

Saturday, December 22, 2012

Dear President Obama and Congressional Committees:

I've have been trying to get some kind of support since 2003 regarding my whistleblower disclosures.

I originally brought my disclosures in 2003 to Mr. Testerman, at the Ord Community Commissary, with reference to an expired pallet of pork that was sent to Fort Hunter Liggett. I was disappointed in how he did not support me in investigating it. He did nothing.

When I brought continued violations to the attention of management in 2011, I got beaten, with wooden ax handles, while being told to stop talking shit at work. I was left with many disabilities, then I was denied my workers compensation benefits, because my immediate supervisor Angel Liciaga, falsified my Department of Labor forms. Then I was fired from my job.

I reported these violations to the Office of Special Council, where I was contacted by Mary Beth Pavlik, and Johanna Oliver. These two people made me feel that FINALLY someone was supportive of my concerns. Both Mary Beth Pavlik and Johanna Oliver were at all times very professional, respectful, kind, and helpful. They should receive recognition for the efforts in helping me.

Mr. Johnson, DeCA IG, and his fellow investigators were also very prompt, respectful and shared my concerns as well, however I do not feel that the report was thorough, as it did not contain my sworn statement, or the portion of my statement regarding what my whistleblower disclosure cost me, the assault that I received and the resulting disabilities and job loss. I understand that the assault was not in the OSC's jurisdiction, but I feel my assault should have been included in the IG report.

While the commissary management, is supposed to be disciplined for these violations, I am left with nothing. I believe that my assault was a direct result of my whistleblower disclosures, which are substantiated, yet that is not included in this report.

We are a military family ourselves and are very saddened, that trying to do the right thing resulted in me, my wife and my family paying the price. My career has been taken from me, my benefits lost, and have been left with permanent disabilities.

I have been given the opportunity to make comments of the IG report, they are as follows:

Allegation #1:

The report did not contain any mention of the pallet of expired meat (pork) that was sent to Fort Hunter Liggett, for sale in 2003. Myself, Jimmy Huynh, Siaki Penitito and Dustin Bell (former employee) witnessed my supervisor and meat department manager, Angel Licaga, changing the labels, and sending it to Fort Hunter Liggett. The report makes no mention of any violations occurring before 2011.

Allegation #4:

The meat department workers and manager were using knives on the chicken, not simply repackaging pre-packaged chicken. Using knives on the chicken was "processing" fresh chicken. The employees, who's testimony said that they were not "processing" fresh chicken in the meat department, were not telling the truth as I know it to be. I saw them using the knives on the chicken. This allegation should have been "substantiated".

The audits that were performed did not include the years 2003-2011 as it should have been, and if they did include those years, this report did not contain them. Our military families have been charged too much in a time when we are stretching every dollar to get by.

Why did Alex King, give only a "warning letter" to Angel Liciaga, as a disciplinary action, when 2 other employees were fired for lesser offenses?

At the time that I was fired, I had achieved several outstanding evaluations, according to DeCA's standards. I was fired for being a whistleblower, under the disguise of not being able to perform my duties, due to my assault, which I KNOW was in retaliation for my whistleblower disclosures. Angel Liciaga, Alex King and Robert Landon were all negligent in letting it be known that I was a whistleblower.

In regards to Robert Landon's testimony that region often sent Angel Liciaga and Alex King to other stores to train other meat department employees and managers, raises a concern that those stores should also be looked into.

The IG report does not include the disciplinary actions taken in regards to management at the Ord Community Commissary, so how do we know that the punishment fit the crime?

In regards to my workers compensation claim, I feel that I was denied due to Angel Liciaga, falsifying my workers compensation forms, which weighed heavily on the US Department of Labor's decision to deny my claim. If he has admitted all the wrongdoing that I complained about, why is my assault and denial of workers compensation benefits not being looked into? It was a topic of my sworn testimony interview with Mr. Johnson, and at that time, I was assured by Mr. Johnson that the IG investigation would include my assault, yet this too is not in the report.

I feel that my whistleblower disclosures got me assaulted and wiped away the years I had invested in my career and future, when I was only trying to do the right thing, which is supposed to be against the NO Fear Act. Employees like me should be protected, not beaten.

Thank you for your time.

Respectfully,


Charles Mason

12/22/12

SWORN STATEMENT

(For use of this form, see DeCAD 90-2; OPR is IG.)

LOCATION	DATE	TIME	CASE NO.
Office of the Inspector General Presidio of Monterey, CA	07-30-2012	2:00 PM	H12015
NAME (Last, First, MI)	GRADE		
MASON, Charles	N/A		
ORGANIZATION OR ADDRESS			
3197 Crescent Ave, Marina, CA 93933			
I, <u>Charles MASON</u> WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:			
<p>I noticed an event at the Ord Community Commissary, Presidio of Monterey, CA in the March 2011 time frame where Mr. Angel LICIAGA, Meat Manager, ordered chicken and processed it in the meat department, in violation of DeCA regulations. The chicken was for a special sale, but was processed on an invoice as "gooseneck" which is a term for a type of beef and is not poultry-related. This is also against DeCA policy. Chuckie PENITTO and Jimmy HYUHN, both meat department workers knew about it and told me. When I asked Angel about it the next day, he replied that it "was something for supervisors" and "was none of my business" or words to that effect. I asked that he bring in Ms. HOBBS, the next level supervisor to mediate this conversation and he refused. He said that he would wait until Alex got back from TDY, because he knows all about it. Alex denied knowing anything about the incident. I think this incident was one of the major causes of the beating I took in August 2011 at my house after I got off work by the three unknown assailants. They repeated "stop talking shit at work." Following the assault, I immediately went to the commissary to speak to Angel and Alex King the assistant director. I did this because these were the only two people that I had told about the inappropriate incidents going on in the meat department. I feel that they basically set me up by letting it out that I was the complainer. Also on another occasion, my window was broken out of my car, and when I told Alex that I thought it was because of my bringing problems to the attention of management, Alex said that it happened off the commissary property and there was nothing he could do about it. There were incidents of overcharging the customers, inflated prices, excessive inventory, and incorrect cutting tests. I have documentation that I can provide to show this. Often, meat was packaged for sale without doing cutting tests. This leads to incorrect pricing. Alex's response was that the meat department was in tolerance, and he did nothing about it. Alex even said that he was assigned to the commissary to clean up things because the store had flunked an IG inspection. Alex told me that he thought that Angel was "crunching numbers" with regard to the cutting tests. There were also instances of selling "select" grade beef as "choice", which carried a higher price. The meat department was also selling ground beef without doing fat tests to ensure that it was the correct percentage. I got a call from a customer who complained that she cooked the ground beef and it was not 93% as sold, and if she had fed it to her diabetic husband, he might have had a reaction. Also, Angel would take meat that was close to expiration and grind it into ground beef. Angel would order the next week's meat supply without knowing what he actually needed, so there were often excesses in inventory in the cooler. I got a verbal counseling on July 22nd, 2004 because I refused to sell meat that looked bad and was near the end of its shelf life. I was told to mark it down and sell it. I just refused and got the counseling. In about April 2010, Mr. Robert LANDON, Store Director, accused me incorrectly of falsifying my time card and directed Angel to write me up. I was often accused of being a constant complainer, but I just wanted to do things right, and train the other meat department workers. I made it clear that I was not going to do anything that was wrong, especially in light of the IG inspection failure. I have proof of other items that I have noticed over the past few years, and I provided you with copies of those instances. I am convinced that the beating I took in August 2011 was a direct result of my actions at the commissary to bring errors and incorrect procedures to the attention of management. In all those instances, I was just trying to do the right thing. This has ruined my life and wiped away 12 years of good service to the commissary. I have been punished thru no fault of my own because I refused to knuckle under and ignore wrong doing at the store. All I want is to be made whole as a person again. I ask for restitution of a job and back pay. At least, I would request a more favorable review of my denied OWCP case, since I believe the beating was as a direct result of my bring bad commissary procedures to the attention of management.</p>			
EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF	
	<u>CM</u>	<u>2</u> PAGES	
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____			
CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE			
INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE USED, THE BACK OF PAGE 1 WILL BE LINED			
OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.			

STATEMENT (Continued)

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WITNESSES

1. WITNESS SIGNATURE <i>[Signature]</i>	2. WITNESS SIGNATURE
NAME (Type or Print) Cecil D MITCHELL	NAME (Type or Print)
ORGANIZATION OR ADDRESS AND PHONE Defense Commissary Agency 1300 B Ave, Ft Lee, VA 23801	ORGANIZATION OR ADDRESS AND PHONE

AFFADAVIT

I, Charles MASON HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 12. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

SIGNATURE OF PERSON MAKING STATEMENT <i>[Signature]</i>	Subscribed and sworn to before me, a person authorized by law to administer oaths, this <u>30th</u> day of <u>July</u> 2012
SIGNATURE OF PERSON ADMINISTERING OATH <i>[Signature]</i>	AUTHORITY TO ADMINISTER OATHS Title 5, U.S.C. 5 303
TYPED NAME AND GRADE OF PERSON ADMINISTERING OATH Gary W. Johnson, GS-1801-13	INITIALS OF PERSON MAKING STATEMENT
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