



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

FEB 16 2012

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

Dear Ms. Lerner:

This is in response to your letter of September 6, 2011, to the Secretary of Defense referring for investigation a whistleblower disclosure regarding employees at the Defense Commissary Agency (DeCA) (OSC File Number DI-11-3431). The whistleblower alleged that DeCA employees engaged in conduct that may have constituted a violation of law, rule, or regulation, gross mismanagement, and a substantial and specific danger to public safety.

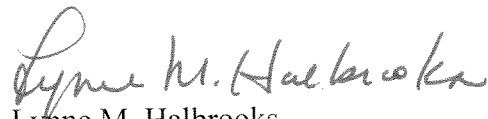
By memorandum from the Secretary of Defense dated February 9, 1998, the DoD Inspector General has been delegated authority to respond to requests for investigations under 5 U.S.C. § 1213. As indicated in our previous correspondence dated September 14, 2011, and November 15, 2011, the Defense Hotline directed the U.S. Army Criminal Investigation Command (CID) to conduct an investigation. CID completed their investigation and a copy of their report is enclosed for your use and transmittal to the President and appropriate congressional committees.

We have reviewed the CID report, concur with its conclusions, and believe the enclosed report satisfies the requirement of 5 U.S.C. § 1213. CID determined that the allegations made by the whistleblower, Mr. Fred Bey, were unfounded. Further, consistent with OSC policy to interview a whistleblower who has consented to release of his name, a Defense Hotline investigator interviewed Mr. Bey, who had no additional information to offer on the matter.

In addition to the unredacted CID report, we have 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. John R. Crane,
Assistant Inspector General for Communications and Congressional Liaison at (703) 604-8324.

Sincerely,


Lynne M. Halbrooks
Acting

Enclosures: As stated

cc: Secretary of Defense



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MAR 19 2012


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

Dear Ms. Lerner:

This is in further response to our letter to you, dated February 16, 2012, providing the results of your file number DI-11-3431. We provided you with a report of investigation, prepared by the U.S. Army Criminal Investigation Command (CID). In addition to the FOUO report, a redacted report was also provided that could be publicly posted. The report was redacted pursuant to Exemptions 6 and 7(C) of the FOIA, specifically, 5 U.S.C. § 552(b)(6), which pertains to information, the release of which would constitute a clearly unwarranted invasion of personal privacy; and 5 U.S.C. § 552(b)(7)(C), which pertains to information compiled for law enforcement purposes, the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties.

Should you have any questions regarding this matter, please contact me at (703) 604-8324.

Sincerely,


John R. Crane
Assistant Inspector General
Communications and Congressional Liaison

~~FOR OFFICIAL USE ONLY (FOUO) – LAW ENFORCEMENT SENSITIVE~~
DOD HOTLINE COMPLETION REPORT (CR)
9 Jan 12

1. Name of Examining Official: [REDACTED]
2. Rank and/or grade of Examining Official: Special Agent
3. Duty position and telephone number of Examining Official: [REDACTED]
[REDACTED]
4. Organization of Examining Official: 75th Military Police Detachment (CID), Fort Belvoir, VA 22060
5. Hotline and DIH Control Numbers: HL#121445 / RFI Tab #7, 0075-11-CID001
6. Scope of Examination, Conclusion, and Recommendations:
 - a. On 9 Dec 11, HQ USACIDC received a DODIG HL Action Referral 121445 from DODIG. The referral contained allegations from Mr. Fred BEY, Defense Commissary Agency (DECA), Joint Base Myers-Henderson Hall (JBM-HH). Mr. BEY reported that [REDACTED] DECA, JBM-HH, was selling drugs to other employees at the JBM-HH Commissary, and that [REDACTED], DECA JBM-HH, allegedly stored a gun and ammunition in his work locker. Mr. BEY's reported the allegation as a Whistleblower Disclosure to the Office of the Secretary of Defense.
 - b. Interviews with the JBM-HH Commissary Director [REDACTED] and Commissary Manager [REDACTED] indicated that they both questioned the credibility of the complainant. Both the [REDACTED] and [REDACTED] indicated they received a similar allegation in the past and reported the matter to the Military Police (MP). The MP conducted a search of the employee's locker area with MP Working Dogs and found no illegal drugs.
 - c. An interview of [REDACTED] revealed he was a DECA employee for over 20 years and supervised Mr. BEY for a short period of time. During this tenure at the Commissary, the DECA never received any complaints of this manner against [REDACTED]. [REDACTED], except for previous complaints made by Mr. BEY. [REDACTED] further related in Jun 11, Mr. BEY tried to make a similar allegation that he was in possession of drugs. During this incident, a Military Police K-9 responded to the Commissary and conducted a search of his locker area. No controlled substances were found. [REDACTED] further denied he ever possessed, used or sold controlled substances and allowed CID Agents to search his locker and personal items. The search found nothing of evidential value.
 - d. An interview of [REDACTED] revealed he also worked as a DECA employee for over 20 years and was also Mr. BEY's supervisor for a short period of time. [REDACTED] denied ever bringing a firearm or ammunition to the Commissary and

9 Jan 12

further denied that he ever owned a firearm. [REDACTED] also allowed CID to search his locker and personal items, but the search failed to find any contraband or prohibited items. [REDACTED] related the employee locker room and warehouse areas of the commissary are routinely utilized by the MP Working Dog Section for training and have been searched multiple times during the last few years.

- e. Coordination with the Kennel Master of the Military Working Dog Section, JBM-HH, verified the statements of individuals above. The Kennel Master indicated the MP Working Dog Section routinely conducts drug and explosive dog training in the Commissary and the MP Working Dogs never alerted on any drugs or weapons during their training searches. Furthermore, checks of the MP Reporting System confirmed the MP responded to a previous allegation about an employee having illegal drugs. The report further indicated the MP searched the area with MP Working Dogs, found no illegal drugs and determined the allegations were unfounded.
- f. Examination of the JBM-HH Commissary employee locker room and the lockers of [REDACTED] and [REDACTED]. The examination revealed the lockers utilized by employees were stand-up medal grate type locker, wherein all contents within the lockers are visible from the outside. This type of locker makes it difficult to hide items inside the lockers. The subsequent search of [REDACTED] and [REDACTED] wall lockers found no illegal drugs.
- g. Based on the totality of the investigation, there is no credible information to substantiate the allegations provided by Mr. BEY. No further action by CID is anticipated.

7. Cite Criminal or Regulatory Violations Substantiated: None.

8. Disposition: During the scope of this investigation no criminality was identified or discovered.

9. Security classification of information: ~~This report is FOR OFFICIAL USE ONLY as an Inspector General Report. This Inspector General report contains privileged information and will be protected in accordance with the provisions of AR 20-1. Specifically, dissemination of the report will be restricted to the absolute minimum consistent with the effective management of the internal affairs of the Army. Dissemination of any portion of the report will not be made without specific permission of the Inspector General, DAIG.~~

10. Location of Field Working Papers and Files: 75th Military Police Detachment (CID), 6104 3RD Street, Building 1457, Fort Belvoir, VA 22060

11. Additional Notification Information:

DOD HOTLINE COMPLETION REPORT (CR)

9 Jan 12

a. All subject/suspect's mailing addresses whether or not substantiated:

(1.) [REDACTED]

(2.) [REDACTED]

b. Was Inquiry or Investigation conducted? Yes, TAF 0255-11-CID122

c. Was appropriate Commander notified if an Inquiry or Investigation was to be conducted? (Yes/No) Yes, JBM-HH Commissary Director

d. Name and mailing address of Commander notified initially: [REDACTED]
[REDACTED], 204 Lee Avenue, Suite B-12, JBM-HH, VA 22211.

12. Point of contact for this memorandum is [REDACTED] at [REDACTED] or [REDACTED]

///Original Signed///

[REDACTED]
Special Agent in Charge