take appropriate

corrective action for Ms. King's violations, (b) failed to conduct an impartial investigation, (c) and by not having an independent IG and allowing Colonel Rossi to violate written and verbal orders. These inactions are 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 clearly supports Colonel Beasley and Colonel Rossi's violation of this article as both were in leadership positions and knew the scope and responsibilities of their duty requirements; Colonel Beasley as the 82d Training Wing Vice Commander and Colonel Rossi as the 82d Training Wing Inspector General/82d Training Wing Director of Staff/Chief of Competitive Sourcing.

Until now, I trusted them not only as my leadership, but for the positions they held, to uphold standards and faithfully follow regulations. It is only by virtue of this ROI by our higher headquarters that my assertions were validated. The ROI substantiated the findings based on the same information I provided to Colonel Beasley and Colonel Rossi, when they failed to do their duties in their respective leadership roles.

Colonel Beasley and Colonel Rossi's failure to perform their duties on 6 December 2007 has not only affected me professionally, and personally; but most importantly, it has impacted Sheppard AFB, the Inspector General corps, and the United States Air Force in whole due to the loss of trust in these positions and our leadership.

Additionally, due to leadership inactions, Ms. King was allowed to continue her inappropriate behavior, to include retaliatory acts against me when she **a)** removed my assigned duties **b)** removed my overtime credit hours for duty I already preformed, **c)** gave me an unjustifiable rating on my performance report, **d)** denied my performance award **e)** and had me removed from my office. Leadership took no action on Ms. Barbara King even though I presented proof of Ms. King's retaliation and begged for their intervention.

It was almost a year following my disclosure that Ms. King was removed from the SARC program only after another agency (Office of Special Investigations) identified additional wrong doings that Ms. King was committing. Due to OSIs involvement, leadership was left with no option but to remove Ms. King from her duties. What is so very unfortunate is these additional actions committed by Ms. King would have never come to fruition if in fact Colonel Beasley and Colonel Rossi would have performed their duties and taken action on the facts I presented.

The facts show Colonel Rossi failed in her duties as the IG, as stated in ROI referencing OSC File No. DI-09-1734," 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 82 TRW IG when my disclosure was made to her. Ironically, Colonel Rossi not only hired Ms. Barbara King, but she also had a social relationship with Ms. Barbara King as they would meet socially after duty hours and Colonel Rossi also had a social relationship with Colonel Beasley as she would babysit quite regularly for him and his children would even refer to Colonel Rossi "Aunt Marci" which clearly shows much

more than a professional relationship. By these actions, Colonel Rossi was in direct violation of Air Force Instruction 36-2909 (Professional and Unprofessional Relationships) which specifically states:

2. Policy. 2.2 Relationships are unprofessional, whether pursued on or off-duty, when they detract from the authority of superiors or result in, or reasonably create the appearance of, favoritism, misuse of office or position, or the abandonment of organizational goals for personal interests. Unprofessional relationships can exist between officers, between enlisted members, between officers and enlisted members, and between military personnel and civilian employees or contractor personnel. Fraternalization is one form of unprofessional relationship and is a recognized offense under Article 134 of the Uniform Code of Military Justice (UCMJ).

3.2 Relationships with Civilian employees and Government Contractor Personnel. Civilian employees and contractor personnel are an integral part of the Air Force. They contribute directly to readiness and mission accomplishment. Consequently, military members of all grades must maintain professional relationships with civilian employees and government contractor personnel, particularly those whom they supervise or direct, and must avoid relationships that adversely affect or reasonably can adversely affect morale, discipline and respect for authority or that violate law or regulation.

3.3 Dating and Close Friendships. Dating, courtship, and close friendships between men and women are subject to the same policy considerations as are other relationships. Like any personal relationship, they become matters of official concern when they adversely affect morale, discipline, unit cohesion, respect for authority, or mission accomplishment. Members must recognize that these relationships can adversely affect morale and discipline, even when the members are not in the same chain of command or unit. The formation of such relationships between superiors and subordinates within the same chain of command or supervision is prohibited because such relationships invariably raise the perception of favoritism or misuse of position and erode morale, discipline and unit cohesion.

6. Individual Responsibility To Maintain Professional Relationships. All military members share the responsibility for maintaining professional relationships. However, the senior member (officer or enlisted) in a personal relationship bears primary responsibility for maintaining the professionalism of that relationship. Leadership requires the maturity and judgment to avoid relationships that undermine respect for authority or impact negatively on morale, discipline, respect for authority, or the mission of the Air Force. This is especially true of officers and noncommissioned officers who are expected to exhibit the highest standards of professional conduct and to lead by example. The senior member in a relationship is in the best position to appreciate the effect of that particular relationship on an organization and in the best position to terminate or limit the extent of the relationship. However, all members should expect to be and must be held accountable for the impact of their conduct on the Air Force as an institution.

Additionally, Colonel Beasley by virtue of his position as 82d Training Wing Vice Command according to the regulation was responsible as well since he was the senior officer and Colonel Rossi's supervisor. Again, according to AFI 36-2909:

7. Command and Supervisory Responsibilities. Commanders and supervisors at all levels have the authority and the responsibility to maintain good order, discipline and morale within their units. They may be held accountable for failing to act in appropriate cases.

Colonel Beasley, in the position of vice wing commander is responsible for upholding laws, rules, and regulations and ensuring they are followed. Again, according to this ROI, he failed to act on factual information about a disclosed violation of law, rule, or regulation. Thus, not only Colonel Beasley, but Colonel Rossi as well, became an accessory to the acts Ms. Barbara King was committing and continued to commit until her removal. These actions are a punishable offense under Article 78, of the Uniform Code of Military Justice. The elements for this charge are:

Article 78—Accessory after the fact

“Any person subject to this chapter who, knowing that an offense punishable by this chapter has been committed, receives, comforts, or assists the offender in order to hinder or prevent his apprehension, trial, or punishment shall be punished as a court-martial may direct.”

- (1) That an offense punishable by the code was committed by a certain person;*
- (2) That the accused knew that this person had committed such offense;*
- (3) That there after the accused received, comforted, or assisted the offender; and*
- (4) That the accused did so for the purpose of hindering or preventing the apprehension, trial, or punishment of the offender.*

The facts show I made them both very well informed of the actions Ms. King was committing by providing them with hard evidence and witness statements. Again, the same information was used by our higher headquarters to validate these findings.

I cannot agree with the conclusion of this report which stated that "Ms. King did not *willfully* disclose agency records." I assert Ms. King *did willfully* disclose agency records when she, **a**) refused to secure our sexual assault victim files after I, as well as the other member in our office, had several conversations with her about her actions, **b**) she recently returned from in-residence SARC training which provided her with the information on how to properly care for victim files and private information (for which she received a training certificate certifying her satisfactory completion of the training), **c**) had recently received and completed the AF mandatory Privacy Act training, **d**) and she willfully composed and sent the email containing victim advocate's privacy information. Based on these facts, Ms. King *willfully* disclosed the

agency records, and thus should be held accountable for, and corrective action be imposed, for her intentional acts which violated 5 U.S.C. § 552a(i).

In closing, I request Ms. King be held accountable for her willful violation of 5 U.S.C. § 552a(i), and that Colonel Kris Beasley, the former 82d Training Wing Vice Commander, and Colonel Marcia Rossi, the former 82d Training Wing Inspector General, Director of Staff, and the Director of Competitive Sourcing, be held accountable, and punitive action be imposed, for their blatant dereliction of duty, and their abuse of authority. The culmination of the facts shown in this ROI also validates both Colonel Kris Beasley and Colonel Marcia Rossi failed in their duties to maintain good order and discipline due to their inactions. 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

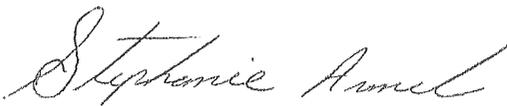
If the conduct is punished as a disorder or neglect to the prejudice of good order and discipline in the armed forces, or of a nature to bring discredit upon the armed forces, then the following proof is required:

(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.

Due to the facts presented in the Secretary of the Air Force Report of Investigation, both Colonel Beasley and Colonel Rossi should be held accountable and punitive actions should be imposed not only for their inactions in regards to my disclosure of Ms. Barbara King's violation of law, rule and regulations, but for their own intentional violations of law and regulations, and should reimburse the government and its tax payers for and any all cost incurred by the government due to the blatant dereliction of their duties which led to this ROI. The individuals identified are also culpable for the retaliatory actions that have been taken against me in the past, as well as the actions that continue to this day!

Sincerely,



Stephanie M. Armel