Office of the Naval Inspector General

Navy Region Europe, Africa, Southwest Asia

Case Number: 201400437

Investigation Report

17 March 2015

Subject: NAVY HOTLINE CASE 201400437

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Preliminary Statement

1. On 26 July 2013, an anonymous complainant submitted a complaint to the Department of Defense Inspector General (DODIG), which alleged that b6 b7c [redacted], United States Navy (USN), b6 b7c [redacted], Naval Station (NAVSTA) Rota, Spain and b6 b7c [redacted] b6 b7c [redacted], b6 b7c, NAVSTA Rota, gave $2,000 of the Combined Federal Campaign-Overseas (CFC-O) for Family Support and Youth Programs (FSYP) to a private group animal shelter that was not part of the FSYP. Complainant further alleged b6 b7c [redacted] and b6 b7c [redacted] b6 b7c [redacted] gave around $2,000 to another private group run by the Navy Chiefs that was not part of the FSYP. Complainant claimed the animal shelter was run by b6 b7c [redacted] and he fully supported the donation and may have ordered b6 b7c [redacted] to make the contribution. The complaint was assigned DODIG Hotline Case Number 20140204-022462-01.

2. On 11 February 2014, the complaint was received by the Office of Inspector General (OIG), Commander, Navy Installations Command (CNIC), for review.

3. On 15 April 2014, a request for a full investigation was submitted to the Naval Inspector General (NAVINSGEN). The request was approved on 25 April 2014.

4. On 08 July 2014, CNIC OIG requested the assistance of Commander, Navy Region Europe, Africa, Southwest Asia (CNREURAFSWA) OIG in the conduct of the investigation.

5. Based on the analysis of the complaint, the scope of the investigation was directed specifically at the allegations that b6 b7c [redacted] improperly authorized the distribution of CFC-O

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funds to two private organizations not authorized to receive CFC-O funding. Two allegations of violation of standards of conduct were framed against b6 b7c [redacted].

6. The investigation determined that the unidentified organization alleged to be operated by the b6 b7c [redacted] and a "pet project" of the b6 b7c [redacted], was the Coalition of Sailors against Destructive Decisions (CSADD) because it was the only Navy related organization on the list of organizations receiving funds from CFC-O. The alleged unauthorized animal shelter was identified as the Rota Animal Welfare League (RAWL).

7. The investigation resulted in Allegation #1 being substantiated against b6 b7c [redacted].

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List of Allegations

Allegation #1: That b6 b7c [redacted] improperly approved the issuance of $1420.95 to the Coalition of Sailors Against Destructive Decisions on 28 September 2012, in violation of 5CFR Part 950, Subpart B, Eligibility Provisions, Subsection 204(c), Local Eligibility. **Substantiated.**

Allegation #2: That b6 b7c [redacted] improperly approved the issuance of $1500.00 to the Rota Animal Welfare League on 15 April 2013, in violation of 5 CFR Part 950, Subpart B, Eligibility Provisions, Subsection 204(c), Local Eligibility. **Not Substantiated**

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Allegation #1: That b6 b7c [redacted] improperly approved the issuance of $1420.95 to the Coalition of Sailors Against Destructive Decisions on 28 September 2012, in violation of 5 CFR Part 950, Subpart B, Eligibility Provisions, Subsection 204(c), Local Eligibility.

Conclusion: The allegation is substantiated

Findings of Facts

8. The applicable standard, 5 CFR 950,[1] Subpart B, Subsection 204(c), states, in part, that a family support and youth

[1] 5 CFR Part 950 regulates the distribution of funds from the Combined Federal Campaign-Overseas Program.

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activity must be a nonprofit, tax-exempt organization that provides family service programs or youth activity programs to personnel in the command. The activity must not receive a majority of its financial support from appropriated funds.

9. OPNAVINST 1500.80,[2] the governing instruction for CSADD, paragraphs 1 and 3, state that the purpose of the instruction is to provide policy and procedure for the Navy-wide support and execution of the Coalition of Sailors Against Destructive Decisions Peer Mentoring Program. CSADD originated at Commander, Navy Region Mid-Atlantic as a peer influence social group. The popularity and message of the program spread and chapters were established at other commands. As a result, CSADD was launched Navy-wide.

Statement of the Complainant provided on 26 July 2013

10. The complainant reported b6 b7c and b6 b7c gave $2000, collected as part of the CFC for FSYP, to a private organization run by the Navy Chiefs which was not part of the FSYP or CFC. The complainant also alleged the Navy Chiefs group was the b6 b7c "pet project."

Testimony of b6 b7c b6 b7c, b6 b7c, b6 b7c, b6 b7c, NAVSTA Rota, provided on 07 August 2014

11. b6 b7c advised CSADD was an operational organization, therefore could not solicit funds or request funds through the CFC-O/FSYP. The organization was required to seek funding through NAVSTA Rota or MWR. CSADD also received assistance through the Chiefs Mess or other groups.

Testimony of b6 b7c, b6 b7c, USS Mesa Verde (LPD 19), provided on 26 January 2014

12. b6 b7c stated he had been assigned as the NAVSTA Rota (b)(6) (b)(7)(c) from May 2011 to October 2013. As the b6 b7c, he was also the chairman of the CFC-O/FSYP committee responsible for allocating CFC-O funds to private organizations aboard NAVSTA Rota. As the chairman, he was familiar with the NAVSTA Rota

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[2] Effective 04 September 2014, OPNAVINST 1500.80, the governing instruction for CSADD, was rescinded. This action now allows CSADD to seek non-federal entity authorization from the local commanding officer. This status will allow CSADD to compete for CFC-O funding.)

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instruction and the Region instruction regarding the FSYP program. The committee used the standard established in the Region instruction because it was more comprehensive.

13. The committee was composed of all the b6 b7c b6 b7c aboard NAVSTA Rota, including tenant commands. He was the b6 b7c and all the b6 b7c were on the committee. They reviewed each request, voted on it, either electronically or in person. If necessary, he took the requests to the b6 . The SJA would advise if it was a good idea or a bad idea. The request was then given to the b6 , who would either approve or disapprove it.

14. While he was the b6 b7c , a base CSADD program was established. At that time, it was a program of record so they were not allowed to raise money and the base had to support their programs through MWR. He did recall one request from CSADD for $1420 for t-shirts. The request was submitted through the CFC-O program and approved by the committee. Both he and the committee felt what CSADD was doing was for the overall good of the command and thought the request for funds fell within the instruction, so the request was approved. MWR would not give CSADD money for the t-shirts and CSADD could not raise funds. He said he thought the CFC-O money was a logical choice based on their mission. He did not remember passing the request through the SJA for review and approval.

Interview of FSYP/CFC-O Selection Committee Members

15. Between 03 June 2014 and 04 December 2014, the following present and former members of the CFC-O/FSYP Selection Committee were interviewed concerning their knowledge of the NAVSTA Rota CSADD organization receiving CFC-O funds:

a. Explosive Ordinance Disposal b6 b7c b6 b7c , - Office of Naval Intelligence, Washington, DC

b. Equipment b6 b7c , b6 b7c - Naval Mobile Construction Battalion 22 (NMCB22), Detachment Rota

c. b6 b7c - Combined Task Force (CTF) 168, Rota

d. b6 b7c , b6 - Naval Computer and Telecommunications Area Master Station Atlantic (NCTAMS LANT) Detachment Rota

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e. b6 b7c [redacted] - CTF 168

f. b6 b7c [redacted], b6 b7c - EOD Expeditionary Support Unit One, Naval Amphibious Base, Coronado

g. b6 b7c [redacted] - Kennedy Irregular Warfare Center, Washington, DC

h. b6 b7c [redacted] - Naval Hospital Sigonella

i. b6 b7c [redacted] - NAVSTA Rota

All of these witnesses were familiar with CSADD and its mission. None of them were aware CSADD was not authorized to solicit donations or funds. No one specifically remembered seeing a request for CFC-O funds from CSADD, but all stated they believed the organization was eligible for funds and would have approved the request.

Information Gathered from Documents

16. The Investigating Officer (IO) reviewed a copy of a Request for FSYP Funds, dated 05 September 2012, from CSADD for $1420.95. The request was to fund the purchase of t-shirts for the members of the organization. The form indicated it had been reviewed by the committee and approved for $1325.95. The request was signed by the b6 on 28 September 2012.

17. The IO also reviewed copies of the CFC-O requests and distributions records maintained by (b)(6) (b)(7)(c) and (b)(6) (b)(7)(c) (b)(6) (b)(7)(c) The records indicated the only request for funding received from CSADD was presented on 05 September 2012. There were no additional requests or distribution of funds to CSADD.

Testimony of b6 b7c [redacted], Navy Reserve Officers Training Corps (NROTC), Vanderbilt University, provided on 16 January 2015

18. (b)(6) (b)(7)(c) stated he was the (b)(6) (b)(7)(c) for NAVSTA Rota from May 2011 to May 2013. He was familiar with the NAVSTA Rota and Region instructions for the FSYP; however, he could not quote anything from it. He recalled reviewing the rules of the campaign at the start of the CFC campaign, but all he remembered was receiving notification about which department or unit was going to be the leading contributor for that particular year and then performing a ceremony and signing the CFC form for that

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year. He advised he was not familiar with the operations of the CFC-O selection committee because it was operated by his b6 b7c. He did not recall being presented with specific documents from the committee to approve. He stated there were many requests for funds from many people and groups, he did not recall approving anything specifically for CSADD or RAWL, and his b6 b7c would have handled these requests.

19. b6 b7c did not remember how the b6 b7c presented the documents to him. The b6 b7c was responsible for several different accounts and some of them, he (b6 b7c) would have to sign. He did not recall if any were CFC-O related, but there were requests to buy uniforms for some of the sports teams and distributions of that nature. They all seemed legitimate and if there was ever a question on them, he would have had the legal officer review the individual distribution.

20. b6 b7c advised he was familiar with CSADD, but thought it was a program handled through his (b)(6) (b)(7)(c). He did not recall authorizing CFC-O funds for CSADD, but when he learned of the signed authorization document, he said he must have, but did not recall any details. He advised he was not aware CSADD could not request funding through CFC-O and knew the organization had conducted other fundraising projects on the base. He knew that CSADD was a good organization and was providing a positive influence upon the sailors, so if his senior advisors had reviewed the request and presented it to him for approval, he would have approved it.

Applicable Standards

21. 5 CFR 950, Subpart B, Subsection 204(c): Solicitation of Federal Civilian and Uniformed Service Personnel for Contributions to Private Voluntary Organizations.

Analysis

22. b6 b7c testified that CSADD was a US Government entity and was not entitled to solicit funds, including funds from the FSYP/CFC-O program.

23. Testimony from b6 b7c disclosed that he did not recall specifically authorizing CSADD's request for funds, but often approved funding requests for various organizations and he did not remember every transaction. He relied on his staff to ensure the requests were legitimate. He did not recall any

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specific discussion with his staff or others concerning CSADD and CFC-O funds.

24. Testimony from b6 b7c [redacted] disclosed he recalled the request from CSADD for funds to purchase t-shirts. He knew CSADD was a federal entity and was not authorized to receive funds, but decided CSADD could receive CFC-O funds because of a misinterpretation of the criteria contained within COMNAVREGEURINST 7280.1. He did not seek legal review of the request.

25. The applicable standard, COMNAVREGEURINST 7280.1, states that requests will be evaluated by the validity of need, the widest impact on the community, lack of other funding sources. CSADD was required to seek funding through MWR or NAVSTA Rota or utilize unsolicited donations from other organizations. CSADD was not authorized to solicit or receive CFC-O funds.

26. The applicable standard, 5 CFR 950, states that a FSYP activity must be a non-profit, tax-exempt organization that provides family service programs or youth activity programs to personnel in the command. The activity must not receive a majority of its financial support from appropriated funds. The CSADD organization is a peer mentoring group established by the US Navy, and at the time of the request for CFC-O funds, was a funded federal entity, therefore, not eligible for CFC-O funding. The FYSP Committee reviewed and approved the request, despite the fact that b6 b7c [redacted] recognized that CSADD was not eligible to receive CFC-O funds. b6 b7c [redacted] then forwarded the request to b6 b7c [redacted] without apparent advisement to him regarding CSADD eligibility. b6 b7c [redacted] then approved the request for $1325.95 on 28 September 2012. CSADD was not authorized to solicit or receive CFC-O funds; therefore, b6 b7c [redacted] violated the provisions of 5 CFR 950.

27. Based on a preponderance of the evidence, we conclude that the allegation is substantiated.

Conclusion

28. **The allegation is substantiated.**

Recommendations

29. Forwarded to higher authority for review and appropriate action

Disposition

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30. Pending

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Allegation #2: That b6 b7c [redacted] improperly approved the issuance of $1500.00 to the Rota Animal Welfare League on 15 April 2013, in violation of Title 5 CFR Part 950, Subpart B, Eligibility Provisions, Subsection 204(c), Local Eligibility. **Not Substantiated**

Conclusion: The allegation is not substantiated

Findings of Facts

31. The applicable standard (5 CFR 950, Subpart B, Subsection 204(c)) states, in part, that a family support and youth activity must be a nonprofit, tax-exempt organization that provides family service programs or youth activity programs to personnel in the command. The activity must not receive a majority of its financial support from appropriated funds.

Statement of the Complainant provided on 26 July 2013

32. The complainant reported b6 b7c [redacted] and b6 b7c [redacted] gave $2000 collected as part of the CFC to a private group animal shelter that was not part of the FSYP.

Testimony of (b)(6) (b)(7)(c) [redacted] provided on 07 August 2014

33. b6 b7c [redacted] opined that only organizations which were approved NFEs were permitted to receive funds from CFC distribution. The only organizations he knew that did meet the criteria were the Boy Scouts, the Girl Scouts, and the RAWL.

Information Gathered from Documents

34. The IO reviewed a request from RAWL, dated 19 September 2012, to continue operating onboard NAVSTA Rota. The package contained all required information per COMNAVACTSPAININST 1710.4H (Operation of Private Organizations and Special Interest Groups aboard Naval Station Rota, Spain). The application was approved by b6 b7c [redacted] on 31 October 2012. This document authorized RAWL to operate as a NFE.

35. The IO reviewed a copy of the Request for FSYP Funds submitted by RAWL, dated 28 March 2013, in which RAWL requested $1500.00 to rebuild and repair the animal kennels. This request

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was reviewed by the FSYP committee and approved by b6 b7c b6 b7c on 15 April 2013 for $1383.56.

36. The IO reviewed copies of the CFC-O requests and distributions records maintained by b6 b7c and b6 b7c b6 b7c. The records indicated the only request for funding received from RAWL was the aforementioned request of 28 March 2013. There were no additional requests or distribution of funds to RAWL.

Testimony of b6 b7c provided on 26 January 2014

37. b6 b7c stated he was familiar with RAWL. He did not recall RAWL requesting any CFC-O funds, but if they did, it would have made sense. They needed the financial assistance and they met the guidelines under the regulations as a NFE and a community group. RAWL provided a service to the community that greatly affected the quality of life aboard the base. Neither he nor anyone else on the CFC-O committee would have objected to RAWL receiving CFC-O funds.

38. He further said he did not know if b6 b7c was on the board of directors of RAWL, but she was a b6 b7c. b6 b7c b6 b7c never tried to influence anyone to approve CFC-O funds for RAWL. In fact, b6 b7c was the last person to know who had applied for and was selected to receive any CFC-O funds.

Testimony of b6 b7c provided on 16 January 2015

39. b6 b7c stated he was very familiar with RAWL. The organization had been established on the base by volunteers many years before his arrival because there had been a serious problem with stray animals as well as animals which were abandoned by sailors when they returned to the United States. RAWL had been established to take care of them, since there was no similar government agency or organization either on the base or within the local communities. He said RAWL had to make an annual application to operate on NAVSTA Rota and the application was reviewed by the SJA to ensure it was in good order. He said he did not recall specifically authorizing RAWL to receive CFC-O funds, but he had no issue with RAWL requesting CFC-O funds because they met all of the qualifications and provided a service to families and the community.

40. b6 b7c said his b6 b7c and b6 b7c would volunteer at RAWL on occasion to help clean cages and kennels. His b6 b7c

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was not a member of the board of directors or a regular volunteer for RAWL.

Applicable Standards

41. 5 CFR 950, Subpart B, Subsection 204(c): Solicitation of Federal Civilian and Uniformed Service Personnel for Contributions to Private Voluntary Organizations

Analysis

42. b6 b7c [redacted] testified that RAWL was one of the few private organizations on NAVSTA Rota which truly met the strict criteria of the NFE regulations.

43. b6 b7c [redacted] testified that he did not recall specifically authorizing RAWL's request for CFC-O, but knew RAWL had met all of the requirements to be a NFE. RAWL provide a service to the families and community of NAVSTA Rota.

44. Testimony from b6 b7c [redacted] indicated he was familiar with RAWL. He did not recall RAWL requesting any CFC-O funds, but if they did, it would have made sense. They needed the financial assistance and they met the guidelines under the regulations as a non-federal entity and a community group. Neither he nor anyone else on the CFC-O committee would have objected to RAWL receiving CFC-O funds.

45. He further said he did not know if b6 b7c [redacted] was on the board of directors of RAWL, but she was a volunteer. b6 b7c [redacted] b6 b7c [redacted] never tried to influence anyone to approve CFC-O funds for RAWL. In fact, b6 b7c [redacted] was the last person to know who had applied for and was selected to receive any CFC-O funds.

46. A review of the distribution records of the CFC-O committee disclosed there was only a single funds request from RAWL. There was no evidence to indicate RAWL was receiving multiple fund distributions or was being given preferential treatment over other organizations on the base.

47. The applicable standard (5 CFR 950) states, in part, that a family support and youth activity must be a non-profit, tax-exempt organization that provides family service programs or youth activity programs to personnel in the command. The activity must not receive a majority of its financial support from appropriated funds. The RAWL meets these criteria, as well as the base, region, and DOD instructions concerning NFEs.

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48. Based on a preponderance of the evidence, we conclude that the allegation is not substantiated.

Conclusion

49. **The allegation is not substantiated.**

Recommendations

50. Forwarded to higher authority for review

Disposition

51. None

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Interviews and Documents

Interviews (All interviews were conducted by telephone, unless otherwise noted)

(1) b6 b7c [redacted], b6 b7c [redacted], RLSO Det Rota

(2) b6 b7c [redacted], b6 b7c [redacted], ONI, Washington, DC

(3) b6 b7c [redacted], b6 b7c [redacted], NMCB 22 Det Rota

(4) b6 b7c [redacted], b6 b7c [redacted], CTF-168, Rota

(5) b6 b7c [redacted], b6 [redacted], NCTAMS LANT Det Rota

(6) b6 b7c [redacted], b6 b7c [redacted], CTF-168, Rota

(7) b6 b7c [redacted], b6 b7c [redacted], EOD ESU 1, NAB Coronado, CA

(8) b6 b7c [redacted] b6 b7c [redacted], Kennedy Irregular Warfare Center, Washington, DC

(9) b6 b7c [redacted], b6 b7c [redacted], NAVHOSP Sigonella

(10) b6 b7c [redacted], NAVSTA Rota

(11) b6 b7c [redacted], b6 [redacted], NROTC, Vanderbilt University, TN

(12) b6 b7c [redacted], USS Mesa Verde (LPD19), Norfolk, VA

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Documents

(13) 5 CFR 950.204, Solicitation of Federal Civilian and Uniformed Service Personnel for Contributions to Private Voluntary Organizations.

(14) COMNAVACTSPAININST 7280.1, Family Support and Youth Services Committee

(15) COMNAVACTSPAININST 1710.4H, Operation of Private Organization and Special Interest Groups Aboard Naval Station Rota, Spain

(16) COMNAVREGEURINST 7280.1, Family Support and Youth Services Committee

(17) CNIC Instruction 11000.1, Non-Federal Entities Onboard Naval Installations

(18) OPNAVINST 1500.80, CSADD Peer Mentoring Program

(19) Request for FSYP Funds submitted by CSADD, 05 September 2012

(20) Request for FSYP Funds submitted by RAWL on 28 March 2013

(21) Application package from RAWL to operate aboard NAVSTA Rota, 19 September 2012

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