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COL [REDACTED], the initial Investigating Officer, was the Director of Environment Health Engineering, US Army Public Health Command (Formerly HQ US Army Center for Health Promotion and Preventive Medicine), Fort George G. Meade, Maryland. He retired from the US Army in January 2010. COL [REDACTED] has over 26 years experience in environmental hygiene, environmental safety, public health, and preventive medicine. As the Director of Environment Health Engineering he supervised a multi-faceted group of programs comprised of engineers, scientists, technicians, and administrative personnel whose mission was to enhance military readiness by providing worldwide support to environmental health and environmental quality programs of the US Army and the Department of Defense. Among other credentials, he is a Certified Industrial Hygienist and a Certified Safety Professional. He is the author of numerous professional articles on environmental matters. In addition, he was the recipient of the Presidential Award, for Leadership in Federal Energy Management (2002), Department of Army Environmental Quality Award, Individual Category (1997) and the first Soldier ever awarded the Department of Defense Environmental Quality Award, Individual Category (1997).

Optional: He holds a Bachelor of Science in Geophysical Engineering, a Master of Science in Administration, and a Master of Science in Environmental Health (Industrial Hygiene).

#### EDUCATION

<u>Institution and Location</u>	<u>Degree</u>	<u>Year</u>	<u>Field of Study</u>
Colorado School of Mines, Golden, Colorado	BS	1983	Geophysical Engineering
Central Michigan University,	MSA,	1992	General Administration
Colorado State University, Fort Collins, CO	MS	2001	Environmental Health (IH)

See COL [REDACTED] CV for additional information

## Curriculum Vitae

**Position** Director, Environmental Health Engineering, Center for Health Promotion and Preventive Medicine, Aberdeen MD 21010

**Address** US Army Center for Health Prevention  
and Preventive Medicine, MD  
1930 Blackhawk Road  
Aberdeen, MD 21010

**Phone #** (410) 436-2306  
**Fax #** (410) 436-3287

### PROFESSIONAL ACCOMPLISHMENTS

#### Public Health

- Biodefense Campus Integration Cell - determined requirements, capabilities, feasible courses of action, and resources for NIH and DHS research initiatives and laboratory construction at Fort Detrick.
- Familiar with legislation and congressional mandates for a National Biodefense Threat Analysis Center.
- Identified resources and requirements for public health and biodefense countermeasures, vaccine development, pilot production and research.
- Responsible for safety and environment issues associated with one of two federal facilities containing high containment BSL-4 laboratories.
- Lead responsible officer for the federal government's only mixed biological and hazardous waste clean up site. Evaluated health threats to public/workers and implemented risk communication strategies.
- Clean up operations required coordination, integration, and synchronization of federal agencies, laboratories and private contractors engaged in biological testing, transportation, and storage.
- Strong links to the medical research and Public Health communities.

#### Emergency Response/Contingency Operations

- Lead installation representative for 2 biological incidents and 1 chemical incident at the Army's laboratory.
- Emergency response experience as project officer for the Spring Valley, Washington DC UXO clean and Kuwait Oil Well Fire Health Risk Assessment team.
- MACOM staff officer - USAREUR; Chief environmental officer and architect of the environmental program for the initial Bosnia deployment; worked environmental issues on an international, Department of Army, combatant command and local level.
- Formulated guidance on environmental issues and health impacts as the technical consultant/staff officer.
- Identified and resolved joint field preventive medicine doctrine, procedures, equipment, sampling and resourcing issues as a team member of the Joint Environmental Surveillance Working Group.
- Established an environmental baseline surveys system which identified, documented and assessed the risk posed by health hazards discovered during the more than 50 surveys conducted in the war-torn Bosnian region.
- Medical Group operations officer for Army medical evacuation exercise - AMEDDEX
- Primarily responsible for the planning, programming and executing 2500 man military exercises.

#### Environmental

##### Groundwater and Solid/Hazardous Waste

- Performed consultations nationwide advising installations, major commands, and HQDA staff on environmental regulations and policy guidance, ensuring compliance with Federal, State and Local regulations.
- Facilitated agreements with EPA and State regulators concerning generation, transportation, and disposal of hazardous wastes from Formerly Used Defense Sites.
- Created a comprehensive system to collect and dispose of more than 625,000 liters of waste fuel and oil and 1.8 million kilograms of hazardous waste throughout the Balkans while complying with myriad of country regulations.
- Trained, educated and assessed medical facilities on infectious and medical waste handling and disposal.
- Project officer for a PCB survey involving 38 sites in Pennsylvania and New Jersey.

#### Restoration - Groundwater, Solid, and Hazardous Waste

- Primary responsible officer for a \$25 M remediation project recognized for excellent as the 2002 Department of Army Environmental Quality Award – Remediation Category runner up.
- Project officer of numerous investigations requiring monitoring wells, sampling and risk assessment.
- Sampled suspected contamination sites to determine presence and level of contamination for Preliminary Assessments/Remedial Investigations.
- Provided QA and health/engineering technical review for actions at Superfund and Army clean up sites.
- Oversaw the planning, execution, and laboratory analysis of over 40 sampling and drilling investigations.

#### Water

- Performed water system sampling and surveillance for US Forces throughout the US, Europe and the Former Republic of Yugoslavia.
- Developed a Cross Connection Control Program for Aberdeen Proving Ground which incorporated customer and operators requirements and capabilities while complying with State and Federal regulations.
- Oversaw the development/implementation of Tri-service drinking water standards for field operations.

#### Project Management

- Contract negotiation, administration and execution experience.
- Project engineer for eight buildings and four medical facilities worth \$36.5 million.
- Project site layout and logistics coordination experience.
- Alternate Disputes Resolution experience involving \$200 millions in claims. Interpreted contracts and established Government position.

#### HONORS

- Presidential Award, Leadership in Federal Energy Management - 2002  
First soldier ever awarded the Department of Defense Environmental Quality Award – Individual Category (1997).
- Department of Army Environmental Quality Award – Individual Category for environmental work in Bosnia, 1997.
- 1997 Toulmin award - Society of Military Engineering for the best article of the year.
- Distinguish Military Graduate, Colorado School of Mines 1983
- Military awards include Legion of Merit, Army Meritorious Service Medal (2), Army Commendation Medal (3), Army Achievement Medal (2), National Defense Service Medal (2), Armed Forces Services Medal, Southwest Asia Service Medal (bronze services star), NATO medal and the US Parachutist Badge.

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#### PROFESSIONAL EXPERIENCE

Jan 2002 – Present	<b>Director, Safety Environment, and Integrated Planning Office, US Army Garrison Fort Detrick, MD</b>
Aug 2001 – Jan 2002	<b>Deputy Director, Military Operational Medicine Research Area, Medical Research Material Command, Fort Detrick, MD</b>
Jul 1997 – Aug 1999	<b>Commander, 133rd Preventive Medicine Detachment, Hanau Germany</b>
Jul 1995 - Jun 1997	<b>Environmental Engineer and Staff Officer, Environmental Directorate, Deputy Chief of Staff for Engineering, U.S. Army Europe, Heidelberg, Germany</b>

Oct 1994 - Jul 1995      **Program Manager, Water Supply Management Program, U.S. Army Center for Public Health Promotion and Preventive Medicine, Aberdeen Proving Grounds, MD**

Apr 1991 - Oct 1994      **Chief, Engineering Services Branch/Soils Laboratory, U.S. Army Environmental Hygiene Agency, Aberdeen Proving Ground, MD**

Aug 1987 - Apr 1991      **Project Engineer/Assistant Resident Engineer, U.S. Army Corps of Engineers, Ft. Drum Construction Management Office, New York**

Jun 1983 - Aug 1987      **Brigade Exercise Officer, U.S. Army 130th Engineer Brigade, Hanau, Germany**

Jun 1983 - Feb 1986      **Platoon Leader/Executive Officer, U.S. Army 54 Engineer Battalion (Combat), Wildflecken, Germany**

#### **CERTIFICATION**

Certified Industrial Hygienist, American Board of Industrial Hygienist, Jun 03;  
 Certified Safety Professional, Board of Certified Safety Professionals; Jan 05  
 Engineer Intern, NY State (cert #37663), Oct 89;  
 Level I Acquisition Officer, Dec 01

#### **PUBLICATIONS**

Shum, E. Y., Archibald D. F., Spencer R., Brubaker, W., Esteban J. S., Lesson Learned in the Decommissioning of the Army's Nuclear Facilities At Fort Detrick, Maryland, Waste Management Conference, 4 March 2004

Ticknor, K., Archibald D. F., Gortva, J., Ware, B., Remediation of Mixed Biological and Chemical Waste at Fort Detrick, 29<sup>th</sup> Environmental and Energy Symposium, Oct 2003

Archibald, D. F., and Hughes, S.W., Operation Joint Endeavor – Integrating environmental consideration into contingency operations. Public Works Digest. IX:5, 14-15, Jun 1997

Archibald, D. F., and Hughes, S.W., Operation Joint Endeavor – Environmental Lessons Learned. The Military Engineer. 89:587, 41-42, 1997

Environmental Program Review, Ground-Water Review and Solid Waste Review – Defense Material Support Center, Memphis, TN; US Army Environmental Hygiene Agency, 1992

Solid Waste Consultation No. 38-26-K10X-93 – Landfill Closure, Jefferson Proving Ground, IN; US Army Environmental Hygiene Agency, 1993

Aberdeen Proving Ground, Maryland, Backflow and Cross- Connection Control and Prevention Plan, US Army Environmental Hygiene Agency, 1992

Alternative Dispute Resolution position Paper, Brigade Headquarters HVAC Systems; New York District Corps of Engineers, Fort Drum, New York, Sep 1990

Awaiting publication:

Donald F. Archibald, D. F., Andersen, M. E., Gardner, H., Buchan, R. Kreidedweis, S., Assessing Industrial Chemical Risks during Military Deployments, Risk Analysis, editor/peer review in progress

Archibald, Donald F. and Geckel, Lori; Risk Communication Lessons during a Biological Event, Journal of Occupation and Environmental Hygiene

Ms CIV USA OGC

From: [REDACTED] CIV USA OGC  
Sent: Wednesday, March 17, 2010 3:20 PM  
To: [REDACTED] CIV USA OGC  
Subject: FW: 15-6 Whistle-blower questions (UNCLASSIFIED)  
Attachments: Questions - Gibson.docx

-----Original Message-----

From: [REDACTED] CIV USA MEDCOM HQ [REDACTED]@AMEDD.ARMY.MIL]  
Sent: Tuesday, August 25, 2009 9:38 AM  
To: [REDACTED] Ms CIV USA OGC  
Cc: [REDACTED] MAJ MIL USA MEDCOM HQ; [REDACTED] MAJ MIL USA  
Subject: FW: 15-6 Whistle-blower questions (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: FOUO

Classification: UNCLASSIFIED  
Caveats: NONE

Ms [REDACTED] -

Attached for your information are the questions COL [REDACTED] asked Mr. Gibson.

[REDACTED]  
Attorney Advisor  
U.S. Army Medical Command (MCJA)  
Fort Sam Houston, Texas 78234-6017  
DSN [REDACTED]  
Fax DSN 471-8217/Commercial (210) 221-8217  
e-mail: [REDACTED]medd.army.mil

This communication may contain information (including attorney-client, attorney work-product, or source selection information) that is protected by the Freedom of Information Act (5 United States Code Section 552). Do not release any of this information outside the office(s) of the intended recipient(s) without the prior written authorization of the MEDCOM Staff Judge Advocate. If you received this e-mail in error, please notify me immediately by return e-mail.

-----Original Message-----

From: [REDACTED] Mr CIV USA MEDCOM CHPPM  
Sent: Wednesday, June 17, 2009 12:57 PM  
To: [REDACTED] CIV USA MEDCOM HQ  
Subject: FW: 15-6 Whistle-blower questions (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

[REDACTED]  
As per your request...

Also, the new I.O. has confirmed that he will do the best he can by the 17 July deadline.

[REDACTED]  
[REDACTED]  
U.S. Army Center for Health Promotion and Preventive Medicine Office of the Chief Counsel  
MCHB-SJA, Building E1930  
5158 Blackhawk Road  
Aberdeen Proving Ground, MD 21010-5403

Phone: [REDACTED]  
Fax: (410) 436-8513

[REDACTED]

The information contained in this electronic message and/or attached document transmitted is attorney-client privileged work-product or otherwise confidential and intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any examination, use, dissemination, distribution or copying of this communication is strictly prohibited and may constitute a violation of the law. If you have received this communication in error, please immediately notify this office by telephone, and return the original message to us at the above address via U.S. Postal Service.

-----Original Message-----

From: [REDACTED] COL MIL USA MEDCOM CHPPM  
Sent: Wednesday, June 17, 2009 1:25 PM  
To: [REDACTED] Mr CIV USA MEDCOM CHPPM  
Subject: 15-6 Whistle-blower questions (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

[REDACTED]

Attached is a copy of the question that I asked Mr. Gibson. They context was taken directly from the appointment orders. The purpose was to identify what happened, who was involved, and how it related to the areas that I was asked to investigate.

Hope this helps.

[REDACTED]

Note - the initial questions were not numbered sequentially. This was done before the sworn statement.

[REDACTED] COL  
Director, Environmental Health Engineering Center for Health Promotion & Preventive Medicine  
[REDACTED]

Mr Gibson – Questions

2a1 - Please tell me how your time and resources were redirected. How did that diminishing your authority as the Ft Leavenworth's IH?

2a2) How were you prevented by LT [REDACTED] and LTC [REDACTED] from ensuring compliance with federal regulations and Army rules and regulations requiring the regular assessment and appropriate testing of Ft. Leavenworth buildings and facilities for industrial hygiene threats and hazards?

- In the conduct of his duties, did you inform Ft Leavenworth officials that they would violate Federal and Army regulations concerning industrial hygiene and safety by not conducting regular assessment and the appropriate testing of Ft Leavenworth's buildings/facilities? If so, which laws or regulations were violated and when?

2b – In June 2007 why were you ordered to stop all IH assessments, testing and surveys?

- Who was monitoring the IH issues and maintaining IH program elements?

- If the assessment, testing and surveys were stopped what reason was given for halting them?

- How were annual health and safety assessment conducted and by whom?

- From June 2007 to present, did any major life safety or IH come to the attention of the Munson staff that required IH intervention or assessment? If so, who handled these issues and what was the resolution?

- February 2008 – Why were 18 of Ft Leavenworth's 295 buildings selected for a walk thru?

- Why would the selection of 18 Ft Leavenworth buildings for walk thurs constitute abuse if authority?

2b3) You indicate that the "walk-thrus" (as described in item b2), above) were unreasonably limited in scope by LT [REDACTED] and LTC [REDACTED]. What limitation were imposed and why?

- What were the questions seven questions asked of the occupants of each of the 18 buildings?

- What was the level of health risk to personnel conducting operations in the buildings surveyed?

2b4) If you had reason to suspect the existence of an industrial hygiene issue during the walk thurs were you authorized to conduct an assessment of the building?

What did the assessment involve and how were the IH issues resolved, once they were identified.

- What were the hazard identified in the walk thru?

- If you were prohibited from taking time weighted measurements, how did this constitute an abuse of authority by LTC [REDACTED] or COL [REDACTED]?

- What did the "spot testing" entail?

6) Did, in October, 2008, LT [REDACTED] and LTC [REDACTED] permit you to follow the Corps of Engineers' approach to inspecting buildings but still prohibit you from

performing time weighted testing without first receiving prior supervisory approval? If so, how does this constitute an abuse of authority by LT [REDACTED] or LTC [REDACTED]?

7) Was it reasonable for LTC [REDACTED] and COL [REDACTED] to require Mr. Gibson, the only certified Industrial Hygienist at Ft. Leavenworth, to obtain permission from his supervisors before performing time weighted testing on buildings?

2c. Whether or not adequate industrial hygiene assessment and testing has not occurred at Fort Leavenworth, Kansas, in violation of law, rule, and regulation.

1) What happened in August 2008 when the Army Corps of Engineers objected to LT [REDACTED] and LTC [REDACTED] two step (walk-thru followed by assessment) approach?

- What type of health risk was associated with the August 2008 actions and what was the level of the risk?

2) It is alleged that the Corps of Engineer officials determine that the walk-thru alone was of minimal value and that the walk-thru and assessment steps should be combined. What is the significance of combining the information?

2d. Please provide specifics details on how and when the actions of LTC [REDACTED] and LT [REDACTED] created the potential for a substantial and specific danger to the public health and safety at Fort Leavenworth, Kansas.

- Was anyone hospitalized as a result of the actions? Admitted to the clinic with injuries or illnesses related to the IH issues?

[REDACTED] Ms CIV USA OGC

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**From:** Alexander, Lynn [lalexander@osc.gov]  
**Sent:** Wednesday, May 27, 2009 3:23 PM  
**To:** [REDACTED] Ms CIV USA OGC  
**Cc:** McMullen, Catherine  
**Subject:** Gibson, OSC File No. DI-08-3062  
**Attachments:** Gibson MFR 1 15-6 interview.docx

[REDACTED]  
Attached is the MFR prepared by Mr. Gibson following the 15-6 interview with Col. [REDACTED].  
[REDACTED] Please let us know if we can be of further assistance and thank you in advance for your help.

Lynn Alexander

(202) 254-3705

<<Gibson MFR 1 15-6 interview.docx>>

15 May 2009

Memorandum For Record

SUBJECT: 15-6 Investigation MFR #5

On 14 May 2009 at 1400 hrs, [REDACTED] and Karl Gibson was at the Civilian Personnel Activity Center's classroom in the Child Development Center for the 1400 hrs meeting with COL [REDACTED]. COL [REDACTED] arrived at 1415 hrs.

COL [REDACTED] stated that he had downloaded part 2a-2b of Karl Gibson's statement from his computer to the Munson Army Health Center's computer system because he was having computer problems. Karl Gibson again expressed concerns about his documents being place on the Munson Computer system that Munson command and Information Management Division could access to them.

COL [REDACTED] was provided with Karl Gibson's hard copy statement concerning COL [REDACTED] questions 2a-2c. COL [REDACTED] expressed that he wanted to edit my statement and then have me sign it. Karl Gibson said no. I provided my statement in full to COL [REDACTED] questions 2a-2c. I asked that if COL [REDACTED] had clarifying questions, then would he provide these to me? COL [REDACTED] stated that my performance was not the purpose of his investigation. COL [REDACTED] expressed that he only wanted documents that showed, in writing, that management knew of dangers and hazards so acute and severe that people would die immediately if nothing happen. COL [REDACTED] said that he wanted only examples of severe hazards - like 'when a fire was racing down a hallway' from me and nothing else. COL [REDACTED] expressed that it was common IH language to use Immediately Dangerous to Life and Health level. If I provide documentation that shows hazards on Fort Leavenworth that were less than this Immediately Dangerous to Life and Health level, they will probably not be consider by him in this investigation. COL [REDACTED] expressed that he would refuse to accept any other documentation citing of management's actions from me.

COL [REDACTED] stated that he may need to ask me more questions as "we play this game". He asked me to provide specific violations of law, regulation and policy within my response on the general questions that he had provided. I expressed that this was different from what he had asked on May 4 and this made no sense to me. I asked him to provide me with his additional questions in writing.

At that point, COL [REDACTED] instantly became visibly upset and he started yelling at me. He lean forward in his chair over the table in my direction while pointing his index finger and his pen at me. COL Archibald began cursing at me. COL [REDACTED] yelled words to the effect of you are a D--M, F--KING Civilian A--HOLE and that I am was something like a Traitorous Whistle blowing F--KING Civilian and that he was not going to let me take him down the same F--King Long Road that you took LTC [REDACTED] and LT [REDACTED] down. At this point, [REDACTED] began verbally defending Karl Gibson and expressed that COL [REDACTED]'s words and threatening actions were inappropriate for an Army Officer much less a 15-6 investigator. As [REDACTED] was talking to me and COL [REDACTED] continued to yell, I was mainly listening to COL [REDACTED]

During this time, COL [REDACTED] also made comments to the effect of F--KING CPAC needed a faster and easier ways to get rid of Whistle blowing F--KING Civilians like me. I moved away from the table fearing for my physical safety. COL [REDACTED] tirade went on for some time. COL [REDACTED] kept yelling at Mr. [REDACTED] that he need to take me outside if Mr. [REDACTED] wanted to speak to me. I understood COL [REDACTED] to say that he was not here to investigate the Traitorous Treasonous Whistle blowing F--KING Civilian allegations but to discredit this Traitorous Treasonous Whistle blowing F--KING Civilian. COL [REDACTED] finished talking about that these fine military officers had more to loose then some Whistle blowing F--KING Civilian.

[REDACTED] and I left the room to caucus.

After the situation had calmed down, [REDACTED] and I returned to the investigation room.

I expressed to COL [REDACTED] that I was wanting to assist in the 15-6 investigation such as it was, but needed COL [REDACTED] to provide what kind of specific information he was asking for. COL [REDACTED] stated that on page 5, paragraph 1, he wanted the listing of all OSHA, DOD, and DA citations by number and paragraph of those laws that management had violated. I asked COL [REDACTED] that since he claimed to have IH background and had a working knowledge of the regulatory requirements and had stated in the 4 May 2009 meeting that this was not needed, why was it needed now? He stated he wanted to know what the Whistle blower was claiming to have been violated. COL [REDACTED] stated that he would not consider anything Karl Gibson stated if this was not included. COL [REDACTED] went on to say that the more volume I provided to his questions, the less likely that he would use any to substantiate the claims made by me.

[REDACTED] and I left the room to caucus.

[REDACTED] and I returned to the room.

Karl Gibson asked COL [REDACTED] when did he want this information? COL [REDACTED] expressed that he wanted my amended statement with noted specific law violations by COB on Tuesday, 19 May 2009. We would then meet again on 20 May 2009, Wednesday, at 0800 hrs at the CDC.

COL [REDACTED] again expressed that if I wanted to submit any further documents I could, but it was unlikely that he would use any of these or include them in the official documents as part of the investigation, unless the specifically showed 1) where I had notified management in writing that they were violating the law 2) providing specific instances whereby, managements actions demonstrated an immediate a substantial danger. After much discussion, COL [REDACTED] finely agreed that I would need to include a Table of exhibits with a KG#\_\_ beside each document. I would need to add to my statement - a \*(number) at the end of the sentence and the exhibits \*(number) KG#\_\_ at the end of the paragraph for each document provided by me.

I asked about the other documents that I had provided COL [REDACTED] at the 4 May 2009. COL [REDACTED] expressed that he would be using these documents as he saw fit and any other documents I provided could be used to discredit me.

It must be noted that COL [REDACTED] never apologized for his inappropriate behavior and

remarks.

Point of Contact is the undersigned at



Karl Gibson  
GS-11 Industrial Hygienist  
USA MEDDAC

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**Ms CIV USA OGC**

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Point of Contact is the undersigned at 

Karl Gibson  
GS-11 Industrial Hygienist  
USA MEDDAC

[REDACTED] Ms CIV USA OGC

From: [REDACTED] [REDACTED].ARMY.MIL]  
Sent: Tuesday, May 26, 2009 4:47 PM  
To: [REDACTED]  
Subject: FW: Mr Gibson's Statement (UNCLASSIFIED)  
Attachments: MFR - 14 May Gibson statement mtg.docx  
Categories: Red Category

Classification: UNCLASSIFIED  
Caveats: NONE

Ms. [REDACTED] -

Attached is the e-mail we discussed on the phone just moments ago. I have a call in to Mr. [REDACTED] to get information from him about Mr. Gibson's allegations to OSC about the Investigating Officer. Frankly, I am skeptical, but I will get whatever information I can for you.

[REDACTED]  
Attorney Advisor  
U.S. Army Medical Command (MCJA)  
Fort Sam Houston, Texas 78234-6017  
DSN [REDACTED]  
Fax DSN 471-8217/Commercial (210) 221-8217  
e-mail: [REDACTED]medd.army.mil

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-----Original Message-----

From: [REDACTED] CIV USA MEDCOM BAMC  
Sent: Friday, May 15, 2009 9:45 AM  
To: [REDACTED] Mr CIV USA MEDCOM HQ  
Cc: [REDACTED] MAJ MIL USA MEDCOM BAMC  
Subject: FW: Mr Gibson's Statement (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

[REDACTED]  
The IO is respectfully requesting a two week extension. The below email and the attached MFR more then justifies this request in my opinion.

[REDACTED]  
-----Original Message-----

From: [REDACTED] COL MIL USA MEDCOM CHPPM  
Sent: Friday, May 15, 2009 9:25 AM  
To: [REDACTED] USA MEDCOM BAMC  
Subject: Mr Gibson's Statement (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

Classification: UNCLASSIFIED  
Caveats: NONE

[REDACTED]

I think that we will need to ask for an extension through OSC. Today, Mr. Gibson did not sign a sworn statement with his reply to the 25 questions that I presented him on 4 May. Mr. Gibson again asked for clarification of the questions despite having spent 5 hours with him on 5 May. Since 5 May I have no correspondence with him except to establish a timeline for obtaining his state. On A prerequisite for the meeting today was to have answers from him by COB 13 May. He provided me with 11 pages of the 28 pages at 11:30 this morning. The remaining 17 pages he brought with him to the meeting. He had not finished with the answer to the last questions. He also brought a carton of documents that he wanted to provide as exhibits. Further discussion to clarify which documents would be the most useful resulted in an agreement to revise and complete the sworn statement by COB 19 May. The revised statement should reference the specific salient documents that he is providing as exhibits. We are schedule to meet at 0800 20 May to sign the completed statement.

My review of the initial statement submission has revealed a wealth of verbiage couple with litany of half truths (based on other sworn statements) and a misinterpretation of federal and Army regulations. I suspect that the final submission will contain numerous instances that may require research to assert the validity of the appointment orders questions and allegations. I am continuing to assemble and correlate the other statements against the appointment order questions in the meantime.

Respectfully request a two week extension of the final submission date. To expect a product in lesser time would not allow sufficient time for adequate legal and technical review.

v/r

[REDACTED] COL  
Director, Environmental Health Engineering Center for Health Promotion & Preventive Medicine  
[REDACTED]

Classification: UNCLASSIFIED  
Caveats: NONE

Classification: UNCLASSIFIED  
Caveats: NONE

Classification: UNCLASSIFIED  
Caveats: NONE

Classification: UNCLASSIFIED  
Caveats: NONE

14 May 2009

MEMORANDUM FOR RECORD – Mr. Gibson's Sworn Statement

- 1 - On 14 May 2009, I meet with Mr. Karl Gibson and Mr. [REDACTED] to sign a sworn statement with respect to the Office of Special Counsel 15-6 investigation. The follow is a synopsis of the events leading up to and during the meeting.
2. Mr. Gibson did not sign the sworn statement with his reply to the 25 questions that I presented him on 4 May. Mr. Gibson again asked for clarification of the questions despite having spent 5 hours with him on 5 May. Since 5 May I have no correspondence with him except to establish at timeline for obtaining his state. A prerequisite for the meeting today was to have answers from him by COB 13 May. He provided me with 11 pages of the 28 pages at 11:30 this morning. The remaining 17 pages he brought with him to the meeting. He had not finished with the answer to the last question. He also brought a carton of documents that he wanted to provide as exhibits. I explained to him that in order for me to evaluate the allegations that I only needed documents that specifically applied to the intent of the appointment orders (e.g. violation of laws/regulations involving time weighted testing, substantial danger to public health, etc).
3. Mr. Gibson began requesting further clarification of meaning of specific terms and questions. I informed him that I did not have the luxury of the time that LT [REDACTED] and LTC [REDACTED] had to explain in detail exactly what I was looking for each question. As the person making the allegations, it was his responsibility to articulate them with a level of detail that could be verified. I informed him that he needed to a) cite specific laws or regulations that had been violated, b) provide details on the violation, c) provide proof that his supervisor and/or the command was informed of the violation and d) discuss the actions that they did or did not take.
4. At one point Mr. Holland requested to confer with Mr. Gibson in the interview room. He stated loud enough to easily be heard that "we don't need to take this crap". I advised him that he could leave. He stated that he expected to confer with his client. At which point I instructed him to do so outside of the interview room. He and Mr. Gibson exited the room to confer and returned to continue the discussions.
5. Further discussion to clarify which documents would be the most useful resulted in an agreement to revise and complete the sworn statement by COB 19 May. It was understood that the revised statement should reference the specific salient documents that Mr. Gibson is providing as exhibits.

Memorandum For Record (Continued)

6. A meeting to sign the completed statement is scheduled for 0800 20 May 2009.

  
COL, MS

P

Ms CIV USA OGC

**From:** [REDACTED] Mr CIV USA MEDCOM HQ [Charles.Orck@AMEDD.ARMY.MIL]  
**Sent:** Monday, June 15, 2009 4:48 PM  
**To:** [REDACTED]  
**Subject:** RE: Status of re-opened investigation (UNCLASSIFIED)  
**Attachments:** 09Jun09 Whistleblower.pdf  
**Categories:** Red Category

Classification: UNCLASSIFIED  
Caveats: FOUO

Ms. [REDACTED] --

The new Commanding General, Great Plains Regional Medical Command, appointed Mr. [REDACTED] U.S. Army Center for Health Promotion and Preventive Medicine (USACHPPM), as the replacement Investigation Officer (IO) on 9 June 2009. I have attached a copy of the appointment memorandum for your information. A new legal advisor, Mr. [REDACTED] was appointed as well so the IO and the legal advisor could be co-located at CHPPM. Due to the quantity of information in the 15-6 Package the IO has asked for an extension until early August. The appointing authority has not responded to the request awaiting guidance from the MEDCOM OSJA office. I intended to speak with you about the request, but was tied up all last week in an NSPS exercise. I will call you this afternoon or tomorrow morning to discuss.

MAJ [REDACTED] the Center Judge Advocate for the appointing authority, is in the process of obtaining sworn statements from the previous IO, the whistleblower and his representative regarding their meeting of 14 May 2009. These documents, along with the two memoranda for record will become part of the allied papers of the investigation. The statements and documents may be referred to the Commander, CHPPM, if there is information that discloses unprofessional conduct on the part of the former IO.

[REDACTED]  
Attorney Advisor  
U.S. Army Medical Command (MCJA)  
Fort Sam Houston, Texas 78234-6017  
DSN [REDACTED]  
Fax DSN 471-8217/Commercial (210) 221-8217  
e-mail [REDACTED]

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-----Original Message-----

**From:** [REDACTED]  
**Sent:** Monday, June 15, 2009 2:42 PM  
**To:** [REDACTED] USA MEDCOM HQ

Cc: [REDACTED]

Subject: Status of re-opened investigation

Colleagues,

Can you please provide the status of this investigation--has the new IO been located and appointed, etc.?

An Army response is due to OSC next Tuesday and I need to provide them with a status report. Kindly prepare the request for an extension of time to me so I can request same from OSC. I would like to send it to OSC by Thursday, latest Friday-I'm at an offsite next week so need to get this done this week.

Thank you.

[REDACTED]  
Classification: UNCLASSIFIED  
Caveats: FOUO



DEPARTMENT OF THE ARMY  
GREAT PLAINS REGIONAL MEDICAL COMMAND  
FORT SAM HOUSTON, TEXAS 78234-6200

REPLY TO  
ATTENTION OF:

MCGP-JA

9 June 2009

MEMORANDUM FOR DAC Mr. [REDACTED] USACHPPM-North, Ft. Meade, MD  
20755

SUBJECT: Appointment of Investigating Officer – Whistleblower Investigation

1. You are hereby appointed an investigating officer pursuant to Army Regulation (AR) 15-6, *Procedures for Investigating Officers and Boards of Officers*, 2 October 2006, to conduct an informal investigation into allegations by Mr. Karl Gibson of improprieties by Lieutenant Colonel (LTC) [REDACTED] and First Lieutenant [REDACTED] Munson Army Health Center (MAHC), Fort Leavenworth, Kansas.

*Procedures for Investigating Officers and Boards of Officers*, 2 October 2006, to conduct an informal investigation into allegations by Mr. Karl Gibson of improprieties by Lieutenant Colonel (LTC) [REDACTED] and First Lieutenant (1LT) [REDACTED] Munson Army Health Center (MAHC), Fort Leavenworth, Kansas.

2. Specifically, you are directed to investigate the following and determine:

a. Whether or not since June 2007, LTC [REDACTED] Chief, Department of Preventive Medicine, MAHC and Mr Gibson's second-line supervisor, and 1LT [REDACTED] Environmental Science Officer, Department of Preventive Medicine, MAHC and Mr. Gibson's first-line supervisor, have actively interfered with Mr. Gibson's ability to conduct an effective Industrial Hygiene Program at Fort Leavenworth. At minimum, you should investigate and determine as follows:

(1) Have 1LT [REDACTED] and LTC [REDACTED] redirected time and resources, issued conflicting and constantly changing directives to Mr. Gibson, thereby diminishing Mr. Gibson's authority as Ft. Leavenworth's Industrial Hygienist?

(2) Has Mr. Gibson otherwise been prevented by 1LT [REDACTED] and LTC [REDACTED] from ensuring compliance with federal regulations and Army rules and regulations requiring the regular assessment and appropriate testing of Ft. Leavenworth buildings and facilities for industrial hygiene threats and hazards?

b. Whether or not the actions of LTC [REDACTED] and 1LT [REDACTED] constituted an abuse of authority. At a minimum you should investigate and determine as follows:

(1) Did, in June, 2007, 1LT [REDACTED] and LTC [REDACTED] abruptly order Mr. Gibson to stop all industrial hygiene assessments, testing and surveying and give Mr. Gibson alternative responsibilities minimally related to industrial hygiene? If so, did this constitute an abuse of authority by 1LT [REDACTED] or LTC [REDACTED]?

MCGP-JA

SUBJECT: Appointment of Investigating Officer – Whistleblower Investigation

(2) Did, in, February 2008, 1LT [REDACTED] and LTC [REDACTED] order Mr. Gibson to conduct industrial hygiene "walk-thrus" of 18 of Ft. Leavenworth's 295 buildings? If so, did this constitute an abuse of authority by 1LT [REDACTED] or LTC [REDACTED]?

(3) Were these "walk-thrus" (as described in item b2), above), unreasonably limited in scope by 1LT [REDACTED] and LTC [REDACTED] by restricting Mr. Gibson to ask only seven questions of the occupants of each of the 18 buildings? If so, did this constitute an abuse of authority by 1LT [REDACTED] or LTC [REDACTED]?

(4) If, after conducting a walk-thru, Mr. Gibson had reason to suspect the existence of an industrial hygiene issue was he authorized to conduct an assessment of the building, but was that assessment unreasonably limited in scope by 1LT [REDACTED] and LTC [REDACTED] by restricting Mr. Gibson to "spot testing" for industrial hygiene threats but prohibiting time weighted measurements? If so, did this constitute an abuse of authority by 1LT [REDACTED] or LTC [REDACTED]?

(5) Are time weighted measurements an essential part of any properly conducted industrial hygiene program?

(6) Did, in October, 2008, 1LT [REDACTED] and LTC [REDACTED] permit Mr. Gibson to follow the Corps of Engineers' approach to inspecting buildings but still prohibit him from performing time weighted testing without first receiving prior supervisory approval? If so, did this constitute an abuse of authority by 1LT [REDACTED] or LTC [REDACTED]?

(7) Was it reasonable for 1LT [REDACTED] and LTC [REDACTED] to require Mr. Gibson, the only certified Industrial Hygienist at Ft. Leavenworth, to obtain permission from his supervisors before performing time weighted testing on buildings?

(8) During 2008 were 1LT [REDACTED] and LTC [REDACTED] arbitrary in denying 39 of Mr. Gibson's 40 requests to conduct time weighted measurements testing on buildings without an explanation?

c. Whether or not adequate industrial hygiene assessment and testing has not occurred at Fort Leavenworth, Kansas, in violation of law, rule, and regulation.

(1) Did, in August, 2008, the Army Corps of Engineers object to 1LT [REDACTED] and LTC [REDACTED] two step (walk-thru followed by assessment) approach?

(2) Did Corps of Engineer officials determine that the walk-thru alone was of minimal value and that the walk-thru and assessment steps should be combined?

(3) Did Corps of Engineer officials determine that assessments should include limited measurements of light, noise and, if indoor air quality issues had been raised by the occupants of a building, to conduct carbon monoxide, temperature, humidity and particulate testing?

MCGP-JA

SUBJECT: Appointment of Investigating Officer – Whistleblower Investigation

(1) Does testing buildings without time weighted measurements render an industrial hygiene program essentially useless and constitute a danger to public health and safety?

d. Whether or not the actions of LTC [REDACTED] and 1LT [REDACTED] have created the potential for a substantial and specific danger to the public health and safety at Fort Leavenworth, Kansas.

(2) Does an industrial hygienist have any means of determining the cumulative effect a suspected toxin might have upon the occupants of a building over an extended period of time without time weighted measurements?

3. In your investigation, you are not limited to the questions listed above. You will investigate any relevant related matters. If you are in doubt about the relevance of a matter, you will consult with your legal advisor and consult with me regarding these additional issues.

4. In conducting this investigation, use the informal procedures of AR 15-6, Chapter 4. Upon completing your investigation, make appropriate specific findings and recommendations. Reference your analysis and findings to the specific evidence upon which you rely. Recommend remedial measures, to include any corrective and personnel or disciplinary actions you deem appropriate, if any. You may also recommend any necessary management actions to preclude a recurrence of any founded misconduct or identified systemic problems. If certain evidence conflicts with other evidence; provide a written rationale for what you believe and why.

5. Make two copies of your report of investigation (ROI). Provide an index and clearly tab the original ROI, to include your findings and recommendations on DA Form 1574, with appropriate enclosures and forward the entire package, to me, through the Office of the Staff Judge Advocate, US Army Medical Command, no later than 8 May 2009.

6. In compiling your report of investigation, consider carefully that information contained therein will be subject to public disclosure and release.

7. You should contact those witnesses you consider relevant during the course of your investigation. Your investigation must include an interview with Mr. Gibson. You are to thoroughly document all witness interviews in writing, preferably on DA Form 2823 (Sworn Statement), and have witnesses verify their statements when final. In addition, you must provide all persons interviewed with a Privacy Act statement before you solicit any information.

8. You will interview all witnesses in person, if practical. Caution all individuals that they must not discuss the subject matter of the investigation with anyone other than a properly detailed investigator. If, in the course of your investigation, you come to suspect that certain people may have committed criminal conduct, you must advise them of their rights under Article 31, UCMJ or the Fifth Amendment, U.S. Constitution, as appropriate. In such a case, waivers should be documented on DA Form 3881 (Rights Warning Procedure/Waiver Certificate).

MCGP-JA

SUBJECT: Appointment of Investigating Officer – Whistleblower Investigation

9. During the course of your investigation, you may find it necessary to interview civilian employees. Generally speaking, civilian employees are required to cooperate with official investigations. There are some exceptions:

a. Civilian employees who are members of a bargaining unit have a right to union representation at any interview with management if they reasonably believe that the interview could result in a disciplinary action against them. You must observe appropriate union notice requirements prior to interviewing any bargaining unit employees. Should a bargaining unit employee seek to invoke this right, you have no obligation to arrange representation for the employee, only an obligation to permit the employee the opportunity to secure representation. Once you have scheduled any bargaining unit member employees for an interview, contact your legal advisor for guidance in notifying the appropriate union representative. The Civilian Personnel Advisory Center can tell you whether any particular employee you wish to interview is a member of the bargaining unit.

b. Civilian employees who reasonably believe that information they provide during an official investigation may be used against them in a criminal prosecution cannot be required to cooperate without a grant of immunity. Should any civilian employee you attempt to interview decline to cooperate for any reason, suspend the interview and seek guidance from your legal advisor on how to proceed.

c. If the matter you are investigating involves a grievance, a personnel practice or policy or other conditions of employment, you may be required to notify the union of any interviews you have scheduled with bargaining unit employees and afford the union the opportunity to be present. Check with your legal advisor to determine if this rule applies in your case and how to proceed if it does.

d. You have no authority to compel the cooperation of contractor employees. If you find it necessary to interview contractor employees, you must contact the contracting officer's representative for the applicable contract to request cooperation.

10. If, in the course of your investigation, you suspect wrongdoing or neglect on the part of a person senior to you, inform me so that a new investigating office may be appointed. An investigating officer may not, absent military exigency, investigate someone senior to himself or herself.

11. This investigation takes priority over all normal duties, TDY, and leave. Your legal advisor during the course of your investigation will be [REDACTED]. Consult him before you begin your investigation for further guidance and additional information about how you should proceed.

MCGP-JA

SUBJECT: Appointment of Investigating Officer – Whistleblower Investigation

12. Timely completion of this investigation is essential. If you believe that you require additional time to complete your investigation, you must request an extension in writing through the MEDCOM Staff Judge Advocate stating the reason(s) for your request and an approximate completion date. I must personally approve any extension.



JOSEPH CARVALHO, JR.  
Brigadier General, MC  
Commanding

Q

[REDACTED] Ms CIV USA OGC

122

From:

[REDACTED]  
Friday, March 05, 2010 11:08 AM

To:

Subject:

Qualifications-[REDACTED](UNCLASSIFIED)

Attachments:

Qualifications Berckman 2.docx; gtb09.docx

Classification: UNCLASSIFIED

Caveats: FOUO

Ms. [REDACTED] -

Here is a short synopsis of the <gtb09.docx> IO's qualifications. Please advise if this is satisfactory for our purpose. I have also attached his CV if you desire additional details.

Mr. [REDACTED] and Mr. [REDACTED] qualifications will be provided this weekend when Mr. [REDACTED] returns from Fort Leavenworth.

MEDCOM organizational structure, with diagrams, will be in today.

[REDACTED]  
Attorney Advisor

U.S. Army Medical Command (MCJA)

Fort Sam Houston, Texas 78234-6017

[REDACTED] DSN 471-8217/Commercial (210) 221-8217

e-mail: [REDACTED]@amedd.army.mil

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Classification: UNCLASSIFIED

Caveats: FOUO

The Investigating Officer, Mr. [REDACTED] is currently the Chief, Industrial Hygiene Division, US Army Public Health Command (Formerly HQ US Army Center for Health Promotion and Preventive Medicine) Region-North, Fort George G. Meade, Maryland. Mr. [REDACTED] has 31 years experience as an Industrial Hygienist. He has held his current position as Supervisory Industrial Hygienist and Chief, Industrial Hygiene Division since 1991. Among other credentials, he is a Certified Industrial Hygienist and a Certified Safety Professional.

Optional: He holds a Bachelor of Science in Chemistry, a Master of Science in Environmental Health, and a Master of Science Occupational Hygiene and Safety.

M.S., Occupational Hygiene & Safety, 1999, West Virginia University, Morgantown  
M.S., Environmental Health, 1981, University of Minnesota, Minneapolis  
B.S., Chemistry, 1977, Richard Stockton College of New Jersey, Pomona

See Mr. [REDACTED] CV for additional information

## CURRICULUM VITA

(1 March 2010)

Name: [REDACTED]

Title: Chief, Industrial Hygiene Division, U.S. Army Public Health Command Region-North

Pay Schedule/Series/Band: YJ 690-03

Work Address: USAPHCR-North  
ATTN: MCHB-AN-IH  
4411 Llewellyn Ave. STE 5225  
Fort George G. Meade, MD 20755-5225

Telephone & Email: Comm: [REDACTED]  
DSN: 622-3426  
Fax: (301) 677-7132  
Email: [REDACTED]@us.army.mil

### Education:

M.S., Occupational Hygiene & Safety, 1999, West Virginia University, Morgantown  
M.S., Environmental Health, 1981, University of Minnesota, Minneapolis  
B.S., Chemistry, 1977, Richard Stockton College of New Jersey, Pomona

### Experience:

1991-present Supervisory Industrial Hygienist & Chief, Industrial Hygiene Division, U.S. Army Public Health Command Region-North, Fort George G. Meade, Maryland  
1984-1991 Industrial Hygienist, U.S. Army Environmental Hygiene Activity-North, Fort George G. Meade, Maryland  
1981-1984 Industrial Hygienist, U.S. Army Watervliet Arsenal, Watervliet, New York  
1979-1981 Industrial Hygienist, State of Minnesota, Minneapolis, Minnesota  
1977-1979 Organic Chemist, CCR, Inc., Eden Prairie, Minnesota

### Credentialing:

Certified Industrial Hygienist, No. 3086  
Certified Safety Professional, No. 16096  
Certified Hazard Control Manager, Master Level, No. 1930  
Certified Playground Safety Inspector, No. 3678-0102  
Certified ServSafe Instructor and Registered ServSafe Proctor, No. 4976526  
American Society of Nondestructive Testing Certified Level I Thermographer  
OSHA Certified in Hazardous Waste Operations and Emergency Response  
OSHA Certified Competent Person in Excavation  
EPA Accredited Building Inspector  
EPA Accredited Management Planner  
State of Maryland Certified Building Inspection and Management Planning Instructor

Awards: NSPS Bonuses, Salary Increases, and Management-Directed Reassignments (6) DA Official Commendations (20), Merit Performance Awards (19), Quality Step Increases (4), DA Incentive Awards (3), Excellence in Federal Career Awards (2), DA Service Awards (3), Numerous Commanders' Medallions, and Letters of Appreciation

### Professional Affiliations:

American Academy of Industrial Hygiene  
American Board of Industrial Hygiene  
American Industrial Hygiene Association  
Board of Certified Safety Professionals