

Response To Report of Investigation 17 May 2013 Update June 3, 2013  
OSC DI-12-3751  
NAVINGEN 201203885  
Foreign Ball Bearings  
Response from Martin Braeunig (complaint) / Victor Juarez (witness)

Allegation One: – Substantiated

In order to ensure a fair and unbiased investigation, the IG investigators need to understand the pertinent facts of the Buy American Act (BAA). The IG really did not address the qualifying country fact of the BAA. The IG addressed the micro purchase threshold of supplies of \$3000.00, as they reported in paragraphs 72-75. They talk about waivers not being issued, but did not address the "qualifying country" issue.

Allegation Two:

There is a concern of the integrity and confidence when production is put ahead of Quality and Compliance in an aviation environment. FRCSW Engineering Department provides resources to test bearing material to ensure that quality bearings are provided. But requirements are in place to reduce the possibility of a potential safety or hazard from occurring. A bearings failure in an aircraft component can be critical if all precaution and requirements are not adhered to. QA's responsibility is to ensure compliance to all requirements.

Allegation Three: – Substantiated

It is apparent that all involved knew that they had a problem with buying the foreign bearings and this is confirmed on page 40, paragraph 137. It seems to be the norm to violate matters until they are addressed. The sad issue is that management continued on with the Letter of Reprimand process knowing they were in the wrong. This type of behavior should also be addressed. This whole matter could have been alleviated.

Allegation Four:

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The responsibility of the Quality Assurance Specialist (QASs), is to ensure compliance, which includes the verification of technical data to ensure TD's are current, available and adequately defines the required operations. Ensuring contract requirements are accurate and quality requirements are complied with, which results in quality services and supplies.

Mr. Beard confirmed that he knew very little about the bearing issue before CDR Turco asked him on 17 May 2012 to sign the paperwork approving the use of foreign bearings

to repair and overhaul landing gear assemblies for T-34/T-44 aircraft. As a Quality Assurance Specialist, Mr. Beard's responsibility is to ensure compliance of all Quality requirements in accordance with the FRCSW 4855.1A Quality Manual which includes, interpreting higher authority instructions, understanding guidelines of quality requirements and techniques to evaluate for conformance. In accordance with the FRCSW Quality Manual all depot-level maintenance civilian and military personnel assigned to or attached to FRCSW shall comply with the quality procedures in this manual and applicable quality procedures contained in the COMNAVAIRFORINST 4790.2B, Naval Aviation Maintenance Program (NAMP). The FRCSW 4855.1A includes; monitoring and verification for compliance, ensuring applicable procedures and technical specifications are adhered to. The QAS certifies work documentation. Evidence of these actions on the work document is done by the verification acceptance "QA" stamp which indicates the product/item/process has been verified /certified. The Quality Assurance Specialist (QAS) has verified that the item meets applicable specifications. Mr. Beard was well aware of his responsibility. The IG investigators conclude that Beard acted reasonably and prudently in deciding to sign the paperwork (page 83, paragraph 291). It appears that the IG investigators do not know or are not aware of FRCSW Quality (Depot Level) requirements. Mr. Beard's experience should not be justified by establishing that his record of having over 25 years of QA experience from his time in the Navy (I or O level work) and his time at Boeing (Non Depot work). IG investigators go as far as commending Mr. Beard for his decision to review information presented to him from CDR Turco (emails and the BAA Pamphlet) and using that information and calling Barbra Amster for confirmation of the bearings purchase (without providing any written documentation). Mr. Beard had no information about this incident (he even admits to this in paragraph 288, page 82). Mr. Beard did not follow proper procedures. He did not comply with the COMNAVAIRFORINST 4790.2B, FRCSW 4855.1A, FARs, DEFARs, BAA or AA as required. Mr. Beard also could have contacted his supervisor before he stamped/certified any documentation. He should have been more responsible and disqualified himself as he was not qualified for the task of stamping or certifying bearings for use. He now violated the FRCSW's Quality Manual certification requirements. The QA that did his job correctly was reprimanded, and the QA that violated Quality requirements was promoted and gets commended by the IG investigators.

The following was complied with by the QAS (Mr. Martin Braeunig) when he reviewed the work documentation for bearings as required; The process followed included;

- COMNAVAIRFORINST 4790.2B (NAMP)
- FRCSWINST 4855.1A (Quality Manual)
- Federal Acquisition Regulations (FARs)
- Defense Federal Acquisition Regulations Supplement (DFARS)
- Buy American Act (BAA)
- Appropriations Act (AA)

The following were informed of the process that the QAS (Martin Braeunig) followed;

- 1<sup>st</sup> line supervisor – Concurred with QAS
- 2<sup>nd</sup> Supervisor – Took incorrect action on QAS.

Quality Director - Took incorrect action on QAS.  
Production Support Director - Took incorrect action on QAS.

Conclusion:

In reference to the DFARS, all the restrictions that apply are clearly stated. As for the Buy American Act, a little research is required which is part of a Quality Assurance Specialist requirement. The Buy American Act that everyone was referencing can be easily located. The issue with this is that only the Buy American Act Pamphlet was used and that does not have all the information required which includes that section of the page that shows the "qualifying countries". This was explained to management and the list for the qualifying countries was provided, also listed is where the United States can buy product for the government. It also references the definition of "qualifying countries". The list of countries that bearings can be purchased from does not list China or Japan. Throughout the IG's report, they reference the Buy American Act and its \$3000.00 limit for not having to conform to the act. This did not address the fact that the countries that made the bearings are from Japan and China (Not IAW the BAA). I believe that Mr. Giacalone and the DLA Department believes that they can purchase product even after getting an (unauthorized) waiver from these countries when they are not even on the "qualifying countries list". This is something that may need to be looked into and educate management.

The FRCSW 4855.1A Quality Manual references that Contracting requires absolute cooperation of all FRCSW organizations to ensure accurate contract definition, cost analysis, and development of effective quality requirements which results in effective contract administration and quality services and supplies. It also ensures quality requirements are incorporated into all contracts. The following shall be considered when reviewing Contracts and Statements of Work, (SOW). "Federal Acquisition Regulations (FARs)".

The Inspector General Investigator in their writing clouds the issue to confuse the reader by down playing the seriousness of the matter of specific requirements when it comes to roller bearing used for Department Of Defense aircraft by commending D. Beard and writing about his experience which actually points out that he was not qualified to Depot Level standards and requirements.

Apparently Cmd. K. Turco, J. Jimenez Production support Director, Don Coles Quality Director, R Baskin 2nd line Supervisor and D. Beard unqualified QAS have no regard for rules, regulations and requirements set forth by the federal government.

It appears you have to be willing to break the rules and regulations that are set forth by the Federal Government to get promoted. An AI "Artisan Inspector" under production management control would have never caught this, that's why we have qualified Quality Assurance Specialists.

There is also no regard for the role and responsibilities the Quality Assurance Specialist plays to provide a safe Quality product to the men and women of the Fleet Readiness Centers and in the interest of Naval Aviation Enterprise and the Warfighter.

I QUESTION the integrity of an Officer or anyone in a management position who is arrogantly willing to disregard rules, regulation and requirements set forth by the federal government in an aviation environment.

CMD Turco: Promoted to Captain

J. Jimenez: Still Production Support Director

R. Baskin: In a temp position in preparation for Quality Director position

D. Beard: promoted from GS-9 to GS-11.

Martin Braeunig: Received a letter of reprimand for 2 years in his personal file because Mr. Braeunig performed his job as required to ensure the safety of the Warfighter and ensure the command is in compliance as well as protecting the command from any disconcerting feed back, he now had to fight to clear his record for doing his job correctly.

If you rob a bank and get away with it does not mean it is ok. If you run a stop sign or a red light and nothing happens doesn't mean it's ok or safe! You increase the chance for a catastrophic mishap or event!

IS IT OKAY TO DISREGARD RULES AND REGULATIONS AS LONG AS YOU DON'T GET CAUGHT?

Victor Juarez  
Quality Assurance Specialist  
President NAGI Unit 8