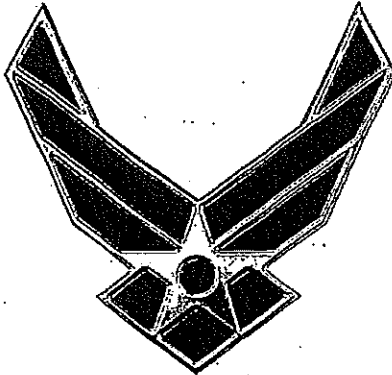


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**The Inspector
General
of the Air Force**

Report of Investigation (S6811P)

Brig Gen Joseph B. Veillon

July 2011

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REPORT OF INVESTIGATION (Case S6811P)

CONCERNING

BRIGADIER GENERAL JOSEPH B. VEILLON

PREPARED BY

COLONEL [REDACTED]

JULY 2011

I. INTRODUCTION

This investigation was directed in response to a complaint filed 6 Dec 08 by Maj [REDACTED] to the Louisiana National Guard Inspector General and forwarded to the Secretary of the Air Force Inspector General for action. The complainant, a [REDACTED] alleged improper conduct on the part of Brig Gen Joseph B. Veillon, Commander of the LAANG and Assistant Adjutant General for Air, Louisiana National Guard (LANG), Jackson Barracks, New Orleans, Louisiana. (Ex 1; Ex 3)

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The original complaint identified four separate issues, one of which is directly addressed within this investigation. Specifically, the complainant alleged that Brig Gen Veillon removed him from his position as [REDACTED] and assigned him to non-flying duties as a result of protected communications made to individuals in his chain of command (including Brig Gen Veillon) concerning violations/potential violations of Air Force Instructions (AFIs) related to the [REDACTED] and assigned personnel. [REDACTED]

In addition, the complainant alleged an additional motive in Brig Gen Veillon's actions was retribution for [REDACTED] (Brig Gen (ret) Sam deGeneres') participation in a State of Louisiana governor-directed steering committee, which recommended replacing The Adjutant General, MG Bennett C. Landreneau, LANG, a reported close friend and relative of Brig Gen Veillon. (Ex 1)

The investigation began on 28 Aug 09 and during initial interviews concerning the above issue, evidence of potential, additional misconduct by Brig Gen Veillon was identified. Additionally, one of the witnesses, Col [REDACTED] chose to file a complaint alleging Brig Gen Veillon falsified an Officer Performance Report on him for the reporting period of [REDACTED] and forged the signature of the rating official (Brig Gen (ret) Samuel deGeneres) on that report. (Ex 86) Analysis of new evidence

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was completed and on 14 Dec 09, followed by SAF/IG direction to investigate ten additional issues concerning Brig Gen Veillon. Those issues were as follows:

- Brig Gen Veillon humiliated and retaliated against members of his command to include a fellow general officer, subordinate wing/group/squadron commanders, and other unit members who lawfully raised issues, concerns, or objections to his guidance, or conducted their official duties in a way that Brig Gen Veillon took personal objection to.
- Brig Gen Veillon directed employment of an Active Guard Reserve (AGR) resource funded by the National Guard Counterdrug Support Program under 32 United States Code, Section 112 (32 U.S.C. 112), *Drug Interdiction and Counterdrug Activities*, as a full-time Public Affairs officer supporting MG Bennett Landreneau, the Adjutant General, and the Louisiana National Guard's Joint Force Headquarters (JFHQ) in violation of ANGI 10-801, *National Guard Counterdrug Support*, 29 Aug 08.
- Brig Gen Veillon threatened to remove Col [REDACTED] from his position as [REDACTED] as well as humiliated him in front of other members of the LAANG as result of a protected communication made to MG Bennett Landreneau, the Adjutant General, concerning Brig Gen Veillon's orders to violate an AFI regarding an F-15 flyover for Louisiana Army National Guard members returning from a deployment to Southwest Asia.
- Brig Gen Veillon falsified an Officer Performance Report on Col [REDACTED] for the reporting period of [REDACTED] and forged the signature of the rating official (Brig Gen (ret) Samuel deGeneres) on that report.
- Brig Gen Veillon intentionally directed changes to the LAANG's Drug Abuse Testing Program that violated provisions of AFI 44-120, *Drug Abuse Testing Program*, 1 Jul 00, and guidance published by the National Guard Bureau (NGB).
- Brig Gen Veillon directed subordinate members, in multiple incidents, not to release casualty reporting information required by AFI 36-3002, *Casualty Services*, 25 Jul 05.
- Brig Gen Veillon directed execution of multiple personnel actions in violation of applicable AFIs after being informed those actions would be in violation of those AFIs.
- Brig Gen Veillon refused to forward an award recommendation for Col [REDACTED] to the Adjutant General for approval because Col [REDACTED] had talked

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with a member of the Adjutant General's Nomination Committee, a committee appointed by the Governor of Louisiana to assess and make recommendations on the continuation of MG Bennett Landreneau as the Adjutant General.

- Brig Gen Veillon directed inclusion of Lt Col [REDACTED] on a list of LAANG members selected for non-retention by a Selective Retention Review Board and approved by the Adjutant General in violation of ANGI 36-2606, *Selective Retention of Air National Guard Officer and Enlisted Personnel*, 28 Feb 97.

[REDACTED]

Including the complainants, subject matter experts, and witnesses, a total of 44 individuals were interviewed either in person or over the phone. The investigating officer and legal advisor traveled on two separate occasions to New Orleans, Louisiana—once to interview witnesses (7 - 10 Jan 10) and a second time to interview Brig Gen Veillon and an additional witness (6 - 7 Mar 10).

During the course of the investigation, it appeared Brig Gen Veillon may have committed acts of misconduct under the UCMJ. Therefore, Brig Gen Veillon was treated as a suspect and was read his Article 31 rights prior to interviewing him.

II. SCOPE AND AUTHORITY

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The Secretary of the Air Force has sole responsibility for the function of The Inspector General of the Air Force.¹ When directed by the Secretary of the Air Force or the Chief of Staff of the Air Force, The Inspector General has the authority to inquire into and report on the discipline, efficiency, and economy of the Air Force and perform any other duties prescribed by the Secretary or the Chief of Staff.² The Inspector General must cooperate fully with The Inspector General of the Department of Defense.³ Pursuant to Air Force Instruction 90-301, *Inspector General Complaints Resolution*, (15 May 08), paragraph 1.13.4, The Inspector General has oversight authority over all IG investigations conducted at the level of the Secretary of the Air Force.

Pursuant to AFI 90-301, paragraph 1.13.3.1, the Director, Senior Official Inquiries Directorate (SAF/IGS), is responsible for performing special investigations directed by the Secretary, the Chief of Staff, or The Inspector General and all investigations of senior officials.

¹ Title 10, United States Code, Section 8014.

² These authorities are outlined in Title 10, United States Code, Section 8020.

³ Title 10, United States Code, Section 8020(d).

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AFI 90-301 defines senior official as any active or retired Regular Air Force, Air Force Reserve, or Air National Guard military officer in grades O-7 (brigadier general) select and above; Air National Guard Colonels with a Certificate of Eligibility (COE); current or former members of the Senior Executive Service (SES) or equivalent; and current and former Air Force civilian Presidential appointees.

One of several missions of The Inspector General of the Air Force is to maintain a credible inspector general system by ensuring the existence of responsive complaint investigations characterized by objectivity, integrity, and impartiality. The Inspector General ensures the concerns of all complainants and subjects along with the best interests of the Air Force are addressed through objective fact-finding.

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On 28 Aug 09, The Inspector General approved a recommendation that SAF/IGS conduct an investigation into an allegation of misconduct by Brig Gen Joseph B. Veillon, Assistant Adjutant General for Air, LANG. (Ex 85) The case was assigned to Col [REDACTED], who holds a SAF/IG appointment letter dated 6 Jul 09, and the investigation started on 28 Aug 09. (Ex 2) On 14 Dec 09, The Inspector General approved a recommendation that SAF/IGS conduct an investigation into ten additional allegations of misconduct by Brig Gen Veillon. Investigation of these allegations was incorporated into the existing investigation rather than initiating one or more additional separate investigations.

III. BACKGROUND

Brig Gen Joseph B. Veillon is the Assistant Adjutant General for Air, LANG and has served in that position since May 2000. Brig Gen Veillon joined the LAANG in May 1991 and has served at squadron, group, wing, and state leadership levels. In his current position, he formulates policy pertaining to the administration and training of over 1,500 members of the LAANG and is responsible for plans and directives assuring uniform application and compliance throughout all LAANG units. In addition, he serves as a principle advisor to MG Bennett C. Landreneau, the Adjutant General, LANG. Prior to his current position, Brig Gen Veillon served as the Commander, 159 FW, NAS-JRB New Orleans (October 1997 to May 2000.) (Ex 3:1-2)

Maj [REDACTED] and an Active Guard Reserve (AGR) resource assigned to the LAANG; at the time of his complaint and during the investigative phase of this case, [REDACTED]

[REDACTED] Prior to that, beginning in Dec 07, he was [REDACTED] The C-130 program of the LAANG consists of a single C-130 aircraft and one full-time and one part-time aircrew and is a unique program within the Air National Guard and only exists in two other states—South Carolina and Florida. In his position as [REDACTED], Maj [REDACTED] was responsible for supervision and leadership of all assigned aircrew and for overall execution of C-130 missions. (Ex 87; Ex 16:1-5)

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Col [REDACTED] following an interview conducted with him during the early stages of this investigation. Col [REDACTED] stated he had not filed a complaint previously because he had lost faith in the Inspector General system as a result of how he had seen issues handled by the Adjutant General in Louisiana. He stated he did not believe anything would be done about issues he might raise. [REDACTED] (Ex 88; Ex 69:1-2, 7-8; Ex 70:3, 23, 25; Ex 86)

During initial interviews supporting this investigation, several themes emerged warranting mention in the background of this report as they contributed to the context in which issues were identified (including why issues were not previously brought forward), how testimony and other evidence was obtained and assessed, and, very importantly, how various factors may have interacted to influence the actions and events examined in this investigation.

First, a number of individuals appeared either reluctant to testify or reluctant to provide open and forthright testimony because of fear that talking with a member of the IG might be held against them by Brig Gen Veillon and/or MG Landreneau and that their career or the career of someone they might name would be affected in some way, to include being fired. Some of these individuals indicated while they had previously considered filing a complaint about something they had either witnessed or been subject to, they had not done so out of the same fear. In addition, several individuals indicated the investigation would have difficulty obtaining truthful information from certain members within the leadership of the LAANG as either a result of their close relationship with Brig Gen Veillon or their fear of retribution from Brig Gen Veillon if they provided negative information about him.

Further complicating matters, the efforts and outcomes of an advisory panel referred to within this report as the Adjutant General's Nomination Committee, appointed by Governor of Louisiana Bobby Jindal in January 2008, appeared to have created significant turmoil within the LANG, to include more senior leadership of the organization. The Adjutant General's Nomination Committee was a committee established to assess the state of the LANG and provide a recommendation on whether to retain the incumbent TAG or to select a different individual to serve in that position. Several issues examined in this investigation resulted from actions taken against individuals in perceived and/or apparent response to either their association with members of the panel, the support they provided to panel activities, and/or responses they provided (or were presumed to have provided) to panel member inquiries. It is also important to note, as previously mentioned, that one of the members of the Committee was Brig Gen (ret) Samuel deGeneres, [REDACTED] in this case and an individual that Brig Gen Veillon apparently has a well-known dislike of. (Ex 89; Ex 90; Ex 91)

A final theme identified early during the investigation was the presence of long-term, close relationships between members of various ranks of the LAANG, the loyalties created by those relationships, the tendency to place those loyalties above adherence to overarching Air

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Force core values and directive guidance, and the impact of those relationships on unit morale and discipline.

More specific information on these themes and how they affected individual issues and allegations is included in the additional background and analysis sections of related allegations.

It is also important to note that given the amount of time that has passed since the occurrence of some of the issues investigated in this report, individual memories of specific events varied and, in some cases, individuals that were known by multiple witnesses to have been present at certain events testified they had no recollection of those events at all.

IV. ALLEGATIONS, ADDITIONAL BACKGROUND, FINDINGS, ANALYSIS AND CONCLUSIONS

ALLEGATION 1. That Brig Gen Joseph B. Veillon failed to exercise personal leadership and be personally accountable for the Louisiana Air National Guard ethics program, as required by DoD 5500.7-R, *Joint Ethics Regulation*, 23 Mar 06, para 1-404(a) and (b)⁴, by intimidating and retaliating against members of his command who lawfully disclosed abuse, corruption, violations of law or regulation, or conducted official duties that appeared contrary to his individual interest.

Additional Background. During interviews supporting the investigation of the initial complaint by Maj [REDACTED] concerning the C-130 program, a number of current and former members of the 159 FW and LAANG leadership team (primarily wing, group, and squadron or squadron-level leaders) were interviewed to better understand the context and dynamics within the C-130 program both before and after Maj [REDACTED] became the [REDACTED] in Dec 07. During the course of these interviews, these individuals related serious concerns about Brig Gen Veillon's leadership style and his treatment of subordinate commanders and leaders. They described an atmosphere of intimidation and retaliation against those that raised issues or concerns about direction Brig Gen Veillon provided. (Ex 31:3, 9, 28; Ex 32:2, 14, 17, 27; Ex 9:2-3, 7-9, 22-24; Ex 69:2-3, 7-8, 11, 20-21; Ex 70:14-16, 21-22, 23, 25; Ex 68:6, 10; Ex 50:28-29; Ex 51:1-4; Ex 56:13, 27; Ex 38:5, 6, 26; Ex 45:6, 23)

The following are representative statements from those witnesses about Brig Gen Veillon's leadership style and interaction with subordinate commanders:

...he's a, a General that rules by, by, by his opinion. Very hard to talk to sometimes...he's not the kind of guy you can convince a different way ... (Ex 31:3)

...he just didn't like that we interpret the reg, the reg different than him and because of that, I think he held it against me...I don't think he wanted to deal with somebody else who would not agree with him. (Ex 31:28)

...if you disagree with him, the phone calls are pretty abrupt and a lot of screaming...it's a one way conversation and people were just worried about their jobs, most of the full-timers obviously worry about their jobs. (Ex 32:2)

...if I disagreed with him, he'd tend to get loud and would start yelling. (Ex 32:2)

...my take on that is that any time he wanted something done, if, if, you pointed out that it was not a legal mission in accordance with AFIs, he, that, he would get very, very upset with that. And that's when you, you would hit his list, and you're pretty much done at that point. (Ex 9:8)

⁴ DoD cite the same for any misconduct in violation of standard prior to Mar 2006.

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...he does not respect the regulations...one particular example was that during the time I was wing commander, Gen Veillon wanted to use the aircraft (C-130) to go to the National Guard Association Conference, which is specifically by reg not authorized ... I refused to forward the request of the use of that aircraft of which, you know, I had my ass chewed on for, for substantial amount of time over that issue, but I held my ground because I was not willing to put my integrity on the line to send that aircraft forward ... so suffice to say, I was persona non grata there as wing commander, but because I was managing the wing in a, a, professional way, you know, even though he threatened to fire me on, you know, hundred, one hundred occasions, he was unable to fire me ... (Ex 69:3)

...I can't describe it any better than to say it's like a crime family that, you know it's, it's all, he's, he's morally corrupt and you don't want to be in his way because he will, he will, the reprisals will be out there hot and heavy. (Ex 69:11)

...Gen Veillon would keep pulling everything back to the state and the TAG, the state and TAG. And it's that attitude to me that if you don't do what we say, the way we want it done, and when we say to do it, we don't want any part of you. You know, what we don't want is an OSS Commander and an OG who questions us when we tell you do something or questions the legality of something. (Ex 68:10)

...you either found a way to get it done or you were part of the problem and once you were part of the problem, you were ah...well let's just say that that would not be forgotten. (Ex 56:13)

...I have never seen a more dysfunctional organization...the environment in the Louisiana Air National Guard is not conducive to commanders having the environment they need to be effective as leaders, because at the end of the day, you are being, you know, what you can or can't do is always being second-guessed or, or overridden by one individual ... Gen Veillon. (Ex 56: 27)

...it was absolutely incredible...the way that he conducts his business, it's, it's basically a fear, operates off of fear and retribution. And he doesn't go by the regs, he basically states, and I've heard him quote this at somebody with a different flyover, that your job is to make it happen and take the fall for me even if it's against the regs. (Ex 49:3-4)

...Veillon rules with an iron fist and if you're not doing what he wants you to do, you're going to feel his wrath. I think there... there are a lot of individuals both full-time and traditional who operate under fear of Gen Veillon. (Ex 27:18)

...Veillon has the, has had in my experiences with him, he, if he, if he feels someone is not loyal or, or questions his authority, whatsoever, then he takes great exception to that and, and really, ah really takes great exception to that...he can be a pretty domineering individual and he can, he doesn't like it when people do not follow what he wants them to do or question, again, especially questioning his authority, he gets quite upset about that...Brod has a propensity to get very, very angry initially and then in most cases calms

down...but it is my impression that he seems to carry a grudge against people that have crossed him, and, and that is fairly well known I believe. (Ex 45:6)

...When I throw out these people's names, I'm kind of curious what will happen. Their careers will be over if ya'll interview them, put this down, and the general sees their names on paper...it may take a while, but their careers will shortly be over. So I'm hesitant to give out a lot of names, especially with the enlisted force...if their names get shown, their careers will be over. (Ex 10:5)

In addition to the above statements, individuals provided details on specific incidents that exemplified Brig Gen Veillon's leadership style. Two of those examples in which more extensive information was provided and that were not incorporated in the investigation as separate allegations follow:

Retirement Ceremony for Brig Gen Samuel deGeneres. In Jul 05, a retirement ceremony had been planned for then Assistant Adjutant General for Air, Brig Gen Samuel deGeneres. Due to a hurricane threat, the ceremony was cancelled and rescheduled for the Aug 05 Unit Training Assembly (UTA). For some months prior to this, the 159 FW had been planning and preparing for an Operational Readiness Exercise (ORE) during the Aug UTA to help prepare for an upcoming Operational Readiness Inspection (ORI). The ORE incorporated deployment to and operations at a deployed location (Gulfport, Mississippi) and the wing had arranged for other units to provide adversary air assets to enhance employment training for the wing's F-15 aircraft. Once Brig Gen deGeneres' retirement ceremony was rescheduled for the same weekend, arrangements were made by the wing to provide several hundred personnel for the ceremony while at the same time executing the ORE. Col [REDACTED] at the time, was scheduled to be the [REDACTED] for the retirement formation. (Ex 69:6; Ex 32:1-2; Ex 23:2; and Ex 92:1)

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According to Col [REDACTED], just prior to the Aug UTA, Brig Gen Veillon requested the wing provide a four-ship F-15 fly over for Brig Gen deGeneres' retirement ceremony. (Ex 92:1-2) Col [REDACTED] at the time and received the request from Col (ret) [REDACTED] for the fly over. Upon review of applicable AFIs, Col [REDACTED] concluded the fly over was not permissible and advised his leadership of that assessment. (Ex 51:3)

Col [REDACTED] testified when Brig Gen Veillon heard the wing could not legally conduct the fly over, "he went crazy" and "one of my thirty minute ass chewings occurred after that." (Ex 92:1-2; Ex 69:6) Shortly thereafter, Col [REDACTED] stated Brig Gen Veillon conducted a conference call with wing, group, and squadron commanders and directed them to provide upwards of 1,000 personnel (roughly two-thirds of the LAANG) for the retirement ceremony formation, replaced Col [REDACTED] as the [REDACTED] and threatened to have personnel in the formation wear web gear and helmets "because he thought it would be

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funny.” As a result, according to Col [REDACTED], the wing effectively had to cancel the ORE for the day of the retirement ceremony. (Ex 92:1-2; Ex 69:6) Col [REDACTED] confirmed this impact:

...we canceled the ORE basically put...we all loaded on buses...the retirement ceremony was over at Jackson Barracks, which is on the other side [of the state] from [Gulf Port] Mississippi...We all stood in the heat ... and we canceled the ORE basically for that day, because by the time we were there, did the retirement ceremony and post event...we did not have any opportunity to do the ORE. (Ex 51:3)

As Lt Col [REDACTED]
[REDACTED] put it:

That’s a moment that won’t leave my mind. The decision that, when we’re doing an ORE, that he cancelled the ORE and made the whole unit, you know, go out to Jackson Barracks, despite of the ORE, personally just to, to mess with not only deGeneres but also [Col] [REDACTED] and the wing. (Ex 49:5)

Some individuals believed to have evidence concerning either the requested F-15 fly over or the subsequent short-notice change to the retirement ceremony and effective cancellation of the ORE testified either they did not recall any specifics of the subject events or they did not recall any issues or concerns raised by Brig Gen Veillon upon learning the F-15 fly over would not be permissible within the guidelines of the applicable AFI. (Ex 22:11-13; Ex 55:2-3; Ex 23:2)

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Delay in Processing [REDACTED] Waiver Package. During an interview conducted relative to the initial complaint filed in this case, Brig Gen [REDACTED] stated he wanted to testify about an issue involving Brig Gen Veillon. During a subsequent interview, Brig Gen [REDACTED] provided details on events surrounding a lengthy delay by Brig Gen Veillon in [REDACTED] he’d submitted. He stated he was providing this information to illustrate Brig Gen Veillon’s leadership style and how the general uses his position to intimidate others.

According to Brig Gen [REDACTED]
[REDACTED] Following [REDACTED], he required a waiver to return to worldwide duty status. He stated he submitted the package in late May 09 and did not hear anything further until July when he received a phone call from Col [REDACTED], telling him he needed to discuss the waiver package with Brig Gen Veillon:

... he says, you know what, you need to talk to Gen Veillon about this waiver package. I said, well about what. He says I don’t know, I don’t know, he just said you needed to talk to him about something. So [REDACTED], I don’t understand what you mean. He said, well he [Brig Gen Veillon] just wanted to talk to you, because the State Air Surgeon had contacted [him] the Director of Staff and said hey we need to, how do I get this to Gen

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Veillon, Gen [REDACTED] waiver package, it's kind of a standard form that you just sign...and I guess [Col [REDACTED]] talked to Gen Veillon and he said, well, just don't send it to him, he doesn't want it right now, he needs to talk to Gen [REDACTED]. (Ex 46:2)

Brig Gen [REDACTED] remembered contacting Brig Gen Veillon to ask him if he had any questions about the package or if there were some issue with processing it and he recalled Brig Gen Veillon stating he'd not received the package and to just have it sent to him and he'd take care of it. (Ex 46:2)

Brig Gen [REDACTED] testified he heard nothing further about the waiver package in the following months until Sep when he called [REDACTED] to check on the status of his waiver. He recalled at that point he was told the package had still not been approved, as Brig Gen Veillon had not signed it. When he called Brig Gen Veillon to discuss the package, he recalled Brig Gen Veillon stating he'd not signed it because he was upset with him for talking with Maj Sam deGeneres without telling him about it. (Ex 46:2,5,13-14)

Now, I don't know why that got him angry, but apparently it did, that I didn't share that mentoring session ... And that's when he told me, again this is factual, that's when he told me on the phone, you didn't tell me about this, so I didn't sign your waiver package. (Ex 46:5)

When asked why he thought Brig Gen Veillon would delay approving his [REDACTED] package for talking with Maj [REDACTED], Brig Gen [REDACTED] replied, "I guess to, to demonstrate his power. He has a propensity to do that. He likes to demonstrate his power and control." (Ex 46:13)

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FINDINGS OF FACT:

- Current and former squadron-level leaders and above of the LAANG have felt intimidated by or retaliated against by Brig Gen Veillon for raising issues or concerns about guidance or direction received from him. (Ex 31:28; Ex 32:2; Ex 9:8; Ex 69:3,11; Ex 68:10; Ex 56:13; Ex 45:6)
- With little notice, Brig Gen Veillon directed a significant increase in 159 FW personnel participation in a retirement ceremony held in Aug 05 for Brig Gen Sam deGeneres, forcing the wing to cancel the portion of an ORE that had been planned and prepared for that day. (Ex 92:1-2; Ex 69:6; Ex 51:3; Ex 47:3)
- On or about Sep 09, Brig Gen Veillon approved a [REDACTED] package for Brig Gen [REDACTED] which had been forwarded to him in or about May 09. (Ex 46:2,5,13-14)

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STANDARDS.

10) DoD 5500-7.R, *Joint Ethics Regulation*, Including Ch 6 of 23 Mar 06 states: (Ex 75:6-7,

SECTION 3. GENERAL POLICY

1-300. DoD Policy. It is DoD policy that:

f. Individual conduct, official programs and daily activities within DoD shall be accomplished lawfully and ethically;

1-404. The head of each DoD Component command or organization shall:

a. Exercise personal leadership and take personal responsibility for establishing and maintaining the command's or organization's ethics program in coordination with the command's or organization's Ethics Counselors;

b. Be personally accountable for the command's or organization's ethics program, including its ethics and procurement integrity training program, and the command's or organization's compliance with every requirement of this Regulation.

While DoD 5500-7.R includes specific guidance on a range of DoD-related activities and programs, it also defines the broader ethical values leaders are to incorporate in decision-making. These values such as honesty, integrity, loyalty to mission and nation over loyalty to individuals, fairness, caring, and respect are especially appropriate in the assessment of the evidence obtained supporting this allegation. (Ex 75:155-158)

ANALYSIS.

The testimony cited above identified an environment within the leadership of the LAANG in which individuals are intimidated, treated harshly, and subject to retribution when performing their duties in a way that is contrary to Brig Gen Veillon's personal interest. This testimony was obtained from a number of current/and or former leaders of the LAANG to include wing, group, and squadron commanders, was consistent across time, and assessed as credible.

When discussing his leadership style and how he interacted with subordinate commanders, Brig Gen Veillon painted a very different picture. He described himself as a detail-oriented person, highly interactive with people within the LANG and stated, "I pride myself on knowing the details of the issues and the ability for me to keep him [Adjutant General] informed accurately as to what is going on." (Ex 57:2)

When asked how he ensures his own behavior is in compliance with the *Joint Ethics Regulation* and how he instills those guidelines in his subordinates, Brig Veillon stated he understood his role as a brigadier general and that he provided feedback in a professional way, stating, "I don't run around chewing ass and fussing at Captains and Majors." (Ex 57:5) While Brig Gen Veillon acknowledged some "speed bumps" during his time as the Assistant Adjutant General, he reiterated the above point two additional times during discussion of this allegation, once stating, "So I don't run around threatening people. I'm not in, I wouldn't be in the job. My boss wouldn't tolerate it. I'd have been fired." (Ex 57:6)

While Brig Gen Veillon admitted to and offered several reasons why he had difficult relationships with some subordinate leaders, especially with Col [REDACTED], those centered on personality conflicts he felt those individuals had with him; his assessment that those individuals just did not like it when he provided direction to them; poor communication; structural issues within the Guard; or some other reason outside his control. He did not offer testimony providing any other insight into the environment described by others above nor did he admit he may have said or done adverse things that would lead people to feel and believe the way they had testified. Brig Gen Veillon stated his intent would never have been to humiliate or belittle people in front of their peers. (Ex 57:5,6,7-12; Ex 58:4,9-10,12)

The two subordinate leaders Brig Gen Veillon currently and primarily interacts with most, Col [REDACTED], current [REDACTED], and Col [REDACTED] provided additional insight into Brig Gen Veillon's past and current leadership interactions. (Ex 57:3,6) This insight was, however, somewhat guarded and general in nature, assessed due to proximity of their working relationship with Brig Gen Veillon.⁵

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According to Col [REDACTED], it was no secret Brig Gen Veillon had estranged relationships with all four wing commanders prior to him, Col [REDACTED], Col [REDACTED], Col [REDACTED], and then Col [REDACTED]. He described the relationship between Brig Gen Veillon and Col [REDACTED] as especially poor, using the words "vitriol and poison" to qualify it. (Ex 37:5,7) However, Col [REDACTED] stated he had little insight as to the reason those relationships were adversarial as those wing commanders effectively blocked visibility of Brig Gen Veillon's

⁵ That Col [REDACTED] and Col [REDACTED] would be guarded when answering certain questions about Brig Gen Veillon was expected. Several individuals had previously testified they felt it would be hard for investigators to obtain complete information from current leadership members of the LAANG because of their fear that what they might say might impact their careers. As an example, according to Col [REDACTED], at one point in the 2006 timeframe, Col [REDACTED] became concerned about his relationship with him after Col [REDACTED] had addressed issues concerning misconduct by Brig Gen Veillon with the Adjutant General and told Col [REDACTED], "I just need to back out of this because I need my job," indicating he feared Brig Gen Veillon might take action against him because of his relationship with Col [REDACTED]. (Ex 70:16) Col [REDACTED] and currently [REDACTED] expressed similar concern when talking about a potential witness within the current leadership of the LAANG stating, "You would have to interview him completely off the record, because everybody is hoping to continue to make promotions down there and they feel like that if they say anything negatively ... then you could probably get some truthful answers out of him." (Ex 9:3)

actions from others. Col [REDACTED] did recall Col [REDACTED] mentioning to him on several occasions that Brig Gen Veillon had threatened to fire him over issues he had raised (Col [REDACTED] was [REDACTED] during the time Col [REDACTED] was [REDACTED]). (Ex 37:1,8-9,11-12)

Col [REDACTED] stated his own relationship with Brig Gen Veillon was cordial and professional and that a major factor in the success of the relationship was frequent communication. (Ex 37:5) He also mentioned, however, that he'd "pondered why it is Gen Veillon likes me, but he does, he clearly does and it has caused me untold grief in my career because of the, there's the perceptions of favoritism." (Ex 37:7)

Col [REDACTED] agreed Brig Gen Veillon could be emotional at times, but he also testified he'd not personally seen Brig Gen Veillon take retribution on someone. (Ex 37:14,18) He also stated he thought different officers interviewed during the investigation would have very different views on Brig Gen Veillon's interactions with them (though he did not offer significant reasons for this). (Ex 37:9-10) Col [REDACTED] alluded, however, that certain individuals may not have been as favorably considered for higher positions within the LAANG because of the perception those individuals may have provided information to the Adjutant General's Nomination Committee, the group described in the background section of this report that was formed to evaluate the status of the LANG and make recommendations on retention or replacement of the Adjutant General. (Ex 37:22)

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Col [REDACTED] described his relationship with Brig Gen Veillon in a positive light, mentioning he'd first worked for the general beginning in 1995 and he likely knew him better than most other members of the LAANG. (Ex 22:4-5) Similar to other testimony, Col [REDACTED] confirmed that Brig Gen Veillon was an emotional individual when it came to someone telling him something couldn't be done. He went on to describe Brig Gen Veillon as an individual that would exaggerate to make his point and one that wanted people to find a way to make things happen. Col [REDACTED] indicated while he'd never seen Brig Gen Veillon give an illegal order, it was "very hard to go back to him when you haven't found a legal way to do it." (Ex 22:15,17,22)

With regard to the example provided in the additional background section on the retirement ceremony for Brig Gen deGeneres, Brig Gen Veillon stated his intent all along was to have 1,000 personnel at the retirement ceremony, even after the event was moved to the August UTA -- the same weekend as the extensive ORE. He placed responsibility for the short-notice guidance to the wing to significantly increase its participation from the previously planned 200-300 personnel on poor communication between Brig Gen [REDACTED], the officer in charge of planning and executing the retirement ceremony, and the 159 FW. He also stated he had no issue when he learned the flyover by F-15s he'd requested was not authorized by the applicable AFI. He indicated he did not recall making a statement that he was going to have members of the formation wear battle gear or perform other unreasonable actions. (Ex 57:10,12)

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Previously cited testimony from Col [REDACTED] as well as testimony received from Brig Gen [REDACTED] in a follow-up interview indicated, contrary to Brig Gen Veillon's recollections, the general had become very angry when he was informed a flyover by F-15s was not permissible within AFI guidelines. Both individuals confirmed the direction to substantially increase the number of individuals required for the retirement ceremony came shortly thereafter and both mentioned additional actions or threat of actions that were viewed as retribution. Additionally, according to Brig Gen [REDACTED], he had kept Brig Gen Veillon informed about the extent of the wing's ORE involvement and level of participation planned for the retirement ceremony. He stated there was no lack of communication between the wing and himself as Brig Gen Veillon suggested. Brig Gen [REDACTED] also indicated it was his assessment Brig Gen Veillon's short-notice guidance to increase the 159 FW's participation at the retirement ceremony for Brig Gen deGeneres, effectively cancelling the wing's ORE for that day, was not a reasonable action to take, created significant logistical issues, and was not something Brig Gen deGeneres expected. (Ex 47:1-10)

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With regard to the example provided in the additional background section concerning Brig Gen Veillon's alleged intentional delay in processing approval of a [REDACTED] package as retribution against Brig Gen [REDACTED], Brig Gen Veillon offered no testimony indicating whether he'd delayed approval of the package or if he had any issue with Brig Gen [REDACTED] which might have affected his approval of that package. Brig Gen Veillon appeared evasive and responded in general terms when answering questions concerning this topic. Brig Gen [REDACTED] testimony on this issue was detailed and assessed as credible. (Ex 57:5-6)

On the whole, the evidence obtained during the course of the investigation of this allegation indicates Brig Gen Veillon's leadership style and decision making/execution is characterized by intimidation or retaliation against subordinate commanders when they raise concerns about abuse and/or compliance with formal AF or other guidance, or simply perform their duties in a way not to Brig Gen Veillon's liking. Additionally, the evidence reflects a lack of fairness and respect by Brig Gen Veillon towards those leaders.

Regardless of the reasons and possible validity of those reasons Brig Gen Veillon cited as causes of conflict within his relationships with subordinate leaders, it remained Brig Gen Veillon's responsibility to conduct those relationships in a respectful and ethical way in accordance with the *Joint Ethics Regulation*. Evidence obtained through interviews with his subordinate leaders and as cited above indicates he did not do so.

On a positive note for members of the LAANG and especially the members of the 159 FW, testimony from past and present wing commanders and command chiefs indicated Brig Gen Veillon's subordinate leaders effectively shielded the majority of their personnel from knowledge of Brig Gen Veillon's actions. (Ex 37:7-8; Ex 65:3,7; Ex 19:1-3)

Finally, it is important to note inconsistencies between Brig Gen Veillon's testimony and that of the majority of subordinate leaders interviewed were significant and raised serious concern about the credibility of the general's overall testimony.

CONCLUSION.

By a preponderance of evidence, based upon the findings of fact and sworn testimony, the allegation that Brig Gen Joseph B. Veillon failed to exercise personal leadership and be personally accountable for the Louisiana Air National Guard ethics program, as required by DoD 5500.7-R, *Joint Ethics Regulation*, 23 Mar 06, para 1-404(a) and (b), by intimidating and retaliating against members of his command who lawfully disclosed abuse, corruption, violations of law or regulation, or conducted official duties that appeared contrary to his individual interest, was **SUBSTANTIATED**.

ALLEGATION 2. That Brig Gen Joseph B. Veillon directed and/or approved employment of an Active Guard Reserve resource funded by the National Guard Counterdrug Support Program under 32 United States Code, Section 112 (32 U.S.C. 112), *Drug Interdiction and Counter-drug Activities*, as a full-time Public Affairs Officer (PAO) for the Louisiana National Guard, in violation of ANGI 10-801, *National Guard Counterdrug Support*, 29 Aug 08.⁶

Additional Background. During the course of interviews with current and former leaders within the 159 FW conducted to gain a better understanding of the [REDACTED] and Brig Gen Veillon's interaction and leadership of that program, Col [REDACTED] testified she had witnessed a number of situations in which Brig Gen Veillon had intentionally directed violation of AF or other higher-level guidance or instructions. Further analysis of one of those situations led to the addition of this allegation to the case. (Ex 38:8)

According to Col [REDACTED], Brig Gen Veillon directed assignment of Lt Col [REDACTED] supporting the LANG's JFHQ while he was serving on Active Guard Reserve (AGR) orders as the [REDACTED] a position funded by the National Guard Counterdrug Support Program. She went on to state she had advised Brig Gen Veillon that Lt Col [REDACTED] could not be used in that role while he was on orders funded by the Counterdrug Support Program because it was a violation of applicable NGB guidance. (Ex 39:6-7; Ex 38:8-9) Col [REDACTED] stated Brig Gen Veillon's response was, "you know, we, we work for the TAG and that's the way it's, it's going to be ... the TAG wants [REDACTED]. He said, you know, salute smartly ... we're within the regulations." (Ex 38:9) Col [REDACTED] also pointed out a related issue in assigning Lt Col [REDACTED] was that the LANG did not have a corresponding full-time manning position in which Lt Col [REDACTED] could be more appropriately placed. (Ex 38:9)

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During a subsequent interview with Lt Col [REDACTED], Lt Col [REDACTED] confirmed he had previously been the CDC for the LANG and stated he'd been placed on AGR orders for that position in the summer of 2000. He recalled he'd been assigned as a [REDACTED] in Oct 04 as the 256th Infantry Brigade was preparing for deployment into Iraq and he'd served in that position through the summer of 2007. He also stated he'd highlighted the issue that his existing AGR orders were funded by the Counterdrug Support Program and needed to be changed when he became the [REDACTED]. Lt Col [REDACTED] recalled once he highlighted the issue he did not later confirm any changes were made and therefore did not know if, when, or how the funding shift was ever made. (Ex 43:1; Ex 93; Ex 94; Ex 95; Ex 96)

⁶ A copy of the 31 Mar 00 version of ANGI 10-801 which would have been in use at the time of the occurrence of the events under investigation concerning this allegation was unable to be obtained for reference. However a list of changes included in the cited version indicates the paragraph used as the standard for this allegation was not changed between the two versions of the instruction. As a result, the standard cited is considered applicable.

A review of documentation provided by the LANG AGR manager indicated Lt Col [REDACTED] was assigned as [REDACTED] beginning 23 May 00 and ending 22 May 06. A subsequent special order dated 3 Feb 05 reassigned him from the position as [REDACTED] to a position as Quality Management Officer. A subsequent amendment to that order dated 17 Feb 05 added the effective date of the position change to 27 Jan 05, approximately 4 months after he assumed the full-time duties as PAO. (Ex 94; Ex 95:AL-46, AL-29, AL-35) Lt Col [REDACTED] duty history obtained from ARPC indicates he served as [REDACTED] from 23 May 00 to 1 Mar 05 and PAO from 1 Mar 05 to 8 May 06. (Ex 96)

Further confirmation of Lt Col [REDACTED] assignment as a [REDACTED] funded by the NGB Counterdrug Support program was obtained through interviews and emails with LTC [REDACTED]. [REDACTED] Interviewed as a subject matter expert on this allegation, LTC [REDACTED] stated he was very familiar with the Counterdrug Support Program in Louisiana as his responsibilities included interaction with the programs of all 54 states and U.S. territories, including visibility into and contact with the personnel and operations of those programs. (Ex 4)

LTC [REDACTED] confirmed, according to documentation maintained by his office, that Lt Col [REDACTED] had previously been assigned as a [REDACTED] for the LANG and that his AGR orders had been funded through the Counterdrug Support Program. He indicated while his office had lost visibility into some historical records due to a technology upgrade, records showed Lt Col [REDACTED] was on orders as [REDACTED] from 1 Oct 04 to 23 Jan 05 (the period following Lt Col [REDACTED] initial assignment as PAO). LTC [REDACTED] went on to add that NGB guidance contained in ANGI 10-801, *National Guard Counterdrug Support*, would not allow for an AGR resource funded by the Counterdrug Drug Support program to be assigned or serve full-time in another position such as PAO. (Ex 4; Ex 97) There is no evidence of reimbursement.

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FINDINGS OF FACT.

- Lt Col [REDACTED] was assigned as [REDACTED] for the LANG and placed on AGR orders funded by the Counterdrug Support Program beginning 23 May 00. (Ex 95:AL-46; Ex 4; Ex 97; Ex 96)
- Lt Col [REDACTED] began serving as full-time PAO in Oct 04 while on AGR orders funded by the Counterdrug Support Program. (Ex 43:1; Ex 39:6-7; Ex 38:8-9)
- Lt Col [REDACTED] was formally reassigned from the position as [REDACTED] effective 27 Jan 05. (Ex 95:AL-46, AL-29, AL-35; Ex 97)
- There is no confirmation of actual counter-drug monies being reimbursed to the ANG Stat Tour program or vice-versa.

STANDARDS.

ANGI 10-801, *National Guard Counterdrug Support*, 29 Aug 08, states: (Ex 73:7-8)

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2-8. Use of Counterdrug Assets for Non-Counterdrug Missions

a. CD-equipped assets, including aircraft and Light Armored Vehicles (LAVs) that are funded by 32 USC 112 appropriations are primarily intended for use in CD operations. On occasion, requests to use CD equipment and personnel for non-CD purposes will be made. Reimbursement will be IAW applicable regulations. Non-CD use is limited to situations where action is being taken in response to requests by civil authorities to save lives, prevent human suffering or mitigate great property damage AND the following criteria are present:

(1) Equipment and/or personnel are needed to search for a lost person(s), where without this support a high probability exists that the person(s) will not survive inclement weather or other perilous circumstances/conditions.

(2) Equipment and/or personnel are needed to search for escapees or suspected dangerous felons, who, if not quickly apprehended, will likely endanger the welfare of innocent persons.

(3) Equipment and/or personnel are needed for support of contingency operations, operations other than war, natural disasters, Military Support to Civil Authorities (MSCA), and National Special Security Events (NSSEs).

ANALYSIS.

Evidence cited above indicates Lt Col [REDACTED] served as a [REDACTED] for the LANG for approximately 4 months while on AGR orders funded by the Counterdrug Support Program, in violation of the above provisions of ANGI 10-801. In addition, as cited above, testimony provided by Col [REDACTED] indicates Brig Gen Veillon directed the assignment and did so with the knowledge it would be in violation of the ANGI. There is no evidence that any of the exceptions for non-CD use occurred and there is no evidence of the LANG providing reimbursement for the use of the CD position.

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Brig Gen Veillon testified he did not recall a conversation with anyone concerning the issue created by assigning Lt Col [REDACTED] as PAO while still on AGR orders funded by the Counterdrug Support Program. However, based on Col [REDACTED] testimony of the specifics of her conversation with Brig Gen Veillon at the time, the assessed credibility of that testimony, and Lt Col [REDACTED] statements that he'd also identified the issue to leadership, the preponderance of the evidence indicates this conversation likely occurred and Brig Gen Veillon was at a minimum, aware of the issue, complicit with the move, and directed the 159 MSG/CC to support it. (Ex 59:2-3) Given the amount of time that has passed since this issue arose, it is possible Brig Gen Veillon just did not recall his conversation with Col [REDACTED] and his role in Lt Col [REDACTED] assignment as PAO.

While no evidence was obtained indicating whether or not Brig Gen Veillon subsequently addressed any concerns about the assignment with MG Landreneau (the individual Brig Gen

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Veillon stated would have had final approval of the move), given his own admission during questioning concerning this specific allegation that he talks to The Adjutant General "every day about everything," it appears likely Brig Gen Veillon would have discussed it with him. (Ex 59:2-3)

Finally, the preponderance of the evidence does show Brig Gen Veillon directed employment of an Active Guard Reserve resource funded by the National Guard Counterdrug Support Program.

CONCLUSION.

By a preponderance of evidence, based upon the findings of fact and sworn testimony, the allegation that Brig Gen Joseph B. Veillon directed and/or approved employment of an Active Guard Reserve resource funded by the National Guard Counterdrug Support Program under 32 United States Code, Section 112 (32 U.S.C. 112), *Drug Interdiction and Counter-drug Activities*, as a full-time Public Affairs Officer (PAO) for the Louisiana National Guard, in violation of ANGI 10-802, *National Guard Counterdrug Support*, 29 Aug 08, was **SUBSTANTIATED**.

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ALLEGATION 3. That Brig Gen Joseph B. Veillon reprised against a subordinate member, in violation of 10 United States Code, Section 1034 (10 U.S.C. 1034), *Military Whistleblower Protection Act*, by threatening to remove him from his position as Commander, 159th Fighter Wing, Louisiana Air National Guard in response to a protected communication.

Additional Background. During an interview with Col [REDACTED] conducted in support of one of the other allegations against Brig Gen Veillon, Col [REDACTED] indicated during his time as [REDACTED] it was common for Brig Gen Veillon to request and/or direct the wing to do things that were in violation of AFIs or other formal guidance. Col [REDACTED] stated he believed Brig Gen Veillon had taken retribution against him on a number of occasions for standing his ground and advising the general of issues related to his guidance. (Ex 69:1-3) Col [REDACTED] went on to provide a detailed description of one specific set of events that lead to the determination that further investigation was required. Following interview of additional witnesses and review of documentation provided by Col [REDACTED], this allegation was added to the initial investigation. The following information provides a background for the reprisal analysis.

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In a document dated 5 Apr 06 addressed to MG Landreneau, The Adjutant General, Col [REDACTED] identified he was at an impasse in his professional relationship with Brig Gen Veillon and highlighted two events he felt had led to this impasse. Both events were situations in which he asserted Brig Gen Veillon had directed actions in violation of applicable AFIs or other guidance and in which adverse action had been taken against him as a result of taking issue with those actions. Col [REDACTED] also highlighted his strong concern with the negative way in which Brig Gen Veillon had been treating him, stated he wished he didn't have to write the document, but felt he could no longer continue being treated the way he was. His own words summarize this well: (Ex 98:7-8)

I will say that I have tried to "suck it up" and be a good officer but the situation has gone beyond my ability to withstand ... I also know that it is not my place to criticize a General Officer. I am trying to be as factual as possible with my explanation and not too emotional. I also know what it means to be a "team player." I have tried to play the game over the last three years and keep the Wing as close to the straight and narrow as possible. But the issues here are no longer about a "team player" but rather an abuse of power. I refuse to compromise my integrity. Ultimately, I think the health of the Louisiana Air National Guard is at stake. I apologize that you have to deal with this ... I need to break this chain of abuse. (Ex 98:8)

According to Col [REDACTED], after MG Landreneau received the document, he set a meeting with Col [REDACTED] to discuss it with him. Prior to that meeting, Col [REDACTED] testified he was told Brig Gen Veillon was firing him. He stated he was told this by Col [REDACTED], the full-time director of staff at the JFHQ (Brig Gen Veillon's main conduit with the wing). (Ex 70:15) When asked about this conversation, Col [REDACTED] indicated he did not specifically recall it, but did state if Col [REDACTED] said he told him he was going to be

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fired, then he did, stating, "... if [Col ██████████] is saying I said it then I probably said it, and that means Gen Veillon said it, but I don't recall." Col ██████████ went on to say that he had strong confidence in Col ██████████ statements and that he had a great deal of respect for him and considered him the best operational commander he'd seen in 31 years. (Ex 22:13, 23)

Col ██████████ stated two additional individuals were present when he was told he was going to be fired. (Ex 70:15) Of these individuals, one did not recall overhearing the conversation but did recall Col ██████████ left the office for the meeting with MG Landreneau expecting to be fired. The other did not recall overhearing such a comment in Col ██████████ presence, but did state he recalled overhearing Col ██████████ state that Col ██████████ was going to be fired. He testified he overheard this prior to Col ██████████ meeting with the Adjutant General. (Ex 65:10; Ex 19:3)

When he arrived at MG Landreneau's office, Col ██████████ stated Brig Gen Veillon was also there and had a copy of the document he'd sent to MG Landreneau. (Ex 69:22) Testimony provided by Col ██████████ confirmed Brig Gen Veillon had a copy of the document prior to the meeting and was present at the meeting with MG Landreneau. (Ex 22:22-23)

CHRONOLOGY.

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DATE	EVENT
6 Apr 06	Col ██████████ authored a document detailing Brig Gen Veillon's past treatment of him and including examples of two sets of events in which he asserted Brig Gen Veillon provided guidance in violation of Air Force or other guidance. [Protected Communication]
Apr 06	Col ██████████ forwarded above document to MG Landreneau, The Adjutant General, LANG.
Apr 06	Brig Gen Veillon obtained copy of above document from MG Landreneau.
Apr 06	MG Landreneau arranged a meeting between himself, Col ██████████, and Brig Gen Veillon to discuss the document and the situation within the LAANG.
Apr 06	Col ██████████ was informed Brig Gen Veillon was firing him as a result of sending the subject document to MG Landreneau. [Adverse Personnel Action]
Apr 06	Meeting between MG Landreneau, Brig Gen Veillon, and Col ██████████
Apr 06	Col ██████████ remained in position as 159 FW/CC.
	Note: While witnesses interviewed did not recall specific dates the above events occurred, the events and the order of events was consistent among those witnesses. (As previously cited in the Additional Background section.)

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FINDINGS OF FACT.

- On or about 6 Apr 06, Col [REDACTED] authored a document detailing Brig Gen Veillon's past treatment of him and outlining two specific sets of events in which he asserted Brig Gen Veillon provided direction in violation of Air Force or other guidance. (Ex 98:7-8)
- Col [REDACTED] sent the above document to MG Landreneau. (Ex 69:22; Ex 59:8)
- MG Landreneau arranged for and held a meeting between himself, Brig Gen Veillon, and Col [REDACTED] to discuss the contents of the document and the situation within the LAANG. (Ex 69:22; Ex 65:10; Ex 59:8)
- Brig Gen Veillon received a copy of the subject document prior to the meeting. (Ex 69:22; Ex 59:8)
- Col [REDACTED] was told Brig Gen Veillon was firing him as a result of the document he had sent MG Landreneau. (Ex 70:15; Ex 22:13,23; Ex 65:10; Ex 19:3)
- Brig Gen Veillon admitted he may have told another individual he was going to fire Col [REDACTED] as a result of the subject document. (Ex 59:9)

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STANDARDS.

Reprisals against military members for making protected disclosures are prohibited under 10 U.S.C. 1034 and as further detailed in Department of Defense Directive 7050.06, *Military Whistleblower Protection*. AFI 90-301, *Inspector General Complaints Resolution*, provides standards and criteria to evaluate allegations of reprisal.

According to AFI 90-301, Para 5.3.1.1, *Whistleblower Protection Against Reprisal Under Title 10, United States Code, Section 1034 (10 USC 1034)* "no person may take (or threaten to take) an unfavorable personnel action; or withhold (or threaten to withhold) a favorable personnel action, as a reprisal against a member of the armed forces for making or preparing to make a protected communication."⁷ (Ex: 72)

AFI 90-301 (both the Feb 05 and May 08 versions) further instructs Inspector Generals to answer the following four questions (the "Acid Test") when analyzing a reprisal complaint: (Ex 72)

1. Did the member make or prepare a communication protected by statute?

A protected communication includes any one in which "a member of the Armed Forces communicates information that the member reasonably believes evidences a violation of law or regulation, including sexual harassment or unlawful discrimination,

⁷ The 8 Feb 05 version of AFI 90-301 is referenced, as it was the active version at the time the adverse personnel action relevant to this allegation occurred. (The 15 May 08 version is included in the book)

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mismanagement, a gross waste of funds or other resources, an abuse of authority, or a substantial and specific danger to public health or safety" when such communication is made to an appropriate individual. (Ex 72)

AFI 90-301 further defines who may receive a lawful protected communication [list limited to those applicable to this analysis]:

1. Member of Congress or an inspector general or a member of an inspector general's investigative staff.

2. The following when the member reasonably believes he or she has been the victim of, or has evidence of a violation of law or regulation, including laws or regulations prohibiting sexual harassment or unlawful discrimination, gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety:

a. Personnel assigned to DoD audit, inspection, investigation, or law enforcement organizations; military equal opportunity; and family advocacy.

b. Any person in the chain of command [as defined in Attachment 1 of the AFI]. (Ex 72)

2. Was an unfavorable personnel action taken or threatened, or was a favorable action withheld or threatened to be withheld following the protected communication?

A personnel action is "Any action taken on a member of the armed forces that affects or has the potential to affect (for example a threat) that military member's current position or career." Such actions include (but are not limited to) a demotion; disciplinary or other corrective action; transfer or reassignment; performance evaluation; decision on pay, benefits, awards, or training; referral for mental health evaluation under DoDD 6490.1, *Mental Health Evaluations of Members of the Armed Forces*; and/or any other significant change in duties or responsibilities inconsistent with the military member's rank.

3. Did the official(s) responsible for taking, withholding, or threatening the personnel action know about the protected communication?

A responsible management official (RMO) is generally anyone who influences, recommends, approves, reviews, or indorses actions taken or threatened against the complainant. (Ex 72) In order to answer Question 3 affirmatively, it must be shown that the responsible official knew, suspected, believed, or heard rumors about the complainant's protected communication when the official decided to take unfavorable personnel action.

4. Does the preponderance of the evidence establish that the personnel action would have been taken, withheld, or threatened if the protected communication had not been made?

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In determining whether a personnel action would have been taken, withheld or threatened in the absence of a protected communication, five additional factors should be considered: (1) reason; (2) reasonableness; (3) consistency; (4) motive, and (5) procedural correctness of the action. (Ex 72)

ANALYSIS. The answers to the acid test for reprisal follow:

1. Did the member make or prepare a communication protected by statute? Yes

As previously cited, Col [REDACTED], on or about 5 Apr 06, prepared a document and transmitted it to MG Landreneau that described Brig Gen Veillon's past treatment of him and also outlined two sets of events in which he alleged misconduct by Brig Gen Veillon, to include violation of AFI or other guidance. A copy of this document was provided for the investigation by Brig Gen Veillon and review of that document confirmed it described events Col [REDACTED] believed to be violation of Air Force or other guidance. In addition, Col [REDACTED] testified and Brig Gen Veillon confirmed that Col [REDACTED] transmitted the document to MG Landreneau, an individual in Col [REDACTED] chain of command. As a result, the document met criteria cited above and was confirmed a protected communication.

2. Was an unfavorable personnel action taken or threatened, or was a favorable action withheld or threatened to be withheld following the protected communication? Yes.

As cited above, Col [REDACTED] testified he was told by Col [REDACTED] that Brig Gen Veillon was going to fire him for sending the subject document to MG Landreneau. During a follow up interview, Col [REDACTED] reiterated the strength of that recollection stating, "... that's not one of those fuzzy memories of mine as you can imagine, you know, that I'm being told that I'm going to be fired," (Ex 71:7)

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As previously cited, while Col [REDACTED] did not specifically recall the above conversation, he emphasized during his testimony that if Col [REDACTED] said he told him Brig Gen Veillon was firing him, then he did and Brig Gen Veillon did say it. Of the other two individuals Col [REDACTED] asserted were party to the conversation, while neither recalled the specific conversation, one individual testified hearing Col [REDACTED] say that Brig Gen Veillon had said he was going to fire Col [REDACTED].

Brig Gen Veillon testified he first learned of Col [REDACTED] document when he received a copy of it from MG Landreneau shortly after Col [REDACTED] sent it to him. While he stated he had no knowledge or memory of telling Col [REDACTED] directly he was going to fire him for sending the document to the Adjutant General, he did recall discussing the document with Brig Gen [REDACTED] prior to a subsequent meeting about it with MG Landreneau. (Ex 59:8) While Brig Gen Veillon testified he did not recall the specifics of that discussion, he stated it was possible he could have told Brig Gen [REDACTED] he was going to fire Col [REDACTED]

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██████████ or have him fired. (Ex 59:9) He added he had no memory of telling anyone else he was going to take adverse action against Col ██████████. (Ex 59:14)

Given the strength of Col ██████████ recollection, the support given to that recollection by Col ██████████, the recollection of a third individual that Col ██████████ was aware of statements made by Brig Gen Veillon about firing Col ██████████, and the recount of Brig Gen Veillon's interaction with other subordinate leaders detailed in Allegation 1, the preponderance of evidence indicates Brig Gen Veillon threatened to fire Col ██████████ for sending a protected communication to MG Landreneau and that Col ██████████ communicated that to Col ██████████.

It is important to note that during the interview with Brig Gen Veillon on this topic it was apparent he was angry about the content of the document and viewed it as a personal attack against him. It is also important to note Brig Gen Veillon indicated he was not aware emails were subject to the whistleblower protection act and that making a comment to someone about firing or wanting to fire an individual for making such a communication could be considered threat of an adverse personnel action. (Ex 59:14-15)

3. Did the official(s) responsible for taking, withholding, or threatening the personnel action know about the protected communication? Yes

As Assistant Adjutant General for Air, LANG, Brig Gen Veillon meets the criteria as an RMO as cited above as he is in a position which, influences, recommends, approves, reviews, or indorse actions taken against individuals within the LAANG.

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As previously cited, Brig Gen Veillon testified he received a copy of the subject document from MG Landreneau shortly after Col ██████████ sent it to him. As concluded above, evidence obtained indicates Brig Gen Veillon threatened to fire Col ██████████ following his receipt of a copy of that document.

4. Does the evidence establish that the personnel action would have been taken, withheld, or threatened if the protected communication had not been made? No

In his own testimony, Brig Gen Veillon stated had it not been for the subject document (protected communication), he would not have had a discussion with Brig Gen Soileau in which he may have stated he was going to fire Col ██████████, and would not have told anyone else he was going to fire Col ██████████, recommend he be fired, or threaten the same (regardless of whether he recalled it or not). Brig Gen Veillon testified to his reaction at reading the subject document, "I was angry that, that this, this e-mail was sent to MG Landreneau by a, by the Wing Commander, a Colonel. I was angry about it. I didn't like it. Nobody would." (Ex 59:14)

No other evidence was obtained or presented that indicated Col [REDACTED] would have been fired or threatened to be fired at that time.

Normally, analysis of Question 4 of the reprisal test includes a review of the reason, reasonableness, consistency, motive, and procedural correctness of the action or threatened action. Given Brig Gen Veillon's admission that had it not been for the document Col [REDACTED] sent to MG Landreneau there would have been no reason for him to fire Col [REDACTED], recommend he be fired, or threaten to do so at that time, it was assessed there was no justification to further review those items.

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CONCLUSION.

By a preponderance of evidence, based upon the findings of fact and sworn testimony, the allegation that Brig Gen Joseph B. Veillon reprised against a subordinate member, in violation of 10 United States Code, Section 1034 (10 U.S.C. 1034), *Military Whistleblower Protection Act*, by threatening to remove him from his position as Commander, 159th Fighter Wing, Louisiana Air National Guard in response to a protected communication, was **SUBSTANTIATED.**

ALLEGATION 4. That Brig Gen Joseph B. Veillon made false official statements on an AF Form 707A, *Field Grade Officer Performance Report*, for the complainant's reporting period of Dec 04 to Aug 05, when he falsified both the contents of and signature of the rating official on that report, in violation of Louisiana Revised Statutes, Title 29, section 207, *False Official Statements*.⁸

Additional Background. During the same interview with Col [REDACTED] cited in the additional background section of Allegation 3, Col [REDACTED] provided details about a situation that occurred in which he learned Brig Gen Veillon had falsified an officer performance report (AF Form 707A) on him and "forged" the signature of the rating official on that report. Col [REDACTED] stated this occurred in the Nov - Dec 06 timeframe as he was preparing to relinquish command of the 159 FW and retire from the LAANG.

According to Col [REDACTED] during his initial testimony, as he prepared to retire he noticed a performance report for the period ending in Aug 05 had not been completed by his rater for that period, Brig Gen (ret) deGeneres.⁹ He stated he informed Brig Gen Veillon of this and provided draft bullets for the report as requested. When he received a copy of the finalized report he found significant accomplishments he'd identified had not been included in Block VI. The Rater Overall Assessment included a number of blank lines, and the signature in the rater's block did not look like that of Brig Gen (ret) deGeneres. (Ex 69:24)

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Col [REDACTED] stated he contacted Brig Gen (ret) deGeneres concerning the report and was told by the general that he did not write nor sign the report. Col [REDACTED] indicated he next contacted MG Landreneau and informed him of what he believed had occurred. According to Col [REDACTED], MG Landreneau told him he would have the existing report pulled from his records and he would ensure the situation was fixed. (Ex 69:24)

Following the above testimony of Col [REDACTED], SAF/IGS obtained a copy of the Colonel's official records from the Air Reserve Personnel Center (ARPC) and determined no report for the period ending in Aug 05 was a part of those records. (Ex 99) Col [REDACTED] was informed of this finding and he subsequently filed an AF IMT 102, *Inspector General Personal and Fraud, Waste & Abuse Complaint Registration*, on 15 Nov 09. (Ex 86) In his complaint, Col [REDACTED] asserted Brig Gen Veillon had submitted a fraudulent performance report on him for the period ending Aug 05 and had "forged" Brig Gen (ret)

⁸ Initially, this allegation included an allegation of forgery. However, upon final review the IO determined that an element of a forgery, to wit: the intent to defraud (financial gain achieved) could not be legally met under the facts uncovered during the investigation. The complainant may have perceived the subject's false signature of another's on his OPR as a "forgery" but in fact, and in law in this case it is a false official statement.

⁹ Note: Brig Gen (ret) deGeneres retired in Aug 05 and Hurricane Katrina struck New Orleans that same month, destroying the LAANG headquarters facility and a broad range of records and in process administrative actions, including Col [REDACTED] performance report. Completion of the report was delayed as a result of the LAANG's high tempo in the post Katrina timeframe and the complexities of trying to determine what records had been destroyed.

deGeneres' name to that report. He provided additional supporting evidence along with his complaint and identified a number of witnesses to support his assertions. (Ex 86; Ex 92)

When asked why he had not previously filed a complaint concerning the performance report or any of the other incidents of misconduct he'd described, Col [REDACTED] stated he'd lost faith in the Inspector General system as a result of seeing MG Landreneau take minimal, if any, corrective action against senior officers for confirmed misconduct. As Col [REDACTED] put it, "I almost felt like what's the sense of making an IG complaint because I didn't feel it would be effective whatsoever." (Ex 69:12)

FINDINGS OF FACT.

- Brig Gen Veillon drafted and completed an AF Form 707A, *Field Grade Officer Performance Report*, on Col [REDACTED] for the period of Dec 04 to Aug 05 and knowingly falsified both the contents of and the signature of the rating official Brig Gen (ret) deGeneres on that report with the intent to deceive others. (Ex 69:24; Ex 86; Ex 70:2-5; Ex 29:7-11; Ex 60:4-6; Ex 15:1-2; Ex 100:2; and Ex 11:10-11)

STANDARDS.

The Louisiana Code Of Military Justice states: (Ex 76)

RS 29:207

§207. Article 107. False official statements.

Any person subject to this code who, with intent to deceive, signs any false record, return, regulation, order, or other official document, knowing it to be false, or makes any other false official statement knowing it to be false, shall be punished as a court-martial may direct. Acts 1974, No. 621, §1.

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ANALYSIS.

During testimony concerning this allegation, Brig Gen Veillon admitted he drafted and completed a performance report for Col [REDACTED] for the period of Dec 04 to Aug 05 and signed Brig Gen (ret) deGeneres' name to that report, actions in violation of the provisions of Article 107. (Ex 60:4-6)

He went on to add his reason for doing so was to ensure Col [REDACTED] had a complete record prior to his retirement from the Louisiana National Guard. He indicated that as Col [REDACTED] retirement drew near, he had asked if all performance reports for Col [REDACTED] had been completed and was told that reports for two reporting periods were outstanding, one for which he (Brig Gen Veillon) was the rating official and a second for which Brig Gen (ret) deGeneres was the rating official. Brig Gen Veillon stated he asked his staff to

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contact Brig Gen (ret) deGeneres and ask him to complete the report. His understanding was that Brig Gen (ret) deGeneres agreed to do so and also commented he did not engage Brig Gen (ret) deGeneres directly on it. (Ex 60:4-6)

Brig Gen Veillon testified, as the time of Col [REDACTED] retirement ceremony drew near, his staff informed him they had not received a report from Brig Gen (ret) deGeneres and, at that point, he completed the report and signed Brig Gen (ret) deGeneres's name to it. Brig Gen Veillon further testified his intentions were good and that he believed the report he drafted and signed was a good one. Coincidental with his testimony, Brig Gen Veillon provided a copy of a performance report for Col [REDACTED] for the timeframe in question and stated that to the best of his knowledge the product provided to SAF/IGS was a copy of the one he had signed. A copy of that report is located at Exhibit 101 and it should be noted that there are no signatures on that copy. (Ex 60:4-6)

Brig Gen Veillon went on to add that at Col [REDACTED] retirement ceremony he informed Brig Gen (ret) deGeneres of his actions and that Brig Gen (ret) deGeneres told him he wished he had not done so and agreed he would complete the report. Brig Gen Veillon testified that following the ceremony he informed his staff to remove the subject performance report from Col [REDACTED] record. To his knowledge that was done and the report was never sent to ARPC. Brig Gen Veillon also indicated he did not believe the report was ever completed and stated, "I knew Sam [deGeneres] wouldn't do it." (Ex 60:5)

While Brig Gen Veillon's recollection and testimony would appear to provide mitigating circumstances for his admitted actions, his testimony and provided supporting documentation is not consistent with other evidence obtained.

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According to Capt [REDACTED], it was Col [REDACTED] that initiated a push to have his performance reports completed. She recalled asking Col [REDACTED] for draft bullet statements on his accomplishments and preparing a package from which Brig Gen Veillon completed the report. Capt [REDACTED] testified that Brig Gen Veillon signed Brig Gen (ret) deGeneres' name to the report and she then forwarded a copy to ARPC and placed another in Col [REDACTED] personnel record at the Military Personnel Flight (MPF). It was her understanding that Col [REDACTED] obtained a copy from the MPF and subsequently addressed his concerns about it with the Adjutant General. She stated the performance report was subsequently rewritten and she retrieved the copy sent to ARPC and then shredded it. (Ex 29:6-8)

Capt [REDACTED] testimony is consistent with that of Col [REDACTED] cited in the additional background section, as well as that of Brig Gen (ret) deGeneres obtained in a follow-up interview. According to Brig Gen (ret) deGeneres, Col [REDACTED] called him one day late in 2006 to ask him if he'd drafted and signed a performance report for him for the period ending in Aug 05. Brig Gen (ret) deGeneres stated after Col [REDACTED] described the

report he'd been given a copy of he became concerned and contacted Brig Gen Veillon to ask about the report. (Ex 14)

Brig Gen (ret) deGeneres recalled Brig Gen Veillon telling him he'd done him a favor and that Brig Gen Veillon subsequently faxed him a copy of a draft performance report for his final review and signature. (Ex 100:2-4) Brig Gen (ret) deGeneres stated after receiving the document he quickly identified that statements in Block VI, Rater Overall Assessment (his block), did not accurately reflect Col [REDACTED] performance for the period, stating the report was "totally inadequate of his performance." He also recalled a number of lines were left blank. (Ex 14; Ex 100:2-4)

Brig Gen (ret) deGeneres testified he then contacted the 159 FW MPF and requested copies of Col [REDACTED] recent performance reports from his personnel record. He recalled he was subsequently faxed a copy of several finalized reports, one of which was for the period ending in Aug 05. (Ex 100:8-11)¹⁰ (Ex 14)

Brig Gen (ret) deGeneres recalled after receiving and reviewing the above faxed performance reports that he interacted with an individual at JFHQ (he did not recall specifically who) to revise the report. He added, however, that multiple revised drafts sent to him for review and signature did not include certain statements he provided for inclusion and eventually he advised the individual he would not sign the report unless those statements were added. Brig Gen (ret) deGeneres stated that shortly after the above interaction he received no further contact from the individual at JFHQ concerning Col [REDACTED] OPR. (Ex 14; Ex 100:5-6,11-19)

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Comparison of the fax received by Brig Gen (ret) deGeneres from Brig Gen Veillon with the fax Brig Gen (ret) deGeneres received from the MPF indicates the document Brig Gen Veillon faxed to Brig Gen (ret) deGeneres was identical to the signed document that had been placed in Col [REDACTED] personnel record with the exception that the performance feedback date, date of rater's signature, and raters signature (reading "Samuel deGeneres") had been "whited out" on the draft document sent by Brig Gen Veillon to Brig Gen (ret) deGeneres. Remnants of those items are still visible on the document.

Assessment of the above documents and related testimony indicates the document sent by Brig Gen Veillon to Brig Gen (ret) deGeneres as a draft for his final review and signature was a copy of a performance report for Col [REDACTED] which had already been completed, signed, and processed for inclusion into Col [REDACTED] official records. It is further assessed, Brig Gen Veillon was aware of this at the time he sent the fax to Brig Gen (ret) deGeneres and intentionally tried to deceive him.

¹⁰ Review of copies of the two faxes cited above indicates a clear and convincing probability they are copies of actual documents sent at the time attested to and have not been subsequently modified or altered. In addition, they are consistent with testimony provided by others who'd seen copies of the finalized, signed report at the time. (Ex 11:10; Ex 49:4) As a result, these documents were assessed as factual evidence.

It is important to note the testimonies of Capt [REDACTED] Col [REDACTED], and Brig Gen (ret) deGeneres were consistent and supportive of each other and were assessed as credible. Those testimonies were further corroborated by the supporting documentation provided by Brig Gen (ret) deGeneres.

Furthermore, the copy of the draft performance report provided by Brig Gen Veillon to SAF/IGS and attested to the best of his knowledge to be a copy of the report he'd signed, was a significantly improved version of the report that had been finalized, signed, placed in Col [REDACTED] local personnel records, and forwarded to ARPC. It is possible but unclear whether Brig Gen Veillon intentionally attempted to deceive SAF/IGS personnel in the submission of that document.

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A final assessment of testimony of individuals interviewed in support of this allegation along with a detailed review of supporting documentation indicates Brig Gen Veillon not only intentionally falsified a performance report for Col [REDACTED] for the period ending in Aug 05 and falsely signed Brig Gen (ret) deGeneres' name on the report, but did so with the intent of deceiving others by entering this report of performance into Col [REDACTED] official personnel records that, in a significant way, did not reflect actual performance for the period involved. As a result, it is reasonable to consider Brig Gen Veillon's actions concerning Col [REDACTED] performance report as an unjustified adverse personnel action against Col [REDACTED].

CONCLUSION.

By a preponderance of evidence, based upon the findings of fact and sworn testimony, the allegation that Brig Gen Joseph B. Veillon made false official statements on an AF Form 707A, *Field Grade Officer Performance Report* for the complainant's reporting period of Dec 04 to Aug 05 when he falsified both the contents of and signature of the rating official on that report, in violation of Louisiana Revised Statutes, Title 29, section 207, *False Official Statement* was **SUBSTANTIATED**.

ALLEGATION 5. That Brig Gen Joseph B. Veillon directed subordinate members to modify Louisiana Air National Guard Drug Abuse Testing Program procedures, in violation of AFI 44-120, *Drug Abuse Testing Program*, 1 Jul 00, and National Guard Drug Testing Policy. (Ex 77; Ex 78)

Additional Background. During interviews supporting investigation of other allegations against Brig Gen Veillon, several witnesses alluded to misconduct by Brig Gen Veillon concerning the LANG Drug Abuse Testing Program. Further information was sought from and obtained from the individual serving as the [REDACTED] for the LANG during the time in question, Capt [REDACTED].

During an interview with SAF/IGS, Capt [REDACTED] stated he had served as the [REDACTED] from approximately May 03 until Dec 08, a responsibility given to him while assigned as full-time personnel officer and later labor relations specialist for the LANG. He indicated his responsibilities in that position were to ensure drug testing for both the Army and Air National Guard was conducted in accordance with NGB guidelines and standards. Capt [REDACTED] testified for much of his time in the drug abuse testing program he had difficulty gaining support from the leadership of the LAANG to test adequate numbers of personnel to meet NGB required guidelines and was also directed to violate AF guidance concerning drug abuse testing. (Ex 27:2-5)

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One specific situation Capt [REDACTED] described began when he emailed Brig Gen Veillon about initiating drug testing of personnel assigned to the headquarters of the LAANG. He stated at that point "all hell broke loose" and Brig Gen Veillon emailed him back telling him he could not test headquarters personnel and that he needed to talk with him about the drug testing program. Capt [REDACTED] testified that in a meeting with Brig Gen Veillon shortly after the above email sequence, Brig Gen Veillon directed him to modify the observer procedures on urine specimen collection and made notes on a copy of the related AFI and signed it with the intent of waiving those procedures. Capt [REDACTED] described this interaction as follows:

I walk into Gen Veillon's office and he says, I need you to talk to me about drug testing. I said sir, what do you need to know. He said tell me what it is. So I started talking to him about drug testing. I didn't understand, because I knew he knew about drug testing, but then he says well tell me about ... his exact words was tell me about observers. I said sir, what do you want to know? He said what does the reg, what does it say about observers? I said well sir, AFI 44-120 states that observers should be in a position to watch to ... observers should be in position to observe urine leaving the airman's body and entering into the specimen bottle. He then told me that's bullshit. That's wrong. I said sir, you know, I can show you the reg. He said well show it to me. Okay, I go get the reg. I had one, I called one of my guys up. They gave me, they faxed me a copy of the reg. I showed it to him. He then says nope, we're not doing that and then he signs off on it. He says we're not doing that ... He said observers, it should just state, observers should be in a position to observe. I then say sir, you know, I just want you to understand the position I'm in. You're telling me to do something that's against the reg. So he signs

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his name to it ... he signed his initials saying that's void, we're not doing that. I said roger that. So then he tells me there's going to be one observer for every three people, every three airmen. I said sir, the reg states that it should be one observer per one, it's a one to one ratio, one observer for every one airman. He says we're not doing that. He said you can do three, three for one. I said well sir, I said there are mechanisms that can be bought now are, are geared to beat drug tests, specifically urinalysis. He said an observer should be in a position to see that. Well, I was a Lieutenant at the time, sir, and General says one thing, a Lieutenant, what can I do? I, I, I made it known to the General that what he was telling me to do was against the regulations. (Ex 27:4-5)

Capt [REDACTED] provided scanned copies of a portion of AFI 44-120 and a draft HQ LAANG operating instruction which showed apparent comments by and initials of Brig Gen Veillon as described in the above testimony. (Ex 102)

Col [REDACTED] at the time, recalled Capt [REDACTED] coming to him and voicing his concerns about the modifications Brig Gen Veillon had directed him to make to drug testing procedures. Col [REDACTED] recollection, though not as detailed as that of Capt [REDACTED], was consistent with Capt [REDACTED] testimony. Col [REDACTED] also provided possible insight into Brig Gen Veillon's motives for modifying and constructively relaxing observer procedures. He indicated during his tour as wing commander there was a consistent lack of support by the LANG leadership for drug abuse testing. Col [REDACTED] indicated he'd had a number of conversations with Brig Gen Veillon about the program, one in particular following a Staff Assistance Visit (SAV), which indentified that the LAANG was not testing a large enough population. Col [REDACTED] assessment was that Brig Gen Veillon did not support the program because of a negative effect on retention and recruiting that would be caused by members testing positive for drug use. (Ex 71:1-3)

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This assessment is consistent with testimony from Capt [REDACTED] in which he suggested the same reason for lack of support of the program and pointed out during his time as [REDACTED] that the LANG had some of the lowest percent of end-strength test rates but some of the highest positive test rates of the state National Guards. (Ex 27:15) Data obtained from NGB J-3 reflects LAANG test rates were below that required by NGB policy from 2005 (start date of data available) through 2007. Data was not available concerning the comparison of the LANG or LAANG's positive test rates with those of other states. (Ex 103)

Maj [REDACTED] at the time, recalled Capt [REDACTED] seeking advice from him after Brig Gen Veillon had directed the modification to drug testing procedures and specifically recalled Capt [REDACTED] telling him Brig Gen Veillon did not want observers directly watching members urinate into the specimen container as required by the related AFI. (Ex 11:13-14) Col [REDACTED] at the time, also recalled the situation and recalled both discussing it with Capt [REDACTED] and seeing documents Brig Gen Veillon had annotated and initialed. His recollection was consistent with that of others cited above. (Ex 32:8-10)

In addition to the above example, Capt [REDACTED] described another instance in which he was told by Brig Gen Veillon not to drug test AGRs as prescribed by NGB policy. As Capt [REDACTED] recalled, "we were told not to drug test at all ... which once again is still a direct violation, contrary to what the guidance, the guidance that comes from the AFI and NGB." (Ex 27:10) Col [REDACTED] at the time, confirmed Capt [REDACTED] testimony and recalled Brig Gen Veillon specifically directing no AGRs would be tested. (Ex 38:21) Review of NGB policy at the time indicated AGRs were to be tested at a rate equal to 100% of AGR end-strength. (Ex 104)

The testimonies of Capt [REDACTED], Col [REDACTED], Col [REDACTED], Col [REDACTED], and Maj [REDACTED] were found consistent with each other and assessed as credible.

FINDINGS OF FACT.

- Brig Gen Veillon directed Capt [REDACTED] to modify observer procedures for drug abuse testing procedures for the LAANG contrary to guidance in AFI 44-120, *Drug Abuse Testing Program* and did so after being advised by Capt [REDACTED] such modification would be in violation of AF guidance. (Ex 27:4-5; Ex 102; Ex 71:1-3; Ex 11:13; Ex 32:8-10)
- Brig Gen Veillon directed Capt [REDACTED] not to drug test AGR personnel, contrary to NGB policy. (Ex 27:10; Ex 38:21)

STANDARDS.

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1. AFI 44-120, *Drug Abuse Testing Program*, 1 Jul 00, states: (Ex 77:19-20, 47-48)

Section C—Chain of Custody Procedures

5. Chain of Custody for Collecting and Transporting Urine Specimens.

5.3. DTPAM will:

5.3.3. Designate for the member providing a specimen, a credible observer who is of the same gender and has not been chosen to provide a sample during this collection time. **Note:** Observers must be briefed on-site prior to the collection process, on their duties and responsibilities. This briefing must consist of a verbal explanation as well as a written statement signed and dated by the observer acknowledging their acceptance and understanding of their responsibilities and the consequences of their actions for not performing their duties in accordance with established guidelines. (Attachment 4 of this AFI provides a sample observer briefing letter).

Attachment 4

SAMPLE LETTER – DRUG TESTING OBSERVER'S BRIEFING

5. You must observe the member receive the empty specimen bottle from the drug testing monitor and you must enter the rest room with the member. You must direct the member

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to wash his/her hands with only water then dry them prior to providing a specimen. You must observe the member urinating directly into the labeled specimen bottle and capping it. If a female chooses to use the optional wide-mouthed sterile collection cup, you must directly observe the member providing the specimen, pouring the urine into the labeled specimen bottle and capping it. As an observer, you are required by AFI 44-120 to ensure that the specimen provided is not contaminated or altered in any way.

2. National Guard Drug Testing Policy Memo, 17 Dec 04 and FY 07 (no specific date), states: (Ex 104)

Paragraph 3. The ARNG and ANG Active Guard and Reserve (AGR) will test at a rate equal to 100% of the AGR end-strength.

ANALYSIS.

When shown a copy of the previous cited documents provided to SAF/IGS by Capt [REDACTED] including modifications to observer procedures prescribed in AFI 44-120, Brig Gen Veillon indicated he was familiar with those documents and had made or directed the inclusion of the annotated comments and/or changes to those documents. He also testified the initials JBV at the top of the draft operating instruction and next to paragraph 5 of Attachment 4, Sample Letter – Drug Testing Observer’s Briefing had been written by him. (Ex 102; Ex 60:9-12)

Brig Gen Veillon recalled the issue of observer procedures and a revision of the HQ LAANG operating instruction on drug abuse testing first occurred to him after a conversation he had with a LAANG airmen when he noticed that airmen sitting in the hallway of the headquarters building over an extended period of time on a drill weekend. Brig Gen Veillon stated when he asked the individual what he was doing there, the airman replied he was waiting to drug test, but could not urinate because the observer was directly watching him trying to urinate. Brig Gen Veillon stated, shortly thereafter, he asked Capt [REDACTED] about the procedures for the observers, as he did not recall a requirement for observers to actually watch urine leave the individual and enter the specimen container. (Ex 60:9)

Brig Gen Veillon identified another event occurring shortly after the one described above that also influenced his thinking on observer procedures and revisions to the operating instruction. The general recalled seeing a long line of people in the headquarters building and questioned why they were there. He stated after he was told they were awaiting drug abuse testing he became concerned about the amount of time it would take, keeping the individuals from their primary jobs. It was at this point, Brig Gen Veillon stated, he assessed the process could be more efficient if one observer watched multiple people at the same time. (Ex 60:9-10)

According to Brig Gen Veillon, he had a series of meetings and discussions with Capt [REDACTED] over the period of several drill weekends to discuss the guidance in the related AFI and revisions to the HQ LAANG operating instruction. He confirmed the documents SAF/IGS had been given were a result of those meetings and discussions. Concerning the conversations with

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Capt [REDACTED], Brig Gen Veillon testified he either did not recall or did not remember discussions about his views and/or guidance being contrary to AFI guidance and that it would not have been his intent for Capt [REDACTED] to execute the guidance included on those documents. (Ex 60:10)

While considering Brig Gen Veillon's testimony that he did not recall Capt [REDACTED] communicating to him in words or by showing him the AFI that the changes to observer procedures he prescribed were contrary to AFI guidance, the preponderance of evidence indicates Brig Gen Veillon had reviewed the AFI and was aware of the conflict at the time. This assessment is based not only on Capt [REDACTED] detailed recollection of the issue, but also on the recollection of other members of the LANG Capt [REDACTED] had discussed the issue with as well as Brig Gen Veillon's confirmed annotations on the excerpt of AFI 44-120 and the draft HQ LAANG operating instruction. (As previously cited.)

It is important to note a review of the applicable portions of AFI 44-120 indicates guidance is clear and specific concerning both observer procedures and the designation of an observer for each individual being tested. It is hard to conclude a reasonable person with Brig Gen Veillon's time in service and level of responsibility would believe the modifications prescribed were permissible within the provisions of the AFI.

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With regard to Brig Gen Veillon's testimony that it would not have been his intent for Capt [REDACTED] to execute the changes, it is evident from Capt [REDACTED] testimony and those of others Capt [REDACTED] discussed the issue with at the time that Capt [REDACTED] accepted Brig Gen Veillon's guidance concerning modification of the observer procedures as directive in nature. A review of Brig Gen Veillon's annotations on the excerpt of AFI 44-120 and the draft HQ LAANG operation instruction also suggests Brig Gen Veillon intended for the modified procedures to be executed. The most elucidatory example is the annotation made by Brig Gen Veillon on the excerpt of AFI 44-120 next to paragraph 5 on observer procedures. This annotation includes not only a prescribed modification to the procedures but also the note "Waiver" with his initials and "CO LA ANG" underneath. This appears authoritative and directive in nature. Considering both the testimony provided and the annotations on the documents cited above confirmed as belonging to or directed by Brig Gen Veillon, the preponderance of the evidence indicates Brig Gen Veillon intended the modified procedures to be executed. (Ex 102)

It is important to note that evidence provided by Brig Gen Veillon during discussion of a previous allegation indicates the general may have felt the LANG had authority to direct the AFI modifications. When asked a general question about his view of AF and NGB guidance and decision making within the LANG, Brig Gen Veillon indicated, while he viewed that guidance as directive, The Adjutant General had waiver authority over many AFIs. (Ex 58:7-8) This is consistent with a number of side comments made by multiple witnesses during the course of the investigation.

It is also important to note while Brig Gen Veillon testified he did not think the modified observer procedures he'd prescribed were ever executed and no conclusive evidence was

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obtained to determine whether they had been or not, the issue in this allegation relates to whether or not Brig Gen Veillon directed modifications violating AFI 44-120, not whether or not those modifications were eventually executed. (Ex 60:10-11) According to Col [REDACTED], the wing likely put the procedures in place but disregarded them and followed the AFI guidance when executing the program, not wanting to violate AF guidance. (Ex 32:9)

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With regard to giving guidance not to test AGR personnel, Brig Gen Veillon testified he'd never made any comments on the subject stating, "That's an absolute, absolute lie." Understanding that a great deal of time has passed since this event occurred, Brig Gen Veillon's recollection is completely inconsistent with that of both Capt [REDACTED] and Col [REDACTED] cited above. As previously mentioned, Capt [REDACTED] and Col [REDACTED] testimonies on this issue were assessed as credible. Resultantly, the preponderance of evidence indicates Brig Gen Veillon directed AGRs not be tested, in violation of NGB policy at the time.

CONCLUSION.

By a preponderance of evidence, based upon the findings of fact and sworn testimony, the allegation that Brig Gen Joseph B. Veillon directed subordinate members to modify Louisiana Air National Guard Drug Abuse Testing Program procedures, in violation of AFI 44-120, *Drug Abuse Testing Program*, 1 Jul 00, and National Guard Drug Testing Policy, was **SUBSTANTIATED.**

ALLEGATION 6. That Brig Gen Joseph B. Veillon directed subordinate members not to submit casualty reports and/or required portions of casualty reports for deceased members of the Louisiana Air National Guard, in violation of AFI 36-3002, *Casualty Services*, 25 Jul 05.

Additional Background. During the course of an initial interview supporting this investigation, Col [REDACTED], a former [REDACTED], provided information and supporting evidence that Brig Gen Veillon had directed certain actions knowing they were in violation of AF guidance. One of those became the basis for this allegation. (Ex 38:8)

According to Col [REDACTED], when the LAANG experienced the death of several members in the 2005-2008 timeframe, an issue arose over the reporting of those deaths to other agencies as required by AFI 36-3002, *Casualty Services*. Col [REDACTED] indicated Brig Gen Veillon, on multiple occasions, directed her or her subordinate office responsible for submitting required casualty reports not to include certain AFI-required information in required casualty reports. (Ex 38:14-15; Ex 39:8-13)

Col [REDACTED] stated Brig Gen Veillon directed the exclusions despite her and/or her subordinate's explanation of AFI requirements and the impact not meeting those requirements could have on award of death and survivor benefits to members' families. She indicated Brig Gen Veillon's reason for not including the information appeared to be a desire not to have certain information released outside the state. (Ex 38:15)

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In support of the discussion on this issue, Col [REDACTED] provided a copy of an email that Brig Gen Veillon sent to her and others on 3 Dec 07 concerning a casualty report on a deceased member. The email includes both a forwarded copy of the casualty report as well as Brig Gen Veillon's comments on the report. A review of the general's comments indicates he was very upset about the report, though he did not state specifically what he took issue with or why. His own words from the email illustrate this best:

Here we are again. Does not look like you two can control the MPF. I have asked ... Directed ... And now here we are again reading this on www. I don't care where the requirement comes from ... I don't care what they learn in tech school. I will hold you both res(p)onsible if this happens again. This is my last warning. If you want to stay in your current jobs you better start doing your job or you will be looking for a new job. Do you two understand me. I am concerned for your ability to command (Ex 105)

It is important to note a review of the report did not identify any irregularities in the completion of the report nor any comments that appear to be offensive or inappropriate or in conflict with the provisions of AFI 36-3002.

According to Col [REDACTED], individuals completing reports always did so with careful consideration of the AFI and to her knowledge always included only that information obtained or received through AFI-authorized sources. (Ex 38:15; Ex 39:8-13) Her testimony was consistent

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with that of Capt [REDACTED] (both currently and during the time in question). As [REDACTED] Capt [REDACTED] was responsible for the branch and individuals completing casualty reports for the LAANG. (Ex 24:1, 5-9)

During testimony, Capt [REDACTED] indicated he was aware Brig Gen Veillon had raised issues over certain items within one or more casualty reports in the 2005 to 2008 timeframe. He stated initially he thought the issue was just a matter of providing additional information to help Brig Gen Veillon understand the required contents of the reports and why certain information was included. Capt [REDACTED] also stated he'd authored background information papers on reporting requirements further explaining AFI requirements, including descriptions of authorized information sources. Capt [REDACTED] added he eventually became frustrated by the repeated issue of including certain required information in casualty reports, stating, "I've been in this career field since 1990, so it wasn't anything new to me and I guess that's what ... it was a little aggravating that this is nothing new, why is it getting questioned now." (Ex 24:5-9)

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Col [REDACTED] during the latter portion of the subject timeframe, also recalled several instances in which issues had arisen over Brig Gen Veillon's direction not to include certain information on casualty reports. His recollection was consistent with that of Col [REDACTED] and Capt [REDACTED] as described above. He also offered insight into Brig Gen Veillon's rationale for directing the exclusion of certain information and becoming upset about a released report, stating Brig Gen Veillon appeared to believe including certain information was too insensitive or impersonal and the reports went to too many different agencies. He added he had several discussions at the time with Brig Gen Veillon concerning the AFI requirements, however Brig Gen Veillon continued to direct the exclusion of certain information. Additionally, he validated the previously cited email provided by Col [REDACTED]. (Ex 32:11-17)

FINDINGS OF FACT.

- Brig Gen Veillon directed subordinate members to exclude certain items and/or exclude explicit details on certain items in casualty reports for members in the LAANG in exception to the provisions of AFI 36-3002. (Ex 38:14-15; Ex 39:8-13; Ex 32:11-17; Ex 105; Ex 60:21-23)
- Brig Gen Veillon threatened to fire a 159 FW wing commander and mission support group commander because a subordinate at the MPF included wording in a casualty report Brig Gen Veillon found either too sensitive and/or too graphic in detail. (Ex 105)

STANDARDS.

AFI 36-3002, *Casualty Services*, 25 Jul 05, states: (Ex 79:25-33, 134-135)

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Table 1.1. Rules for Casualty Reporting, Notification, and Assistance.

Casualty Reports are mandatory under following applicable rules for ANG personnel cited in witness testimony concerning this allegation:

Rule 3

Member of the Air Force (AF), USAFA cadet, and ANG/USAFR member serving on active duty (AD), extended active duty (EAD), active duty for training (ADT), inactive duty for training (IDT) or performing authorized travel directly to and from such duty

Rule 9

Member of the ANG or USAFR in a non-duty status or retired Reserve member awaiting pay at age 60 (refer to Chapter 6 for reporting procedures)

General Guidance for Casualty Reporting and Guidance for Casualty Reporting under Rule 3 follows:

Chapter 2

CASUALTY REPORTING

Section 2A—General Information

2.1. Casualty Reports.

2.1.1. Overview:

2.1.1.1. See Table 1.1., Table 2.1., Table 2.2., and Table 2.3., to determine which commander submits reports and who receives them.

2.1.1.4. Reports must include an accurate, explicit account of the circumstances surrounding the casualty. *NOTE:* This information is essential in assisting HQ AFPC/DPFCS in further categorizing the casualty as killed in action (KIA), missing in action (MIA), detained, captured, etc., for reporting to DoD.

2.1.2. The CAR:

2.1.2.1. Immediately telephones HQ AFPC/DPFCS at DSN 665-3505 or 1-800-433-0048 (CONUS bases only) upon learning of a casualty without waiting for confirmation of the data.

2.1.2.3. Prepares Casualty Reports and sends them at once to HQ AFPC/DPFCS by the most expeditious means (pouch, courier, or first class mail when telephone or electronic communication is not possible due to combat, natural disaster, etc.).

2.1.2.4. Transmits or delivers to the base telecommunications center, the appropriate casualty message, as determined by HQ AFPC/DPFCS, within 4 hours of learning of a casualty. *NOTE:* Casualty Reports are exempt from MINIMIZE.

2.1.3. Defense Casualty Information Processing System - Forward (DCIPS-Forward) is an unclassified casualty reporting system. It is the primary method for transmitting all casualty reports to AFPC/DPFCS and other agencies as outlined in Table 2.1., Table 2.2. and Table 2.3.

2.1.3.1. When DCIPS-Forward is not available, transmit the casualty report using Attachment 2, Attachment 3, Attachment 10, Attachment 11, Attachment 12, Attachment 13, Attachment 14, Attachment 16, and Attachment 17 as appropriate.

2.1.4. Format for Casualty Reports:

2.1.4.1. See Attachment 2 through Attachment 5, Attachment 10 through Attachment 14, Attachment 16 and Attachment 17 for completion of the appropriate report.

2.1.5. Initial and Supplemental Casualty Reports:

2.1.5.1. Casualty Reports are transmitted in an unclassified format.

2.1.5.2. If any item on the Casualty Report is classified then indicate by stating "classified" for that item.

2.1.5.3. Label unknown or unconfirmed items "TO BE SUPPLEMENTED" or "UNCONFIRMED" respectively, and report or confirm the information as soon as possible in a supplemental report.

2.1.5.4. Do not label any item "TO BE SUPPLEMENTED" if there is reportable information available that would be of interest to family members or of value to the addressees of the report. Instead, label such information "UNCONFIRMED."

2.1.5.5. Label any item not required or not applicable "N/A."

2.1.5.6. If an initial Casualty Report contains incorrect information, submit a supplemental report at once and label the corrected items "CORRECTED."

Guidance for Casualty Reporting under Rule 9 above is as follows:

Chapter 6

AIR NATIONAL GUARD AND UNITED STATES AIR FORCE RESERVE

6.1. General Information. This chapter outlines the responsibilities and procedures for reporting the deaths of ANG and USAFR members in a non-duty status, retired members awaiting pay at age 60 and assisting their surviving NOK.

6.2. Responsibilities.

6.2.3. Member's unit commander should:

6.2.3.1. Ensure that the MPF submits the initial Death Report (RCS: HAF-SV(AR)9471) (see Attachment 35), within 24 hours of learning of the member's death.

6.2.4. MPF servicing the member's assigned unit should.

6.2.4.1. Contact the Services Squadron Mortuary Officer or NCO in accordance with AFI 34-501, *Mortuary Affairs Program*, to determine eligibility for mortuary benefits.

6.2.4.2. Help commanders with casualty services, including the preparation of initial and supplemental Death Reports.

6.2.4.3. Report casualties by inputting proper transaction into MilPDS, producing a "Report of Death." *NOTE:* The "Report of Death" replaces special orders announcing deaths for those states that no longer require them.

6.2.4.4. Forward documents in accordance with Table 6.1.

6.3. Reporting Casualties,

6.3.1. Submit an initial death report (see Attachment 35), to addressees listed in Table 6.1.

6.3.1.1. Within 24 hours of learning of the member's death, the member's assigned unit at the time of death prepares the initial report.

6.3.1.1.1. Unit representative immediately contacts the unit command post, which in turn will contact the ANG Readiness Center's Operations Center (ANG/XOC) at DSN 858-6001, or by fax at DSN 858-7505.

ANALYSIS.

Brig Gen Veillon recalled an issue arising over the content of casualty reports during the 2005 to 2008 timeframe and specifically recalled engaging on one particular report, objecting to information included in the paragraph detailing cause of death. He also recalled discussing the issue with both Col [REDACTED] and Col [REDACTED] at that time. This incident appears to be the same as the initial incident highlighted above in the Additional Background section and discussed by both Col [REDACTED] and Col [REDACTED]. Though Col [REDACTED] recalled a different last name of the individual involved, the circumstances and recollection of various discussions surrounding the incident were consistent with each other. (Ex 60:13-19; Ex 38:15; Ex 32:12-13)

According to Brig Gen Veillon, he took issue with a copy of the report when he saw it listed suicide as the cause of death and listed that as unconfirmed. He indicated he did not think suicide should be listed as the cause of death unless it had been confirmed by the coroner and was concerned the report might have some adverse impact on payment of life insurance policies to the family and/or that it reflected insensitivities to the family. He also testified it was his impression on first reading and discussing the report with Col [REDACTED] that it had been Col [REDACTED] who'd made the decision to classify the circumstances of the individual's death as a suicide versus getting that information from an official source. He stated he felt Col [REDACTED] allowed her sense of urgency to comply with NGB guidance to outweigh the broader need of the sensitivity to the issue. Brig Gen Veillon admitted when he later asked Col [REDACTED] about the source of the information, she told him it had come from an official police report. As a result, it appears Brig Gen Veillon's assessment of the source and validity of the listed cause of death on the initial report was ill informed. (Ex 60:13-17)

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Brig Gen Veillon recalled discussing the issue with both Col [REDACTED] and Col [REDACTED] and stated both had expressed the need to include the information as it had been written in the report. He testified he did not recall "the level of detail" of the discussions and whether either individual specifically reviewed the guidelines of the AFI with him to support their views. (Ex 60:16, 18, 19) Col [REDACTED] recalled the conversations with Brig Gen Veillon and indicated both she and Col [REDACTED] discussed the AFI requirements with the general (on this and other occasions) as well as the reason it was important to include the information to which he objected. (Ex 39:11; Ex 40:2-3) Col [REDACTED] also recalled discussing the issue with the general and especially recalled the general's response, describing his reaction to the wording of the cause of death as "ballistic." (Ex 32:15)

According to Col [REDACTED], it was at some point after the above incident that Brig Gen Veillon directed certain information not be included in casualty reports, to include specifying what lines of the report MPF personnel could and could not fill out. Col [REDACTED] added that

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following that guidance created issues with AFPC. Furthermore, he recalled one instance in which AFPC called and directed the report be completed in order to preclude additional delay in the provision of death benefits. (Ex 32:14, 16)

Brig Gen Veillon's additional testimony on this allegation was somewhat ambiguous and included discussion on his assessment that AFI 36-3002 was primarily written to address combat casualties and that it was unclear when it came to addressing ANG casualties in various statuses as well as unclear as to whether certain items on a given report are required or could be left blank or marked "undetermined" or "to be supplemented." He provided several examples to explain his actions but they were hard to follow and difficult to envision as supportive of his reasons for directing his subordinates not to include certain required information in casualty reports. (Ex 60:21-23) In general, Brig Gen Veillon appeared not to have a clear understanding of the AFI and under what conditions various chapters and attachments of the document should be applied. A review of the AFI indicated guidance on responsibilities, timelines, and reporting procedures was clear, concise, and understandable and no collateral issue was identified concerning how the AFI is written.

While Brig Gen Veillon initially testified the only casualty report he had engaged on was the one cited in the opening paragraph of this section, once confronted with a copy of an email he had sent concerning a different report, he confirmed he'd taken issue with that report as well. (Ex 60:20; Ex 105) Brig Gen Veillon indicated, like in the initial example he had provided, he took issue with the wording detailing the cause of death and supporting details, stating, "we don't need to do this level of detail in a casualty report." (Ex 60: 20, 22)

It is important to note Brig Gen Veillon stated his intent in raising issues over and providing direction on exclusion of certain information on casualty reports was to be considerate of sensitive information. He testified he had no intent to delay submission of those reports or deny family members of any benefits. (Ex 60:18)

It is also important to note that Brig Gen Veillon felt so strongly about the exclusion of certain information on one particular report that he threatened to fire the both the wing and mission support group commander (see quotation in Additional Background section.) (Ex 60:21-22)

The preponderance of evidence, including Brig Gen Veillon's own testimony, indicates Brig Gen Veillon both objected to and directed exclusion of certain known information and explicit details from casualty and death reports as prescribed by AFI 36-3002, *Casualty Services*. This action is in conflict with both the general guidance of the AFI as well as more specific guidance provided on the completion of various casualty reports. Paragraph 2.1.1.4. provides general guidance on casualty reporting stating, "reports must include an accurate, explicit account of the circumstances surrounding the Casualty." In addition, the AFI addresses the importance of not listing items in reports as unknown or "to be supplemented" when reportable information exists that may be of value. Furthermore, specifically considering items in reports

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detailing cause of death, the AFI directs when there is no confirmed manner and cause of death, the report will include the preliminary determination with the label "UNCONFIRMED." (Ex 79:31-32, 175, 261)

Evidence provided indicates Brig Gen Veillon's rationale for initially objecting to and then directing exclusion of certain information on casualty reports was based on a desire not to include information or details he felt too sensitive in nature or too graphic. Evidence was not made available or identified, however, defining his criteria for determining what information fell in those categories. Correspondingly, Brig Gen Veillon did not provide any evidence demonstrating inaccuracies in the way the reports were completed or that the inclusion of certain details was in violation of AFI or other guidance. As a result, it appeared Brig Gen Veillon's decisions were arbitrary concerning what was or was not too sensitive or graphic. Regardless, Brig Gen Veillon's guidance to his subordinates to exclude explicit details and/or certain information in casualty reports as prescribed by AFI 36-3002 was in violation of the AFI.

The preponderance of the evidence indicates Brig Gen Veillon directed subordinates not to submit required portions of the casualty reports, but did let them submit reports.

CONCLUSION.

By a preponderance of evidence, based upon the findings of fact and sworn testimony, the allegation that Brig Gen Joseph B. Veillon directed subordinate members not to submit casualty reports and/or required portions of casualty reports for deceased members of the Louisiana Air National Guard, in violation of AFI 36-3002, *Casualty Services*, 25 Jul 05, was **SUBSTANTIATED.**

ALLEGATION 7. That Brig Gen Joseph B. Veillon personally directed assignment of individuals to unit manning positions within the Louisiana Air National Guard in violation of ANGI 36-2101, *Assignments within the Air National Guard*, 11 Jun 04, and AFI 51-604, *Appointment to and Assumption of Command*, 4 Apr 06. (Ex 80, Ex 81)

Additional Background. During the course of interviews conducted during the early stages of this investigation, a copy of an after action report on the review of LAANG personnel processes conducted 20-23 Aug 07 was obtained from an anonymous source. The report indicated the review was conducted by ANG members from another state and was completed at the request of the 159 FW. (Ex 106)

While the report highlighted a number of administrative and procedural deficiencies, several findings identified specific issues with the Unit Manning Document that violated AF guidance. These findings included the double billeting of technicians and commanders, the existence of an overgrade assignment that had expired in 2003, and the assignment of a major as a commander of a unit in which there was an individual of higher grade and rank assigned to the unit. It is important to note the copy of the report obtained did not include further details on the findings such as the names of individuals and/or positions involved. (Ex 106:5)

In addition to the identification of the above findings and other deficiencies, the report provided an assessment of the underlying problem within the LAANG personnel processes that led to those problems. The following sentence from the report puts it best: "Yes, we found problems within Personnel; however most of those problems all revolve around the MPF being directed to violate regulations." (Ex 106:10)

Col [REDACTED] at the time of the review, confirmed the validity of the findings and indicated Brig Gen Veillon was the general officer referred to in the report as the individual directing the actions cited above. She testified Brig Gen Veillon directed execution of the cited actions and was aware no relevant waivers had been obtained. (Ex 38:8; Ex 39:2-5)

To further gain visibility into the specifics of the findings and the rationale for the assessments in the report, an interview was conducted with Lt Col [REDACTED] and the individual that led the review of the LAANG personnel processes. A review of Lt Col [REDACTED] background indicated she has extensive experience in the processes reviewed within the LAANG. She and her co-team member, CMSgt [REDACTED], were assessed as credible subject matter experts on the discrepancies and findings included in the Aug 07 report. (Ex 21:1-2)

Lt Col [REDACTED] remembered the visit well and recalled being asked by Col [REDACTED] to come to Louisiana "from the outside with a fresh set of eyes and just review the processes for regulatory compliance." While Lt Col [REDACTED] testified she had not previously reviewed the entire MPF processes of another state, she did indicate she had previously conducted detailed reviews of Indiana's wings and had provided telephone assistance to other states. (Ex 21:1-2)

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When asked if there was anything that stood out in her mind about her review with the LAANG, Lt Col [REDACTED] replied "regulatory violations." Her words describe best the situation she found:

I think it was ... two to three days to figure out who everybody was talking about because every time Chief [REDACTED] or I, either one, would bring up an issue or concern, we were told that they did things this way because the TAG told them to ... I couldn't imagine an Adjutant General having so much time on his hands that he could actually become that involved in the details of the Air National Guard ... So I went back the next day and we retraced our steps and specifically asked who they were talking about when they referred to the TAG and then it became evident that they were talking about the Assistant Adjutant General for Air. And that every ... every section that we went to stated that they were, they knew what the rules were, they knew what the regs said, they knew what the laws were, but they were doing things this way because the ATAG Air directed it. (Ex 21:3)

Lt Col [REDACTED] added that no waivers or other documents were produced or shown to her or CMSgt [REDACTED] that mitigated the specific findings in the report as detailed in the second paragraph of this section. She also indicated the situation she described above was consistent across the eight to ten MPF personnel and three commanders she and CMSgt [REDACTED] met with. (Ex 21:3-5)

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Further testimony from Lt Col [REDACTED] provided possible insight into the leadership environment of the LAANG and the possible reasons behind Brig Gen Veillon's actions:

... And so everybody was afraid of him. Everybody was afraid to say anything or ask any questions or challenge any of his directives. They just kind of marched along and did whatever he said to do. We were told that Guard Bureau had called the Adjutant General and asked them to get their strength up on the Air side to make up for the units that were under strength and so the one-star General just came and told them all get bodies in, I don't care what the rules are, what the regs say, just do it and, you know, they had people that weren't coming to drill that were still on the books that they weren't processing, separation packages on, they had two time failures out of tech school and they were still keeping them on the books and when we asked why they hadn't started involuntary separation packages, it was because he [Brig Gen Veillon] wanted to keep their strength up to make them look good. (Ex 21:8)

In addition to individuals directly involved in the personnel process review, Col [REDACTED] at the time of Lt Col [REDACTED] visit, recalled the event and that a number of ANGI and AFI violations had been found. He did not recall specific details but did remember that much of what the team had found, "was stuff that Gen Veillon had told us to do, such as double slot and triple slotting people, you know, just basically cooking the books to make our numbers look good for retention." (Ex 9:24)

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Col [REDACTED] at the time, also recalled the visit but remembered few details of the report other than there were issues identified which the wing subsequently began to address and correct. However, he did recall a senior leadership conference in which Brig Gen Veillon had stated the LAANG would double slot personnel to obtain the end strength numbers NGB was seeking to achieve. He also recalled Brig Gen Veillon stating they [the LAANG] would get waivers if required. (Ex 32:18)

FINDINGS OF FACT.

- Brig Gen Veillon directed subordinate members to double billet technicians and commanders, continue an overgrade assignment that had expired in 2003, and assign a major as a commander of a unit in which there was an individual of higher grade and rank. (Ex 106:5, 9; Ex 39:2-5; Ex 21:1-3, 8)

STANDARDS.

1. ANGI 36-2101, *Assignments within the Air National Guard*, 11 Jun 04, addresses issues concerning double slotting of technicians and commanders as well as overgrade assignments and states: (Ex 80:5-8, 14-16)

Chapter 2

ASSIGNMENT INSTRUCTIONS AND PROGRAMS

2.3. Assignment of Full-Time Personnel. Military technicians and military duty personnel must be assigned as the position incumbent to a military UMDG position compatible with their full-time duties and responsibilities. Under no circumstances will military technicians or AGR personnel be assigned in an excess status without written approval from ANG/DP, to include projected losses within 24 months.

2.20. Assignment to Excess or Overgrade.

2.20.3. The MPF must monitor all actions within their serviced units to ensure that excess and overgrade situations do not occur as a result of assignment/reassignments except as authorized by this instruction.

2.20.9. No officer regardless of grade may be placed in an excess status against a commander position. Only under mission unique situations and in the best interest of the ANG will this be authorized by ANG/DP.

2.21. Extension of an Initial Excess or Overgrade Status: If, after all factors have been reviewed, a request for extension of an initial assignment to excess or overgrade condition is considered in the best interest of the Air National Guard, submit the request for extension, through the MPF and State Headquarters, to The Adjutant General. This request for extension of an initial excess or overgrade assignment will then be submitted to ANG/DPFOM for review and disposition. The request must include a definitive plan for resolving the condition within 24 months, how the excess/overgrade condition

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occurred, and why the extension is in the best interest of the Air National Guard. Request for extension of an excess assignment to a general officer authorization must be submitted to NGB-GO. Each request for an extension to an initial excess or overgrade status must be submitted according to the format in Attachment 2.

2. ANGI 33-101, *Air National Guard Special Orders*, 1 Mar 07, paragraph 12 refers the reader to AFI 51-604. AFI 51-604, *Appointment to and Assumption of Command*, 4 Apr 06, addresses the issue of assigning an individual as a commander of a unit when he is of lower grade than another individual assigned to the unit and eligible to command and states: (Ex 81:3-4)

2. Succession to Command.

2.5. Appointment to Command. An officer assigned to an organization, present for duty, eligible to command the organization, and senior or equal in grade to all other officers in the organization may be appointed to command the organization.

2.5.1. If one or more officers senior in grade (but not necessarily rank), eligible to command and present for duty, are assigned to an Air Force unit, superior competent authority may not appoint another officer of lower grade to command that unit and thus the officer(s) of higher grade.

ANALYSIS.

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Brig Gen Veillon testified that prior to Lt Col [REDACTED] assistance visit to the LAANG he had a sense there were problems within MPF processes and, resultantly, he had directed Col [REDACTED] to bring in an outside agency to conduct a thorough review. He stated it was this direction that led to Lt Col [REDACTED] and CMSgt [REDACTED] visit to the LAANG. (Ex 61:2) The general indicated he did not attend an outbrief for the visit and did not think that anyone else did either. Brig Gen Veillon stated when he received a copy of the written report he was shocked and immediately arranged a meeting with wing leadership to begin to address the broad range of issues identified in the report. (Ex 61:2-3)

When directly asked if either he or MG Landreneau had directed individuals to violate ANGIs or AFIs in regard to assignment of personnel to UMD positions, Brig Gen Veillon stated, "I one hundred percent deny it." He further indicated it would never have been his intent to double slot technicians or direct other personnel actions in violation of ANGI or AFI guidance without first obtaining a waiver for that action. Brig Gen Veillon placed responsibility for obtaining those waivers on the MPF and unit commanders and stated he did not recall Col [REDACTED] or others identifying any issues with personnel actions he had directed and/or approved. (Ex 61:4-9) It is important to note no waivers or requests for waivers in support of the issues referred to in this allegation were provided or obtained during the course of this investigation.

Brig Gen Veillon testified he thought the reason he was implicated for ANGI and AFI violations was somehow tied to Col [REDACTED] and a possible effort on her part to defend the MPF, the MSG, and herself. Brig Gen Veillon was unable to offer any further evidence or identify other witnesses that could support his conclusions. This explanation was assessed as speculation and came across as an attempt to displace his own potential responsibility in these actions. (Ex 61:4-9) Similarly as mentioned in the analysis of other allegations in this report, Brig Gen Veillon did not offer the possibility or admit any insight into how his own actions and statements may have resulted or contributed to the implications against him by MPF personnel and other commanders.

Brig Gen Veillon did indicate prior to and at the time of Lt Col [REDACTED] review that the LAANG was under pressure from the Guard Bureau to retain end strength and it was commonly understood that meeting that guidance required double slotting of personnel for which waivers would be required. He reiterated during this portion of his testimony that obtaining waivers to permit this double slotting was not his responsibility but that of subordinate commanders and MPF personnel. (Ex 61:7-8)

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With regards to the assignment of an individual as commander of a unit in which there was a senior, qualified officer assigned, Brig Gen Veillon recalled the specifics of that action and indicated it was a conscious decision made by he and MG Landreneau with the intent the individual selected would be promoted at the first opportunity. He added the decision was based on placing the most qualified, desiring individual in the position and the lack of interest in the position shown by the more senior individual. Brig Gen Veillon further stated he believed MG Landreneau, as TAG, had waiver authority over the provisions of AFI 51-604, *Appointment to and Assumption of Command*. (Ex 61:9-10)

In order to gain additional details and insight into the personnel actions cited as ANGI and AFI violations in the 2007 report, two personnel officers from the LAANG were interviewed. The first, Capt [REDACTED] and the second, Capt [REDACTED] LANG. Both were assessed as individuals that would best have knowledge of the cited actions as those issues are within their areas of responsibility and/or supervision, both currently as well as during the time of the assistance visit. (Ex 25; Ex 29:1)

Unfortunately, little specific evidence concerning the cited personnel actions was obtained from either individual. Both stated it was difficult to comment without having specifics of individuals and/or positions involved. While Capt [REDACTED] stated he had not been personally directed to violate ANGIs or AFIs with regard to the personnel actions detailed in the 2007 report, he stated he had little to no visibility into who would have directed those actions and whether waivers for them had been requested and/or obtained. Capt [REDACTED] added once he advised commanders of proper administrative processes and waivers required to complete personnel actions, he did not track or follow-up on subsequent processing of any required waivers as approval authority and waiver action occurred at the JFHQ. He concluded by stating

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when he received documentation from JFHQ directing execution of a personnel action he executed it with the assumption that proper approvals and waivers had been obtained. (Ex 25; Ex 24:12-16) Resultantly, it is unlikely Capt [REDACTED] would have had direct knowledge of the ANGI and AFI violations cited in this allegation. Finally, Capt [REDACTED] mentioned he thought some individuals may have misinterpreted the emphasis on end strength numbers as guidance to "do whatever," but he offered no specific evidence to support that speculation. (Ex 24:21)

It is important to note several other witnesses told SAF/IGS that Capt [REDACTED] had kept memorandums for record detailing inappropriate personnel actions such as those cited in this allegation. (Ex 9:24; Ex 39:5) During initial contact with Capt [REDACTED] he indicated he had important information to share and seemed eager to testify, but when interviews were conducted with him he seemed to recall few specifics and often spoke in generalities. While his overall testimony was assessed as credible, it did appear he was withholding information. Based on other testimony obtained off-recording, it is assessed Capt [REDACTED] withheld information because he feared some type of retribution if he provided information that might reflect negatively on Brig Gen Veillon.

Capt [REDACTED] also indicated she was unable to provide insight into the personnel actions related to this allegation without having specific details of the individuals and/or positions involved. She did confirm that approval authority for the actions would have been at the JFHQ level with TAG having final approval of most actions. Capt [REDACTED] also testified she was unaware of any pervasive issues concerning the types of personnel actions cited, but did indicate it was possible they could have occurred. She also mentioned that given the vast number of actions processed by her office over recent years, it would be very difficult to research historical records to find any supportive evidence one way or another concerning the subject personnel actions. (Ex 29:16-22)

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Given Capt [REDACTED] and Capt [REDACTED] testimony that approval authority for the personnel actions cited in this allegation was retained by JFHQ up to and including MG Landreneau, and given Brig Gen Veillon's previously cited testimony concerning his in-depth involvement in LAANG command actions, it is assessed as probable that Brig Gen Veillon, despite his testimony otherwise as cited above, coordinated on if not approved both the personnel actions in question as well as any waiver requests for those actions requiring it.

Based on the 2007 after-action report on the review of the LAANG personnel processes and previously cited testimony from Col [REDACTED], Lt Col [REDACTED], Col [REDACTED], and Col [REDACTED], the preponderance of evidence indicates Brig Gen Veillon directed the personnel actions cited in this allegation to include the double billeting of technicians and commanders, the existence of an overgrade assignment that had expired in 2003, and the assignment of a major as a commander of a unit in which there was an individual of higher grade and rank assigned to the unit.

In addition, based on the testimony of Lt Col [REDACTED], Col [REDACTED], Capt [REDACTED], and Capt [REDACTED], the preponderance of evidence indicates Brig Gen Veillon directed execution of these

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actions with the knowledge related waivers had not been obtained as correspondingly required by ANGI 36-2101, *Assignments within the Air National Guard*, paragraphs 2.3. Assignment of Full-Time Personnel, 2.20. Assignment to Excess or Overgrade, and 2.21. Extension of an Initial Excess or Overgrade Status; and AFI 51-604, *Appointment to and Assumption of Command*, paragraph 2. Succession to Command. (Ex 80; Ex 81) In addition, Brig Gen Veillon's own testimony indicates both he and MG Landreneau directed and/or approved one of the personnel actions believing TAG had the waiver authority over the AFI to do so. It is important to note that Brig Gen. Veillon was unable to provide any documentation or other evidence supporting his claim that TAG has waiver authority over AF guidance and AFI 51-604 makes no mention of such authority by state adjutant generals. (Ex 81)

CONCLUSION.

By a preponderance of evidence, based upon the findings of fact and sworn testimony, the allegation that Brig Gen Joseph B. Veillon personally directed assignment of individuals to unit manning positions within the Louisiana Air National Guard in violation of ANGI 36-2101, *Assignments within the Air National Guard*, 11 Jun 04, and AFI 51-604, *Appointment to and Assumption of Command*, 4 Apr 06, was **SUBSTANTIATED**.

ALLEGATION 8. That Brig Gen Joseph B. Veillon abused his authority as defined by AFI 90-301, *Inspector General Complaints Resolution*, 15 May 08, by wrongfully disapproving and/or refusing to forward for approval to MG Bennett Landreneau, The Adjutant General, an award recommendation for a subordinate member.

Additional Background. During the course of a witness interview with Col [REDACTED], Col [REDACTED] testified when she completed her assignment as [REDACTED] in 2008, she was informed by Col [REDACTED] that Brig Gen Veillon had refused to forward an award recommendation he submitted on her to The Adjutant General for approval. According to Col [REDACTED], Col [REDACTED] told her the reason Brig Gen Veillon would not forward the package was because he did not like it that she had communicated with members of the Adjutant General's Nomination Committee. She also indicated that Col [REDACTED] had given her a similar account. (Ex 38:26-27)

A review of Col [REDACTED] official personnel records confirmed she did not receive an award covering the timeframe in question (Dec 05 through Dec 08, the final 3 years of her 8-year assignment as [REDACTED]). In addition, a review of her officer performance reports determined that her reports for those 3 years reflected a level of performance equal to that for a prior period in which she had received an award. Based on Col [REDACTED] official record of performance, no supporting reason could be identified as to why Brig Gen Veillon might deny forwarding an award package submitted by the 159 FW/CC. (Ex 38:1; Ex 107)

Col [REDACTED] recalled submitting a Meritorious Service Medal (MSM) recommendation package for Col [REDACTED] to JFHQ. He also recalled being told by Col [REDACTED] the MSM would not be approved by leadership above him [Brig Gen Veillon and then sequentially MG Landreneau]. He stated he no longer recalled the reason he was told the MSM would not be approved, but his assessment was it was because Col [REDACTED] had interacted with the Adjutant General's Nomination Committee and that was not viewed favorably by Brig Gen Veillon. He did not recall the specifics of any follow on conversation with Col [REDACTED] about the status of his award recommendation. (Ex 32:21-22) Col [REDACTED] testimony was consistent with that of Col [REDACTED] and both were assessed as credible.

To gain further information on the submission of the award recommendation package by Col [REDACTED] and what occurred at JFHQ following the package submission, Col [REDACTED] was interviewed, as the award package would have been submitted to his office prior to being forwarded to Brig Gen Veillon and then MG Landreneau. During testimony, Col [REDACTED] stated he did not specifically recall anything about an award recommendation for Col [REDACTED], including the MSM mentioned by Col [REDACTED]. He injected he thought LAANG leadership was upset with her for talking with the Adjutant General's Nomination Committee and providing information to the Committee that might be detrimental to MG Landreneau, however, he did not specifically and directly link that point to the award recommendation package. (Ex 22:37-38)

It is important to note Col [REDACTED] comments about the interaction between the Adjutant General's Nomination Committee and members and leadership of the LANG painted a confusing, complicated picture, one apparently influenced by various views about why the Committee existed, what its purpose was, and what affect it might have. Col [REDACTED] indicated he'd heard MG Landreneau had stated he was not concerned about the work of the Committee and he emphasized neither MG Landreneau nor Brig Gen Veillon had given guidance to subordinate units within the LANG and LAANG respectively concerning how to respond should a member of the Committee contact them.¹¹ Col [REDACTED] seemed to agree that a committee appointed by the governor of the state and, as such, the commander of the LANG would have authority to seek and gather information on the operations and personnel within the LANG in an independent manner, similar to that of an IG. However, he described those individuals that responded to the Committee's inquiries as "naive" for providing information without first seeking higher-level approval, to include consideration of the political impact of providing requested information. (Ex 22:5-10, 36-38)

In addition, Col [REDACTED] stated he understood MG Landreneau had directed there would be no retribution against anyone in the LANG that was somehow linked to the Committee. Yet, on the other hand, he stated that LANG leadership was upset with individuals that communicated with and/or provided information and/or support when contacted. Correspondingly, when asked questions about the MSM recommendation package submitted by Col [REDACTED] for Col [REDACTED], his conversation turned almost immediately to the dissatisfaction of LAANG leadership with Col [REDACTED] for interacting with the Adjutant General's Nomination Committee. (Ex 22:5-10, 36-38)

FINDINGS OF FACT.

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- Col [REDACTED] submitted an award recommendation package for Col [REDACTED] to JFHQ, LANG commensurate with Col [REDACTED] departure as [REDACTED].
- The award recommendation was disapproved at a level above Col [REDACTED].
- The award recommendation was not disapproved for performance or disciplinary reasons.

STANDARDS.

AFI 90-301, *Inspector General Complaints Resolution*, 15 May 08, states: (Ex 72:211)

Abuse of Authority – an arbitrary or capricious exercise of power by a military member or a federal official or employee. To qualify as arbitrary or capricious, the following must be met:

- 1) the action either adversely affected the rights of any person or resulted in personal gain or advantage to the responsible management official (RMO).

¹¹ Col [REDACTED] also testified that no guidance was given from JFHQ to the wing on how or whether to respond should a member of the Adjutant General's Nomination Committee request contact or information. (Ex 32:26)

And

2) the RMO did not act within the authority granted under applicable regulations, law or policy; the RMO's action was not based on relevant data and factors; or the RMO's action was not rationally related to the relevant data and factors.

Attachment 22 of the same instruction contains the format to be used when analyzing abuse of authority:

Attachment 22

FORMAT FOR ACID TEST FOR ABUSE OF AUTHORITY

Answer the following questions to determine if abuse of authority has occurred:

1. Did the responsible management official's (RMO's) actions either:

a. Adversely affect any person? (e.g., demotion, referral OPR, extra duty, etc.)

or

b. Result in personal gain or advantage to the RMO? (e.g., promotion, award, etc.)

If questions 1(a) and 1(b) are both answered "no," then it is not necessary to consider question two.

If either part of question 1(a) or 1(b) is answered "yes," the IO must answer questions two and three.

2. Did the RMO act within the authority granted under applicable regulations, law or policy?

3. Was the action arbitrary and capricious: (you must use the following factors in your decision)

a. What were the Reasons stated by the responsible official for taking, withholding, or threatening the action?

b. What was the Reasonableness of the action taken, withheld, or threatened considering the complainant's performance and conduct?

c. Were the actions taken by the RMO Consistent with past practice?

d. What was the Motive of the RMO for deciding, taking, or withholding the personnel action?

ANALYSIS.

Brig Gen Veillon testified he never saw an award recommendation package for Col [REDACTED] at the time she departed her position as [REDACTED]. He provided a summary of the LAANG award submission process, confirming the award recommendation would have been submitted by Col [REDACTED] to Col [REDACTED] as [REDACTED] and then forwarded to him for coordination prior to being sent to the Adjutant General for approval and signature. Brig Gen Veillon went on to state had he received an award recommendation package for Col [REDACTED],

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he would have signed it and forwarded it to MG Landreneau. He also testified he had "no issues" with Col [REDACTED] at the time of her departure as 159 MSG/CC. (Ex 61:13-16)

It is important to note that Brig Gen Veillon was careful and deliberate with his choice of words when discussing the award recommendation package for Col [REDACTED], stating several times he'd never "seen" the package.

During the interview, Brig Gen Veillon offered as additional evidence on his behalf a copy of an email sent to him by Col [REDACTED] on 29 Jan 10. In the email, Col [REDACTED] indicated there were no records in JFHQ files that an award recommendation package had been submitted for Col [REDACTED]. In addition, Col [REDACTED] indicated he did not think Col [REDACTED] would have submitted one because of "his negative opinion" of her; and, that if Col [REDACTED] had done so, he would have denied it at his level. The email did not include any rationale as to why Col [REDACTED] would have denied the recommendation.¹² (Ex 98:51)

Col [REDACTED] statements in the 29 Jan 10 email partially conflict with his testimony provided to SAF/IGS on 9 Jan 10. In the SAF/IGS interview, Col [REDACTED] made no mention he did not think Col [REDACTED] would have submitted an award recommendation package, nor did he mention that if Col [REDACTED] had done so, he would have denied it at his level. Given Col [REDACTED] firm recollections he'd both forwarded an award recommendation package to Col [REDACTED] and that Col [REDACTED] had told him the package would not be approved above his level, as well as Col [REDACTED] recollection of having been given a similar account by Col [REDACTED], it is assessed that either Col [REDACTED] does not accurately recall the events and details surrounding Col [REDACTED] submission, or he was intentionally withholding evidence relevant to this allegation.

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Based on the testimony cited above and in the Additional Background section, it is concluded Col [REDACTED] submitted an award recommendation package for Col [REDACTED] to JFHQ as he testified and that it was disapproved at a level above Col [REDACTED], by Brig Gen Veillon and also possibly by MG Landreneau. Given both Brig Gen Veillon and Col [REDACTED] testimony that MG Landreneau would not make a determination without Brig Gen Veillon's signature or input, it is concluded Brig Gen Veillon personally disapproved, directed or, at a minimum, recommended the disapproval.¹³ (Ex 61:14; Ex 22:3)

Moreover, Col [REDACTED] mention of Col [REDACTED] interaction with the Adjutant General's Nomination Committee during discussion of this allegation along with his statements that LANG

¹² Col [REDACTED] statement that Col [REDACTED] had a "negative opinion" of Col [REDACTED] is unsupported by any other testimony, including that of Col [REDACTED].

¹³ It is assessed as plausible that the award recommendation package, rather than be formally disapproved (e.g., through signatures on a coordination sheet), may simply have been ignored upon submission with no further action taken. This would account for Col [REDACTED] testimony he was unable to find any record of the submission and Brig Gen Veillon's testimony he had "never seen" the package. For the purposes of this analysis, disapproval includes both formal action through documentation as well as informal action such as withholding the package from processing or providing verbal guidance to the same effect.

leadership was upset with individuals linked to the Committee are assessed as providing further support to Col [REDACTED] and Col [REDACTED] testimony the award recommendation was disapproved because Col [REDACTED] communicated with and/or provided information to the Committee, not because of a performance or disciplinary issue.

Despite Brig Gen Veillon's recollection otherwise, the preponderance of evidence indicates Brig Gen Veillon refusal to forward the award recommendation package for Col [REDACTED], adversely affecting the member. The preponderance of evidence also indicates this action was based on an arbitrary, personal dislike of Col [REDACTED] communication with the Adjutant General's Nomination Committee, not on a performance or disciplinary issue, therefore making his action an abuse of authority as defined in AFI 90-301.

Taking the above information and applying the "acid test" for abuse of authority we have:

Q1. Did the responsible management official's (RMO's) actions either:

a. Adversely affect any person? (e.g., demotion, referral OPR, extra duty, etc.)

or

b. Result in personal gain or advantage to the RMO? (e.g., promotion, award, etc.)

A1. Yes, denying Col [REDACTED] her deserved MSM adversely affected her military record; the denial action did not necessarily result in personnel gain for Brig Gen Veillon.¹⁴

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Q2. Did the RMO act within the authority granted under applicable regulations, law or policy?

A2. Yes, Brig Gen Veillon had the authority to recommend approval or disapproval of Col [REDACTED] MSM package.

Q3. Was the action arbitrary and capricious:

A3. Yes, Brig Gen Veillon's action was arbitrary and capricious.

a. Reasons – the preponderance of the evidence indicates the reason Col [REDACTED] award was disapproved was because she had talked to the Nomination Committee.

b. Reasonableness – no this is not reasonable; approval/disapproval of awards are supposed to be based on the member's performance during the timeframe of the service covered by the wayward nomination package.

c. Consistent with past practice – no, most awards are approved/disapproved on merit.

¹⁴ However, this action would be consistent with testimony and evidence that if Brig Gen Veillon believed you had in any way "crossed him," or been disloyal to him he would "get you back." In doing so here, he sent out a powerful message to the LAANG to keep quiet or suffer the consequences.

d. Motive – the preponderance of the evidence indicates the motive in this case is retribution.

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Thus, the preponderance of the evidence shows that Maj Gen Veillon refused to forward Col [REDACTED] MSM package for approval.

CONCLUSION.

By a preponderance of evidence, based upon the findings of fact and sworn testimony, the allegation that Brig Gen Joseph B. Veillon abused his authority as defined by AFI 90-301, *Inspector General Complaints Resolution*, 15 May 08, by wrongfully disapproving and/or refusing to forward for approval to MG Bennett Landreneau, The Adjutant General, an award recommendation for a subordinate member, was **SUBSTANTIATED**.

ALLEGATION 9. That Brig Gen Joseph B. Veillon abused his authority as defined by AFI 90-301, *Inspector General Complaints Resolution*, 15 May 08, by wrongfully directing inclusion of a subordinate member on a list of members of the Louisiana Air National Guard selected for non-retention, in violation of ANGI 36-2606, *Selective Retention of Air National Guard Officer and Enlisted Personnel*, 26 Feb 97.¹⁵

Additional Background. During interviews conducted early in this investigation, evidence was obtained indicating Lt Col [REDACTED], a [REDACTED], may have been wrongfully non-retained while he was on extended Active Duty and deployed to Southwest Asia. (Ex 38:6-7) To further clarify the issue Lt Col [REDACTED] was contacted at his home. He testified while he was deployed and serving on an extended Active Duty tour from May - Nov 08, his wife received a letter stating he had been non-retained. Lt Col [REDACTED] stated it was his understanding of ANGI 36-2606 that he should have been removed from consideration for that action since he was on an extended Active Duty tour. He added he had not raised this issue up his chain of command at the time because he feared some type of retribution either against himself or his son, a full-time member of the Louisiana Army National Guard, as he believed the reason he was selected for non-retention was related to Brig Gen Veillon's perception he had provided information to the Adjutant General's Nomination Committee. Lt Col [REDACTED] indicated instead, he requested an extension of his retirement date to enable him to retire with full benefits from his federal technician position. Lt Col [REDACTED] officially retired on 30 Mar 09 from the LANG. (Ex 26:10-12; Ex 108)

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To gain additional evidence on how and why Lt Col [REDACTED] was selected for non-retention, interviews were first conducted with Lt Col (ret) Jones' immediate supervisor and wing commander at the time, Col [REDACTED], then [REDACTED], and Col [REDACTED] respectively. Both individuals indicated they had recommended Lt Col [REDACTED] for retention. Col [REDACTED] added she had recommended him for retention as there was no one else in the group in a position to move into his position (deputy group commander) and the wing had routinely gapped the position anyway. (Ex 38:6-7; Ex 40:3; Ex 32:23-26)

Col [REDACTED], the [REDACTED] at the time, was a member of the Selective Retention Board, which recommended Lt Col [REDACTED] for non-retention. His recollection was that the recommendation coming to the board concerning Lt Col [REDACTED] was for non-retention. Based on Col [REDACTED] and Col [REDACTED] testimony, this indicated someone had revised Col [REDACTED] recommendation prior to the board convening. Based on Col [REDACTED]

¹⁵ ANGI 36-2606, *Selective Retention of Air National Guard Officer and Enlisted Personnel*, describes the responsibilities and provides authority, guidance and procedures for the Selective Retention Program (SRP) for eligible ANG officers and enlisted personnel. The SRP is a force management tool used to ensure a quality trained force, stable promotion opportunities for lower grade personnel, and a viable combat ready force. In general, ANG officers and enlisted are considered for the SRP once they are retirement eligible; once eligible, member records, along with a recommendation from their commander, meet a Selective Retention Board (SRB) which makes a recommendation to the Adjutant General of the state to retain or non-retain the individual. A specific list of criteria for consideration is included within the AFI. (Ex 74:1-2)

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further testimony, Brig Gen Veillon was the only additional individual in a position to influence the process between submission of the wing commander's recommendation and the convening of the SRB. Col [REDACTED] added it was normal procedure for the board to follow commander recommendations. (Ex 22:41-42)

Concerning the reason Lt Col [REDACTED] was recommended and selected for non-retention, both Col [REDACTED] and Col [REDACTED] stated they were never told the specific reason for that determination. Col [REDACTED] assessment was that it was because Brig Gen Veillon suspected Lt Col [REDACTED] had interacted with and/or provided information to the Adjutant General's Nomination Committee. (Ex 40:3-4; Ex 32:25-26) Col [REDACTED] also offered information linking Lt Col [REDACTED] non-retention to the perception he'd interacted with the Committee. (Ex 22:43) None of these individuals provided testimony indicating Lt Col (ret) [REDACTED] selection for non-retention was a result of the force management rationale provided in AFI 36-2606, though they did confirm he met the time-in-service criteria.¹⁶

A copy of Lt Col [REDACTED] deployment orders were obtained and his deployment and related re-deployment dates were verified. (Ex 109) In addition, a copy of board records from the SRB recommending Lt Col [REDACTED] for non-retention were obtained and reviewed and his selection for non-retention was verified. In addition, those same records verified Col [REDACTED] as a member of the board and Brig Gen Veillon as the board president. (Ex 110; Ex 111)

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It is important to note that while initial review of ANGI 36-2606, paragraph 2.1.1.3. affirmed Lt Col [REDACTED] assertion he should not have been considered for non-retention by the 2008 SRB because he was serving on an extended Active Duty tour, a detailed review of the ANGI along with documentation obtained during the course of the investigation determined the type of Active Duty tour he was serving on was not covered by that paragraph. (Ex 109) Thus, Lt Col [REDACTED] was eligible to be considered for non-retention during the 2008 SRP process. To the contrary, key individuals within the LAANG and JFHQ to include Col [REDACTED], Col [REDACTED], Capt [REDACTED] (the individual at JFHQ responsible for overseeing the SRP process), Col [REDACTED], and Brig Gen Veillon believed at the time of their SAF/IGS interviews that paragraph 2.1.1.3. did apply and that the inclusion of Lt Col [REDACTED] on the list of individuals to be considered for retention/non-retention by the 2008 SRB was in error. (Ex 40:2-3; Ex 32:24; Ex 29:25-27; Ex 22:44-45; Ex 61:19-23; Ex 98:55-59) This conflict in understanding of the provisions of the ANGI, while adding to the complexities of the investigation of this allegation, did not materially affect the outcome and further mention of this point is limited to that needed to support other assessments and conclusions.

¹⁶ Col [REDACTED] and Col [REDACTED] were very careful in their choice of words when addressing their knowledge of why Lt Col [REDACTED] was recommended for and ultimately selected for non-retention. However, when asked why Col [REDACTED] recommendation to retain him may have been changed, the first reason both of them brought up was the perception by LANG leadership [in other words, Brig Gen Veillon and/or MG Landreneau] that Lt Col [REDACTED] had provided information to the Adjutant General's Nomination Committee. Their caution was understandable given both individuals' stated concern Brig Gen Veillon may negatively impact them or their careers for providing adverse information to SAF/IGS or others.

FINDINGS OF FACT.

- Col [REDACTED], recommended Lt Col [REDACTED] for retention in the 2008 LAANG SRP process. (Ex 38:6-7; Ex 40:3)
- Col [REDACTED], concurred with and forwarded a recommendation for retention for Lt Col [REDACTED] to JFHQ, LANG. (Ex 32:23-26)
- The 2008 LAANG SRB received a recommendation of non-retain for Lt Col [REDACTED] and affirmed that recommendation in its report to the Adjutant General. (Ex 22:41-42; Ex 111)
- Lt Col [REDACTED] was deployed to Southwest Asia at the time the SRB convened. (Ex 109)
- Lt Col [REDACTED] was selected for and non-retained not as a force management tool but as retribution for perceived communication with the Adjutant General's Nomination Committee.
- MG Landreneau, the Adjutant General, approved the recommendations of the SRB. (Ex 111)

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STANDARDS.

Abuse of Authority -- see allegation #8, above.

ANGI 36-2606, *Selective Retention of Air National Guard Officer and Enlisted Personnel*, 28 Feb 97 states: (Ex 74:1-3)

1.3. Responsibilities:

1.3.1. The National Guard Bureau (NGB/CF) has overall responsibility for development and oversight of the ANG SRP.

1.3.2. The Air National Guard Readiness Center, Directorate of Manpower and Personnel (ANG/MP) has the responsibility for monitoring the ANG SRP and providing procedural guidance and staffing exceptions to the States and territories.

1.3.3. State adjutants general (AGs) have authority for implementing the policy and procedures contained herein and for establishing an effective personnel force management program for units under their jurisdiction. The adjutants general must ensure that the conduct of SRRBs under the authority of this instruction are conducted exclusively as a force-management tool to effect needed personnel adjustments to ensure continuing mission viability and career expectation of assigned personnel.

1.3.4. TAGs and commanders are responsible for ensuring personnel subject to consideration under this instruction receive a fair and impartial review based on the needs of the unit, the ANG and the USAF IAW established policy.

1.3.5. Each Military Personnel Flight (MPF) is responsible for providing unit and State administrative support of this instruction.

1.3.6. Each ANG State Headquarters is responsible for implementing this instruction upon TAG authority to include appropriate administrative support for the conduct of the boards.

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2. Program Management:

2.1. Criteria for Selective Retention Consideration:

2.1.1. All ANG officers (except adjutants general, assistant adjutants general, and general officers) and enlisted members will be considered under the SRP if they meet all of the following.

2.1.1.1. Are retirement eligible on or before 1 January of the year in which the board convenes. Members previously selected for retention under any authority, including officers retained under authority of the Secretary of the Air Force for any reason beyond their mandatory separation/discharge date based on maximum years of commissioned service permitted by law, will be included and again considered. Individuals in Air Guard Reserve (AGR) who have completed 20 years' satisfactory service toward a non-regular retirement, but have not completed 20 years of active duty will be considered unless exempt by paragraph 2.1.1.4. below.

2.1.1.2. Are not otherwise scheduled to be separated between 1 January and 31 December of the year of the board's review for such reasons as mandatory separation/discharge date, maximum age, medical disqualification, retirement, promotion deferment, or not selected for reenlistment.

2.1.1.3. As of 1 January, are not serving on a Title 10 statutory tour (e.g. 10 USC 10211, 10 USC 10305, 10 USC 12310, 10 USC 12402) or on extended active duty with the Air Force. Members commencing such tours between 1 January and publication of the board results will be removed from consideration.

2.1.1.4. Members in AGR status who have or will have between 18 and 20 years of active duty (sanctuary zone) toward retirement during the calendar year of the board are exempt from consideration.

2.1.2. Officers who have completed at least 20 years of satisfactory service toward a non-regular retirement, but have not completed the minimum promotion service time to retire in highest grade held are not exempt from consideration (see paragraph 3.1.5.).

*2.1.3. TAG determines an SRB will convene to review retirement eligible officers and enlisted personnel. All members within a State will be reviewed once the TAG directs an SRRB will be conducted.

ANALYSIS.

As previously identified, Brig Gen Veillon was the president of the 2008 LAANG SRB. As such, he testified he did not recall the incoming recommendation for retention/non-retention concerning Lt Col [REDACTED], but he did recall the board recommending he be selected for non-retention. He further added, based on the level of information coming into the board, he would not have known the retention recommendations made by member's commanders. He also made a point of stating he would not have been aware of whether or not proper administrative processes had been followed in briefing members they would be considered by the board, whether commanders had informed members of their retention recommendations, or whether commanders and members had completed proper documentation for instances in which commanders recommended non-retention. This seemed odd to point out and appeared as if he was trying to absolve himself from oversight and responsibility for the SRP process. (Ex 111; Ex 61:16-18)

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Specifically concerning Lt Col [REDACTED], Brig Gen Veillon testified he was recommended for non-retention because he met the criteria in the ANGI and there was a need to create upward mobility for more junior officers. He stated after Lt Col [REDACTED] had officially retired and several months prior to his Mar 10 interview with SAF/IGS he was informed by his staff an error had been made and Lt Col [REDACTED] should not have met the 2008 SRB because he was on an extended Active Duty tour. (Ex 61:20-25)

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A review of ANGI 36-2606 indicates Brig Gen Veillon should have been aware of Col [REDACTED] recommendation concerning Lt Col [REDACTED] when the SRB met. According to the ANGI, at a minimum, had Col [REDACTED] recommended Lt Col [REDACTED] for non-retention, an NGB Form 27 would have been completed and Lt Col [REDACTED] would have signed it, acknowledging he was being recommended for non-retention. This NGB Form 27 would then have been included in his board package. The NGB Form 27 is optional (at the discretion of TAG) when the individual is recommended for retention. As a result, if ANGI procedures were followed, Col [REDACTED] recommendation for retention would have been apparent either on an NGB Form 27, if required by the TAG, or by the absence of it. According to Capt [REDACTED], the individual that prepares all materials for the annual SRB for the LAANG, the LAANG follows the ANGI guidelines for conduct of SRBs and it would have been procedure to include Col [REDACTED] recommendation in Lt Col [REDACTED] record package. (Ex 74:3-5; Ex 29:23-26) As a result, Brig Gen Veillon's statement he would not be aware of a commander's retention recommendation and supporting documentation is assessed as not credible.

Based on Col [REDACTED] recollection the incoming recommendation to the SRB concerning Lt Col [REDACTED] was for non-retention. Col [REDACTED] testified she recommended he be retained; Col [REDACTED] testified he forwarded Col [REDACTED] retention recommendation to JFHQ; and Col [REDACTED] testified concerning the SRB process. Therefore the preponderance of evidence indicates Brig Gen Veillon initiated the non-retention recommendation. It is considered likely the other members of the board believed the recommendation originated with Col [REDACTED] and did not question it and MG Landreneau approved the board's recommendations as submitted. No testimony or other evidence was obtained to indicate otherwise. As a result, the preponderance of evidence indicates Brig Gen Veillon was the decisive factor in Lt Col [REDACTED] recommendation for non-retention by the 2008 SRB and selection for non-retention by TAG.

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It is important to note that Col [REDACTED], Col [REDACTED], and Capt [REDACTED] all stated it was the normal course of action for the SRB to support commander recommendations for retention/non-retention. Col [REDACTED] and Col [REDACTED] also indicated it would be unusual for the SRB to recommend an individual for non-retention when a commander had recommended otherwise. (Ex 32:25-26; Ex 22:21-22; Ex 29:24) Thus the easiest way to ensure the SRB recommended Lt Col [REDACTED] for non-retention was to ensure the incoming recommendation was for non-retention.

Concerning Brig Gen Veillon's testimony that Lt Col [REDACTED] was recommended for non-retention for force management and no other reasons, the preponderance of evidence as cited above in testimony by Col [REDACTED], Col [REDACTED], and Col [REDACTED] in the Additional Background section indicates otherwise and that Brig Gen Veillon's perception that Lt Col [REDACTED] interacted with the Adjutant General's Nomination Committee was a factor in his actions. Consequently, it is concluded Lt Col [REDACTED] did not receive a fair and impartial review as required by ANGI 36-2606, paragraph 1.3.4. As a result, the preponderance of evidence indicates not only was Brig Gen Veillon the decisive factor in Lt Col [REDACTED] non-retention, but also that he abused his authority in so doing by not acting within the authority of the

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regulation governing the SRP process, subsequently resulting in an action adversely affecting Lt Col [REDACTED].

On his behalf and during his testimony, Brig Gen Veillon read a copy of an email purportedly authored by Col [REDACTED] as part of the general's preparation for his SAF/IGS interview. This email provided details on personnel moves that supposedly were made possible as a result of Lt Col [REDACTED] non-retention. It is important to note Brig Gen Veillon did not later provide a copy of this email to SAF/IGS as requested and the information in it was not corroborated or offered by Col [REDACTED] in his independent testimony. Regardless of the question of validity of this document, it is assessed this information was provided to help justify Brig Gen Veillon's actions. (Ex 61:22-23)

Furthermore on his behalf and as previously detailed, Brig Gen Veillon testified he was informed Lt Col [REDACTED] should not have been considered by the SRB after Lt Col [REDACTED] had officially retired and by then it was too late to alter the non-retention decision. He also provided copies of documents related to two Congressional Inquiries from the Honorable David Vitter, United States Senator from Louisiana, as further support both he and MG Landreneau had acted within the guidelines of the ANGI. Brig Gen Veillon's statements on this point are inconsistent with those of other witnesses and are assessed as further evidence of the questionable credibility of Brig Gen Veillon's testimony concerning this allegation. Col [REDACTED] indicated she'd raised the issue up the chain of command prior to Lt Col [REDACTED] return from deployment in Nov 08 and Col [REDACTED] indicated he'd briefed both Brig Gen Veillon and MG Landreneau about the mistake prior to Lt Col [REDACTED] retirement. (Ex 40:3; Ex 22:43-44) Furthermore, copies of documents provided by Brig Gen Veillon also indicated LANG leadership was aware of the issue prior to Lt Col [REDACTED] official retirement on 30 Mar 09. As noted on a 16 Dec 09 letter from Senator Vitter, his office had filed a follow-up inquiry with the LANG on 13 Mar 09 which included a letter from Lt Col [REDACTED] dated 4 Feb 09 outlining why he believed he was non-retained, as well as outlining the provisions of ANGI 36-2606 he believed exempted him from consideration from the 2008 SRP process. (Ex 98:56-57)

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Taking the above information and applying the "acid test" for abuse of authority we have:

Q1. Did the responsible management official's (RMO's) actions either:

a. Adversely affect any person? (e.g., demotion, referral OPR, extra duty, etc.)

or

b. Result in personal gain or advantage to the RMO? (e.g., promotion, award, etc.)

A1. Yes, Lt Col [REDACTED] being recommended and then selected to be non-retained in the LAANG adversely affected him. It did not necessarily result in personal gain for Brig Gen Veillon.¹⁷

¹⁷ But see footnote 14

Q2. Did the RMO act within the authority granted under applicable regulations, law or policy?

A2. Yes and No, as Board President, Brig Gen Veillon had the authority to vote for Lt Col [REDACTED] non-retention; he did not have the authority to change the wing commander's recommendation for retention.

Q3. Was the action arbitrary and capricious:

A2. Yes, Brig Gen Veillon's action was arbitrary and capricious.

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- a. Reasons – the preponderance of the evidence indicates the non-retention selection was based on Lt Col [REDACTED] talking to the Nominating Committee.
- b. Reasonableness – this reason is not reasonable as recommendations and selections under this program are to be for force management reasons.
- c. Consistent with past practice – this action is not consistent with the past practice of basing decisions on force management considerations.
- d. Motive – the preponderance of the evidence indicates it to be retribution.

CONCLUSION.

By a preponderance of evidence, based upon the findings of fact and sworn testimony, the allegation that Brig Gen Joseph B. Veillon abused his authority as defined by AFI 90-301, *Inspector General Complaints Resolution*, 15 May 08, by wrongfully directing inclusion of a subordinate member on a list of members of the Louisiana Air National Guard selected for non-retention, in violation of ANGI 36-2606, *Selective Retention of Air National Guard Officer and Enlisted Personnel*, 26 Feb 97, was **SUBSTANTIATED**.

ALLEGATION 10. That Brig Gen Joseph B. Veillon reprised against the complainant, in violation of 10 United States Code, Section 1034 (10 U.S.C. 1034), *Military Whistleblower Protection Act*, by removing him from his position as the [REDACTED] of the Louisiana Air National Guard and assigning him to non-flying duties in response to multiple protected communications.

Additional Background. This allegation addresses one of four issues raised by the original complainant in this case, Maj [REDACTED]. The additional background that follows is somewhat complex, lengthy, and multi-faceted, but important in understanding when, how, and why certain events occurred. With an intent to focus on information most directly related to the stated allegation, it also does not attempt to encompass all the side issues, conjecture, and hearsay that was offered by various witnesses interviewed.

In his complaint, Maj [REDACTED] asserted Brig Gen Veillon directed and/or took the adverse personnel actions listed in the allegation above as a result of his protected communications with varied individuals in his chain of command, including Brig Gen Veillon, culminating with emails sent on 6 and 7 Sep 08 to Lt Col [REDACTED], Lt Col [REDACTED] and Col [REDACTED] (Ex 114:18-26; Ex 18:1) providing information on the negative performance and absence of Lt Col [REDACTED], a pilot in the 159 OSF C-130 program. (As previously mentioned, the 159 OSF is a flight assigned to the 159 OG and part of the 159 FW, all located at NAS-JRB New Orleans.) In addition, Maj [REDACTED] asserted Brig Gen Veillon's actions against him may have been influenced by [REDACTED] role on a steering committee, which recommended removal of MG Landreneau as the Adjutant General. (Ex 1)

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Maj [REDACTED] joined the LAANG in Apr 99 and became the [REDACTED] in Dec 07 when the previous director, Lt Col [REDACTED], returned to his civilian position as a pilot with a commercial airline and transitioned back to traditional guardsman status. Maj [REDACTED] was known by many in the LAANG long before this, both as a result of [REDACTED] long-time service in the LAANG culminating as the Assistant Adjutant General for Air, LANG and Commander of the LAANG, as well as longer-term relationships that existed between the deGeneres family and other families in the LANG. As an example, during his testimony, Lt Col [REDACTED] mentioned he had known the [REDACTED] family for years as they came from the same hometown and stated he considered Maj [REDACTED] a "pretty close friend." He also indicated Maj [REDACTED] had gone to school with his sister-in-law. Maj [REDACTED] confirmed this relationship and mentioned Lt Col [REDACTED] had met him at the door when he came to take Lt Col [REDACTED] sister-in-law to a high school prom. Similarly, Lt Col [REDACTED], the other long-time pilot in the C-130 program, indicated he'd known Maj [REDACTED] for many years, stating, "I knew him from when he was little, we used to go fishing." (Ex 112; Ex 18:2-3; Ex 67:2,7, 9, 14; Ex 34:1, 2, 6)

When he became the [REDACTED], Maj [REDACTED] was placed in a very difficult situation. Not only was he a captain placed in charge of a small group of individuals

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most of whom had known each other for many years and had developed close relationships with each other (to include across rank and officer/enlisted lines) and had significantly more military experience than he, but he was also placed in a position of leadership over much more senior officers -- the same officers who had known Maj [REDACTED] as a child and teenager. Understandably this created a difficult dynamic and environment within which Maj deGeneres was tasked to lead.

To make the situation more complicated, according to both Lt Col [REDACTED] at the time of the incident leading to the complaint and the lowest-level commander responsible for the C-130 program, and Col [REDACTED] at the time, the C-130 program was in turmoil at the time of Lt Col [REDACTED] departure and had not been well led. Both indicated there were significant management issues and stated Lt Col [REDACTED] was often absent from work. According to Lt Col [REDACTED], Lt Col [REDACTED] had been counseled on several occasions by the vice-wing commander and had [REDACTED] for his absence. Lt Col [REDACTED] described Lt Col [REDACTED] leadership as a "mis-prioritization of tasks that probably affected the overall professionalism of the unit. And again, I'd say competent, but lacking direction. And definitely not being utilized in the fashion that it was designed and funded for." (Ex 68:3) Col [REDACTED] voiced similar negative comments concerning Lt Col [REDACTED], primarily concerning his poor management and character as well as his frequent absence from work, and stated he had discussed Lt Col [REDACTED] poor performance with Brig Gen Veillon in Apr 08. Col [REDACTED] mentioned Lt Col [REDACTED] was also a negative influence on the professionalism and performance of the shop, pointing out, "Monsour was a min run type guy." (Ex 68:1-3; Ex 9:1, 6, 14; Ex 10: 6) Lt Col [REDACTED] at the time, also expressed dissatisfaction with Lt Col [REDACTED] performance and indicated he had administered several [REDACTED] not only for absence from work but also for a range of other failures to perform. (Ex 56:5) While the C-130 program was able to execute tasked missions, wing leadership believed a culture change was needed. (Ex 31:4)

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While the above dynamics were known by the OSF, operations group, and wing commanders at the time, each felt Maj [REDACTED] was the best individual for the job, though admittedly there were not many other choices. As Col [REDACTED] described it, "we felt like [REDACTED] could, could get us over the hump and turn the C-130 shop into a little bit more of a professional type of a shop ... like the fighter squadron and the OG." Additionally wing and group leadership believed with their support, Maj deGeneres would do well. (Ex 68:4-5; Ex 9:16-17; Ex 31:5-6)

Following Maj [REDACTED] assignment as [REDACTED], Col [REDACTED] indicated the climate within the shop improved immensely, describing the improvements as, "in people showing up for work, people getting the job done, just a more professional atmosphere." (Ex 9:15) Lt Col [REDACTED] indicated he often visited the shop and it appeared to him the program was running well. Both Lt Col [REDACTED] and Col [REDACTED] stated no one from the shop had raised any issues concerning Maj [REDACTED] performance in the aircraft or [REDACTED] prior to the events which led to his removal as [REDACTED] and assignment to non-flying duties. (Ex 9:15, 18; Ex 68:4, 28-29)

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Maj [REDACTED] confirmed he was given guidance by his flight and group commanders to tighten things up within the C-130 program and establish a more professional work ethic. (Ex 18:2) It is understandable, if not expected given the context described above, Maj [REDACTED] faced difficulty and/or resistance in enacting change. Col [REDACTED] indicated he anticipated this and held conversations with the more senior C-130 pilots (Lt Col [REDACTED] and Lt Col [REDACTED]) to help ameliorate the supervisory issues created by having a captain/major as their program director. Despite these conversations, Col [REDACTED] assessed there was still resentment by those individuals, especially as Maj [REDACTED] began to turn the shop around. (Ex 9:15-17)

Maj [REDACTED] indicated a number of issues arose during his assignment as the [REDACTED] and that he normally dealt with them at his level. However, he stated several issues arose between Dec 07 and Aug 08 that he not only discussed with the individuals involved but also documented in memoranda for record (MFRs) and discussed with his superiors in the command chain. Testimony of various members of the chain of command up to and including Col [REDACTED], validated these communications; however, no evidence was obtained indicating Brig Gen Veillon was aware of these prior to his removal of Maj [REDACTED] from his position. A review of these communications determined they met the criteria for protected communications as defined by 10 U.S.C. 1034 and they are included in the following Chronology section. In his complaint, Maj [REDACTED] alleged Brig Gen Veillon's adverse action against him was at least in some way a result of these protected communications. (Ex 1; Ex 17:17)

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In late Aug/early Sep 08, the LAANG was activated to conduct disaster response operations in support of Hurricane Gustav. The C-130 and associated aircrew [REDACTED] of Maj [REDACTED] were actively participating in the effort. During the course of those operations, Maj [REDACTED] sent an email concerning Lt Col [REDACTED] to Lt Col [REDACTED] that became the impetus for Maj [REDACTED] removal from his position and assignment to non-flying duties. This email was a follow-up communication to Lt Col [REDACTED] request for an update on C-130 operations, including a request for information on personnel accountability, and is found at Exhibit 114, pages 19 and 20. (Ex 16:17-18; Ex 56:18-19) In short, Maj [REDACTED] email provided details on Lt Col [REDACTED] activities since reporting for Hurricane Gustav disaster response operations and also cited misconduct on the part of Lt Col [REDACTED] for not participating in unit activities for the 7 months prior to his activation (resulting in his loss of C-130 flight qualifications) and intentionally avoiding ORI and Standardization Evaluation Inspection preparation and/or support. Maj [REDACTED] also expressed his dissatisfaction with defending and/or covering for Lt Col [REDACTED] poor performance in the past. (Ex 114: 19-20)

Though he denied it during his testimony to SAF/IGS, other evidence obtained indicated Lt Col [REDACTED], after receiving the email from Maj [REDACTED], showed it to Lt Col [REDACTED] and Lt Col [REDACTED] and elicited feedback. (Ex 56:33; Ex 67:13; Ex 34:3; Ex 50:15) Both Lt Col [REDACTED] and Lt Col [REDACTED] were extremely upset by Maj [REDACTED] statements. As Lt Col [REDACTED] recalled:

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...it was almost like finding out your wife's cheating on you, I mean I was just, I was shocked. I was absolutely shocked. Matter of fact, I got that e-mail on a Saturday night I believe it was, I talked to him [Maj ██████████] that Saturday morning on the phone and he was at home in Baton Rouge ... And, you know, we, we talked for thirty minutes on the phone and he was just as nice and, you know, man if there's anything we can do, find out if your son's house is okay and like nothing was wrong. He never once told me anything was wrong. (Ex 67: 15)

During both Lt Col ██████████ and Lt Col ██████████ interviews with SAF/IGS, what seemed most upsetting to them was that Maj ██████████ had sent an e-mail concerning Lt Col ██████████ performance and attendance up the chain of command -- not whether or not the contents of the e-mails were accurate.¹⁸

Subsequent to his receiving a copy of the email, Lt Col ██████████ testified he contacted Brig Gen Veillon and later faxed him a copy of the document. (Ex 67:28) Brig Gen Veillon set a meeting for 14 Sep 08 to address Lt Col ██████████ concerns. Present at the meeting were Brig Gen Veillon, Col ██████████, Col ██████████, Col ██████████, Lt Col ██████████, Lt Col ██████████, Maj ██████████, and MSgt ██████████. (Ex 31:15-18; Ex 16:51; Ex 37:31)

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While the recollections of the individuals attending the meeting were somewhat vague concerning the specifics of the discussion, they were generally consistent with each other and indicated comments from Maj ██████████ were generally a restatement of what he included in the 6 and 7 Sep e-mails and comments from Lt Col ██████████ and Lt Col ██████████ were rebuttals to Maj ██████████ assessments. In addition, testimony from multiple individuals indicated the discussion became very heated, especially on the part of Lt Col ██████████ and Lt Col ██████████, and, at one point, both individuals informed Brig Gen Veillon they would not fly with Maj ██████████. According to multiple individuals, there were several side discussions with the officer aircrew members as well as a discussion between Brig Gen Veillon and the other leadership members on how to proceed. At the end of the meeting, Brig Gen Veillon informed

¹⁸ While the investigation of this allegation did not require determining the accuracy of information on Lt Col ██████████ activities provided in the 6 and 7 Sep 08 e-mails from Maj ██████████, evidence obtained indicates it was generally correct. At his own admission, Lt Col ██████████ was "scarce" between Jan 08 and Aug 08, recalling that he possibly served one UTA. This timeframe coincides with the 7 months Maj ██████████ mentions that Lt Col ██████████ did not show at the unit. Concerning guidance from Col ██████████ about upcoming inspections, while Lt Col ██████████ recalled Col ██████████ telling him he did not need to be there for the actual inspections, his recollection of other guidance on the subject was vague. (Ex 67:19-21) According to Col ██████████, Lt Col ██████████, and Maj deGeneres, Lt Col ██████████ was asked to schedule his retraining for his airline position to enable him to support preparation for upcoming inspections as well as to participate in unit UTAs once his airline training was complete. Evidence presented indicated he intentionally did not comply with that request. (Ex 18:1; Ex 10:5; Ex 56:33) It is important to note Maj ██████████ assessment of Lt Col ██████████ performance and impact on the C-130 program are his own assessment and he was entitled to those within his authority and responsibilities as the ██████████. It is also important to note the performance issues Maj ██████████ raised in the emails are consistent with Lt Col ██████████ performance as cited by other members of the 159 FW chain of command and as previously discussed in this report.

Maj [REDACTED] he was temporarily removing him from his position as [REDACTED] and assigning him to non-flying duties pending outcome of a Commander Directed Inquiry (CDI). (Ex 31:16-21; Ex 67:29, 32-36; Ex 16:21-24; Ex 34:18-24; Ex 37:31-34)

It is important to note that according to Col [REDACTED], Lt Col [REDACTED] seemed the most agitated of all involved at the meeting. (Ex 37:33) Though other attendees did not seem to recall it, Lt Col [REDACTED] indicated during a side discussion between himself, Brig Gen Veillon, Col [REDACTED], and Col [REDACTED] that he raised a number of frustrations he had developed with Maj [REDACTED] over the years and cited those along with the 6 and 7 Sep e-mails as reasons he threatened to quit if ordered to fly with Maj [REDACTED]. (Ex 34:21-24) Regardless of the validity of Lt Col [REDACTED] stated frustrations, much of which appear to be based on opinion, innuendo, conjecture, and difficult to verify information, his predominant issue with Maj [REDACTED] and reason for threatening to quit if ordered to fly with him appeared to be that Maj [REDACTED] elevated issues about misconduct by Lt Col [REDACTED] up the chain of command rather than keep that information "in house" within the confines of the individuals in the C-130 program. As Lt Col [REDACTED] admitted about the e-mails, "I was never so pissed in my twenty-five years in the military," and subsequently felt he could no longer trust Maj [REDACTED]. (Ex 34:13, 32-33)

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Both Lt Col [REDACTED] and Lt Col [REDACTED] behavior at the 14 Sep 08 meeting appears mutinous and placed Brig Gen Veillon in a difficult spot given the perceived importance of continuing to fly the C-130 in support of disaster response operations. Essentially, both individuals refused to fly with Maj [REDACTED] because of distrust resulting from his elevation of issues up the chain of command about an individual he was responsible for, something well within Maj [REDACTED] authority, responsibility, and obligation to do as [REDACTED].

Following the 14 Sep meeting, Maj [REDACTED] was assigned to non-flying duties at the 159 FW command post. On 18 Sep, Brig Gen Veillon directed a Commander Inquiry into the culture and operations of the C-130 detachment. He appointed Lt Col [REDACTED] as the investigating officer. Lt Col [REDACTED] conducted the inquiry and completed his report, dating it 24 Oct 08; the legal review was dated 18 Dec 08. (Ex 115:1, 5-6) Maj [REDACTED] filed his complaint with the LANG Inspector General on 6 Dec 08.

CHRONOLOGY.

DATE	EVENT
1 Dec 07	Maj (then Capt) [REDACTED] assigned as [REDACTED]. (Ex 113)
1 Apr 08	Maj [REDACTED] began 5-year AGR assignment. (Ex 87)
15 Apr 08	Teleconference occurred between Brig Gen Veillon and Col [REDACTED] regarding proposed C-130 mission to Andrews AFB. Issue raised that

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	tasked mission did not meet AFI criteria. Maj [REDACTED] present and part of discussion. (Ex 113:1; Ex 31:6-7; Ex 9:7-8) [Protected Communication]
17 Apr 08	While at a social event, Col [REDACTED] discussed issues with above C-130 mission to Andrews AFB with Brig Gen Veillon. Col [REDACTED] told the general Maj [REDACTED] previous highlight of AFI guidance was to ensure leadership had information needed to make informed decisions. (Ex 113:1; Ex 9:7-8; Ex 68:18)
23 Apr 08	Brig Gen Veillon directed assessment of C-130 program. (Ex 114:8; Ex 62:5-6)
7 Jun 08	Col [REDACTED] briefed analysis of LAANG C-130 program to Brig Gen Veillon, Brig Gen Soileau, and Col [REDACTED]. (Ex 10:5-6; Ex 62:5-6)
25 Jun 08	Brig Gen Veillon signed a memorandum directing a change of chain of command for the C-130 Operations Sections, placing the section directly under the Headquarters, LAANG. (Ex 98:3)
8 Jul 08	Maj [REDACTED] met with Lt Col [REDACTED] and Col [REDACTED] to discuss an incident in which several C-130 aircrew members reported for a flight appearing to be under the influence of alcohol and in violation of applicable AFIs. (Ex 115:91; Ex 68:16; Ex 9:6) [Protected Communication]
25 - 28 Jul 08	Maj [REDACTED] met (at separate times) with Lt Col [REDACTED] and Col [REDACTED] and discussed his assessment that Brig Gen Veillon's 25 Jun 08 memorandum directing a change in chain of command for the C-130 program was not in compliance with applicable AFIs. Maj [REDACTED] documented these discussions in memoranda for record. (Ex 114:12; Ex 17:2-5; Ex 31:9-10; Ex 50:5-7; Ex 68:18-19; Ex 10:3-5) [Protected Communication]
12-13 Aug 08	Maj [REDACTED] briefed (at separate times) Lt Col [REDACTED], and Lt Col [REDACTED], on an incident in which he assessed a C-130 aircrew member showed for flight duty still under the influence of alcohol in violation of applicable AFIs. Maj [REDACTED] documented these discussions in memoranda for record. (Ex 115:93; Ex 68:16) [Protected Communication]
Late Aug 08	LANG activated to conduct disaster response operations in support of Hurricane Gustav. (Ex 114:16-19; Ex 31:11-16; Ex 115:96)
1 Sep 08	Gustav lands on Louisiana Coast
6-7 Sep 08	Maj [REDACTED] sent series of two emails concerning Lt Col [REDACTED] recent activity in support of the LAANG to Lt Col [REDACTED], as requested. (Ex 114:18-20; Ex 16:46) [Protected Communication]
7 Sep 08	Saints play home game in Superdome beating Tampa Bay Buccaneers
13 Sep 08	Lt Col [REDACTED] handed a copy of the above emails to Lt Col [REDACTED] and asked for his explanation of the information Maj [REDACTED] had provided. Lt Col [REDACTED] subsequently showed the documents to Lt Col [REDACTED].

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	(Ex 67:25-28; Ex 34:3-5; Ex 10:1)
14 Sep 08	Lt Col [REDACTED] contacted Brig Gen Veillon and expressed his anger over the contents of the above emails. Lt Col [REDACTED] forwarded a copy of the emails to the general. (Ex 67:28)
14 Sep 08	Brig Gen Veillon held a meeting to address the subject email and issues within the C-130 program. (Ex 113:2; Ex 16:21-22, 53-54; Ex 31:15-21; Ex 37:32-33, Ex 67:33-38; Ex 34:5-13)
14 Sep 08	Brig Gen Veillon removed Maj [REDACTED] from his duties as the [REDACTED] and assigned him to non-flying duties and directed a Commander Inquiry into the climate within the C-130 program. (Ex 62:20-23; Ex 63:1-10) [Adverse Personnel Action]
18 Sep 08	Brig Gen Veillon formally directed a "Commander Inquiry into the culture and operations of the Louisiana C-130 detachment." Lt Col [REDACTED] appointed to conduct inquiry. (Ex 115:6)
Between 18 Dec 08 and 20 Feb 09 ¹⁹	Commander Inquiry completed. Brig Gen Veillon indefinitely extended Maj [REDACTED] removal from duties as the [REDACTED] and assignment to non-flying duties. (Ex 115:1-5; Ex 113:3; Ex 63:11-16; Ex 46:4) [Adverse Personnel Action]

FINDINGS OF FACT.

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- Between 15 Apr 08 and 7 Sep 08, Maj [REDACTED] raised or discussed with superior members of his chain of command a minimum of five incidents, events, or situations in which he believed Air Force or other guidance was violated. [Protected Communications]
- On 6 and 7 Sep 08, Maj [REDACTED] sent two emails to Lt Col [REDACTED] concerning and assessing Lt Col [REDACTED] recent activity in support of the LAANG. This assessment was requested by Lt Col [REDACTED]. [Protected Communications]
- On 13 Sep 08, Lt Col [REDACTED] showed Lt Col [REDACTED] a copy of the above emails.
- On the morning of 14 Sep 08, Lt Col [REDACTED] contacted Brig Gen Veillon to discuss the contents of the above emails and later forwarded a copy of the documents to the general.
- At the end of a meeting on 14 Sep 08 called and led by Brig Gen Veillon to address the above emails and Lt Col [REDACTED] concerns, Brig Gen Veillon removed Maj [REDACTED] as [REDACTED] and assigned him to non-flying duties. [Adverse Personnel Action]
- On 18 Sep 08, Brig Gen Veillon directed Lt Col [REDACTED] conduct a "Commanders Inquiry into the culture and operations of the Louisiana C-130 detachment."

¹⁹ Exact date CDI was completed and Brig Gen Veillon directed extension of actions against Maj [REDACTED] was unable to be determined and verified.

- Approximately 20 Feb 09, Brig Gen Veillon indefinitely extended Maj [REDACTED] removal from duties as the [REDACTED] and assignment to non-flying duties. [Adverse Personnel Action]

Important Notes. The following general observations and assessments are provided to highlight points not otherwise covered in the previous sections. They are derived from a macro view of the documentation and testimony obtained or provided during the course of the investigation and includes investigating officer assessments of personal interactions with the individuals involved. It should be understood these notes are not all encompassing of other issues identified or raised during the investigation but are those assessed as most relevant to the analysis that follows.

- Multiple individuals within the leadership chain of the LAANG indicated it was widely expected Brig Gen Veillon would take adverse action against Maj [REDACTED] as a result of Brig Gen (ret) deGeneres' role on the Adjutant General's Nomination Committee.
- Prior to Lt Col [REDACTED] release of Maj [REDACTED] 6 and 7 Sep 08 emails concerning Lt Col [REDACTED] performance to Lt Col [REDACTED], no one from within the C-130 program indicated they had identified any issues within the program or amongst personnel assigned to the program to higher level superiors (other than those previously cited and as raised by Maj [REDACTED]). Superiors in the chain of command, to include Brig Gen Veillon, assessed the program was running smoothly and were unaware of any significant issues (other than those previously cited and as addressed by Maj [REDACTED]).
- Lt Col [REDACTED] release of Maj [REDACTED] 6 and 7 Sep 08 emails concerning Lt Col [REDACTED] performance [protected communications] to Lt Col [REDACTED] triggered a highly emotional response from Lt Col [REDACTED] towards Maj [REDACTED]. Lt Col [REDACTED] subsequently shared the contents of those emails with other crewmembers and evoked their support, triggering similar emotional responses from those individuals.
- Neither Brig Gen Veillon or Lt Col [REDACTED] (during the Commander Inquiry) appear to have addressed the issue of Lt Col [REDACTED] release of Maj [REDACTED] protected communications to Lt Col [REDACTED] as inappropriate nor was Lt Col [REDACTED] consulted prior to or present during the 14 Sep 08 meeting called by Brig Gen Veillon to discuss those emails and their contents.
- No factual analysis appeared to have been completed concerning the accuracy of the information Maj [REDACTED] included in the 6 and 7 Sep 08 emails, though much hearsay and conjecture was presented.
- During both Commander Inquiry testimony and testimony obtained as part of this investigation, the majority of C-130 aircrew members were adamant in stating they did not want to fly again with Maj [REDACTED] due to a lack of trust. This lack of trust appeared to be based primarily on the point that Maj [REDACTED] had elevated and addressed issues concerning them with superior officers in the chain of command ... not on the major's flying abilities or his leadership and/or management style. In other words, the other members of the C-130 program no longer trust Maj [REDACTED] because he did

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not keep issues "in house." Also, the other aircrew members appeared to have reassessed and reinterpreted events and interactions concerning Maj [REDACTED] that occurred prior to the 6 and 7 Sep 08 emails in a way that would justify their negative views towards the major.

- Some information obtained indicated the C-130 aircrew members collaborated on information provided to Brig Gen Veillon at the 14 Sep 08 meeting, to Lt Col [REDACTED] during the conduct of the Commander Inquiry, and to this investigation. In addition, several senior members in the LAANG chain of command assessed this to have occurred as well.
- Some information obtained indicated various C-130 aircrew members fabricated events and documentation concerning Maj [REDACTED] which reflected adversely on him and did so in retribution for his 6 and 7 Sep 08 emails concerning Lt Col [REDACTED].
- Some information obtained indicated various C-130 aircrew members either attributed adverse comments to Maj [REDACTED] which they did not hear him make or embellished on those they did hear.
- Overall, Maj [REDACTED] appeared open, honest, and direct during testimony provided during this investigation. Copies of MFRs of prior events, incidents, and issues he provided were assessed as written at the time the events occurred and assessed as providing his perceived record of the details of those events.
- The overall tenor and tone of the other C-130 aircrew members observed during testimony obtained during this investigation indicated these individuals were in some cases either withholding information relevant to the investigation or providing information which they knew not to be accurate. As a result, the credibility of the testimony of the C-130 aircrew members (other than Maj [REDACTED]) was assessed as questionable.
- Lt Col [REDACTED], the officer appointed to conduct the Commander Inquiry, allowed himself to become biased against Maj [REDACTED] at the beginning of his inquiry and prior to interviewing the other members of the C-130 program. This bias developed during an initial interview when Maj [REDACTED] shared documentation of various events and incidents that had occurred within the C-130 program. As Lt Col [REDACTED] put it, he found it "appalling" someone would keep such documentation. Lt Col [REDACTED] appeared to overlook the issue that various individuals violated Air Force guidance in the performance of their duties. During the course of his interviews with other C-130 aircrew members, Lt Col [REDACTED] shared information about the above documents, further inflaming the situation. (Ex 16; Ex 17; Ex 67; Ex 34; Ex 33; Ex 36; Ex 35; Ex 31; Ex 37; Ex 45; Ex 46; Ex 56; Ex 30; Ex 68; Ex 50)

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STANDARDS.

The standards for reprisal have been previously detailed under Allegation 3 of this report and can be reviewed there as needed.

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ANALYSIS. The answers to the test for reprisal follow:

1. Did the member make or prepare a communication protected by statute? Yes

As previously cited and validated, between 15 Apr 08 and 7 Sep 08, Maj [REDACTED] raised or discussed with superior members of his chain of command a minimum of five incidents, events, or situations in which he believed Air Force or other guidance was violated. As a result, these communications meet criteria as protected communications.

2. Was an unfavorable personnel action taken or threatened, or was a favorable action withheld or threatened to be withheld following the protected communication? Yes

As previously cited, Brig Gen Veillon temporarily removed Maj [REDACTED] from his position as [REDACTED] and assigned him to non-flying duties on 14 Sep 08, following the series of emails [Protected Communications] Maj [REDACTED] sent at the request of Lt Col [REDACTED] on 6 and 7 Sep 08 concerning the performance of Lt Col [REDACTED]. Also as previously cited, on approximately 20 Feb 09, Brig Gen Veillon indefinitely extended the personnel actions against Maj [REDACTED] following completion of a Commander's Inquiry conducted by Lt Col [REDACTED]. Removal of Maj [REDACTED] from his position and assignment to non-flying duties meets the criteria as an adverse personnel action as detailed in DoDD 7050.6 (previously outlined in this report under Allegation 3.)

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No confirmed evidence was presented or obtained indicating Brig Gen Veillon was aware of any of the protected communications made by Maj [REDACTED] prior to the 6 and 7 Sep 08 emails excepting conversations he had directly with Brig Gen Veillon about the legality of certain C-130 missions. Likewise, no confirmed evidence was presented or obtained indicating the protected communications Maj [REDACTED] made prior to 6 Sep 08 directly caused any adverse personnel actions against the major. However, evidence does indicate Maj [REDACTED] conversations with Brig Gen Veillon may have influenced Brig Gen Veillon's reaction to the protected communications of 6 and 7 Sep 08.²⁰ Nonetheless, the remaining analysis for reprisal is mainly focused on the Maj [REDACTED] protected communications of 6 and 7 Sep 08 and the events that followed.

3. Did the official(s) responsible for taking, withholding, or threatening the personnel action know about the protected communication? Yes

As Assistant Adjutant General for Air, LANG, Brig Gen Veillon meets the criteria as an RMO as cited as he is in a position which influences, recommends, approves, reviews, or indorses actions taken against individuals within the LAANG.

²⁰ Discussed further in part 4 of Reprisal Acid Test under subheading entitled Motive.

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In addition, for the initial, temporary removal of Maj [REDACTED] from his position and assignment to non-flying duties, Col [REDACTED], Col [REDACTED], and Col [REDACTED] all meet the criteria as an RMO as they advised and concurred with Brig Gen Veillon on the personnel action taken.

As previously cited, all four of the above individuals were aware of the protected communications prior to Brig Gen Veillon's direction of the adverse actions against Maj [REDACTED].

Concerning Brig Gen Veillon's decision to indefinitely extend the actions against Maj [REDACTED], Brig Gen Veillon testified he made that decision as a result of the recommendations of the Commander Inquiry. While evidence indicated Brig Gen Veillon discussed his decision with Brig Gen Soileau, it did not appear Brig Gen Soileau influenced the decision; thus Brig Gen Soileau was not considered an RMO. (Ex 63:11)

4. Does the evidence establish that the personnel action(s) would have been taken, withheld, or threatened if the protected communication had not been made? No (to both adverse actions – temporary and permanent removal)

As previously cited in the Additional Background and Chronology sections related to this allegation, Maj [REDACTED] protected communications to Lt Col [REDACTED] and Lt Col [REDACTED] release of those documents to Lt Col [REDACTED] initiated the events leading to Brig Gen Veillon's actions against Maj [REDACTED]. During his testimony, Brig Gen Veillon repeated several times that prior to receiving the telephone call from Lt Col [REDACTED] on 14 Sep 08, he was unaware of any significant issues among the C-130 aircrew members. Brig Gen Veillon also stated that to his knowledge the C-130 program had been running fairly smoothly prior to the onset of operations supporting Hurricane Gustav relief efforts and he was not considering any adverse action against Maj [REDACTED]. (Ex 63:1-5; Ex 62:17) No other evidence provided or obtained during the course of this investigation suggested otherwise. It appears had it not been for the protected communications and the release of those communications by RMOs in Maj [REDACTED] chain of command to Brig Gen Veillon, Brig Gen Veillon would not have taken adverse personnel action against Maj [REDACTED], both temporarily or permanently.

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Unlike in the previous analyses for reprisal which did not require further analysis of the following five related questions to determine reprisal, the full analysis is necessary and provided below for this allegation:

- (1) Reasons stated by the responsible official for taking, withholding, or threatening the action;
- (2) Reasonableness of the action taken, withheld, or threatened considering the complainant's performance and conduct;
- (3) Consistency of the actions of responsible management officials with past practice;

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(4) Motive of the responsible management official for deciding, taking, or withholding the personnel action;

(5) Procedural correctness of the action.

The answers to the above questions follow:

1. Reasons stated by the responsible official for taking, withholding, or threatening the action.
 - a. The Temporary Removal from his job: Brig Gen Veillon stated he made this decision because of the need to form a crew to fly C-130 missions in support of Hurricane Gustav disaster response operations and because the other pilots stated they wouldn't fly with Maj [REDACTED], which if forced to fly could lend itself to a potential safety issue. (Ex 63-7)
 - b. The Permanent Removal from his job: Brig Gen Veillon stated he made this decision because of his reliance on the CDI recommendations of Lt Col [REDACTED] in which Lt Col [REDACTED] described Maj [REDACTED] lack of loyalty as a commander both above and below in the chain of command as the cause of two crew members refusing to fly with him. Lt Col [REDACTED] recommended Maj [REDACTED] should have the opportunity to continue his flying career elsewhere.

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2. Reasonableness of the action taken, withheld, or threatened considering the complainant's performance and conduct.
 - a. Temporary Removal from his job: Brig Gen Veillon stated he knew he was in a very difficult position in taking action against Maj [REDACTED] but felt he had no other choice at the time because of the need to form a crew to fly C-130 missions in support of Hurricane Gustav disaster response operations and because the other pilots stated they would not fly with Maj [REDACTED]. It was for this same reason that Col [REDACTED], Col [REDACTED], and Col [REDACTED] stated they supported Brig Gen Veillon's initial decision. However, the evidence indicated Brig Gen Veillon had several other non-reprisal choices he could have made which would not have further encouraged a "mutiny" but rather calmed the situation. These other reasonable solutions indicate the action to temporarily remove Maj [REDACTED] wasn't as reasonable as it may initially seem. As indicated in the chronology section of this allegation, Gustav hit the Louisiana coast late August 2008. The evacuation operations were already completed by 1 Sep 08. (The Saints played a regular season game in the Superdome on 7 Sep 08 beating the Tampa Bay Buccaneers). The ensuing response operations at or about 14 Sep 08 were post operations which would allow Brig Gen Veillon flexibility and viable non-reprisal options to include: 1) Brig Gen Veillon could have grounded the whole crew

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and requested supplemental support; 2) Brig Gen Veillon could have just grounded Lt Col [REDACTED] as he was the only pilot at the time not-qualified to fly the C-130; 3) Brig Gen Veillon could have hastened the arrival of the previously requested current and qualified pilot/co-pilot from NGB CAT for Hurricane Post Ops. At the time of this decision, Brig Gen Veillon was aware from Maj [REDACTED] protected communications that Maj [REDACTED] had already made this official crew support request because Lt Col [REDACTED] was unqualified to fly. The evidence indicates Brig Gen Veillon chose to act in a manner consistent and indicative of the "loyalty first or you are out" culture practiced within the LAANG as mentioned in Allegation 1 of this report. The preponderance of the evidence indicated Maj [REDACTED] shared incidents, situations, and events he believed violated of AF or other guidance with his superiors and his chain of command, and because he did not keep those issues "in house" Maj [REDACTED] temporarily lost his job. The IO finds Brig Gen Veillon's actions unreasonable given the other reasonable alternatives available to Brig Gen Veillon and as such in reprisal for Maj [REDACTED] having made protected communications.

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- b. The Permanent Removal from his job: Relative to his decision to indefinitely extend the temporary action against Maj [REDACTED], Brig Gen Veillon indicated he made his decision based on the recommendations of Lt Col [REDACTED] in the Commander Inquiry, testifying, "I took the report on its face value. I took the recommendations of the Investigating Officer. I don't know what else I can do." Brig Gen Veillon added that had the recommendation been different, he would have followed that as well. (Ex 63:14-15) This simplistic view for an officer with Brig Gen Veillon's experience and time in service, coupled with weight of a permanent removal (firing), was found to be incredible or not credible. As discussed in the chronology and important notes section, SAF/IGS's perusal of the CDI report immediately raised concerns over the conduct of the inquiry and identified bias on the part of the IO conducting it. Yet, according to the testimony of inquiry officer, Brig Gen Veillon did not initially request recommendations or findings or even discuss the report with him after it was completed. (Ex 30:30) Moreover, the CDI IO officer selected to flesh out the "culture and operations of the C-130 detachment" candidly testified to being "appalled" by Maj [REDACTED] "having kept documentation on the actions and conduct of members under his direction." The CDI IO's apparent willingness to then inflame an already emotional crew by telling and showing them Maj [REDACTED] "appalling" documentation and encouraging them to retroactively create their own documentation, illustrated his lack of impartiality in this matter. The IO finds that because Brig Gen Veillon accepted and acted solely on a significantly biased CDI in order to permanently remove Maj [REDACTED] from his position, the permanent removal is unreasonable and in reprisal for making protected communications.

3. Consistency of the actions of responsible management officials with past practice.

- a. Temporary Removal: Unknown. Brig Gen Veillon testified that he was not ever in quite a similar situation, but believed he would have called a meeting and taken the same actions as executed above.
- b. Permanent Removal: Same as above, and Brig Gen Veillon stated he would have followed the recommendations of his appointed investigating officer. However, the evidence also indicates Brig Gen Veillon's actions in this allegation are consistent with his leadership practices, decisions and actions as substantiated and discussed in Allegation 1. This may be summarized as follows: Brig Gen Veillon makes leadership decisions based mostly on emotionally (Ex 22:17) developed personal perceptions, with little deliberation or contemplation of policy or written guidance at his disposal to assist him in making such decisions. Resultantly, his decisions/actions involving personnel issues are based, wholly or in part, on his sense of a subordinate's loyalty to him personally, or as a General Officer. The preponderance of the evidence indicates this type of leadership practice occurred in this instance to Maj [REDACTED], costing him his job.
4. Motive of the responsible management official for deciding, taking, or withholding the personnel action.
- a. Temporary & Permanent Removal: The evidence supports two other reprisal-motives for Brig Gen Veillon's temporary and subsequent permanent removal of Maj [REDACTED] from his position. The primary one previously discussed is "disloyalty." However, additional credible evidence indicates that Brig Gen Veillon had been "put-off" by Maj [REDACTED] "by the book" [REDACTED]. As Maj [REDACTED] attempted to instill a sense of professionalism into a program that his superiors stated needed it, he pointed out many areas for improvement and/or areas that needed to get into compliance with standards and policy. Maj [REDACTED] (and others) would advise Brig Gen Veillon of various operational issues that needed attention. Brig Gen Veillon did not appear receptive to any modification to how he wanted the C-130 utilized. (Ex 10:5; Ex 68:4) Maj [REDACTED] pointed out several instances wherein Brig Gen Veillon's directed C-130 missions were either in violation of an AFI or other NGB policy. Brig Gen Veillon did not appreciate the passing up of this sort of information. The evidence indicates when Maj [REDACTED] asked 159 FW leadership to engage Brig Gen Veillon on his behalf (O-6/O-5s advising Brig Gen Veillon that certain missions could not be flown as he directed because the missions were not legal), Brig Gen Veillon removed the entire C-130 program from underneath the supervision of the flying wing and placed it under the JFHQ, enabling him to task the C-130 directly through his JFHQ Director of Staff. (Ex 68:4-5; Ex 69:3) Finally, the "bad blood" motive generated by Maj [REDACTED] participation on the Nominating Committee as evidenced in prior allegations in this report cannot be overlooked or understated. The finding derived from all the facts and evidence in this case indicate Brig Gen Veillon's primary motive for both

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temporarily and permanently removing Maj [REDACTED] from his job was in reprisal for making protected communications, not flight safety or mission necessity.

5. Procedural correctness of the action. The evidence indicated that Brig Gen Veillon, after a heated discussion, dismissed Maj [REDACTED] and others and told Lt Col [REDACTED] to stay behind. Lt Col [REDACTED] was then dismissed and Maj [REDACTED] was called back in alone. Brig Gen Veillon advised Maj [REDACTED] that although this was tough, he was removing Maj [REDACTED] from flying status, his [REDACTED], and re-assigning him non-flying duties at the Command Post. In and of itself, these actions, although detrimental to Maj [REDACTED] career, are within the authority of Brig Gen Veillon to take. However, the current [REDACTED] testified that Maj [REDACTED] must be placed into a legitimate position within the Wing consistent with his AGR orders, or Maj [REDACTED] must move on to another position outside of the LAANG. (Ex 37:40) In short, Maj [REDACTED] "temporary" placement into the Command Post until the CDI was complete was procedurally correct, but maintaining him in that position after the CDI was completed was not.

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Regardless of any mitigating, contributing, and related factors, the end result remains the same -- the preponderance of evidence indicates Brig Gen Veillon directed adverse personnel actions against Maj [REDACTED] because of the major's protected communications concerning Lt Col [REDACTED].

CONCLUSION.

By a preponderance of evidence, based upon the findings of fact and sworn testimony, the allegation that Brig Gen Joseph B. Veillon reprised against the complainant, in violation of 10 United States Code, Section 1034 (10 U.S.C. 1034), *Military Whistleblower Protection Act*, by removing him from his position as the [REDACTED] of the Louisiana Air National Guard and assigning him to non-flying duties in response to multiple protected communications, was **SUBSTANTIATED**.

[REDACTED]

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[REDACTED]

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[REDACTED]

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VI. SUMMARY

ALLEGATION 1, that Brig Gen Joseph B. Veillon failed to exercise personal leadership and be personally accountable for the Louisiana Air National Guard ethics program, as required by DoD 5500.7-R, *Joint Ethics Regulation*, 23 Mar 06, para 1-404(a) and (b), by intimidating and retaliating against members of his command who lawfully disclosed abuse, corruption, violations of law or regulation, or conducted official duties that appeared contrary to his individual interest, was **SUBSTANTIATED**.

- The preponderance of the evidence indicated Brig Gen Veillon's leadership style and decision making/execution were characterized by intimidation or retaliation against subordinate commanders when they raised concerns about abuse and/or compliance with formal AF or other guidance, or simply performed their duties in a way not to Brig Gen Veillon's liking. Additionally, the evidence reflected a lack of fairness and respect by Brig Gen Veillon towards those leaders.

ALLEGATION 2, that Brig Gen Joseph B. Veillon directed and/or approved employment of an Active Guard Reserve resource funded by the National Guard Counterdrug Support Program under 32 United States Code, Section 112 (32 U.S.C. 112), *Drug Interdiction and Counter-drug Activities*, as a full-time Public Affairs Officer (PAO) for the Louisiana National Guard, in violation of ANGI 10-801, *National Guard Counterdrug Support*, 29 Aug 08, was **SUBSTANTIATED**.

- The preponderance of the evidence indicated Brig Gen Veillon directed the assignment and did so with the knowledge it would be in violation of the ANGI.

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ALLEGATION 3, that Brig Gen Joseph B. Veillon reprised against a subordinate member, in violation of 10 United States Code, Section 1034 (10 U.S.C. 1034), *Military Whistleblower Protection Act*, by threatening to remove him from his position as Commander,

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159th Fighter Wing, Louisiana Air National Guard in response to a protected communication, was **SUBSTANTIATED**.

- The preponderance of the evidence, to include Brig Gen Veillon's own testimony, confirmed that his actions in this instance amounted to reprisal.

ALLEGATION 4. That Brig Gen Joseph B. Veillon made false official statements on an AF Form 707A, *Field Grade Officer Performance Report*, for the complainant's reporting period of Dec 04 to Aug 05, when he falsified both the contents of and signature of the rating official on that report, in violation of Louisiana Revised Statutes, Title 29, section 207, *False Official Statements*, was **SUBSTANTIATED**.

- A final assessment of testimony of individuals interviewed in support of this allegation along with a detailed review of supporting documentation indicates Brig Gen Veillon not only intentionally falsified a performance report for Col [REDACTED] for the period ending in Aug 05 and falsely signed Brig Gen (ret) deGeneres' name on the report, but did so with the intent of deceiving others by entering this report of performance into Col [REDACTED] official personnel records that, in a significant way, did not reflect actual performance for the period involved. As a result, it is reasonable to consider Brig Gen Veillon's actions concerning Col [REDACTED] performance report as an unjustified adverse personnel action against Col [REDACTED].

ALLEGATION 5 that Brig Gen Joseph B. Veillon directed subordinate members to modify Louisiana Air National Guard Drug Abuse Testing Program procedures, in violation of AFI 44-120, *Drug Abuse Testing Program*, 1 Jul 00, and National Guard Drug Testing Policy, was **SUBSTANTIATED**.

- The preponderance of evidence indicated Brig Gen Veillon directed AGR members not be tested, in violation of NGB policy at the time.

ALLEGATION 6 that Brig Gen Joseph B. Veillon directed subordinate members not to submit casualty reports and/or required portions of casualty reports for deceased members of the Louisiana Air National Guard, in violation of AFI 36-3002, *Casualty Services*, 25 Jul 05, was **SUBSTANTIATED**.

- The preponderance of the evidence indicated that Brig Gen Veillon's guidance to his subordinates to exclude explicit details and/or certain information in casualty reports as prescribed by AFI 36-3002 was in violation of that instruction.

ALLEGATION 7, that Brig Gen Joseph B. Veillon personally directed assignment of individuals to unit manning positions within the Louisiana Air National Guard in violation of

ANGI 36-2101, *Assignments within the Air National Guard*, 11 Jun 04, and AFI 51-604, *Appointment to and Assumption of Command*, 4 Apr 06, was **SUBSTANTIATED**.

- The preponderance of evidence indicated Brig Gen Veillon wrongfully directed the personnel actions to include the double billeting of technicians and commanders, the existence of an overgrade assignment that had expired in 2003, and the assignment of a major as a commander of a unit in which there was an individual of higher grade and rank assigned to the unit.

ALLEGATION 8, that Brig Gen Joseph B. Veillon abused his authority as defined by AFI 90-301, *Inspector General Complaints Resolution*, 15 May 08, by wrongfully disapproving and/or refusing to forward for approval to MG Bennett Landreneau, The Adjutant General, an award recommendation for a subordinate member, was **SUBSTANTIATED**.

- The preponderance of evidence relative to this allegation indicated Brig Gen Veillon's actions to be arbitrary and capricious and not based on factors relevant to the award of a military decoration.

ALLEGATION 9 that Brig Gen Joseph B. Veillon abused his authority as defined by AFI 90-301, *Inspector General Complaints Resolution*, 15 May 08, by wrongfully directing inclusion of a subordinate member on a list of members of the Louisiana Air National Guard selected for non-retention, in violation of ANGI 36-2606, *Selective Retention of Air National Guard Officer and Enlisted Personnel*, 26 Feb 97, was **SUBSTANTIATED**.

- The preponderance of the evidence indicated that Brig Gen Veillon's actions in this matter were motivated by retribution and were arbitrary and capricious.

ALLEGATION 10 that Brig Gen Joseph B. Veillon reprised against the complainant, in violation of 10 United States Code, Section 1034 (10 U.S.C. 1034), *Military Whistleblower Protection Act*, by removing him from his position as the [REDACTED] of the Louisiana Air National Guard and assigning him to non-flying duties in response to multiple protected communications, was **SUBSTANTIATED**.

- The preponderance of evidence indicated Brig Gen Veillon directed adverse personnel actions against the complainant because of the complainant's prior protected communications concerning another officer in the Louisiana Air National Guard, an act of reprisal.

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GS-15, USAF

Deputy Director
Directorate of Senior Official Inquiries

I have reviewed this Report of Investigation and the accompanying legal review and I
concur with their findings.

MARC E. ROGERS
Lieutenant General, USAF
The Inspector General

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