



INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
4800 MARK CENTER DRIVE
ALEXANDRIA, VIRGINIA 22350-1500

Ms. Carolyn N. Lerner
The Special Counsel
U.S. Office of Special Counsel
Suite 300
1730 M Street, N.W.
Washington, DC 20036-4505

2013 JUN 26 2013
U.S. OFFICE OF
SPECIAL COUNSEL
WASHINGTON, D.C.
3 AM 8:03

Dear Ms. Lerner:

This responds to your December 19, 2012, letter to the Secretary of Defense, referring for investigation OSC File No. DI-12-4797, a whistleblower disclosure made by Mr. Michael J. Cappel, Sr., alleging that employees of the United States Marine Corps Air Station, Cherry Point, North Carolina, violated federal law, rules or regulations and engaged in gross mismanagement and a substantial and specific danger to public safety.

By Secretary of Defense memorandum dated February 9, 1998, the DoD Inspector General is delegated authority to respond to requests for investigations under 5 U.S.C. § 1213. Accordingly, the Defense Hotline directed the United States Marine Corps Inspector General (USMC IG) to investigate the allegations.

The USMC IG did not substantiate Mr. Cappel's allegations. We reviewed the USMC IG report, concur with its conclusions, and believe the enclosed report satisfies the requirement of 5 U.S.C. § 1213. While the USMC did not substantiate the allegations, they did identify weaknesses in the quality assurance processes for fire sprinkler maintenance and made recommendations to formalize training requirements and improve quality assurance and best practices for fire sprinkler maintenance that can be implemented throughout the Marine Corps Installations Command.

A copy of the USMC IG report is enclosed for your use and transmittal to the President and appropriate congressional committees. We have also enclosed a redacted copy that may be publicly posted. Because personal information in the unredacted report is exempt from public release under the Freedom of Information Act (FOIA), the report is designated "FOR OFFICIAL USE ONLY." We ask that you coordinate any additional releases of the unredacted report with our FOIA Requester Service Center/Privacy Act Office, Office of the Inspector General of the Department of Defense, 4800 Mark Center Drive, Alexandria, Virginia, 22350-1500.

Should you have any questions regarding this matter, please contact Mr. Brett A. Mansfield, Acting Assistant Inspector General for Communications and Congressional Liaison, at (703) 604-8324.

Sincerely,

Lynne M. Halbrooks
Principal Deputy

Enclosures: As stated

cc: Deputy Secretary of Defense



DEPARTMENT OF THE NAVY
DEPUTY NAVAL INSPECTOR GENERAL FOR MARINE CORPS MATTERS/
INSPECTOR GENERAL OF THE MARINE CORPS
701 S COURTHOUSE ROAD
ARLINGTON, VA 22204

IN REPLY REFER TO:
5000
IGA
14 JUN 2013

From: Inspector General of the Marine Corps
To: Inspector General, Department of Defense, 4800 Mark
Center Drive, Alexandria, VA 22350-1500
(Attn: [REDACTED])

Subj: OFFICE OF SPECIAL COUNSEL FILE #DI-12-4797
DEPARTMENT OF DEFENSE HOTLINE COMPLAINT #20121228-012299
MARINE CORPS HOTLINE COMPLAINT #0009947

Ref: (a) MCO 5430.1
(b) Marine Corps Inspector General Program Assistance
Guide, August 2009
(c) Marine Corps Inspector General Program Investigations
Guide, August 2009

Encl: (1) Commander, Marine Corps Installations Command ltr
5041 dtd 11 Jun 13
(2) Report of Investigation
(3) Staff Judge Advocate, Marine Corps Installations
Command ltr 5800 SJA dtd 4 Jun 13

1. This letter responds to Department of Defense Hotline Action Case Referral #20121228-012299, dated 2 January 2013.

2. The complainant submitted the complaint to the U.S. Office of Special Counsel (OSC) and the complaint was referred to the Department of Defense Inspector General (DODIG) for action. DODIG referred the case as an action referral to the Inspector General of the Marine Corps (IGMC) on 2 January 2013. The IGMC tasked the Command Inspector General, Marine Corps Installations Command (MCICOM) to conduct an inquiry. The enclosures are provided for DODIG oversight, review, and endorsement in response to OCS's referral.

3. The point of contact for inquiries related to this matter is [REDACTED] at (703) 604-[REDACTED].

[REDACTED]
By direction

~~FOR OFFICIAL USE ONLY~~



UNITED STATES MARINE CORPS
MARINE CORPS INSTALLATIONS COMMAND
3000 MARINE CORPS PENTAGON
WASHINGTON, DC 20350-3000

IN REPLY REFER TO:

5041

CIG/ea

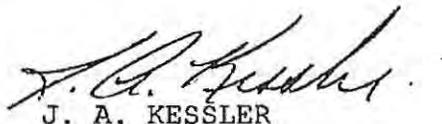
11 JUN 2013

From: Commander, Marine Corps Installations Command (MCICOM)
To: Inspector General of the Marine Corps (IGMC)

Subj: INSPECTOR GENERAL OF THE MARINE CORPS CASE #0009947

Encl: (1) Report of Investigation

1. The enclosure is provided in response to the subject case.
2. I concur with the conclusions of the subject investigation and the findings provided for the Inspector General of the Marine Corps (IGMC) records.
3. I find that training requirements for Fire Sprinkler Systems Mechanics should be formalized and implemented and I have directed the Marine Corps Installations Command (MCICOM) Facilities Directorate (GF) to recommend an effective and realistic training plan for my approval within 60 days of the date of this letter.
4. Further, I find that there are weaknesses in the quality assurance / check (QA/QC) processes for fire sprinkler maintenance. With such a large proportion of fire sprinkler maintenance consisting of preventive maintenance, the successful completion of which is not easily verified, I have directed MCICOM GF, to recommend effective QA/QC procedures for my approval within 60 days of the date of this letter.
5. I will review GF's training and QA/QC recommendations and determine best practices for fire sprinkler maintenance to be implemented throughout MCICOM.
6. The point of contact at MCICOM for inquiries related to this matter is [REDACTED] at [REDACTED]@usmc.mil or (703) 604-[REDACTED]


J. A. KESSLER

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ENCLOSURE (1)

I. Summary of Information Initiating the Investigation

a. In a letter dated 19 December 2012, the U.S. Office of Special Counsel (OSC) directed the Secretary of Defense to conduct an investigation into allegations by Mr. Michael J. Cappel, Sr., a Plumber/Fire Sprinkler Mechanic in Marine Corps Air Station Cherry Point's (MCASCP) Facilities Maintenance Department (FMD) (OSC Case Number DI-12-4797). Mr. Cappel alleged that:

1. MCASCP FMD Plumber/Fire Sprinkler Mechanic [REDACTED] has, at least since 2009, consistently neglected his fire sprinkler inspection, testing, and repair responsibilities on a daily basis.
2. [REDACTED] has, at least since 2009, consistently falsified official government records certifying that he has inspected, tested, and repaired fire sprinkler systems when he has not.
3. MCASCP FMD supervisors, leads, and managers have consistently, since 2009, ignored Mr. Cappel's repeated disclosures that [REDACTED] has neglected his fire sprinkler inspection, testing, and repair responsibilities and falsified official government records.

b. In a Defense Hotline Case Referral (DoDIG Hotline Case Number 20121228-012299) dated 2 January 2013, Department Of Defense Inspector General (DoDIG) tasked the Inspector General of the Marine Corps (IGMC) to conduct an investigation into the matters listed in paragraphs I.a.1., I.a.2., and I.a.3. of this report.

c. In a letter dated 10 January 2013 (IGMC Case #0009947), the IGMC tasked Command Inspector General (CIG), Marine Corps Installations Command (MCICOM) to address the matters listed in DoDIG Hotline Case Number 20121228-012299 as well as an [REDACTED]

[REDACTED] by separate correspondence, as these matters are outside the scope of the original OSC tasking.

II. Conduct of the Investigation

a. On 11 January 2013, CIG, MCICOM initiated an investigation. [REDACTED] (hereafter Investigator), [REDACTED], MCICOM, conducted the investigation.

b. The investigator analyzed the information provided by OSC, interviewed the Complainant, witnesses, Subjects, and reviewed all information collected.

1. The following is a list of interviews conducted by the Investigator:

(a) Michael J. Cappel, Sr., Fire Sprinkler Systems Mechanic, Work Center 45, Complainant, 22 and 24 January 2013

(b) [REDACTED], Work Center 45, Witness, 23 January 2013

- (c) [REDACTED] Work Center 45, Witness, 23
January 2013
- (d) [REDACTED] Work Center 45, Witness, 24
January 2013
- (e) [REDACTED] Work Center 45, Witness, 24
January 2013
- (f) [REDACTED] Work Center 45, Witness, 24
January 2013
- (g) [REDACTED] Prevention,
MCASCP Fire Department, Witness, 6 February 2013
- (h) [REDACTED] Work Center 45,
Witness, 6 February 2013
- (i) [REDACTED] Work Center 70,
Witness, 7 February 2013
- (j) [REDACTED] MCASCP Fire Department,
Witness, 7 February 2013
- (k) [REDACTED] MCASCP Fire Department,
Witness, 7 February 2013
- (l) [REDACTED] Production Management
Division, MCASCP FMD, Witness, 7 February 2013
- (m) [REDACTED] Work Center 45, Subject,
8 February 2013
- (n) [REDACTED] Work Center
45, Subject, 15 February 2013

2. Standards used:

- (a) 5 U.S.C. § 1213(d)
- (b) 5 C.F.R. § 2635.101
- (c) 18 U.S.C. § 1001

3. The following is a list of documents, other material reviewed, and information collected:

- (a) DoDIG Hotline Case Number 20121228-012299
- (b) Unified Facilities Criteria (UFC) 3-600-01
- (c) Unified Facilities Criteria (UFC) 3-600-02
- (d) National Fire Protection Association (NFPA) 25: Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems

- (e) 29 C.F.R. 1910 OSHA General Industry Regulations
- (f) Position Description for Plumber (Sprinkler Systems Mechanic), WG-4206-10
- (g) Position Description for Maintenance Mechanic Leader, WL-4749-10
- (h) Work Order Detail Reports from MCASCP FMD Work Center 45
- (i) Emails from the Complainant 2009 through 2012
- (j) Letter from MCASCP Public Works Officer to MCASCP Facilities Director dated 20 September 2012
- (k) Photographs of fire sprinkler equipment provided by [REDACTED]
- (l) Fire sprinkler inspection tags from MCASCP

4. On 24 January 2013, Mr. Michael Cappel gave the Investigator a tour of common fire sprinkler system components aboard MCASCP. The tour took place in two locations. The first was an aircraft hangar, Building 131, that included sprinkler risers, which are vertical pipes housing the components tested during preventive maintenance inspections. Mr. Cappel also pointed out the Heat Actuated Detectors (H.A.D.) on the ceiling and the alarm panel located in an enclosed stairway. Mr. Cappel talked through the procedure for inspecting those sprinklers and for deactivating and resetting the alarm when it is triggered during the inspection. Mr. Cappel also showed the Investigator the Fleet Readiness Center (FRC) East building, Building 137, that contains the test cell where aircraft engines are tested. Mr. Cappel has conducted fire sprinkler inspections in both locations and has witnessed sprinkler system malfunctions in both buildings.

III. Summary of Evidence (Background)

a. Mr. Michael J. Cappel, Sr. joined the MCASCP Facilities Maintenance Department in June 2009 as a Fire Sprinkler Systems Mechanic. As a new employee, he was assigned to work alongside [REDACTED], a Fire Sprinkler Systems Mechanic already employed by FMD. Following an initial period during which Mr. Cappel observed [REDACTED] in his daily routine, the two Fire Sprinkler Systems Mechanics would be split up to form two independent units. FMD also employs two "helpers," unskilled workers who accompany the Fire Sprinkler Systems Mechanics, as their tasks require the participation of more than one person. Mr. Cappel was separated from [REDACTED] approximately two months after his arrival in FMD. From that time, the two men operated independently of one another, [REDACTED] aided by [REDACTED] and Mr. Cappel aided by [REDACTED].

b. Mr. Cappel, [REDACTED], and their helpers belong to Work Center 45, one of two subsections of the Production Management Division (Production Management Division is, along with Operation Management Division and Utilities Division, one of three divisions within FMD). Work Center 45 is tasked with providing general maintenance services to MCASCP and consists of approximately 23 skilled and unskilled laborers. All sprinkler maintenance has been organized under Work Center 45 since 2009.

██████████ has been the Work Leader for Work Center 45 since 2009. In this position, ██████████ is a member of Work Center 45 (not considered a manager or supervisor), performs oversight of the work of the personnel in Work Center 45, and can act as a liaison between the workers and management. ██████████ does not have responsibility for completing and submitting performance evaluations for ██████████ or Mr. Cappel.

██████████ is the Maintenance Supervisor for Work Center 45, a position exercising managerial authority over the personnel and activities of Work Center 45. ██████████ is responsible for the output of Work Center 45, assignment of approved overtime, and personnel performance appraisals. ██████████ has been in this position since 1995.

██████████ is the Production Manager for Production Management Division, the senior management position within the division. ██████████ has been in his position since 2009. Until 2009, the Fire Sprinkler Systems Mechanics were assigned to Work Center 70, but were then realigned under Work Center 45. Prior to serving as the Production Manager, ██████████ was Maintenance ██████████ for Work Center 70; in this capacity, he had directly supervised Mr. Cappel and ██████████.

c. The work performed by the FMD Fire Sprinkler Systems Mechanics may generally be characterized as either preventive maintenance (PM) or corrective maintenance (CM). CM is reactive and is performed when some part of a fire sprinkler system fails to function properly and is reported to FMD. This can occur in a variety of circumstances ranging from a passerby noticing leaking water, to a system releasing or not releasing its contents in an undesired manner during a test or actual emergency. In these cases, FMD generates a work order which directs one of the Fire Sprinkler Systems Mechanics to perform the required maintenance. PM is scheduled to occur both quarterly and annually and consists primarily of a system function check. Work orders for PM are generated at the appropriate times throughout the year and direct the Fire Sprinkler Systems Mechanics to the sprinklers they are to test. In addition to specifying which sprinklers are to be tested, the work orders for PM include a list of procedures that, if followed, will ensure an effective inspection. The following is an example of such a checklist, taken from a quarterly PM work order for MCASCP wet sprinkler system B4031 dated 24 September 2012:

Obtain access & notify proper authorities prior to testing alarms.

NOTIFICATION - NOTIFY FIRE DEPARTMENT OF BUILDING NUMBER. THAT FIRE ALARM SYSTEM IS BEING TESTED AND THE FIRE ALARM STREET [sic] BOX NUMBER _____ IS PLUGGED OUT. NOTIFY FACILITIES PERSONNEL OF TEST.

Open/close post indicator valve. Check operation.

Open/close OS&Y (outside stem and yoke) cut off valve to check operation. Make minor adjustments as required, such as tightening packing glands and lubricating stems.

Check to ensure that alarm drain is open; clean as necessary.

Open inspectors test valve, test alarm and ensure outside alarm works properly.

Conduct a drain test. Open 2" test valve; record operating pressures: supply-___55___, system-___55

Ck condition/integrity of sprinklers & sprinkler systems.

Ck gaskets/piping/packing glands, & valves

Ck spare sprinkler box for appropriate heads and wrenches.

Ck operational condition of Fire Department connection. Verify:
 a. Connections are visible & accessible. b. Couplings or swivels are not damaged & rotate smoothly. c. Plugs or caps [sic] are in place & not damaged. d. Gaskets are in place & in good condition. e. ID signs are in place & readable. f. Check Valve is not [sic] leaking. g. Automatic Drain Valve is in place & operates properly.

FINAL NOTIFICATION - NOTIFY FIRE DEPARTMENT OF BUILDING NUMBER. THAT FIRE ALARM SYSTEM TESTING IS COMPLETE AND THE FIRE ALARM STREET [sic] BOX NUMBER ___ FD ___ IS BACK IN SERVICE. NOTIFY FACILITIES PERSONNEL OF TEST IS COMPLETED.

Clean area around system components.

Fill out maintenance checklist and report deficiencies.

d. Annual PM is more comprehensive than quarterly PM, though both processes are meant to identify physical components (and, subsequently, movement of the fire-suppression medium, either water or aqueous fire fighting foam) that may fail to behave as designed or may cause a malfunction due to lack of structural integrity.

Preventive maintenance is performed by carrying out the steps in an inspection checklist like the one reproduced above. If discrepancies are discovered during the inspection, the Fire Sprinkler Systems Mechanic may choose to correct a minor issue immediately, but otherwise will notify Production Management Division in cases that require more extensive repairs so that a work order can be generated and the repair performed as corrective maintenance.

A typical PM inspection begins with the Fire Sprinkler Systems Mechanic receiving a work order. He and his helper then go to the location listed on the work order and take their places to perform the PM inspection, the Fire Sprinkler Systems Mechanic at the sprinkler riser (a pipe outfitted with valves to control liquid flow) and the helper either nearby to assist or some distance away in order to trip a fire sensor as a function check. There are some fire sprinkler systems which include an alarm panel located far from the other sprinkler equipment and require three personnel for testing; the Fire Sprinkler Systems Mechanic and his helper operate the fire/heat detectors and valves, while the third worker turns off the resulting alarm and resets the alarm panel. The third position consists of pressing two buttons on the alarm panel sequentially, and does not require training. When a third person is needed for a PM inspection, [REDACTED] a helper in Work Center 45, is often selected to stand at the alarm panel.

IV. Evidence Addressing Allegations by Complainant

a. MCASCP FMD Plumber/Fire Sprinkler Mechanic [REDACTED] has, at least since 2009, consistently neglected his fire sprinkler inspection, testing, and repair responsibilities on a daily basis.

1. The Complainant alleged that [REDACTED] performs non-work activities at times he claims to be working. Mr. Cappel testified that when he first joined FMD and worked alongside [REDACTED], he witnessed [REDACTED] sleep during work hours and encourage others to do so as well. Mr. Cappel worked with [REDACTED] for a period of one to two months in 2009 before being permitted to work independently as a Fire Sprinkler Systems Mechanic. Mr. Cappel did not state that he has personally witnessed similar behavior after his separation from [REDACTED]. [REDACTED] contradicts this, stating that he does not sleep during work hours. No member of the FMD management chain or other members of Work Center 45 testified that [REDACTED] or [REDACTED], sleep during work hours. These other individuals include [REDACTED], and [REDACTED] who each testified that they personally observed [REDACTED] work in order to determine the validity of Mr. Cappel's allegation. Each denied witnessing the improper practices Mr. Cappel alleged.

2. The Complainant alleged that [REDACTED] works unreasonably slowly and lacks proficiency as a Fire Sprinkler Systems Mechanic, often leaving critical maintenance incomplete or requiring Mr. Cappel to do the maintenance that [REDACTED] does not. Mr. Cappel's response was to communicate his concerns to his management chain and to the MCASCP fire inspectors, primarily [REDACTED] Assistant Fire Chief, and [REDACTED] Fire Inspector.

(a) [REDACTED] has performed sprinkler maintenance for eighteen years and received his initial training in sprinkler maintenance from the mechanic who preceded him in his position. This means that the knowledge that was received and passed on was not based directly on authoritative or system manufacturer sources, but rather on practices that may have met minimum standards but may not have been technically correct. There is no record of sprinkler mechanics receiving formal training prior to 2008, with the majority of the training occurring in 2010 and later, after Mr. Cappel's arrival in FMD.

[REDACTED] does not recall receiving a verbal or written reprimand for poor performance from Production Management Division management personnel, though he does recall receiving a verbal counseling from [REDACTED] on one occasion, approximately one or two years ago, in response to a complaint from outside FMD regarding a corrective maintenance issue. [REDACTED] characterized this counseling as a general statement regarding the need for personnel, with the implication being sprinkler maintenance personnel, to do their jobs well in the future.

[REDACTED] testified that he does not allow [REDACTED] to conduct PM inspections in his place. He did add that, on occasion, he has been called away from a PM inspection due to an emergency, or was at home after regular work hours when a sprinkler maintenance issue arose. In these situations, [REDACTED] has talked [REDACTED] through the maintenance procedures either before departing or by phone, and [REDACTED] was able to complete the tasks successfully. [REDACTED] did not state that he later inspected [REDACTED] work to ensure it was correct. The UFC states, "Trained or qualified personnel may supervise other less qualified personnel in the execution of the tasks covered in this UFC. At no time shall apprentice-level

craftspersons be allowed to execute the [inspection, testing, and maintenance] ITM tasks in this UFC without a qualified supervisor on site." Mr. Cappel alleged that in these cases, ██████████ could have performed the work himself but was avoiding his own responsibilities.

(b) ██████████ testified that he has never reprimanded ██████████ or been concerned about his abilities. On the contrary, he expressed confidence in ██████████ professional abilities, saying he possesses knowledge and experience superior to Mr. Cappel and that ██████████ can be trusted to complete tasks correctly, even if he works more slowly than Mr. Cappel. ██████████ believes that Mr. Cappel and ██████████ have different styles for performing their sprinkler maintenance tasks but that both are capable of completing those tasks adequately.

██████████ in Work Center 45, sometimes is tasked to assist the Fire Sprinkler Systems Mechanics. In this role, he has observed Mr. Cappel and ██████████ at work and has knowledge of Mr. Cappel's concerns. ██████████ expressed the opinion that ██████████ work is not poor, and that Mr. Cappel's concerns derive from what he perceives as Mr. Cappel's belief that his own methods are the only acceptable ones.

(c) ██████████ believes that ██████████ is a good sprinkler mechanic who has completed tasks in an acceptable manner. ██████████ acknowledges that Mr. Cappel generally accomplishes his tasks faster, and with greater precision, but ██████████ has never received a reprimand for inefficient or faulty work. If ██████████ work were to be found to be unacceptable, he would have received a verbal reprimand, followed by a Letter of Caution through Human Resources and his union representative for a subsequent incident, and eventually, he would receive a written reprimand. When asked if any of these procedures would lead to termination, ██████████ said termination would only occur if the poor performance continued beyond the receipt of a formal reprimand.

Currently, Fire Sprinkler Systems Mechanics working for MCASCP are expected to use the PM procedures on work orders. Work Center 45 management reinforces the importance of following approved procedures verbally during the daily safety brief/meeting.

(d) ██████████ is familiar with ██████████ and Mr. Cappel in the context of her position as a Fire Inspector aboard MCASCP. Fire Inspectors lack formal training in fire sprinkler system maintenance but oversee the functionality of fire sprinkler systems. Fire Inspectors check inspection tags to ensure they are filled out fully and they look for signs of possible malfunctions such as leaks and corrosion, or systems failing to perform as designed during testing or actual emergencies. ██████████ testified that on multiple occasions, corrective maintenance she knew was assigned to ██████████ was not completed satisfactorily. She viewed this as a trend and, as a result, has low confidence in ██████████ proficiency. On occasions when she believed, for safety reasons, that a maintenance issue could not await correction, she contacted Mr. Cappel directly. ██████████ believed that by calling Mr. Cappel, the maintenance would be completed correctly and in a timely manner.

(e) ██████████ is responsible for fire inspections aboard MCASCP. In this capacity, he frequently communicates with FMD personnel. Mr. Cappel often contacted ██████████ regarding what Mr. Cappel perceived as significant corrective maintenance issues that Mr. Cappel

felt were not receiving sufficient attention from FMD. Mr. Cappel believed that if [REDACTED] were to show an interest in certain fire sprinkler issues, FMD would be more likely to address those maintenance concerns than when Mr. Cappel communicated them. When Mr. Cappel was a new Work Center 45 employee, [REDACTED] initially allowed Mr. Cappel to come to him with his maintenance concerns and [REDACTED] would check the condition of the equipment visually and through whatever paperwork was available to him. [REDACTED] described Mr. Cappel as reliable and efficient and that the vast majority of issues Mr. Cappel brought to his attention were actionable maintenance problems. As part of many of his attempts to resolve maintenance issues, [REDACTED] contacted [REDACTED]. In the course of their subsequent conversations, [REDACTED] learned that [REDACTED] had been the mechanic responsible for the sprinkler systems in the time leading up to his intervention. This information formed the basis for [REDACTED] opinion that [REDACTED] is not a proficient sprinkler mechanic. [REDACTED] impression of Work Center 45's responses to his requests for corrective maintenance is positive, stating that problems were corrected quickly. He cannot say, however, if Work Center 45 was already aware of and working to correct the issues at the times he called.

3. The Complainant alleged that [REDACTED] chose not to perform certain PM inspections, or portions thereof, despite knowing the full requirements. Specifically, Mr. Cappel claimed that [REDACTED] could not have performed PM inspections correctly on sprinkler systems located in aircraft hangars, as he had certified by signing inspection tags and Work Order Detail Reports, because such inspections require the use of an eighty-foot lift to reach the H.A.D.s located on the ceiling. Of note, Mr. Cappel believed that no functional lifts had been available to maintenance personnel for an extended period. Also, Mr. Cappel claimed that in 2009, when he worked alongside [REDACTED] [REDACTED] would deliberately skip PM inspections on aircraft hangar sprinkler systems. Mr. Cappel paraphrased [REDACTED] alleged response when confronted, "[I]t's too old, why bother..." [REDACTED] shares Mr. Cappel's belief that [REDACTED] willfully neglected to conduct PM inspections on hangar sprinkler systems. As evidence, [REDACTED] points to several malfunctions he witnessed or of which he was aware in the course of his duties, which occurred on sprinkler systems for which [REDACTED] had been the sole Fire Sprinkler Systems Mechanic. The malfunctions occurred when Mr. Cappel performed his first PM inspections on those systems. [REDACTED] and Mr. Cappel believe these malfunctions demonstrated that the sprinkler systems were in a uniformly poor state of repair due to [REDACTED] long term neglect. The Investigator was not able to determine definitively if eighty-foot lifts were or were not available to maintenance personnel during this key period in 2009.

b. [REDACTED] has, at least since 2009, consistently falsified official government records certifying that he has inspected, tested, and repaired fire sprinkler systems when he has not.

1. The Complainant alleged that [REDACTED] knowingly initials sprinkler inspection tags and signs Work Order Detail Reports, certifying that he has completed those tasks when he has not, in fact, done the work. Mr. Cappel claimed to have witnessed these actions while working alongside [REDACTED] in 2009 when he first joined FMD during his new employee probationary period. Mr. Cappel stated that he informed his then-Maintenance Supervisor, [REDACTED], and Production Manager, [REDACTED] of the issue. Mr. Cappel suggested that his supervisors' response to his report indicated familiarity with [REDACTED] work habits. As Mr. Cappel relates, [REDACTED]

and [REDACTED] did not specifically address the issue of falsification of records, but rather attributed [REDACTED] actions to general laziness. Mr. Cappel testified that [REDACTED] stated that [REDACTED] was not a hard worker but that terminating an employee is too difficult. Additionally, as Mr. Cappel recounts the exchange, the supervisors responded to Mr. Cappel's concern over being involved in [REDACTED] alleged corner-cutting by ending Mr. Cappel's probationary period and allowing him to work on his own as a Fire Sprinkler Systems Mechanic. [REDACTED] testified that he was also present during the 2009 PM inspections to which Mr. Cappel refers, and that he also witnessed [REDACTED] initialing inspection tags and later signing Work Order Detail Reports for work he had not performed. [REDACTED] stated that [REDACTED] knew the significance of his actions (because [REDACTED] asked him about it at the time) but nevertheless went forward because, [REDACTED] claims, he was behind schedule on PM inspections.

2. Sprinkler systems are inspected and tested both quarterly and annually. For each of these two types of preventive maintenance, a Fire Sprinkler Systems Mechanic produces two documents. The first is an inspection tag. Inspection tags list a series of items that must be checked by the mechanic and initialed individually to indicate completion. Quarterlies include:

- Static water pressure?
- Residual water pressure?
- Did alarms operate?
- Water supply valve open and sealed?

Similarly, the annuals include:

- H.A.D. [heat-actuated device] thermal system group letter used to trip test valve?
- Heat source used to trip test valve
- Electric test?
- Heat test?
- Valve tripped in _____ seconds
- Clapper and seat cleaned and left in good condition?
- Manual pull tested?
- Water motor alarm tested?
- Low air alarm tested?
- Water supply control valve left open and sealed?
- Date of annual trip test

The second document produced as a result of preventive maintenance on fire sprinkler systems is a completed Work Order Detail Report. The Fire Sprinkler Systems Mechanic completes the Work Order Detail Report by recording the number of hours, in decimal fractions of an hour, required to

complete the task specified on the work order. He then signs the document to certify the information and provides the completed report to the Work Leader, who passes it to the Maintenance Supervisor. Both the Work Leader and Maintenance Supervisor should review the Work Order Detail Report for accuracy. When the Maintenance Supervisor is satisfied with the report, he provides it to the Timekeepers, employees who enter the hours into the Standard Labor Data Collection and Distribution Application (SLDCADA) as the basis for paying the Mechanic and for billing supported agencies such as FRC East, a tenant command aboard MCASCP.

3. Sprinkler inspection tags, the steps included on sprinkler maintenance work orders, National Fire Protection Association (NFPA) 25, and the Unified Facilities Criteria (UFC) all list items for the inspection of fire sprinkler systems. However, these sources do not list identical inspection and testing procedures. As a result, an inspection in accordance with the steps printed on the work order may not meet guidance found in the UFC. Nor will an inspection that provides all the information required on an inspection tag perform all the steps listed in NFPA 25. This is to say that while there may be overlap among different sources, there is no single inspection standard that should be used every time on a given sprinkler system. It also must be noted that the steps located on the work order, the UFC, and NFPA 25 are not directive in nature and that the mechanic only certifies with his initials that he has performed the steps listed on the inspection tag, and with his signature on the work order Report, that he has worked the stated number of hours.

4. Failure to perform a PM inspection in whole or in part may be detected either by direct observation of the inspection, or by one of two physical clues.

(a) Direct observation of a PM inspection means only observation of the inspection itself, and does not include an examination of the fire sprinkler equipment at any time after the Fire Sprinkler Systems Mechanic has completed the inspection. The reason for this limitation is that if a PM inspection was performed correctly on a piece of equipment that behaved correctly, there would be no way to tell that a mechanic has checked it.

(b) PM inspections frequently involve the removal of a valve cover which is secured with bolts. These valve covers, and the bolts that hold them in place, are painted when newly installed and may be repainted at various times throughout, in many cases, decades of use. Were the paint at the base of these bolts found broken, that may be a sign that the valve cover was removed and that it was removed for the purpose of a PM inspection. Were the bolts painted less than three months earlier, the ability to determine whether a valid inspection had actually been conducted could be questioned. Therefore, neither broken paint (on a long-unpainted system) nor unbroken paint (on a recently painted system) is a certain sign that PM inspections have or have not taken place. Additionally, [REDACTED] provided the example of a pipe in which a clog builds over time. The clog may not be apparent during one PM inspection, allowing water to flow, but may cause a blockage during the next PM inspection after the blockage reached a critical size. Both he and [REDACTED] emphasized that the age of the MCASCP sprinkler systems is a constant factor in their maintenance. Parts and mechanisms many decades old are inherently unreliable and they believe it is often impossible to determine whether a system failure resulted directly from a sudden, unpredictable malfunction or from a malfunction that should have been detected by a conscientious mechanic. Mr. Cappel's opinion of the components

in poor condition and the systems that failed is that they could not have arrived in those states in a matter of days or weeks, but must have reached the point of unserviceability earlier than the previous PM inspection conducted by [REDACTED] following a long period of neglect, and would have long been as noticeable to a trained eye as Mr. Cappel found them to be.

There are also maintenance issues which disable sprinkler systems but should be detectable (as a result of evidence on the exterior of the equipment) and repairable. These include extensive corrosion or buildup of minerals on the exterior of sprinkler pipes or non-functioning manually-operated valve handles. [REDACTED] provided photos of such equipment which she stated are not correctly maintained and which received their most recent PM inspections by [REDACTED].

(c) If a sprinkler system were to fail and the failure could be attributed to a component that should have been checked for integrity and functionality in a prior PM inspection, one might argue that the Fire Sprinkler Systems Mechanic should have discovered the discrepancy. This is reasonable if it is possible to determine that the part or parts that failed could have been identified as likely to fail in the course of a legitimate PM inspection. This possibility is complicated by the fact that many sprinkler systems aboard MCASCP have been in place for seventy years. Because mechanical systems and their components are susceptible to age, use, and material characteristics, components that may appear to be serviceable during a PM inspection may still fail without warning. As a result, the failure of a fire sprinkler system cannot be attributed automatically to a failure on the part of a Fire Sprinkler Systems Mechanic to perform a PM inspection without investigation into factors that may not be apparent during (or may only have become visible after) the most recent PM inspection. In his testimony, Mr. Cappel described an incident in which he performed a PM inspection of a certain sprinkler which, in the course of the inspection, failed by releasing the water it contained. Mr. Cappel believed that the conditions causing this malfunction should have been detected and fixed by [REDACTED], who had conducted the previous PM inspection.

5. The Complainant testified that [REDACTED] deliberately avoids performing tasks listed in work orders until after regular hours so that [REDACTED] can receive overtime pay. If [REDACTED] or [REDACTED] have ever delayed work for the sole purpose of collecting overtime pay, there is no evidence other than Mr. Cappel's testimony. [REDACTED] and [REDACTED] testified that they do not deliberately postpone work until after regular working hours. Rather, some work must be completed overnight because FRC East, one of the larger recipients of fire sprinkler inspection services, operates 24 hours and maintains very strict timelines for its own work. This means that stopping production during night hours when approximately 150 workers are present is more desirable than stopping work during the day when over 2000 workers are present. [REDACTED] confirmed that this procedure is authorized.

6. Within a few months of Mr. Cappel's first complaints to management, the Production Management Division was reorganized, bringing all fire sprinkler maintenance personnel under Work Center 45, whose Maintenance Supervisor was [REDACTED] (who remained Production Manager). Mr. Cappel brought his concerns regarding [REDACTED] improperly signing and initialing documents to [REDACTED] and [REDACTED], the Work Center 45 Work Leader. According to Mr. Cappel, [REDACTED] expressed a belief that he, as Work Leader, did not possess the authority to correct [REDACTED].

Mr. Cappel recalls that [REDACTED] responded that he would look into it. [REDACTED] stated that he sent [REDACTED] to check on [REDACTED] work by viewing the sprinkler systems that [REDACTED] inspected and by comparing the hours of work that [REDACTED] and Mr. Cappel had both recorded for the same tasks in the same locations but on different days. [REDACTED] stated that he is responsible for reviewing Work Order Detail Reports for accuracy in time reporting. These reports are the primary documents used by the office Timekeepers to record in the SLDCADA the number of hours an individual has worked. Both he and the Work Leader check for discrepancies such as obviously incorrect or implausible numbers of hours associated with certain tasks. He has never encountered a case in which the hours recorded on a sprinkler maintenance-related Work Order Detail Report were outside the bounds of what might be considered reasonable.

[REDACTED] stated that he recalls being told by [REDACTED], not long after sprinkler maintenance became one of Work Center 45's functions in 2009, that [REDACTED] had received reports of discrepancies with sprinkler inspection procedures. [REDACTED] stated that at the time he was already aware of the issue and had already instituted measures to improve the accuracy of sprinkler inspection tags and PM inspections. He testified that he was physically present during all quarterly PM inspections in FRC East's buildings, which took place during the graveyard shift between 2300 (11 pm) and 0600 (6 am) during 2009. At these times, [REDACTED] performed quality assurance and required the Fire Sprinkler Systems Mechanics to address any discrepancies identified by [REDACTED]. Mr. Cappel did mention that [REDACTED] was present during overnight inspections, but expressed the opinion that [REDACTED] was only there in order to qualify for overtime pay, and described [REDACTED] activity as sitting in a location from which he could not observe the ongoing PM inspections.

[REDACTED] stated that his knowledge of sprinkler maintenance consists of what he has learned while employed at MCASCP, acquired by observing PM inspections. [REDACTED] has not received formal training in sprinkler systems maintenance. In the last three years, [REDACTED] and Mr. Cappel have received professional training applicable to sprinkler maintenance. Mr. Cappel stated that he worked as a plumber for twenty-five years before arriving at MCASCP. [REDACTED] stated that he has performed sprinkler maintenance for fifteen years at MCASCP. [REDACTED] stated that [REDACTED] received his initial training in sprinkler maintenance from the mechanic who preceded him in his position, and received formal training in the last few years. Testimony indicates that no sprinkler mechanics received formal training prior to Mr. Cappel's arrival in FMD. Instead, sprinkler mechanics, including [REDACTED], learned hands-on from their predecessors. This means that the knowledge that was received and passed on was not based on authoritative or system manufacturer sources, but rather on practices that may have met minimum standards but were not the most technically correct.

c. MCASCP FMD supervisors, leads, and managers have consistently, since 2009, ignored Mr. Cappel's repeated disclosures that [REDACTED] has neglected his fire sprinkler inspection, testing, and repair responsibilities and falsified official government records.

1. Mr. Cappel alleged that although he has brought his concerns regarding [REDACTED] to [REDACTED] attention numerous times between 2009 and 2012, [REDACTED] has failed to act.

(a) [REDACTED] testified that he knew of Mr. Cappel's complaints regarding [REDACTED] alleged poor work ethic, poor skills as a Fire Sprinkler Systems Mechanic, and falsification of records to indicate he has completed work which he has not.

(b) [REDACTED] testified that as soon as he learned of Mr. Cappel's concerns in 2009, he took action. He stated that he personally accompanied the Fire Sprinkler Systems Mechanics as they performed PM inspections and required [REDACTED] to monitor their work on an ongoing basis. [REDACTED] never reported deliberate falsification of PM inspection tags or falsification of Work Order Detail Reports to [REDACTED] [REDACTED] did report to [REDACTED] when Mr. Cappel's concerns were legitimate and [REDACTED] testified that he responded by ensuring that his mechanics fixed the problem.

2. Mr. Cappel alleged that although he has brought his concerns regarding [REDACTED] to [REDACTED] attention numerous times between 2009 and 2012, [REDACTED] has failed to act.

(a) [REDACTED] learned of Mr. Cappel's allegations when Mr. Cappel moved to Work Center 45 and began to work with [REDACTED]. Initially, Mr. Cappel's complaints reached him through the management chain. However, both [REDACTED] and Mr. Cappel stated that within months of Mr. Cappel's arrival in Work Center 45 in 2009, Mr. Cappel chose to stop speaking to [REDACTED] almost entirely, as a result of what several members of Work Center 45 identify as a personality conflict. More precisely, Mr. Cappel disagreed strongly with [REDACTED] responses to his frequently voiced concerns regarding the alleged poor quality of sprinkler maintenance procedures in Work Center 45, and [REDACTED] did not believe he needed to engage with Mr. Cappel. Thereafter, Mr. Cappel shared his observations with [REDACTED] and [REDACTED] directly. Although [REDACTED] places the number of conversations he had with Mr. Cappel on the subject at not more than one every two to three months, he was aware of the common details and he was aware that Mr. Cappel's claims, because of their periodicity, pointed to ongoing or recurring issues. [REDACTED] also became aware that Mr. Cappel was reporting his sprinkler maintenance concerns directly to [REDACTED] the Assistant Fire Chief. Mr. Cappel believed that his concerns were not being addressed adequately by his managerial chain and thought he could force management to take the action he sought by attracting the attention and advocacy of the base fire inspectors. For a time, this strategy was somewhat effective. Fire inspectors would, on occasion, contact FMD based on reports of fire sprinkler maintenance issues from Mr. Cappel. Because Mr. Cappel was only authorized, as an employee of FMD, to provide such information through his management chain, [REDACTED] instructed Mr. Cappel to refrain from contacting the fire inspectors directly. At this time, it is impossible to determine if there is a direct causal relationship between [REDACTED] contact with FMD and a rapid response to maintenance issues. [REDACTED] stated that FMD was always helpful and, based on FMD's quick responses, left him uncertain if the problems were already being addressed when he called.

(b) [REDACTED] testified that he took Mr. Cappel's disclosures seriously and immediately instructed [REDACTED] to look into the allegations to determine if there were safety, maintenance, or misconduct issues that needed to be addressed. Additionally he personally spoke to [REDACTED] and instructed [REDACTED] Supervisor and Work Leader to speak with him at various times to ensure that he was doing his work.

(c) [REDACTED] testified that because Mr. Cappel was using his .mil (work) email account to contact [REDACTED], the account would be closed were Mr. Cappel to continue to use it to circumvent his management chain. Mr. Cappel believed that losing his email account would adversely affect his career because in order to be eligible for promotion to Work Leader, he needed to log time as Acting Work Leader at times when [REDACTED] was not at work. Only through this experience would Mr. Cappel be considered for the position, and he could not perform the Work Leader duties without an email account. [REDACTED] testified that he did not intend to threaten Mr. Cappel's opportunity for promotion by closing the email account, but viewed the action as a reasonable reaction to the email being used for purposes that undermined the effectiveness of Production Management Division's management personnel and procedures.

3. Mr. Cappel alleged that he has brought his concerns regarding [REDACTED] to [REDACTED] attention numerous times between 2009 and 2012. Mr. Cappel believes that as Work Leader, [REDACTED] possessed limited authority to implement change, but as he did have the ears of managers, he fulfilled his responsibility to communicate Mr. Cappel's concerns to them.

(a) More than any other person, [REDACTED] knew of Mr. Cappel's various allegations centering on the actions and job performance of [REDACTED]. [REDACTED] was also in a unique position to see more of the daily activities of the Fire Sprinkler Systems Mechanics than anyone other than the mechanics (and Helpers) themselves.

(b) According to Mr. Cappel, [REDACTED] typically expressed frustration when Mr. Cappel asked him to take action, asking what Mr. Cappel expected him to do. Both Mr. Cappel and [REDACTED] suggest that in most cases, [REDACTED] did approach [REDACTED] to discuss new or ongoing sprinkler maintenance problems.

V. Violation or Apparent Violation of Any Law, Rule, or Regulation

a. There were no violations of a law, rule, or regulation identified as a result of this investigation.

VI. Actions Taken

a. Commander, MCICOM will address completed and planned actions, if any, in his endorsement to this report.

b. MCASCP FMD has taken action to address immediate safety concerns and weaknesses in sprinkler system maintenance procedures. These include the establishment of a two-person integrity system that requires both the Fire Sprinkler Systems Mechanic and his Helper to sign documents and a review of mechanic training certification. MCASCP will consider administrative or disciplinary action against personnel, if appropriate, based upon the findings of this investigation.

VII. Conclusions

a. The available evidence does not indicate that [REDACTED] "has, at least since 2009, consistently neglected his fire sprinkler inspection, testing, and repair responsibilities on a daily basis."

1. Mr. Cappel stated that in 2009 he personally observed [REDACTED] exhibit willful negligence by deliberately avoiding work while collecting wages. However, there is no other eyewitness testimony or material evidence corroborating this version of the 2009 events, nor is there convincing evidence that these types of actions took place between 2009 and this report.

2. This allegation, if not substantiated based on the display of willful negligence, could be substantiated by [REDACTED] demonstrating culpable inefficiency. [REDACTED] and [REDACTED], who have been aware of Mr. Cappel's allegations since 2009, have had the opportunity to observe [REDACTED] proficiency and professional conduct and have not found him deficient enough to receive a formal reprimand or be the subject of any other personnel action. Rather, both stated that [REDACTED] work has been satisfactory. One should note, however, that [REDACTED] and [REDACTED] acknowledge that [REDACTED] works more slowly and has less formal training than Mr. Cappel. Testimony in support of this assessment comes from [REDACTED] and [REDACTED]. These Fire Inspectors have encountered many repair issues requiring corrective maintenance. Over time, each has determined that [REDACTED] is far less likely to perform the CM successfully than is Mr. Cappel. [REDACTED] and [REDACTED] routinely attempt to have Mr. Cappel assigned to the work orders for CM because they believe that Mr. Cappel will complete the work correctly the first time, whereas [REDACTED] will not. This paints a picture of an inefficient worker, but inasmuch as [REDACTED] comes to work and, according to management, makes good faith attempts to perform the tasks assigned to him, one cannot say that he is culpably inefficient.

b. The available evidence does not indicate that [REDACTED] "has, at least since 2009, consistently falsified official government records certifying that he has inspected, tested, and repaired fire sprinkler systems when he has not."

1. Mr. Cappel stated that in 2009 he personally observed [REDACTED] initial inspection tags for PM inspections he did not perform and sign Work Order Detail Reports with incorrect hours worked. Mr. Cappel's [REDACTED] corroborates this account, saying that he witnessed the same actions. The alleged falsification of documents took place during the Summer of 2009 when, for a period of about two months, Mr. Cappel and [REDACTED] worked alongside [REDACTED] and his [REDACTED], training to perform sprinkler systems maintenance. There is no evidence, however, that these types of actions took place between 2009 and this report.

2. [REDACTED] testified that he has never falsified documents. [REDACTED] stated that he learned of Mr. Cappel's allegations of falsification of documents soon after Mr. Cappel joined Work Center 45 and began working with [REDACTED]. [REDACTED] responded by personally attending PM inspections conducted by [REDACTED] and by checking older inspection tags (typically, several previous inspection tags are retained in the same pouch as the current tag). [REDACTED] also reviewed Work Order Detail Reports for the numbers of hours [REDACTED] worked on each task. [REDACTED] did not identify significant discrepancies that would have convinced him that [REDACTED] falsified records.

3. The eyewitness testimonies of Mr. Cappel and [REDACTED] refer to the alleged falsification of records as taking place in 2009, during the one or two month period when they were training with [REDACTED]. After that time, any allegations of falsification of records were based on

circumstantial evidence, as interpreted by Mr. Cappel. This circumstantial evidence most often consisted of sprinkler system malfunctions that occurred when Mr. Cappel performed PM inspections after [REDACTED] had performed one or more of the preceding inspections. In some cases, Mr. Cappel argued that water should have flowed during his inspection, and would have had [REDACTED] performed the previous inspection. In other cases, Mr. Cappel argued that system components he found to be unserviceable should have been found by [REDACTED] previously and a trouble ticket submitted. In still other cases, Mr. Cappel points to the undisturbed paint on valve cover bolts as evidence that [REDACTED] did not perform a PM inspection. While these scenarios are all plausible, they are not definitive. Several witnesses testified that [REDACTED] is simply not a skilled Fire Sprinkler Systems Mechanic, which would also account for Mr. Cappel's observations. Therefore, one cannot determine whether maintenance failures resulted from willful negligence or ineffective good faith efforts by [REDACTED].

4. For inclusion in Inspector General of the Marine Corps records, the following allegations and findings are provided in the Service-directed format:

(a) That [REDACTED] falsified sprinkler inspection tags in violation of 18 USC 1001 from 2009 to 2012. NOT SUBSTANTIATED.

(b) That [REDACTED] falsified Work Order Detail Reports in violation of 18 USC 1001 from 2009 to 2012. NOT SUBSTANTIATED.

c. The available evidence does not indicate that "MCASCP FMD supervisors, leads, and managers have consistently, since 2009, ignored Mr. Cappel's repeated disclosures that [REDACTED] has neglected his fire sprinkler inspection, testing, and repair responsibilities and falsified official government records."

1. When he first received Mr. Cappel's disclosures in 2009, [REDACTED] instructed [REDACTED] to look into the allegations and [REDACTED] personally observed [REDACTED] by coming to work during 3rd shift (overnight hours) when [REDACTED] was inspecting the sprinkler systems in FRC East's spaces. [REDACTED] testified that he never uncovered evidence of [REDACTED] sleeping on the job or falsifying records by certifying work he did not actually complete. [REDACTED] believes that a Fire Sprinkler Systems Mechanic's skill may be easily assessed when he performs corrective maintenance because he will either fix the problem or he will not. In contrast, determining proficiency based upon the performance of preventive maintenance is difficult. The only foolproof way to do this is to assign a knowledgeable individual to monitor each PM inspection visually. Otherwise, the Production Management Division must trust its mechanics to perform all the necessary steps each time. [REDACTED] did not state that he has personally observed [REDACTED] work since 2009 when he satisfied himself that [REDACTED] was performing his preventive maintenance duties satisfactorily. [REDACTED] stated that he believes [REDACTED] performs corrective maintenance satisfactorily.

2. When he first received Mr. Cappel's disclosures in 2009, [REDACTED] testified that he began personally observing PM inspections and checking inspection tags. [REDACTED] stated he also checks Work Center 45's completed Work Order Detail Reports daily before they are submitted to the personnel timekeepers. [REDACTED] has never identified a case of an employee padding his hours or otherwise reporting hours he did not work. [REDACTED]

believes he has responded to every concern that Mr. Cappel brought to him directly, and to every concern Mr. Cappel has brought to [REDACTED] and [REDACTED]. If the issue involved a specific maintenance problem, [REDACTED] would instruct that a work order be submitted. If the issue concerned a credible, negative report of [REDACTED] work practices, [REDACTED] gave [REDACTED] an informal verbal counseling. This verbal counseling occurred at least once.

3. Several individuals stated that when he first received Mr. Cappel's disclosures in 2009, [REDACTED] communicated with [REDACTED] regarding the potential maintenance issues. [REDACTED] Position Description does not assign him authority to take direct administrative or disciplinary action against workers. Rather, he is charged to urge or advise workers to follow the Supervisor's instructions. A Work Leader serves as eyes and ears for the Maintenance Supervisor in addition to being a role model for the other workers. In his own testimony, [REDACTED] tends to support Mr. Cappel's account of [REDACTED] failure to conduct all PM inspections and his low technical proficiency, and Mr. Cappel stated that [REDACTED] repeatedly raised the issue of [REDACTED] work with [REDACTED] (which is the extent of [REDACTED] response to Mr. Cappel's specific complaints). [REDACTED] support for Mr. Cappel's narrative is not based on firsthand experience, but what he was told by Mr. Cappel. [REDACTED] stated that one of his tasks was to perform quality checks on sprinkler maintenance. These quality checks were routine, however, and not obviously linked to Mr. Cappel's complaints. These types of checks are effective in monitoring the completion of corrective maintenance and were not intended to follow up on preventive maintenance inspections.

4. There are no explicit requirements for either classroom training or formal certification processes of Fire Sprinkler Systems Mechanics. The current guidelines in the UFC are open-ended, allowing a range of options including the Department of Defense sanctioned school, an equivalent civilian course, proven proficiency, and recognized licenses. FMD records indicate that until 2008, Fire Sprinkler Systems Mechanics employed by MCASCP FMD only gained "proficiency" through on-the-job-training with a more senior mechanic. FMD, then, was able to determine if its individuals are qualified for their positions. It follows that the absence of adverse personnel actions against [REDACTED] and his continued employment aboard MCASCP as a Fire Sprinkler Systems Mechanic indicates that he is at least minimally qualified.

(a) Professional courses taken by Production Management Division personnel and those who have completed the courses successfully since 2008.

(1) Fire Sprinkler Inspection, Oklahoma University: [REDACTED] (12/2008), Cappel (5/2010), [REDACTED] (2/2012), [REDACTED] (12/2008).

(2) Fire Pump Application Inspecting and Testing, Oklahoma University: [REDACTED] (11/2010), Cappel (9/2011), [REDACTED] (11/2010).

(3) Ansol Foam System Service System and Maintenance, Oklahoma University: [REDACTED] (4/2011), Cappel (4/2011).

(4) Fire Alarm and Detection System, Wisconsin: [REDACTED] (9/2010).

(5) Fire Suppression System and Maintenance, Texas, Sheppard Air Force Base: Cappel (8/2012).

(b) Training for FMD personnel to attend sprinkler maintenance training is paid with Facilities Sustainment, Restoration and Modernization (FSRM) funds.

5. For inclusion in Inspector General of the Marine Corps records, the following allegation and finding are provided in the Service-directed format:

(a) That [REDACTED] failed to protect and conserve Federal property in violation of 5 CFR 2635.101 from 2009 to 2012. NOT SUBSTANTIATED.

d. Mr. Cappel is a credible witness in that he has made his complaints in good faith, believing that misconduct is occurring. The strongest evidence against [REDACTED] are Mr. Cappel's and [REDACTED] testimonies that they witnessed the falsification of inspection tags and [REDACTED] sleeping during working hours. These events occurred in 2009 and there is no other supporting evidence. It is also not possible to prove that poorly-performed corrective maintenance was the result of [REDACTED] choosing not to make a full effort. The same maintenance issues would arise as a result of a mechanic's lack of technical proficiency in sprinkler system repair. This scenario is plausible since there is no record of [REDACTED] receiving formal training in non-foam sprinkler maintenance, though he did receive training in sprinkler inspection (2008) and Ansol Foam System Service System and Maintenance (2011) after many years in the sprinkler maintenance field. If [REDACTED] merely was unskilled, it would have been for his management chain to determine if he was too unskilled for his position. [REDACTED] and [REDACTED] both stated that they believe that [REDACTED] is capable and has never been the subject of an adverse personnel action. This indicates that the Production Management Division management believed he had the requisite skill to serve as a Fire Sprinkler Systems Mechanic.

[REDACTED]
Marine Corps Installations Command



UNITED STATES MARINE CORPS
MARINE CORPS INSTALLATIONS COMMAND
3000 MARINE CORPS PENTAGON
WASHINGTON, DC 20350-3000

IN REPLY REFER TO:

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SJA

JUN 04 2013

SJA Review

From: Staff Judge Advocate, Marine Corps Installations Command
To: Inspector General

Subj: REVIEW OF DRAFT INVESTIGATIVE REPORT OF IGMC CASE #
0009947

Ref: (a) Inspector General Program Investigations Guide (2009)

1. Pursuant to the reference, this constitutes staff judge advocate review of the subject investigation.
2. The evidence gathered supports the conclusions in paragraphs V and VII of the investigative report.



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