



# SIGAR

Special Inspector General for  
Afghanistan Reconstruction

## OFFICE OF SPECIAL PROJECTS

# \$36 MILLION COMMAND AND CONTROL FACILITY AT CAMP LEATHERNECK, AFGHANISTAN: UNWANTED, UNNEEDED, AND UNUSED

This product was completed under SIGAR's Office of Special Projects, the Special Inspector General's response team created to examine emerging issues in prompt, actionable reports to federal agencies and the Congress. The work was conducted pursuant to the Special Inspector General's authorities and responsibilities under the National Defense Authorization Act for FY 2008 (Pub. L. No. 110-181).

MAY 2015  
SIGAR-15-57-SP



**SIGAR**

Office of the Special Inspector General  
for Afghanistan Reconstruction

May 20, 2015

The Honorable Ashton B. Carter  
Secretary of Defense

Dear Secretary Carter:

The attached report discusses the results of SIGAR's investigation of the construction of a 64,000 square foot command and control facility at Camp Leatherneck in Helmand Province, Afghanistan (the 64K building).

SIGAR found that DoD requested funds for this facility on the basis that it was necessary to address an immediate operational need associated with the military surge in Afghanistan in 2010. However, then-Major General Richard P. Mills, the general in charge of the surge in Helmand, requested that the facility not be built because it was not needed; existing resources at Camp Leatherneck were already well-suited to the mission he had been assigned. However, the request to cancel the building was rejected by then-Major General Peter M. Vangjel, who believed that it would not be "prudent" to cancel a project for which funds had already been appropriated by Congress. Ultimately, construction of the building was not completed until long after the surge was over, and the building was never used.

The failure to follow General Mills' advice to cancel the 64K building resulted in the waste of about \$36 million.

Although most of the offices and individuals SIGAR contacted during this investigation were cooperative, some officials, in their own words, attempted to "slow roll" or otherwise frustrate SIGAR's investigation. Our report includes a discussion of this issue.

Based on the results of this investigation, we recommend that DoD: (1) incorporate into the DoD Financial Management Regulation, DoD 7000.14-R, a clear statement that taxpayer funds should not be spent when they are no longer needed, merely because an official does not want to go through the process of requesting the reprogramming or rescission of those funds; (2) adopt, at all appropriate command levels, including at the general officer level, financial management training that promotes this principle and rejects the "use it or lose it" approach to spending; (3) determine appropriate administrative or disciplinary action for Lieutenant General Vangjel in light of his decision to construct the 64K building over the objections of commanders in the field, resulting in the waste of \$36 million; (4) determine appropriate administrative or disciplinary action for Major General James Richardson in light of his failure to carry out a fulsome investigation in compliance with General Dunford's orders; (5) consider issuing a directive to all personnel explicitly reminding them of their legal obligation under the Inspector General Act of 1978, as amended, and the SIGAR authorizing statute, to fully cooperate with SIGAR audits, investigations, and requests for information; and (6) determine appropriate administrative or disciplinary action for Colonel Norman F. Allen in light of his failure to comply with law, regulation, and his ethical and professional responsibilities.

SIGAR received written comments on a draft of this report from DoD, Lieutenant General Vangjel, and Colonel Allen. SIGAR also sent a copy of the draft report to Major General Richardson for comment, but he did not respond to our request.

DoD, General Vangjel, and Colonel Allen did not dispute any of the facts contained in the report, but disagreed with some of the conclusions SIGAR reached based on those facts. DoD concurred with our fifth recommendation, and partially concurred with our first and second recommendations, but did not concur with our third, fourth, and sixth recommendations. DoD also provided “technical comments” on the draft report, none of which warranted changes to the report. General Vangjel and Colonel Allen provided comments regarding their individual roles in this matter, none of which warranted changes to the report. The comments provided by DoD, General Vangjel, and Colonel Allen, as well as SIGAR’s responses to those comments, are included in Appendices I, II, and II, respectively.

SIGAR conducted this investigation under the authority of Public Law No. 110-181, as amended, and the Inspector General Act of 1978, as amended.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Sopko', with a long horizontal flourish extending to the right.

John F. Sopko  
Special Inspector General  
for Afghanistan Reconstruction

## INTRODUCTION

While visiting Afghanistan in June 2013, the Special Inspector General for Afghanistan Reconstruction (SIGAR) learned that the Department of Defense (DoD) had constructed a 64,000 square foot command and control facility (the 64K building) at Camp Leatherneck in Helmand Province, Afghanistan.<sup>1</sup> Senior military officers encouraged the Special Inspector General to investigate the 64K building because they felt it exemplified a larger problem with military construction. According to one informant, the building had never been used and would probably be torn down or transferred to the Afghan government. The Special Inspector General visited the site and found the building to be well-built and newly furnished. However, it was unoccupied; sheets of plastic still covered the furniture.

After coordinating with the DoD Inspector General's office in Kabul, SIGAR opened its investigation into the circumstances surrounding construction of the 64K building.<sup>2</sup> On July 8, 2013, SIGAR sent a management alert letter to the Secretary of Defense, which noted that DoD had apparently spent over \$30 million to construct a building that would never be used. The letter requested answers to several questions concerning the decision to construct the 64K building and whether any action could be taken to mitigate the risk that the facility would ultimately be a total waste of U.S. taxpayer funds.<sup>3</sup>

In response to SIGAR's letter, DoD revealed that General (GEN) Joseph F. Dunford, Jr., Commander, U.S. Forces-Afghanistan (USFOR-A), had ordered an Army Regulation 15-6 (AR 15-6) investigation of the circumstances surrounding construction of the 64K building and that Major General James Richardson would be leading that investigation. DoD also informed SIGAR that upon completion of the investigation, it would respond to SIGAR's request for information. Therefore, SIGAR suspended its investigation while awaiting the outcome of General Richardson's inquiry.

In November 2013, SIGAR received the official report of General Richardson's investigation. SIGAR concluded that the report did not fully address the questions raised in the alert letter. In addition, the recommendation to spend additional money to complete the building and order troops to occupy it seemed inconsistent with the fact that the surge was over, the U.S. had already begun to withdraw troops from Afghanistan, and it was uncertain whether Camp Leatherneck would even remain open.<sup>4</sup>

Consequently, on November 27, 2013, SIGAR reopened its investigation of the decision to construct the 64K building.

This report presents SIGAR's findings and recommendations, based on a review of more than 10,000 pages of DoD documents and emails, and interviews of senior military officials, including five general officers.<sup>5</sup>

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<sup>1</sup> The primary source documents quoted throughout this report refer to the 64K facility and Camp Leatherneck by several different names. The 64K facility is sometimes referred to as the "Command & Control" or "C2" facility. Camp Leatherneck is sometimes referred to as "Tombstone/Bastion".

<sup>2</sup> The DoD IG's office in Kabul deferred to SIGAR on the issue of the 64K building.

<sup>3</sup> Letter from John F. Sopko, Special Inspector General for Afghanistan Reconstruction (July 8, 2013).

<sup>4</sup> Letter from John F. Sopko, Special Inspector General for Afghanistan Reconstruction (November 27, 2013).

<sup>5</sup> Because the official abbreviations for officer ranks vary by branch of service, after the first reference to each officer's specific rank, e.g., Brigadier, Major, or Lieutenant General, this report refers to them as simply "General" or without abbreviation, to minimize confusion for non-military readers.



Figure 1 - Photos of the 64K building during a site visit on May 8, 2013. Top left: exterior view; top right: tactical operations center; bottom left: cubicles; bottom right: unopened boxes and unused chairs. (Source: SIGAR)

## THERE WAS NO OPERATIONAL NEED FOR THE 64K BUILDING

In January 2010, U.S. Army Central (ARCENT) requested funds for construction of a 64K command and control facility at Camp Leatherneck.<sup>6</sup> The request stated that the facility was intended to meet “an operational need . . . in Regional Command-South [RC-South], to support the additional personnel and missions coming from the surge” because there were “no facilities available” at Camp Leatherneck for this purpose.<sup>7</sup> USARCENT stated that failure to fund the project would mean that “the additional forces provided will not have a facility to provide command and control of ground forces and aircraft, decreasing operational efficiency.”<sup>8</sup>

In February 2010, the Department of the Army submitted to Congress its request for funds to construct the 64K building, as a part of its Overseas Contingency Operations Supplemental Request for fiscal year (FY) 2010.<sup>9</sup> The accompanying justification stated:

“US Forces have an immediate operational need for the expansion of Tombstone/Bastion [Camp Leatherneck] to meet operational requirements in RC-South, Afghanistan. Sufficient facilities do not exist on Tombstone/Bastion to house the surge of forces. In order to facilitate the execution of the US mission the Command & Control element requires a facility in which to operate.”<sup>10</sup>

<sup>6</sup> FY 2010 Military Construction Project Data (DD Form 1391) for Project Number 76916 (Jan. 23, 2010).

<sup>7</sup> *Id.* The “surge” refers to the 2010 military surge which began in March 2010 and ended in September 2011.

<sup>8</sup> *Id.*

<sup>9</sup> Department of the Army, Fiscal Year (FY) 2010, Overseas Contingency Operations Supplemental Request, Volume 3 of 3, Justification Data Submitted to Congress (February 2010), p. 10.

<sup>10</sup> *Id.*

While this funding request was pending in Congress, generals on the ground in Afghanistan began requesting cancellation of the 64K building. On May 19, 2010, then-Major General Richard P. Mills, Commanding General of the Marine Expeditionary Force (I MEF (FWD)), *i.e.*, the general in charge of the surge in RC-South, sent a memorandum to the Deputy Commanding General of USFOR-A, reporting the results of a “comprehensive review of the FY10 thru FY12 MILCON [military construction] program for Helmand province.”<sup>11</sup> According to General Mills, the “review focused on the relevancy of each project to the overall counter-insurgency mission and the impact the project will have on the servicemen and women aboard our forward operating bases.”<sup>12</sup> The review found that the 64K building and five other projects were “not necessary in order to execute our mission within the Helmand province or the need was already met via other means.”<sup>13</sup>

On June 22, 2010, Major General Timothy P. McHale, Deputy Commander – Support, USFOR-A, agreed with the request to cancel construction of the 64K building. General McHale’s letter stated that “We understand you have met the need for adequate C2 Facility at Leatherneck through other means and thus this project is also no longer required.”<sup>14</sup>

On June 26, 2010, Brigadier General William M. Buckler, Jr., Commanding General, Joint Engineers, USFOR-A, sent a memorandum to USARCENT-Kuwait, requesting cancellation of the 64K building and three other projects. The memorandum stated that “the requirement for the above projects was evaluated based on the ISAF [International Security Assistance Force] Campaign Plan, the Afghanistan Basing Strategy and Base Master Plans.”<sup>15</sup> General Buckler concluded that “the requirement for adequate C2 Facility at Leatherneck has already been met and thus this project is also no longer required.”<sup>16</sup>

On July 29, 2010, the Supplemental Appropriations Act, 2010, was signed into law.<sup>17</sup> The accompanying Senate report listed the amounts to be spent on specific military construction projects in Afghanistan, including \$24 million for the 64K building.<sup>18</sup>

In August 2010, then-Major General Peter M. Vangjel, Deputy Commanding General of USARCENT, rejected the advice of General Mills, General McHale, and General Buckler, and disapproved the request to cancel the 64K building, stating that:

“Currently, this facility is also listed in the FY 12 OCO emerging requirements . . . . Therefore, cancelling the FY10 project, which has appropriated funds, and reprogramming it for a later year is not prudent.”<sup>19</sup>

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<sup>11</sup> Memorandum from Major General Richard P. Mills to Deputy Commanding General, United States Forces Afghanistan (May 19, 2010) [Exhibit 1].

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> Memorandum from Major General Timothy P. McHale to Major General Richard P. Mills (Jun. 22, 2010) [Exhibit 2].

<sup>15</sup> Memorandum from Brigadier General William M. Buckler, Jr., to USARCENT Kuwait G7 (June 26, 2010) [Exhibit 3].

<sup>16</sup> *Id.*

<sup>17</sup> Pub. L. No. 111-212 (July 29, 2010).

<sup>18</sup> See Senate Report 111-188, Making Emergency Supplemental Appropriations for Disaster Relief and Summer Jobs for the Fiscal Year ending September 30, 2010, and for Other Purposes, p. 52.

<sup>19</sup> Memorandum from Major General Peter Vangjel to Deputy Commanding General, United States Forces Afghanistan (August 2010) [Exhibit 4]. DoD 7000.14-R, Financial Management Regulation, Volume 2A, Chapter 1, defines

General Vangjel's memorandum did not contain any other basis for rejecting the request to cancel the 64K building, nor did it dispute General Buckler's prior statement that the building was not required under the "ISAF Campaign Plan, the Afghanistan Basing Strategy and Base Master Plans."<sup>20</sup>

Correspondence between USARCENT and USACE further confirms there was no immediate operational need for the 64K building, and no specific operational need for the future. Just five days after the appropriations act funding the 64K building was signed into law, Lieutenant Colonel (LTC) Marty Norvel of USARCENT told the U.S. Army Corps of Engineers (USACE) that he wanted to "push the FY10 supplemental C2 Facility at Leatherneck as far to the right as possible (may want to look at Jan 12 as a target)."<sup>21</sup> He also stated that he wanted "to ensure we time this award to support other operational requirements" and asked USACE to "move it to the bottom of the pile."<sup>22</sup>

The contract to construct the 64K building was awarded in February 2011 and by May 2011, construction had begun.<sup>23</sup> By June, however, the surge was drawing down and the number of troops in Afghanistan began to decline. In November, 2011, Major General John A. Toolan, then commander of Regional Command-Southwest,<sup>24</sup> issued guidance pertaining to military construction, which stated that, "[i]n light of the POTUS decision, CMC and COMISAF direction and surge recovery efforts, the time to 'stop building' is now."<sup>25</sup>

Despite this guidance, construction of the 64K building continued until April 2013, when it was reported as being 98 percent complete. During this same month, Major General Walter Miller, then in command at Camp Leatherneck, informed USFOR-A what was already known back in May 2010: that the Marines at Camp Leatherneck did not require a 64K command and control facility.<sup>26</sup> By that time, the 64K building had cost U.S. taxpayers about \$36 million.

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reprogramming as "Utilization of Funds in an appropriation account for purposes other than those contemplated at the time of appropriation. Reprogramming is generally accomplished pursuant to consultation and approval by appropriate congressional committees."

<sup>20</sup> Memorandum from Brigadier General William M. Buckler, Jr., to USARCENT Kuwait G7 (June 26, 2010) [Exhibit 3].

<sup>21</sup> Email from LTC Norvel to USACE (Aug. 3, 2010).

<sup>22</sup> *Id.*

<sup>23</sup> See Memorandum from LTC Erik M. Sell to Deputy Commander, Support United States Forces – Afghanistan (May 20, 2013), p.1.

<sup>24</sup> Regional Command-Southwest was headquartered at Camp Leatherneck. It was created on July 3, 2010, from an area previously in RC-South.

<sup>25</sup> "Weekly BOS-I Meeting" Regional Command-Southwest, Air Ground Team (November 7, 2011).

<sup>26</sup> See Report of Proceedings by Investigating Officer, Memorandum from Major General James Richardson to General Joseph F. Dunford (Aug. 8, 2013) (hereinafter referred to as the Richardson Final Report), p. 6.



## THE DECISION TO CONSTRUCT THE 64K BUILDING OVER THE OBJECTIONS OF COMMANDERS IN THE FIELD RESULTED IN THE WASTE OF \$36 MILLION

As discussed above, commanders in the field believed there was no immediate operational need for the 64K building, either for the surge or for the future.

Since Congress had already appropriated funds for the 64K building, USARCENT should have notified DoD and Congress of its desire to reprogram the funds to support other needs or requested rescission. However, General Vangjel believed this approach would not be “prudent.”<sup>27</sup>

General Vangjel<sup>28</sup> told SIGAR investigators that the 64K building was part of “a larger strategic plan” for Camp Leatherneck to serve as an enduring base. However, he was unable to point to any documents, classified or unclassified, showing the existence of such a strategic plan. Furthermore, this assertion is contradicted by General Buckler’s June 26, 2010, memorandum, in which he stated that the request to cancel the 64K project was based on a review of “the ISAF Campaign Plan, the Afghanistan Basing Strategy and Base Master Plans.”<sup>29</sup>

General Vangjel explained to SIGAR that he rejected the request to cancel the 64K building only after an understanding had been reached between USARCENT, USFOR-A, and the Marines. However, General Buckler of USFOR-A told SIGAR that he never changed his recommendation to cancel the 64K building. General Buckler confirmed that his request to cancel the 64K building was based on a thorough review of the ISAF Campaign Plan, the Afghanistan Basing Strategy, and Base Master Plans.

Similarly, when SIGAR investigators interviewed General Mills,<sup>30</sup> he stated the 64K building was not necessary to execute his mission. He also noted that the command and control facility that existed at the time he was in command at Camp Leatherneck, which he used as his headquarters when he led the surge, was “more than sufficient.”

In fact, it is difficult to understand how the existing command and control facility that was “more than sufficient” to handle the high point of troop strength in RC-South (*i.e.*, the surge), would become insufficient for handling reduced troop strength after the surge was over and later, as the overall U.S. military presence began to shrink. In the face of this, General Vangjel’s decision to reject the request to cancel the project seems to have been based on a reluctance to reprogram<sup>31</sup> funds already appropriated by Congress, rather than on a reasonable determination that the 64K building addressed an operational need.

Not surprisingly, the building was never occupied and on October 29, 2014 Camp Leatherneck, including the 64K building, was closed by the U.S. and transferred to the Afghan government. In the end, \$36 million in U.S. taxpayer funds was spent on a building the U.S. never used.

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<sup>27</sup> Memorandum from Major General Peter M. Vangjel to Deputy Commanding General, United States Forces Afghanistan (August 2010) [Exhibit 4].

<sup>28</sup> Major General Vangjel was promoted to Lieutenant General on Nov. 10, 2011.

<sup>29</sup> Memorandum from Brigadier General William M. Buckler, Jr., to USARCENT Kuwait G7 (June 26, 2010) [Exhibit 3].

<sup>30</sup> Major General Mills was promoted to Lieutenant General on Apr. 18, 2013.

<sup>31</sup> DoD 7000.14-R, Financial Management Regulation, Volume 2A, Chapter 1, defines reprogramming as “Utilization of funds in an appropriation account for purposes other than those contemplated at the time of appropriation. Reprogramming is generally accomplished pursuant to consultation and approval by appropriate congressional committees.”



## TWO MILITARY INVESTIGATIONS OF THE 64K BUILDING REACHED OPPOSITE CONCLUSIONS AND CONTAINED GAPS IN INFORMATION

In the course of its investigation, SIGAR learned that the military had conducted two AR 15-6 investigations of the 64K building. SIGAR investigators hoped that the reports from these investigations could be used to answer some of their questions concerning construction of the 64K building. However, the reports reached opposite conclusions and contained gaps in information, which made them of only limited value.

The first AR 15-6 investigation was ordered by Major General Kenneth Dahl, Deputy Commander – Support, USFOR-A, on May 3, 2013, after he learned that the building had never been occupied.<sup>32</sup> General Dahl tasked LTC Erik Sell with carrying out the investigation.<sup>33</sup> LTC Sell found, among other things, that “the original intended use for this facility was to support the expansion of Tombstone/Bastion to meet the requirements in Regional Command-South and to support the additional personnel and missions that were assumed to be arriving with the troop surge.”<sup>34</sup> His report included reference to a sworn statement from the Director of Public Works at Camp Leatherneck, who acknowledged that “the 64k building is not currently occupied.”<sup>35</sup> The Director of Public Works also stated that:

“We sought volunteers from all but the Marine units as they have been adamant that they are not willing to move into the 64K building. We had a number of units that volunteered but it was nowhere near enough to cost justify occupying the building.”<sup>36</sup>

In light of this information, LTC Sell’s report recommended that:

“In order to utilize the facility effectively we need to look outside of its original intent. Because a Command & Control HQ facility is no longer a requirement the USAG should consider altering the use of the facility to meet an enduring need and best utilize the assets on the base.”<sup>37</sup>

In particular, LTC Sell believed the 64K building could address morale, welfare, and recreation needs, such as “fitness and recreational centers” and “a movie theater”.<sup>38</sup> In his official revisions to LTC Sell’s report, General Dahl removed these suggestions and replaced them with the recommendation that the military “should investigate using the building for an alternate Title 10 purpose.”<sup>39</sup>

Approximately one month after General Dahl issued his report, General Dunford, Commander of the International Security Assistance Force (ISAF) and USFOR-A, wrote to U.S. Central Command (CENTCOM), recommending a second investigation of the 64K building.<sup>40</sup> General Dunford’s

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<sup>32</sup> Memorandum for Record from Major General Kenneth Dahl (May 27, 2013).

<sup>33</sup> Memorandum from LTC Erik M. Sell to Deputy Commander, Support United States Forces – Afghanistan (May 20, 2013).

<sup>34</sup> *Id.*, p. 2.

<sup>35</sup> Sworn Statement of Robert M. Sanders, Director of Public Works (May 13, 2013).

<sup>36</sup> *Id.*

<sup>37</sup> Memorandum from LTC Erik M. Sell, May 20, 2013. “USAG” is the acronym for U.S. Army Garrison.

<sup>38</sup> *Id.*

<sup>39</sup> Memorandum for Record from Major General Kenneth Dahl (May 27, 2013).

<sup>40</sup> Memorandum of Major General Joseph Dunford to Commander, CENTCOM (undated).

memorandum stated that, “This construction has potential to draw significant attention from auditors and Congress, and raises questions as to its approval and construction.”<sup>41</sup>

The stated purpose of General Dunford’s new AR 15-6 investigation was to examine “the facts and circumstances surrounding the construction of a Command and Control Facility at Camp Leatherneck after the 1<sup>st</sup> MEF Commanding General [General Mills] requested cancellation of the project.”<sup>42</sup> General Dunford appointed General Richardson to lead the investigation.<sup>43</sup> General Dunford gave General Richardson broad authority to travel, gather evidence, and interview witnesses involved in the decision to construct the 64K building and specified that “Witnesses should be sworn, and you should document all witness interviews in writing . . . .”<sup>44</sup>

However, General Richardson did not follow General Dunford’s instructions regarding sworn statements and witness interviews. For example, while General Richardson’s report stated that his findings were based in part on “interviews with key individuals,”<sup>45</sup> he acknowledged to SIGAR investigators that he did not interview any witnesses or take any sworn statements during his investigation. Instead, all questions he posed to witnesses were submitted via email.

Moreover, General Richardson told SIGAR investigators that neither he nor anyone on his staff attempted to contact General Vangjel concerning his decision to reject the request to cancel the 64K building. When asked to explain why he did not interview General Vangjel, General Richardson told SIGAR investigators that an interview was unnecessary because he already had sufficient information to conduct his investigation based on documents related to the building.

Despite the fact that General Richardson never interviewed General Vangjel, his report contained several statements suggesting reasons why General Vangjel denied the request to cancel construction of the 64K facility:

“ . . . [General Vangjel] relied upon the CENTCOM strategic vision of Camp Leatherneck and its criticality as an enduring strategic base.”<sup>46</sup>

“In addition, . . . [General Vangjel], coordinated for CENTCOM and USFOR-A concurrence that the 64K C2 Facility should continue prior to signing his denial memo.”<sup>47</sup>

“Notably, . . . [General Vangjel] did not sign the denial memorandum until after confirming that CENTCOM, USFOR-A and MEF (FWD) were in agreement that the 64K C2 facility would continue.”<sup>48</sup>

“ . . . [General Vangjel] made the decision [to deny the requests to cancel the 64K building] with knowledge of the CENTCOM strategic vision . . . . ”<sup>49</sup>

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<sup>41</sup> *Id.*

<sup>42</sup> Memorandum from General Joseph F. Dunford, appointing Major General James Richardson investigating officer pursuant to Army Regulation 15-6 (Jun. 23, 2013) [Exhibit 5].

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

<sup>45</sup> Richardson Final Report, p. 2.

<sup>46</sup> *Id.*, p. 4.

<sup>47</sup> *Id.*, p. 4.

<sup>48</sup> *Id.*, p. 5.

As noted above, General Vangjel's memorandum denying the requests to cancel the 64K facility did not make reference to any CENTCOM "strategic vision" or to the "criticality" of Leatherneck as an "enduring strategic base."<sup>50</sup>

Since he never interviewed General Vangjel, it is unclear how General Richardson could have concluded that General Vangjel's decision to construct the 64K building was made on the basis of a "strategic vision" or an intention to make it an "enduring strategic base". Even the information gathered by General Richardson himself directly undermines that conclusion.

For example, in response to an email sent by General Richardson in July 2013, Brigadier General Bryan G. Watson, who was responsible for overseeing construction requirements in Afghanistan for USFOR-A, stated:

"I do remember that the MILCON review for Bastion . . . as well as the other Marine bases . . . was very contentious because there was *no clear decision on whether Bastion would become an enduring base* . . . ."<sup>51</sup>

Further, Major General Larry Nicholson, Commander, II MEF (FWD) informed General Richardson in July 2013, that:

"Our team was not aware then, (or today), of any plans to build a permanent state of the art facility like the 64K building at LNK [Camp Leatherneck]. This is not an issue I ever discussed with LTGEN Mills, or then LTGEN Dunford who was my MARCENT CG, or then MGEN Nick Carter who was the CG of RC-South. While there was much chatter about the creation of roads, better billeting, a new PX, post office and the desire for a decent Gym, I was not aware of any planned construction of a follow-on HQ."<sup>52</sup>

General Nicholson also stated that:

"We certainly needed many things in those early days at Camp Leatherneck, but we were very pleased with the Ark HQ BLDG, and frankly we had many far more pressing facilities issues . . . I am confident that neither I nor any of my team asked for, signed for, or formally or informally requested a new future HQ for my successors."<sup>53</sup>

Interestingly, the first version of General Richardson's report concluded that the 64K building was intended to support the surge and recommended that the military "consider potential alternative uses for the C2 Facility."<sup>54</sup> However, General Richardson later changed that draft and recommended in his final report that USFOR-A "consider directing completion of the remaining elements to make

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<sup>49</sup> *Id.*, p. 9.

<sup>50</sup> See Memorandum from Major General Peter Vangjel to Deputy Commanding General, United States Forces Afghanistan (Aug. 2010) [Exhibit 4].

<sup>51</sup> Email from Major General Bryan G. Watson to Major General James Richardson (Jul. 12, 2013) (emphasis added) [Exhibit 6].

<sup>52</sup> Email from Major General Larry D. Nicholson to Major General James Richardson (Jul. 12, 2013) [Exhibit 7].

<sup>53</sup> *Id.*

<sup>54</sup> Memorandum of Major General James Richardson to General Joseph F. Dunford (Jul. 20, 2013) (hereinafter referred to as the Richardson Draft Report).

the facility fully functional and direct occupancy and use of the 64K C2 facility for its original purpose.”<sup>55</sup>

As noted above, the original purpose of the 64K building was use as a command and control facility. However, the Marines had already declared in writing that their current command and control facility was all they needed. In addition, not only was the surge long over, but the U.S. had already begun to withdraw troops from Afghanistan and Camp Leatherneck’s future was in doubt. Under these circumstances, there appears to have been no reasonable basis for General Richardson to have recommended that the 64K building be used for “its original purpose.”

The facts indicate that General Richardson mismanaged the investigation by failing to carry out a fulsome investigation in accordance with General Dunford’s orders, and by failing to interview one of the key witnesses, namely General Vangjel. In addition, it is unclear how General Richardson could have credibly concluded in his final report that there was no “no act or omission, dereliction of duty, or any other violation of law or regulation” related to construction of a \$36 million facility that was built over the objections of commanders in the field and that was never used for any purpose.<sup>56</sup>

## **THE SECOND MILITARY INVESTIGATION OF THE 64K BUILDING MAY HAVE BEEN COMPROMISED BY INVESTIGATIVE IRREGULARITIES**

As SIGAR investigators attempted to reconcile the conclusions of General Richardson’s investigation with the results of their own interviews and fact-finding, they began to notice certain irregularities that may have affected the final version of General Richardson’s investigative report.

General Richardson completed his findings and recommendations and submitted them to General Dunford on August 9, 2013.<sup>57</sup> However, General Dunford did not approve General Richardson’s report until October 21, 2013.<sup>58</sup> During the intervening months, changes were made to the report. SIGAR was unable to find any documentation of these changes. However, SIGAR obtained copies of emails indicating that Colonel Norman F. Allen, General Dunford’s legal advisor, passed portions of the report to General Vangjel for review, even though it was General Vangjel who made the controversial decision to proceed with construction of the 64K building.<sup>59</sup>

On August 28, 2013, Colonel Allen emailed certain “investigation findings”<sup>60</sup> from General Richardson’s investigative report to General Vangjel and General Mills, stating that General Dunford “directed me to follow-up directly”.<sup>61</sup> The excerpts contained in Colonel Allen’s email stated that General Vangjel’s decision to deny the request “was in keeping with the CENTCOM strategic vision of the enduring presence in RC-SW and was made after coordination with USFOR-A and MEF(FWD)

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<sup>55</sup> Richardson Final Report, p. 10.

<sup>56</sup> *Id.*, p. 9.

<sup>57</sup> Email from Major General James Richardson to General Joseph F. Dunford (August 9, 2013) [Exhibit 8].

<sup>58</sup> Memorandum from General Lloyd Austin, CENTCOM, to John F. Sopko, Special Inspector General for Afghanistan Reconstruction (Feb. 13, 2014).

<sup>59</sup> See email from Colonel Norman Allen to Lieutenant General Peter M. Vangjel and Lieutenant General Richard P. Mills (Aug. 28, 2013) [Exhibit 9].

<sup>60</sup> *Id.*

<sup>61</sup> *Id.*

engineers.”<sup>62</sup> By disclosing this information to General Vangjel, and doing so without first obtaining his direct, untainted testimony, Colonel Allen may have effectively “coached” General Vangjel, thereby compromising the integrity of the investigation. Rather than simply asking General Vangjel why he thought it was prudent to approve the 64K building, Colonel Allen appears to have provided him with the answer. Colonel Allen ended his email by stating that:

“There is no hidden agenda, but simply seeking a complete picture before the boss goes final.”<sup>63</sup>

On August 29, 2013, General Vangjel responded that he denied the request to cancel the 64K facility because of his understanding of the “criticality of Leatherneck”.<sup>64</sup> He also stated that:

“MajGen Mills, if he was the previous commander who requested cancellation, was followed by a commander who requested to leave it as an active project, or perhaps MajGen Mills was the new commander . . . just can’t recall specifics”<sup>65</sup>

Colonel Allen replied to General Vangjel:

“Thanks, sir. That’s helpful. Apologize for taking too much of your time, but I’ll dig into the material and provide you some additional background tomorrow and see if we can clarify, *just to do so now before DoD or someone asks us to*. But I owe you more background. Thanks, sir.

Before I came to Afghanistan in February this year, I was the FORSCOM SJA for 2-1/2 years, and we worked several actions, getting your assistance on release of records and such. Always appreciate the support, *and will try and reciprocate on this one*.”<sup>66</sup>

However, General Mills’ response to Colonel Allen’s email contradicted the assertion that the decision to construct the 64K building was based on “the CENTCOM strategic vision of the enduring presence in RC-SW”:

“I don’t recall being asked a second time about continuing the headquarters buildout . . . rather I recall discussions with my staff that our request to stop had been turned down and that we surmised that it was an indication that Leatherneck would in fact be an enduring facility . . . by the time we turned over in March of 2011, however, that decision had not been made . . . .”<sup>67</sup>

As noted above, General Vangjel’s memorandum denying the Marines’ request for cancellation of the 64K building did not mention any “strategic vision” or that the facility was intended to support an enduring presence in Afghanistan. Moreover, General Richardson noted in his own report that General Walter Miller, the Marine commander who inherited the 64K facility, stated:

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<sup>62</sup> *Id.*

<sup>63</sup> *Id.*

<sup>64</sup> Email from Lieutenant General Peter Vangjel to Colonel Norman Allen (Aug. 29, 2014) [Exhibit 9].

<sup>65</sup> *Id.* (ellipses in original).

<sup>66</sup> Email from Colonel Norman Allen to General Peter Vangjel (Aug. 29, 2014) (emphasis added) [Exhibit 9].

<sup>67</sup> Email from Lieutenant General Richard P. Mills to Colonel Norman F. Allen (Aug. 29, 2013) (ellipses in original) [Exhibit 10].

“. . . I have no intent to move in. Many reasons, we are too small . . . we are rolling into the fighting season and it is not ready. We have recently stopped any future installs to the C2 infrastructure to the 64 K iot [in order to] end the money drain.”<sup>68</sup>

Given these facts, it is unclear why General Vangjel would claim after the fact that General Mills or one of his successors had requested construction of the 64K building. However, that was General Vangjel’s position after he received Colonel Allen’s email containing some of the findings of General Richardson’s report.

The Army’s regulations pertaining to AR 15-6 investigations state, in part, “the interviewer must scrupulously avoid coaching the witness or suggesting the existence or nonexistence of material facts.”<sup>69</sup> The decision to pass portions of the AR 15-6 report to General Vangjel prior to obtaining his untainted testimony deprived SIGAR investigators and, in effect, General Dunford of the opportunity to hear General Vangjel explain for himself why he decided to approve construction of the building. Moreover, it diminished the value of General Richardson’s report as a source on which SIGAR could rely.

### **SIGAR’S INVESTIGATION WAS MET WITH RESISTANCE**

Unfortunately, during the course of SIGAR’s investigation, there were a number of instances in which military officials apparently decided to “slow roll” or discourage candid responses to SIGAR’s requests for documents and information pertaining to the 64K building. For example, an email from Colonel Allen to several addressees, including General Richardson’s legal advisor stated, “I wanted to slow roll these [responses to SIGAR questions] a bit more . . . .”<sup>70</sup>

Another email from Colonel Allen, which he sent to several individuals, including a CENTCOM attorney and an employee of the CENTCOM Inspector General, stated:

“I don’t think people in this command should be subject to interviews that make them go behind official decisions here; for instance, I would consider it inappropriate for members of the command to address with SIGAR what they think of the 15-6 investigation appointed and approved by the commander. I have a good deal of knowledge about that investigation, but I would not answer questions to SIGAR; it’s not just out of loyalty to the command, but by process it would mean SIGAR is investigating the commander, and that, I believe, is way outside their purview.”<sup>71</sup>

By virtue of his position as General Dunford’s legal advisor, Colonel Allen was in a position to discourage full cooperation with SIGAR. Other officials also seemed interested in frustrating SIGAR’s inquiry into the circumstances surrounding construction of the 64K building. For example, a memorandum sent from a command Inspector General to CENTCOM stated that:

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<sup>68</sup> Richardson Final Report, p. 6, *quoting* email from General Miller.

<sup>69</sup> Department of the Army, *Procedures for Investigating Officers and Boards of Officers*, p. 14.

<sup>70</sup> Email from Colonel Norman F. Allen to Colonel Brett A. Barraclough, *et al* (Nov. 11, 2013) [Exhibit 11].

<sup>71</sup> Email from Norman F. Allen to Colonel Walter M. Hudson and Duane T. Rackley, *et al* (February 1, 2014) [Exhibit 12]. General Richardson’s Chief of Staff was also copied on this email. Contrary to Colonel Allen’s assertion, neither the Inspector General Act or SIGAR’s authorizing statute exempt general officers from SIGAR audits and investigations.



“We respectfully request that appropriate authorities intervene to cease the SIGAR’s evaluation of command internal business; if there are valid concerns, those are appropriate for CENTCOM or DOD inquiry, but not for SIGAR”<sup>72</sup>

In addition, an email sent by a senior military officer assigned to CENTCOM stated with regard to a SIGAR document request:

“Our initial assessment is that there was no obligation to go out and search and preserve any records related to the C2 facility. We conducted an investigation, as we needed to do and we have already cooperated with SIGAR by providing them a copy of that investigation . . . .”<sup>73</sup>

Although these efforts appear to have been largely unsuccessful, it is likely that they discouraged full and candid cooperation with SIGAR investigators’ efforts to uncover all of the facts pertaining to the 64K building.<sup>74</sup> For example, the Special Inspector General wrote to General Lloyd J. Austin, CENTCOM commander, on February 27, 2014 to request enforcement of SIGAR’s November 2013 request for preservation of records and production of documents and information. SIGAR’s letter followed the discovery by SIGAR investigators that certain key records relating to the 64K building had not been turned over.<sup>75</sup> It was not until March 17, 2014 that DoD issued a document preservation order.

It is particularly surprising that a senior lawyer with substantial experience as a commissioned officer in the Judge Advocate General branch of the U.S. Army, would appear to condone violation of Section 6 of the Inspector General Act of 1978, as amended, which requires Federal agencies to provide all information requested by an inspector general and to cooperate with an inspector general’s audits and investigations.<sup>76</sup> Some of these apparent efforts to discourage cooperation with SIGAR’s investigation occurred around the same time that Senator Claire McCaskill was also requesting DoD to produce information related to the 64K building.<sup>77</sup>

## CONCLUSION

Although it cost approximately \$36 million to build and furnish, there was no operational need for the 64K building and it was never used. While the building was intended to support the 2010 military surge, construction did not begin until May 2011, just two months before the first drawdown of the surge. By the time the surge ended in September 2012, the 64K building was still under construction. By April 2013, about 7 months after the conclusion of the surge, the 64K building was 98 percent complete.

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<sup>72</sup> Memorandum from Colonel Thurinton Harvell, Inspector General, U.S. Army, to CENTCOM (Feb. 4, 2014).

<sup>73</sup> Email from Commander Robert Passerello to Colonel Norman Allen (Dec. 30, 2013) [Exhibit 13].

<sup>74</sup> SIGAR does not have the authority to subpoena other government agencies or to compel testimony; its investigators must rely on the forthright conduct of the agency personnel from whom it requests documents and other information. SIGAR does not normally conduct separate investigations of efforts to impede its own investigations, but when warranted, refers such matters to the Department of Justice for further evaluation.

<sup>75</sup> Letter from John F. Sopko, Special Inspector General for Afghanistan Reconstruction (Feb. 27, 2014).

<sup>76</sup> 5 U.S.C. App. 3, § 6. See also § 1229 (g) and (h) of SIGAR authorizing statute, 5 U.S.C. App. 3, § 8G note.

<sup>77</sup> Letter from Senator Claire McCaskill, Chairman, Subcommittee on Financial and Contracting Oversight, to Secretary Chuck Hagel, Department of Defense (January 9, 2014).

This could have been avoided. A year and a half before construction began, General Mills (the general in command of the surge), General McHale, and General Buckler, requested cancellation of the project. If their recommendations had been followed, at least \$36 million would have been saved. However, General Vangjel denied their requests to cancel construction, on the basis that it would be imprudent not to spend funds that had already been appropriated by Congress.

Despite these facts, General Richardson recommended in his final investigative report that the commander of USFOR-A “consider directing completion of the remaining elements to make the facility fully functional and direct occupancy and use of the 64K C2 facility for its original purpose.”<sup>78</sup> General Richardson’s recommendation seems startling, given that the surge had already ended and the U.S. had already begun withdrawing troops from Afghanistan. Moreover, it contradicts both the findings and conclusions of the first AR 15-6 investigation and an earlier version of his own investigative report.<sup>79</sup>

Most significantly, had General Richardson’s recommendation to complete the building been acted on, it would have brought the total cost of the 64K building to \$41 million.<sup>80</sup> Since there was no operational need for the building, this recommendation is particularly difficult to understand.

SIGAR believes that General Richardson’s conclusion that, “[t]here is no evidence to support that continued processing for approval and construction at the USFOR-A level was the result of any act or omission”<sup>81</sup> does not adequately address the failures that led to this waste of taxpayer dollars.

Finally, although SIGAR received substantial cooperation from most of the offices and individuals it contacted, SIGAR encountered efforts by certain military officials to “slow roll” or otherwise frustrate this investigation.<sup>82</sup> These actions discouraged full and candid cooperation with SIGAR’s investigation and seemed intended to obscure the fact that \$36 million was wasted on construction of a building that commanders on the ground in Afghanistan did not want, did not need, and did not use.

## RECOMMENDATIONS

Based on the findings of its investigation into the circumstances surrounding construction of the 64K building, SIGAR recommends that DoD:

1. Incorporate into the DoD Financial Management Regulation, DoD 7000.14-R, a clear statement that taxpayer funds should not be spent when they are no longer needed, merely because an official does not want to undertake the burden of requesting the reprogramming or rescission of those funds.

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<sup>78</sup> Richardson Final Report, p. 10.

<sup>79</sup> As discussed above, an earlier draft of General Richardson’s report stated, “based on the facts, findings and conclusion, I recommend the Commander, USFOR-A consider potential alternative uses for the C2 Facility.” Memorandum of General James Richardson to General Joseph Dunford (Jul. 20, 2013).

<sup>80</sup> DoD told SIGAR that it would cost U.S. taxpayers an additional \$5 million to make the 64K building fully functional and another \$1 million to maintain it every year. The cost to demolish the facility and count the \$36 million project as a loss would be another \$2 million.

<sup>81</sup> Richardson Final Report, p.9.

<sup>82</sup> See, e.g., Email from Colonel Norman F. Allen to Colonel Brett A. Barraclough, *et al* (Nov. 11, 2013) [Exhibit 11].

2. Adopt, at all appropriate command levels, financial management training that promotes this principle and rejects the “use it or lose it” approach to spending.
3. Determine appropriate administrative or disciplinary action for Lieutenant General Peter M. Vangjel in light of his decision to construct the 64K building over the objections of commanders in the field, resulting in the waste of \$36 million.
4. Determine appropriate administrative or disciplinary action for Major General James Richardson in light of his failure to carry out a fulsome investigation in compliance with General Dunford’s orders.
5. Consider issuing a directive to all personnel explicitly reminding them of their legal obligation under the Inspector General Act of 1978, as amended, and the SIGAR authorizing statute, to fully cooperate with SIGAR audits, investigations, and requests for information.
6. Determine appropriate administrative or disciplinary action for Colonel Norman F. Allen in light of his failure to comply with law, regulation, and his ethical and professional responsibilities.

## AGENCY COMMENTS AND SIGAR RESPONSE

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We provided a draft of our report to DoD, General Vangjel, General Richardson, and Colonel Allen for review and comment. DoD, General Vangjel, and Colonel Allen provided written comments, which are reproduced in Appendices I, II, and III, respectively. General Richardson did not respond to our request for comments.

In its comments, DoD did not dispute any of the facts contained in our draft report. However, DoD stated that, after reviewing our report and General Richardson’s final report, it had determined that General Vangjel’s decision to deny the request to cancel the 64K was prudent, because “[a]t the time of the decision, Camp Leatherneck was being considered as a potential enduring location for the U.S. military.” DoD concurred with our fifth recommendation, and stated that it partially concurred with our first and second recommendations, but did not concur with our third, fourth, and sixth recommendations, regarding administrative or disciplinary action for General Vangjel, General Richardson, and Colonel Allen.

With regard to DoD’s concurrence with our fifth recommendation, we appreciate DoD’s commitment to provide guidance to its personnel acknowledging our jurisdiction over military construction projects like the 64K building. However, we found DoD’s responses to our other recommendations to be confusing and, particularly in reference to the involvement of the DoD IG, contradictory.

With respect to both our first and second recommendations, DoD states that it “strongly agrees with the basis of the SIGAR’s recommendation”, but it rejects both recommendations because in DoD’s view they are not necessary. As discussed in more detail below, DoD’s comments on our first and second recommendations reference information that supports the conclusions contained in our report. Therefore, we maintain that our first and second recommendations remain valid in their entirety.

DoD did not concur with recommendations three, four and six, that DoD determine appropriate administrative or disciplinary action for General Vangjel, General Richardson, and Colonel Allen. In all three cases, DoD stated that:

“The Department reviewed the actions of [these officers] that were highlighted in the report and determined that they do not represent misconduct warranting consideration of

administrative or disciplinary action. The DoD IG has also reviewed this matter and finds insufficient basis for conducting or directing further investigation.”<sup>83</sup>

DoD did not explain how its decisions to take no action were reached, whether any internal inquiry was conducted, or whether any report was made. However, based on DoD’s statement that it “determined that [the actions of these officers] do not represent misconduct”, SIGAR is concerned that DoD may have focused its review too narrowly by applying only a “misconduct” standard. Under DoD policy, allegations of misconduct by senior officers (*i.e.*, general officers and colonels being considered for promotion to general) are defined as a violation of criminal law, or a violation of a “recognized standard” involving elements of personal integrity, such as the ethics regulations.<sup>84</sup>

While the actions of General Vangjel and General Richardson did not constitute misconduct, SIGAR believes their actions constituted mismanagement, including waste and abuse,<sup>85</sup> and DoD should take action accordingly. SIGAR also believes that the actions of Colonel Allen in attempting to coach witnesses involved in an active investigation and in encouraging military personnel not to cooperate with SIGAR, constitute both misconduct and mismanagement, and DoD should take action accordingly.

In its comments, DoD also stated that a separate review of the draft report was conducted by the DoD IG, who “finds insufficient basis for conducting or directing further investigation.” DoD’s comments give the impression that the DoD IG’s office reviewed the matter or conducted an investigation. However, it turns out this is not the case.

After receiving DoD’s comments, SIGAR contacted the DoD IG’s office to request an explanation of how these conclusions were reached, including what standards were applied, and what evidence was considered. SIGAR also requested a copy of any report of investigation, report of investigative inquiry, or other memorandum explaining the disposition of these three recommendations.<sup>86</sup>

In reply, the DoD IG’s Director, Investigations of Senior Officials, stated that, “Because the OIG does not participate in management decisions to take, or not take, action, we are unable to provide an explanation and suggest you direct your request to the responsible Department officials.” He went on to state that, “. . . in the absence of a specific request for a separate investigation, we did not find it necessary to conduct an additional investigation.” Finally, he stated that with respect to Colonel Allen, “We did not find the allegations you referenced to be something that merits reporting in accordance with AR 20-1 . . . .”<sup>87</sup>

In an attempt to obtain further clarification, the Special Inspector General contacted the DoD IG directly. In a telephone discussion, the DoD IG explained, “[he] was aware of the conclusions in the SIGAR report. Considering the existence of the SIGAR report, and in the absence of a request from responsible DoD officials that additional investigative work be conducted, [the DoD IG] declined to conduct further investigation of this matter.”

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<sup>83</sup> See Appendix I.

<sup>84</sup> See, e.g., DoD Directive 5505.06, *Investigations of Allegations Against Senior DoD Officials*, pp. 1 and 6 (June 6, 2013).

<sup>85</sup> See, e.g., Army Regulation 20-1, *Inspector General Activities and Procedures*, p.99 (definition of “mismanagement”).

<sup>86</sup> Letter from Sharon E. Woods, Deputy Assistant IG for Investigations, SIGAR, to Anthony D. Jones, Director, Investigations of Senior Officers, DoD IG (Feb. 25, 2015) [Appendix IV].

<sup>87</sup> Letter from Anthony D. Jones, Director, Investigations of Senior Officers, DoD IG, to Sharon E. Woods, Deputy Assistant IG for Investigations, SIGAR (Mar. 20, 2015) [Appendix V].

In sum, DoD stated that the DoD IG decided not to investigate, while the DoD IG stated that he declined to investigate because DoD didn't ask him to. Although these statements contradict each other, the result was the same: no investigation was done and none was requested.

DoD also provided "technical comments" on the draft report. These comments did not warrant any changes to the report. To the contrary, they reinforce our conclusion that the decision to construct the 64K building appears to have been based on an intent to avoid reprogramming or returning funds already appropriated by Congress.

General Vangjel and Colonel Allen provided separate comments regarding their individual roles in this matter, but did not comment on SIGAR's recommendations. The comments provided by General Vangjel and Colonel Allen did not introduce any new information or warrant changes to the report. Although General Vangjel asserted that there were "significant errors throughout the draft report," his comments did not identify any errors, significant or otherwise. Instead, General Vangjel faulted SIGAR for not giving greater weight to evidence he believed showed a strategic and operational need for the 64K building. We have again reviewed the evidence highlighted by General Vangjel and find that it supported our conclusion that his decision to reject cancellation of the 64K building appears to have been based on his belief that it would be imprudent to request the reprogramming of funds already appropriated by Congress.

Colonel Allen did not dispute any of the facts contained in our draft report, but he disagreed with "the characterization of my communications and actions" and offered additional "context". The additional "context" Colonel Allen offered consists of assertions regarding his intent at the time he provided draft investigative findings to General Vangjel, advised other DoD personnel to "slow roll" responses to SIGAR's requests for information, and encouraged them not to cooperate with SIGAR's inquiry. However, our findings are supported by Colonel Allen's contemporaneous emails, which in our view are the best evidence available with regard to his intentions at the time. He has not disputed the facts as related in this report. Vague and unsupported attempts to provide "context" after the fact do not controvert those findings.

APPENDIX I: COMMENTS OF THE DEPARTMENT OF DEFENSE AND SIGAR'S RESPONSE



~~SECRET//REL TO USA, ISAF, NATO~~  
DEPUTY SECRETARY OF DEFENSE  
1010 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1010

FEB 09 2015

The Honorable John Sopko  
Special Inspector General for Afghanistan Reconstruction  
1550 Crystal Drive, 9th Floor  
Arlington, VA 22202

Dear Mr. Sopko:

Thank you for providing the draft report on the 64,000 square foot command and control facility military construction project at Camp Leatherneck in Afghanistan. I am responding on behalf of Secretary Hagel.

The Department has reviewed your investigation and the previous investigation conducted by U.S. Forces-Afghanistan. It was determined that then-Major General Peter Vangjel's decision to deny then-Major General Richard Mills May 2010 cancellation request was prudent. At the time of the decision, Camp Leatherneck was being considered as a potential enduring location for the U.S. military. The Department's responses to your specific recommendations and technical comments to the report are enclosed.

The Department takes seriously its responsibility to maintain the public trust by exercising sound financial management of the taxpayer dollars appropriated for Afghanistan and appreciates the role of Inspectors General in providing independent oversight of related activities.

Sincerely,

Enclosures:  
As stated



UNCLASSIFIED Upon Removal of Classified Enclosures

~~SECRET//REL TO USA, ISAF, NATO~~



## Response to SIGAR Report on the Investigation into the Construction of the Command and Control (C2) Facility at Camp Leatherneck

*Recommendation 1: Incorporate into the DOD Financial Management Regulation, DOD 7000.14-R, a clear statement that taxpayer funds should not be spent when they are no longer needed, merely because an official does not want to undertake the burden of requesting the reprogramming or rescission of those funds.*

SIGAR  
Comment  
1

Response: Partially concur. While DoD strongly agrees with the basis of the SIGAR's recommendation, specifically, that appropriated funds should be expended only to meet valid, current agency requirements and not to avoid the inconvenience of a subsequent reprogramming or rescission, we do not believe that a statement to this effect should be incorporated into the DoD Financial Management Regulation (FMR). That is because the Department is already prohibited by law from expending appropriated funds for purposes other than the satisfaction of a bona fide need that exists during the appropriation's period of availability. Specifically, the so-called Bona Fide Needs Rule, which derives from Title 31, U.S. Code, section 1502, imposes precisely this prohibition on all Federal agencies. It generally is unnecessary and inappropriate to repeat extant statutory restrictions in regulations that are designed to set forth policies and procedures for implementing the law. Moreover, we note that the Bona Fide Needs Rule is fully explained in DoD FMR Volume 3, Chapter 8, section 080303, and Volume 14, Chapter 1, section 010205, which requires DoD officials, including commanders, to ensure that the obligation and expenditure of funds provide for a bona fide need of the period of availability of the fund or account. Further, the DoD FMR currently prescribes actions that should be taken when an acquisition is no longer required; and DoD personnel, particularly finance and contracting specialists, are trained to carry out these procedures properly. Informed by these provisions, and working in concert with resource managers and legal counsel, it is unlikely that DoD personnel will consider reprogramming concerns when assessing whether an acquisition of goods or services is required.

*Recommendation 2: Adopt, at all appropriate command levels, including at the general officer level, financial management training that promotes this principle and rejects the "use it or lose it" approach to spending;*

SIGAR  
Comment  
2

Response: Partially concur. DoD strongly agrees with the basis of the SIGAR's recommendation, specifically, that appropriated funds should be expended only to meet valid, current agency requirements and not to avoid the inconvenience of a subsequent reprogramming or rescission or embrace a "use it or lose it" approach to spending. However, we believe that DoD financial management training already emphasizes the fiduciary duty to expend taxpayers' funds responsibly and lawfully. This recommendation is premised on a misinterpretation of the decision-making process that resulted in the construction of the Camp Leatherneck C2 facility. The decision to use FY 2010 funds was based on a determination that a valid requirement existed in FY 2010; it was not the result of a "use it or lose it" approach.

*Recommendation 3: Determine appropriate administrative or disciplinary action for Lieutenant General Peter Vangjel in light of his decision to construct the 64K building over the objections of commanders in the field, resulting in the waste of \$36 million;*

Response: **Non-concur.** Then-Major General (MG) Vangjel took subordinate commanders' views into account but determined that those views were not fully informed by the combatant command's strategic vision at that time. The Department reviewed the actions of then-MG Vangjel that were highlighted in the report and determined that they do not represent misconduct warranting consideration of administrative or disciplinary action. The DoD IG has also reviewed this matter and finds insufficient basis for conducting or directing further investigation.

SIGAR  
Comment  
3

*Recommendation 4: Determine appropriate administrative or disciplinary action for Major General James Richardson in light of his failure to carry out a fulsome investigation in compliance with General Dunford's orders;*

SIGAR  
Comment  
4

Response: **Non-concur.** The Department reviewed the actions of MG Richardson highlighted in the draft SIGAR report and determined that they do not represent misconduct warranting consideration of administrative or disciplinary action. The DoD IG has also reviewed this matter and finds insufficient basis for conducting or directing further investigation.

*Recommendation 5: Consider issuing a directive to all personnel explicitly reminding them of their legal obligation under the Inspector General Act of 1978, as amended, and the SIGAR authorizing statute, to fully cooperate with SIGAR audits, investigations, and requests for information;*

SIGAR  
Comment  
5

Response: **Concur.** Although the Department ultimately answered all of the SIGAR's requests for information, the documentation collected during the investigation indicated confusion among members of the Department regarding the roles, responsibilities, and authorities of the SIGAR. Confusion may have resulted from the fact that the Camp Leatherneck C2 facility is funded with Title 10 Military Construction funds; it is not funded by one of the reconstruction funds for which the SIGAR has oversight, nor was it intended at the time of construction to be transferred to the Afghan government. The Department will develop guidance for DoD personnel in Afghanistan that provides clarity regarding the roles, responsibilities, and authorities of the SIGAR in order to improve DoD support for future audits, investigations, and requests for information.

*Recommendation 6: Determine appropriate administrative or disciplinary action for Colonel Norman F. Allen in light of his failure to comply with law, regulation, and his ethical and professional responsibilities.*

SIGAR  
Comment  
6

Response: **Non-concur.** The Department reviewed the actions of Colonel (COL) Allen that were highlighted in the report and determined that they do not represent misconduct warranting consideration of administrative or disciplinary action. The DoD IG has also reviewed this matter and finds insufficient basis for conducting or directing further investigation. However, as reflected above in response to recommendation #5, COL Allen will be provided guidance so that he better appreciates the roles, responsibilities, and authorities of the SIGAR.



## Technical Comments on SIGAR Report on the Investigation into the Construction of the Command and Control (C2) Facility at Camp Leatherneck

**Page 1:** The command and control (C2) facility at Camp Leatherneck is referred to as a \$36M facility; however, only \$25.1M was spent on the facility.

SIGAR  
Comment  
7

- The initial \$34.6M contract (TAB 1) included \$13.5M for the C2 facility at Camp Leatherneck (Project Number (PN) 76916) also included \$15M for utilities infrastructure (PN76980) and \$6.1M for gravel roads (PN76992). USFOR-A only requested to cancel the C2 facility (PN76916) and did not make a request to cancel the utilities infrastructure or the gravel roads (TAB 2).
  - Additionally, the investigations into this matter only focused on the construction and use of the C2 facility and did not analyze the use of the gravel roads or utilities infrastructure.
- \$25.1M can be directly attributed to the construction and furnishing of the facility which includes \$14.6M for construction, \$2.2M for furniture, and \$13.7M for communications and information technology, \$5.4M of which was recoverable (TAB 3).

**Page 7:** “In November, 2011, Major General John A. Toolan, then commander of Regional Command-Southwest, issued guidance pertaining to military construction, which stated that, “[i]n light of the POTUS decision, CMC and COMISAF direction and surge recovery efforts, the time to ‘stop building’ is now. Despite this guidance, construction of the 64K building continued until April 2013,”

SIGAR  
Comment  
8

- This statement insinuates individuals responsible for the construction of this facility did not heed MG Toolan’s guidance; however, this facility was not identified for cancellation in any of the five reviews for military construction projects throughout Afghanistan conducted from November 2011 to August 2013 (TAB 4), nor by MG Toolan just two weeks prior to this guidance (TAB 5). During this time period this facility was considered to be the C2 headquarters for an enduring presence at Camp Leatherneck (TAB 6).

**Page 7:** “General Vangjel told SIGAR investigators that the 64K building was part of “a larger strategic plan” for Camp Leatherneck to serve as an enduring base. However, he was unable to point to any documents, classified or unclassified, showing the existence of such a strategic plan.”

SIGAR  
Comment  
9

- LTG Vangjel may not have been able to point to a plan that existed at the time; however, by August of 2012 it was included in the camp master plan to meet operational requirements (TAB 7).

**Page 7:** “However, General Buckler of USFOR-A told SIGAR that he never changed his recommendation to cancel the 64K building.”

- In response to inquiry from MG Richardson, BG Buckler could not recall specifics about his recommendation on this particular facility (TAB 8). However, CENTCOM confirmed with Lt Col Arnold, BG Buckler’s MILCON Program Chief, that USFOR-A will not request cancellation of the building (TAB 9).

SIGAR  
Comment  
10

**Page 10:** “Despite the fact that General Richardson never interviewed General Vangjel, his report contained several statements suggesting reasons why General Vangjel denied the request to cancel construction of the 64K facility.”

- “. . . [General Vangjel] relied upon the CENTCOM strategic vision of Camp Leatherneck and its criticality as an enduring strategic base.”
  - General Richardson could have ascertained the CENTCOM strategic vision from his email interview with CDR Timothy Wallace, the CENTCOM MILCON program manager at the time (TAB 10), and would not need to interview General Vangjel to make this determination.
- “In addition, . . . [General Vangjel], coordinated for CENTCOM and USFOR-A concurrence that the 64K C2 Facility should continue prior to signing his denial memo. ”
  - This is a documented fact based on the email conversation (TAB 9) that is referenced in LTG Vangjel’s denial memo (TAB 11) and therefore did not require an interview to determine.
- “Notably, . . . [General Vangjel] did not sign the denial memorandum until after confirming that CENTCOM, USFOR-A and MEF (FWD) were in agreement that the 64K C2 facility would continue.”
  - See above.
- “. . . [General Vangjel] made the decision [to deny the requests to cancel the 64K building] with knowledge of the CENTCOM strategic vision . . . ”
  - See above.

SIGAR  
Comment  
11

**Page 10:** “For example, in response to an email sent by General Richardson in July 2013, Brigadier General Bryan G. Watson, who was responsible for overseeing construction requirements in Afghanistan for USFOR-A, stated:

“I do remember that the MILCON review for Bastion . . . as well as the other Marine bases . . . was very contentious because there was no clear decision on whether Bastion would become an enduring base . . . ”

- The context of this statement (TAB 12) is in reference to MILCON reviews that were undertaken after General Vangjel made his decision to not approve the request to cancel the 64K C2 facility (TAB 11). Since these subsequent MILCON reviews did not result in cancellation of construction of this facility in progress, the statement supports General Richardson’s view that Bastion/Camp Leatherneck was being considered as an enduring base.

SIGAR  
Comment  
12

## SIGAR's Response to DoD Comments

1. DoD partially concurred with our first recommendation. DoD agreed that “appropriated funds should be expended only to meet valid, current agency requirements and not to avoid the inconvenience of a subsequent reprogramming or recession.” However, DoD believes it is unnecessary to incorporate a statement to this effect into the DoD Financial Management Regulation (FMR) because “the Department is already prohibited from expending appropriated funds for purposes other than the satisfaction of a bona fide need that exists during the appropriation’s period of availability”, citing “the so-called Bona Fide Needs Rule, which derives from Title 31, U.S. Code, section 1502 . . .”<sup>88</sup> DoD also asserts that “it is unlikely that DoD personnel will consider reprogramming concerns when assessing whether an acquisition of goods or services is required.”

We disagree with DoD’s reasoning on this issue. In our view, the facts of this case demonstrate that DoD cannot rely solely on senior officers’ knowledge of the Bona Fide Needs Rule. Moreover, DoD’s assertion that “it is unlikely” that DoD personnel will violate the Bona Fide Needs Rule is not only unsupported, it is controverted by the case of the 64K building. In sum, SIGAR continues to believe that an amendment to the Department’s Financial Management Regulation to explicitly state that funds should not be spent when they are no longer needed would be more effective than relying solely on an officer’s presumed familiarity with the Bona Fide Needs Rule.

If the FMR had contained our recommended clarification back in 2010, General Vangjel might at least have been compelled to document a legitimate basis for proceeding with the 64K building. At best, the clarification could have prompted General Vangjel to cancel the 64K facility, thereby saving \$36 million. Therefore, we maintain that our first recommendation is valid in its entirety.

2. DoD partially concurred with our second recommendation, explaining that it “strongly agrees with the basis of the SIGAR’s recommendation, specifically, that appropriated funds should be expended only to meet valid, current agency requirements” and not to “embrace a ‘use it or lose it’ approach to spending.” However, DOD rejected the recommendation that financial management training incorporating this principle should be adopted at all command levels, because “DoD financial management training already emphasizes the fiduciary duty to expend taxpayers’ funds responsibly and lawfully.”

We do not understand DoD’s refusal to include in its financial management training a principle which the Department claims it supports, namely that taxpayer money should not be spent on a “use it or lose it basis.” While DoD asserts that this training is not necessary, the facts of this case demonstrate that the status quo is simply not enough.

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<sup>88</sup> The Bona Fide Needs Rule, in its most basic form, provides that “A fiscal year appropriation may be obligated only to meet a legitimate, or *bona fide*, need arising in, or in some cases arising prior to but continuing to exist in [the appropriation’s period of availability].” U.S. Government Accountability Office, Principles of Federal Appropriations Law, Volume I, Chapter 5, p. 5-11 (January 2004) (emphasis in original).

While DoD does not disagree with any of the facts stated in our report, it claims our recommendation is based on a “misinterpretation of the decision-making process.” However, our report shows that General Vangjel did not approve construction of the 64K building in order to meet a requirement in FY 2010. In fact, the evidence gathered by our investigators indicates that the 64K building never served any operational need. Although some officials proposed converting the building into “fitness and recreational centers” or “a movie theater,”<sup>89</sup> it was transferred to the Afghan government in October 2014 without ever having been used.

As shown in our report, after undertaking a comprehensive review of pending military construction projects and of existing strategic plans, the generals on the ground in Afghanistan at the time determined that the 64K building did not meet an operational need.<sup>90</sup> Moreover, contemporaneous evidence shows that General Vangjel did not mention a 2010 operational requirement as his basis for proceeding with construction of the 64K facility. Instead, his decision memorandum noted that the 64K building was also “listed in the FY 12 OCO [Overseas Contingency Operations] *emerging* requirements,”<sup>91</sup> indicating that the building was not an actual or definite requirement for FY 2010.

The lack of an operational need for the 64K building in FY 2010 is also demonstrated by the fact that Lieutenant Colonel Norvel of USARCENT, who was on General Vangjel’s staff at the time, told USACE that he wanted to “push the FY10 supplemental C2 Facility at Leatherneck as far to the right as possible (may want to look at Jan 12 [2011] as a target).”<sup>92</sup> He also stated that he wanted “to ensure we time this award to support other operational requirements” and asked USACE to “move it to the bottom of the pile.”<sup>93</sup> If the decision to fund construction of the 64K building was, as DoD asserts, “based on a determination that a valid requirement existed in FY 2010,” then it is puzzling why LTC Norvel sought to move the project to the “bottom of the pile.” Moreover, the construction contract for the 64K building was not awarded until February 2011 and construction did not begin until sometime around May 2011, about eight months after the close of FY 2010.<sup>94</sup> Given these facts, there does not appear to be any basis for claiming that there was an operational need for the 64K building in FY 2010, nor has DoD produced any support for its interpretation now, five years later.

As noted above, General Vangjel’s decision to reject the requests to cancel the 64K building appears to have been an attempt to avoid having to reprogram funds by directing them

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<sup>89</sup> Memorandum from LTC Erik M. Sell, May 20, 2013.

<sup>90</sup> Memorandum from Brigadier General William M. Buckler, Jr., to USARCENT Kuwait G7 (June 26, 2010).

<sup>91</sup> Memorandum from Major General Peter Vangjel to Deputy Commanding General, United States Forces Afghanistan (Aug. 2010) (emphasis added).

<sup>92</sup> Email from LTC Norvel to USACE (Aug. 3, 2010).

<sup>93</sup> *Id.*

<sup>94</sup> SIGAR notes that a legal opinion of the Chief of Contract and Fiscal Law at U.S. ARCENT stated that “typically, to be properly considered a bona fide need of FY 10, the need for construction must exist in FY 10 and the construction work, itself, usually must commence NLT [no later than] 1 January 2011.” Memorandum of Major Danisha L. Morris, JA, Chief, Contract and Fiscal Law (June 29, 2010).



toward a project that did not meet a known operational or strategic need. The failure to cancel the 64K building led to approximately \$36 million being wasted on a facility that was unwanted, unneeded, and unused. General Vangjel's actions indicate that DoD personnel at all appropriate command levels would benefit from training that clearly and unequivocally rejects a "use it or lose it" approach to spending. Therefore, we maintain that our second recommendation is valid in its entirety.

3. DoD did not concur with our third recommendation. DoD stated that it "reviewed the actions of then-MG Vangjel that were highlighted in the report and determined that they do not represent misconduct warranting consideration of administrative or disciplinary action." DoD also noted that the "DoD IG has also reviewed this matter and finds insufficient basis for conducting or directing further investigation."

DoD did not explain how its decision to take no action was reached, whether any internal inquiry was conducted, or whether any report was made. However, based on DoD's statement that it "determined that [the actions of General Vangjel] do not represent misconduct", SIGAR is concerned that DoD may have focused its review too narrowly. Under DoD policy, allegations of misconduct by senior officers (*i.e.*, general officers and colonels being considered for promotion to general) are defined as a violation of criminal law, or a violation of a "recognized standard" involving elements of personal integrity, such as the ethics regulations.<sup>95</sup> Apparently, DoD limited its review to whether General Vangjel's actions constituted "misconduct".

SIGAR believes that General Vangjel's decision to construct the 64K building over the objections of commanders in the field, resulting in the waste of \$36 million, constituted mismanagement. Under Army Regulation 20-1, for example, "mismanagement" is defined as:

"A collective term covering acts of waste and abuse. The extravagant, careless, or needless expenditure of Government funds or the consumption or misuse of Government property or resources resulting from deficient practices, systems, controls, or decisions. Also includes abuse of authority or similar actions that do not involve criminal fraud."<sup>96</sup>

General Vangjel's decision to proceed with construction of the 64K building over the objection of commanders in the field appears to meet this definition. Therefore, we stand by our third recommendation.

4. DoD did not concur with our fourth recommendation. DoD stated that it "reviewed the actions of MG Richardson highlighted in the draft SIGAR report and determined that they do not represent misconduct warranting consideration of administrative or disciplinary action." DoD also noted that the "DoD IG has also reviewed this matter and finds insufficient basis for conducting or directing further investigation."

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<sup>95</sup> See DoD Directive 5505.06, *Investigations of Allegations Against Senior DoD Officials*, pp. 1 and 6 (June 6, 2013).

<sup>96</sup> Army Regulation 20-1, *Inspector General Activities and Procedures*, p.99 (definition of "mismanagement").

DoD did not explain how its decision to take no action was reached, whether any internal inquiry was conducted, or whether any report was made. However, based on DoD's statement that it "determined that [the actions of General Richardson] do not represent misconduct", SIGAR is concerned that DoD may have focused its review too narrowly. Under DoD policy, allegations of misconduct by senior officers (*i.e.*, general officers and colonels being considered for promotion to general) are defined as a violation of criminal law, or a violation of a "recognized standard" involving elements of personal integrity, such as the ethics regulations.<sup>97</sup> Apparently, DoD limited its review to whether General Richardson's actions constituted "misconduct".

SIGAR believes that General Richardson's failure to conduct his investigation in accordance with General Dunford's orders and his failure to interview the key witness who made the decision to construct the 64K building (*i.e.*, General Vangjel), constituted mismanagement. Under Army Regulation 20-1, for example, "mismanagement" is defined as,

"A collective term covering acts of waste and abuse. The extravagant, careless, or needless expenditure of Government funds or the consumption or misuse of Government property or resources resulting from deficient practices, systems, controls, or decisions. Also includes abuse of authority or similar actions that do not involve criminal fraud."<sup>98</sup>

In view of DoD's narrow interpretation, we are amending our report to explicitly state that we believe the actions of General Richardson constituted mismanagement. Therefore, we stand by our fourth recommendation.

5. DoD concurred with our fifth recommendation. DoD stated that "the documentation collected during the investigation indicated confusion among members of the Department regarding the roles, responsibilities, and authorities of the SIGAR." We appreciate DoD's recognition that the actions of certain individuals were not a proper response to SIGAR's requests for information. Moreover, we appreciate DoD's decision to provide guidance to its personnel regarding SIGAR's broad oversight authorities, including its authority to investigate matters related to the 64K building and other military construction projects.
6. DoD did not concur with our sixth recommendation. DoD stated that it "reviewed the actions of Colonel (COL) Allen that were highlighted in the draft SIGAR report and determined that they do not represent misconduct warranting consideration of administrative or disciplinary action." DoD also noted that the "DoD IG has also reviewed this matter and finds insufficient basis for conducting or directing further investigation." DoD added that Colonel Allen would be provided guidance regarding the roles, responsibilities, and authorities of SIGAR.

DoD did not explain how its decision to take no action was reached, whether any internal inquiry was conducted, or whether any report was made. Current DoD policy prescribes

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<sup>97</sup> See, *e.g.*, DoD Directive 5505.06, *Investigations of Allegations Against Senior DoD Officials*, pp. 1 and 6 (June 6, 2013).

<sup>98</sup> Army Regulation 20-1, *Inspector General Activities and Procedures*, p.99 (definition of "mismanagement").

specific procedures for handling allegations of this nature. DoD Directive 5505.06 provides that, “Allegations of misconduct against senior officials will be vigorously investigated by appropriate investigative organizations.<sup>99</sup> The directive goes on to provide that the DoD IG receives those allegations and notifies the appropriate DoD components if an investigation is opened. The directive requires the relevant component (in this case, the Army) to “initiate an investigation into the issues raised in the allegation” unless the DoD IG assumes investigative responsibility for the matter.<sup>100</sup> In addition, Army Regulation 20-1 provides a separate process for handling allegations against Army lawyers.<sup>101</sup> It is unclear whether these procedures were followed with respect to Colonel Allen. This is particularly troubling because the evidence uncovered by SIGAR indicates that Colonel Allen attempted to coach witnesses involved in an active investigation and encouraged military personnel not to cooperate with SIGAR. SIGAR believes Colonel Allen’s actions constituted both misconduct and mismanagement, and violated his professional and ethical responsibilities as an Army lawyer. DoD should take action accordingly. Therefore, we stand by our sixth recommendation.

### SIGAR’s Response to DoD Technical Comments

7. DoD claimed that only \$25.1 million was spent on the 64K building, not approximately \$36 million, as stated in our report. We disagree. DoD reached its reduced total by excluding amounts spent to construct the infrastructure, including utilities and roads, that served the 64K building. However, DoD did not provide any information indicating that this infrastructure was intended to serve any purpose other than support of the 64K building. Since this infrastructure was built to serve the 64K building, our report will continue to reflect these costs in the total cost of the 64K project, which was approximately \$36 million.
8. DoD claimed that, by quoting General Toolan’s statement that the “time to ‘stop building’ is now,” SIGAR insinuated “that individuals responsible for the construction of [the 64K] facility did not heed MG Toolan’s guidance.” We disagree. Given that General Vangjel had already rejected the request of the surge commander to cancel the 64K building, there would have been little basis for the military personnel overseeing construction of the 64K building to assume that their work would be affected by the drawdown from the surge. As General Buckler told General Richardson when he asked why the 64K project proceeded, “My assumption is that we were told to continue and we did so.”<sup>102</sup> However, General Toolan’s statement does support SIGAR’s main point: the surge was over and the 64K building was not wanted and not needed.
9. Our report notes that General Vangjel was unable to provide evidence supporting his claim that his decision to proceed with construction of the 64K building was based on a “larger

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<sup>99</sup> DoD Directive 5505.06, Paragraph 3.a. (Jun. 6, 2013).

<sup>100</sup> DoD Directive 5505.06, Enclosure 2, paragraphs 1.b. and 2.b.

<sup>101</sup> AR 20-1, Ch. 7-1, b (7)i(4).

<sup>102</sup> Email from Brigadier General William M. Buckler, Jr., to Major General James Richardson (Jul. 9, 2013), attaching list of responses to interview questions.

strategic plan.” DoD’s technical comments stated that “LTG Vangjel may not have been able to point to a plan that existed at the time; however, by August of 2012 it was included in the camp master plan to meet operational requirements.” The existence of a plan in 2012 does not explain why General Vangjel decided in 2010 to proceed with construction of the 64K building. As noted in our report, General Vangjel’s assertion that he based his decision on a “larger strategic plan” is contradicted by General Buckler’s June 2010 memorandum, which stated that the request to cancel the 64K project was based on a review of “the ISAF Campaign Plan, the Afghanistan Based Strategy and Base Master Plans.”<sup>103</sup> Moreover, neither General Vangjel nor DoD has provided SIGAR with evidence of a strategic plan that in 2010 justified construction of the 64K building.

10. DoD stated that, “in response to inquiry from MG Richardson, BG Buckler could not recall specifics about his recommendation on this particular facility.” DoD also stated that “CENTCOM confirmed with Lt Col Arnold, BG Buckler’s MILCON Program Chief, that USFOR-A will not request cancellation of the building.” These statements do not contradict General Buckler’s statement to SIGAR investigators that he did not change his recommendation to cancel the 64K building.

DoD’s first statement concerning General Buckler’s recommendation to cancel appears to be based on a misquotation. General Buckler did not tell General Richardson that he did not recall his *recommendation* to cancel the building; General Buckler simply wrote that he did “not have a *clear recollection of the specifics* on this project.”<sup>104</sup>

DoD’s second statement, concerning General Buckler’s recommendation, is more puzzling. Even if Lieutenant Colonel Arnold did not oppose the decision to proceed with construction of the 64K building, it is not reasonable to conclude that General Buckler changed his mind regarding whether the building addressed an operational need. General Buckler provided General Vangjel with his assessment that the 64K building was not needed to support an operational requirement. If General Vangjel or other officials higher in the chain of command wanted the facility built regardless, then General Buckler and his staff would not have been in a position to overrule them. As General Buckler told General Richardson when he asked why the 64K project proceeded, “My assumption is that we were told to continue and we did so.”<sup>105</sup>

11. Our report noted that General Richardson’s AR 15-6 investigative report contained several statements speculating about why General Vangjel denied the requests to cancel the 64K building, even though General Richardson never interviewed General Vangjel. In its technical comments on a draft of this report, DoD further speculated that “General Richardson could have ascertained the CENTCOM strategic vision from his email interview with CDR Timothy Wallace,” and therefore would not have needed to speak with General Vangjel.

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<sup>103</sup> Memorandum from Brigadier General William M. Buckler, Jr., to USARCENT Kuwait G7 (June 26, 2010).

<sup>104</sup> Email from Brigadier General William M. Buckler, Jr., to Major General James Richardson (Jul. 4, 2013) (emphasis added).

<sup>105</sup> Email from Brigadier General William M. Buckler, Jr., to Major General James Richardson (Jul. 9, 2013), attaching list of responses to interview questions.

DoD's speculation on this issue indicates a continuing effort to rationalize General Richardson's conclusion rather than to critically examine it. This effort falls short for several reasons. First, it begs the question why DoD did not just ask General Richardson why he chose not to contact General Vangjel. Second, DoD's comment appears to ignore the fact that General Richardson's investigative report stated that his findings were based in part on "interviews with key individuals,"<sup>106</sup> even though he did not interview General Vangjel, arguably the most key individual involved in the decision to proceed with construction of the 64K building. Third, DoD's comment ignores Colonel Allen's contemporaneous statement that he contacted General Vangjel because he was "simply seeking a complete picture before the boss goes final."<sup>107</sup> Colonel Allen's email demonstrates that he recognized that General Richardson's report would be incomplete without input from General Vangjel.

Most importantly, DoD's comment ignores the fact that CDR Wallace's statement supports our conclusion that the decision not to cancel the 64K building appears to have been based on the desire to avoid the reprogramming process. General Richardson asked CDR Wallace, "What was discussed reference the potential for cancellation of the [64K] facility?"<sup>108</sup> CDR Wallace replied, "It was easier to shift location or size of an approved MILCON than start over with approval process so I believe decision was made not to cancel at that time until all new requirements were known."<sup>109</sup> Rather than supporting the contention that the 64K facility was needed to support "the CENTCOM strategic vision," CDR Wallace's statement indicates there was no clear need for the 64K building at the time General Vangjel made his decision and that the project was continued because that was "easier" than to "start over with [the] approval process." In sum, CDR Wallace's email provides no basis for either General Richardson or DoD to claim the existence of a "CENTCOM strategic vision" to justify construction of the 64K building.

12. The fact that subsequent MILCON reviews did not result in cancellation of the 64K building does not show that General Vangjel's 2010 decision was based on a strategic plan. If anything, it shows the opposite: that despite a lack of plans, construction continued. General Watson's statement to General Richardson confirms the fact that there was no strategic plan or "strategic vision" for the 64K building. As General Watson noted, "the MILCON review . . . was very contentious because there was no clear decision on whether Bastion [Camp Leatherneck] would become an enduring base."<sup>110</sup> General Watson's statement calls into serious doubt the accuracy of General Richardson's claim that, at the time General Vangjel made his decision, he "relied upon the CENTCOM strategic vision of Camp Leatherneck and its criticality as an *enduring strategic base*."<sup>111</sup>

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<sup>106</sup> Richardson Final Report, p.2.

<sup>107</sup> See Email from Colonel Norman Allen to Lieutenant General Peter M. Vangjel and Lieutenant General Richard P. Mills (Aug. 28, 2013).

<sup>108</sup> Email from to General James Richardson to CDR Timothy A. Wallace (Jul. 22, 2013).

<sup>109</sup> Email from CDR Timothy A. Wallace to Major General James Richardson (Jul. 24, 2013).

<sup>110</sup> Email from Major General Bryan G. Watson to Major General James Richardson (Jul. 12, 2013) (emphasis added).

<sup>111</sup> Richardson Final Report, p.4 (emphasis added).



## APPENDIX II: COMMENTS OF GENERAL VANGJEL AND SIGAR'S RESPONSE

15 January 2015

MEMORANDUM FOR Mr. John H. Mitchell, Director, Special Projects, Special Inspector General for Afghanistan Reconstruction (SIGAR), 2530 Crystal Drive, Arlington, VA 22202

SUBJECT: Response to Draft SIGAR Report

1. This memorandum responds to the draft SIGAR report regarding the 64K Command and Control Facility (64K C2 Facility) at Camp Leatherneck, Afghanistan (Project Number 76916). While I believe there are significant errors throughout the draft report and inadequate consideration of context and timelines, I will focus my response on the findings that relate to me and my actions. Specifically, I will address the erroneous assertion of the draft SIGAR report that my "decision to reject the request to cancel the project seems to have been based on a reluctance to reprogram funds already appropriated by Congress, rather than on a reasonable determination that the 64K building addressed an operational need." I also refute any finding or insinuation that I was "coached" at any point during inquiries into this matter.

SIGAR  
Comment  
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2. The August 2010 decision not to cancel the 64K C2 Facility was based on a reasonable determination that the 64K building addressed an operational need and a determination that the project was in line with CENTCOM's strategic intent. This intent had been communicated by members of the CENTCOM staff via email as well as during CENTCOM Commander Conference Executive Sessions which I attended. In those sessions, the strategic importance of Helmand Province and the enduring requirements for Camp Leatherneck were raised and discussed. The draft SIGAR report relies on the initial cancellation request by the Commander, Marine Expeditionary Force (MEF), and the views of some of the commanders on the ground; however, the report fails to consider the strategic view and intent of CENTCOM and other senior leaders which supported the need for the 64K C2 Facility at Camp Leatherneck as a Regional Headquarters.

SIGAR  
Comment  
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3. The report also fails to take into consideration the documentary evidence that demonstrates the operational need for a C2 Facility on Camp Leatherneck. Within a month of submitting the initial request to cancel the 64K C2 Facility, the MEF forwarded a request for a new C2 Facility project on Camp Leatherneck stating that their current facilities were deteriorating, would reach the end of their lifecycle in FY 12, and adversely impact the mission. This directly contradicts statements made in the SIGAR

SIGAR  
Comment  
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SUBJECT: Response to Draft SIGAR Report

draft report that C2 Facilities on Camp Leatherneck were “more than sufficient.” This second request supports the determination that a C2 Facility was needed on Camp Leatherneck at the time the decision was made not to cancel the 64K C2 Facility project. While the new MEF request was for a smaller facility, analysis by three separate Engineer teams in Atlanta, Kuwait and Afghanistan indicated that the proposed FY12 30K C2 Facility would not be completed in time to support the MEF’s request for a new facility, and that it would likely be insufficient to house both a MEF tactical headquarters and the additional functions for a Regional Command headquarters (e.g., a joint Afghan Army coordination center and counter-terrorism capability) that were being discussed at senior levels. Given this assessment, it was prudent to move forward with the already-approved project, with the knowledge that there would be other opportunities to de-scope, or even cancel the project if the situation dictated.

4. Prior to a final determination being made regarding the operational need for the 64K C2 Facility, I directed my staff to coordinate with CENTCOM, USFOR-A and I MEF in order to ensure that any action taken by ARCENT was understood and addressed the needs of supported commanders at every level, not just the tactical. Documentary evidence shows that this coordination did, in fact, occur. Enclosure 1: The evidence also shows that, after this staff coordination occurred, CENTCOM, USFOR-A and I MEF staffs agreed that the 64K C2 Facility should not be cancelled. Specifically, the USFOR-A Chief of Construction stated that he had “spoken w/ I MEF (Fwd) G7 (Col Flowers), we are in agreement that USFOR-A will not request cancellation of the project.” I took no action on the request to cancel until I received notification from the USFOR-A Chief of Construction that USFOR-A was in agreement not to cancel the project.

SIGAR  
Comment  
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5. Further, after my departure in the fall of 2011, the USFOR-A Commander directed an exhaustive re-look of all construction requirements for Afghanistan. Approximately, \$500 Million in construction projects were cancelled and another \$200 Million in construction projects were re-scoped; however, the 64K C2 Facility was neither cancelled nor re-scoped. Enclosure 2.

SIGAR  
Comment  
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6. The operational need for the 64K C2 Facility is also supported by the multiple contract modifications made to the project increasing its cost from the original \$24 Million to \$36 Million and extending the completion date from January 2012 to October 2012. These modifications would have been requested by subsequent MEF commanders and their staffs in order to meet current and emerging operational needs as they perceived them. It is inconceivable that commanders on the ground would

SIGAR  
Comment  
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SUBJECT: Response to Draft SIGAR Report

continue to modify a contract and incur additional costs if there was not, in fact, an operational need for the facility.

7. The assertion that I made the decision not to cancel the project because I was reluctant to reprogram funds already appropriated by Congress is erroneous and not supported by the ARCFNT documented track record while I was the Deputy Commanding General (DCG). As the DCG, ARCENT, I personally championed over 20 different Lean Six Sigma projects in Afghanistan, achieving savings or cost avoidance in excess of \$2 Billion during my tenure. I continued this effort from Kuwait, where, under my leadership, the ARCENT team saved over \$8 Billion (\$4 Billion per year for two consecutive years). Every effort was made to conserve taxpayer dollars. Construction projects were routinely cut, modified and/or de-scoped. My focus was constantly on balancing cost efficiency with supporting the commanders at every level. In my opinion, the decision not to cancel the 64K C2 Facility was based upon the best information available at the time and was the right decision. It properly balanced prudent stewardship of taxpayer dollars, ensuring they were spent on the projects for which they were intended, and supported the strategic and operational commander intent.

8. All information that I have provided during the inquiries into this matter is accurate and true to the best of my knowledge and recollection. Again, at no time was I coached to provide specific responses. A thorough review of all relevant information in this matter will validate the accuracy and veracity of my statement.

9. I respectfully request that you revise your findings and recommendations based upon my input. If you decide not to revise your report, I request that copy of this memorandum and its enclosures be submitted with your final report.

10. Thank you for your time and consideration. I can be reached at [REDACTED] if you have any questions.



PETER M. VANGJEL  
Lieutenant General, USA

2 Encls.

1. Email, 3 Aug 10, SUBJECT: FY10 Supplemental – MILCON
2. Memorandum, 3 Jan 12, SUBJECT: Cancellation Request – U.S. Military Construction (MILCON) Projects in Afghanistan

## SIGAR's Response to General Vangjel's Comments

1. General Vangjel stated in his comments that “there are significant errors throughout the draft report and inadequate consideration of context and timelines.” However, General Vangjel did not identify any errors in our report or provide new information that would warrant changes to our report.

General Vangjel also stated, “I refute any finding or insinuation that I was ‘coached’ at any point during inquiries into this matter.” Presumably General Vangjel was referring to the portion of our report concerning Colonel Allen’s disclosure of investigative findings to General Vangjel prior to obtaining General Vangjel’s direct, untainted testimony. The excerpts disclosed by Colonel Allen’s email stated that General Vangjel’s decision to deny the request “was in keeping with the CENTCOM strategic vision of the enduring presence in RC-SW and was made after coordination with USFOR-A and MEF(FWD) engineers.”<sup>112</sup> General Vangjel’s comments on our report do not contain new information regarding his exchange with Colonel Allen on this issue. Therefore, General Vangjel’s comments are unsupported and do not warrant any change to our report.

2. General Vangjel commented that his decision to deny the requests to cancel the 64K building “was based on a reasonable determination that the 64K building addressed an operational need and a determination that the project was in line with CENTCOM’s strategic intent.” General Vangjel also stated that our report “fails to consider the strategic view and intent of CENTCOM and other senior leaders which supported the need for the 64K C2 Facility at Camp Leatherneck as a Regional Headquarters.” We disagree.

As noted in our report, General Buckler’s request to cancel the 64K building “was evaluated based on the ISAF Campaign Plan, the Afghanistan Basing Strategy and Base Master Plans.”<sup>113</sup> In contrast, General Vangjel’s decision memorandum merely stated that cancelling the 64K building and requesting a reprogramming of the funds would “not be prudent” because the funds were already appropriated by Congress. General Vangjel’s memorandum denying the request to cancel the 64K building does not mention a CENTCOM “strategic intent” or an operational need for the building.

General Vangjel also asserts that “[CENTCOM’s strategic intent] had been communicated by members of the CENTCOM staff via email as well as during CENTCOM Commander Conference Executive Sessions which I attended.” However, General Vangjel has not provided copies of any emails or documents in support of this assertion. Nor did General Richardson cite any emails or documents in his investigative report supporting this assertion. Finally, SIGAR was not able to locate any DoD documents or emails that support this assertion. Most significantly, General Vangjel did not refer to this rationale in his decision memorandum denying the requests to cancel the 64K building.

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<sup>112</sup> See email from Colonel Norman Allen to Lieutenant General Peter M. Vangjel and Lieutenant General Richard P. Mills (Aug. 28, 2013).

<sup>113</sup> Memorandum of Brigadier General William A. Buckler, Jr., to USARCENT Kuwait G7 (June 26, 2010) [Exhibit 3].



3. General Vangjel commented that our report “fails to take into consideration the documentary evidence that demonstrates the operational need for a C2 Facility on Camp Leatherneck.” We disagree. Rather than showing an operational need for the building, which was never used, the documents indicate that some subordinate officers later agreed not to request cancellation of the project, in order to have “an opportunity to obtain clarity” on how a number of different projects might be used.<sup>114</sup> In other words, the documents referenced by General Vangjel support our conclusion that his decision was based on concerns related to keeping the funds already appropriated by Congress, rather than to meet an existing operational need for the 64K building.

General Vangjel also asserted in his comments that, after requesting cancellation of the 64K building, the commanders on the ground requested funds for a smaller command and control facility to be available in 2012. General Vangjel believed “it was prudent to move forward with the already-approved project, with the knowledge that there would be other opportunities to de-scope or even cancel the project if the situation dictated.” In addition to the fact that General Buckler, one of the commanders on the ground, told SIGAR investigators that he never reversed his decision to request cancellation of the 64K building, General Vangjel’s comments support our conclusion that the 64K building was not needed to support an operational need in 2010. The decision to proceed with the project appears to have been an effort to retain funds already appropriated, so as to leave them available for a future need that was not yet fully defined. As noted in our report, a future need never arose, the 64K building was never used, and \$36 million was wasted.

4. General Vangjel asserts that he rejected the request to cancel the 64K building only after he was notified that USFOR-A was in agreement not to cancel the project. In support of this assertion, General Vangjel enclosed with his comments a copy of an email from the USFOR-A Chief of Construction, stating that he [the Chief of Construction] had “spoken w/ I MEF (Fwd) G7 (Col. Flowers) and we are in agreement that USFOR-A will not request cancellation of the project.” However, we note that in response to that email from the Chief of Construction, LTC Norvel, a member of General Vangjel’s staff, stated, “Want to push [the 64K building project] as far to the right as possible (may want to look at Jan 12 as a target). Want to ensure we time this award to support other operational requirements.”<sup>115</sup> In other words, the point was not to meet an existing operational need – after all, Generals Mills, Buckler, and McHale had already determined that an operational need did not exist. Instead, the real purpose was to retain the project for some other possible use in the future. SIGAR’s interpretation is further bolstered by the rest of the email chain, which General Vangjel did not include with his comments. In response to LTC Norvel’s email, Elizabeth Cain, a USACE Military Program Manager, expressed some misgivings about this, stating, “My only comment on this is that we will have to provide to HQUSACE a justification for scheduling an FY10 award that late. ‘Customer request to support operational requirements’ should be sufficient justification, but may need additional input from you if we get questions.”<sup>116</sup> In other words, Ms. Cain made it clear that she wanted cover if someone later questioned her about it.

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<sup>114</sup> See, e.g., Email from Lieutenant Colonel Neil Arnold, USFOR-A, to CDR Timothy Wallace (Aug. 3, 2013).

<sup>115</sup> Email from LTC Norvel to USACE (Aug. 3, 2010).

<sup>116</sup> Email from Elizabeth U. Cain (Aug. 4, 2010).

5. General Vangjel noted that following his departure in 2011, the USFOR-A commander did not cancel or reduce the scope of the 64K project. General Vangjel stated that “It is inconceivable that commanders on the ground would continue to modify a contract and incur additional costs if there was not, in fact, an operational need for the facility.”

We disagree. The fact that commanders on the ground respected the orders of General Vangjel and CENTCOM is not a basis for assuming that they saw an operational need for the facility. In fact, General Walter Miller, the Marine commander who inherited the 64K facility, stated:

“ . . . I have no intent to move in. Many reasons, we are too small . . . we are rolling into the fighting season and it is not ready. We have recently stopped any future installs to the C2 infrastructure to the 64 K iot [in order to] end the money drain.”<sup>117</sup>

Again, it was the commander on the ground who recognized that continuing construction of the 64K building was a waste of money.

6. General Vangjel commented that the operational need for the 64K building is shown “by the multiple contract modifications made to the project increasing its cost from the original \$24 Million to \$36 Million and extending the completion date from January 2012 to October 2012.” As explained in our preceding comment, we do not agree with the proposition that continued spending constitutes evidence of an operational need that commanders in the field had already determined did not exist.

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<sup>117</sup> Richardson Final Report, p. 6, *quoting* email from General Miller.

## APPENDIX III: COMMENTS OF COLONEL ALLEN AND SIGAR'S RESPONSE



### UNITED STATES SPECIAL OPERATIONS COMMAND

7701 TAMPA POINT BOULEVARD  
MACDILL AIR FORCE BASE, FLORIDA 33621-5323

December 24, 2014

Office of the Staff Judge Advocate

Mr. Jack Mitchell  
Director of Special Projects  
Office of the Special Inspector General  
For Afghan Reconstruction

Dear Mr. Mitchell:

This letter responds to your invitation for comment to the draft report of SIGAR's investigation into construction of a 64,000 square foot command and control facility in Afghanistan. I appreciate the opportunity to add input.

Specifically, I disagree with the characterization of my communications and actions while serving as the Staff Judge Advocate, International Security Assistance Force. I understand and support the demand for accurate information in investigations, including those done by SIGAR, and never sought to interfere with legal requirements or to coach the testimony of witnesses.

In particular, I offer the following for context to allegations in the SIGAR draft report:

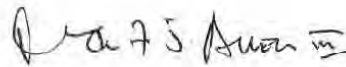
- a. During my legal review of the report of investigation, I noted an issue for which we should seek clarification from LTG Vangjel and LtGen Mills before finalizing the report. I proffered the draft findings to ensure their accuracy and/or to gain additional insights from the witnesses; it was simply an effort to give context to the questions raised about decisions made several years prior by senior officials.
- b. My comments in e-mail to LTG Vangjel of our previous dealings while I was assigned to FORSCOM were simply means of introduction and a courtesy; there is no basis to question my integrity in this communication, or to suggest that LTG Vangjel would have been amenable to anything but telling the truth.
- c. The comment in e-mail to "slow roll" responses to SIGAR requests for information was not at all intended to withhold information, but to allow us to address an issue raised from ISAF to CENTCOM and the Office of General Counsel over scope of the inquiry. Specifically, we raised an issue whether SIGAR should examine how the command conducted its investigation of the C2 facility; pending resolution of that issue, I thought it appropriate not to send information or correspondence outside the command. Under no circumstances would I support withholding information from a proper investigation, and I did not do so in this case.



While there may be differences of opinion in how we addressed issues or in findings of investigations, I take strong exception to allegations that I interfered in the process and demonstrated a lack of integrity or compliance with legal and ethical standards. My efforts were taken to ensure we got timely and accurate information in order for the Commander to take appropriate measures.

Please advise if you have additional questions. I am available by phone [REDACTED]; or e-mail [REDACTED]

Sincerely,



Norman F.J. Allen III  
Colonel, U.S. Army  
Staff Judge Advocate

## SIGAR's Response to Colonel Allen's Comments

Colonel Allen did not dispute any of the facts contained in our draft report, but disagreed with “the characterization of my communications and actions” and offered additional “context”. The additional “context” Colonel Allen provided in his comments consists of unsupported statements regarding his intentions when he passed draft investigative findings to General Vangjel and advised his colleagues to “slow roll” responses to SIGAR’s requests for information. While Colonel Allen argues that he provided draft investigative findings to General Vangjel in order to “seek clarification”, he fails to address the overriding issue: why didn’t he or General Richardson ever ask General Vangjel why he rejected the requests to cancel the 64K building.

Colonel Allen’s continued insistence that it was legitimate for him to question SIGAR’s right to investigate the decisions of senior officers indicates that he still does not fully appreciate that SIGAR has a statutory duty to “conduct, supervise, and coordinate audits and investigations of the treatment, handling, and expenditure of amounts appropriated or otherwise made available for the reconstruction of Afghanistan” and “to keep the [Secretary of Defense and Secretary of State] and the Congress fully and currently informed . . . concerning fraud and other serious problems, abuses, and deficiencies relating to the administration of programs and operations administered or financed by [their agencies] . . . .”<sup>118</sup> In addition, SIGAR’s authorizing statute requires that all Federal Government entities provide such information or assistance as may be requested by the Inspector General, without jurisdictional limitation.<sup>119</sup> Congress adopted this broad mandate because it recognized that to do otherwise would permit the subject of an inquiry to evade it simply by refusing to acknowledge SIGAR’s authority. In sum, as an experienced lawyer, Colonel Allen knew, or should have known, that it was not within his discretion to decide whether to cooperate with a SIGAR inquiry.

Equally troubling is Colonel Allen’s apparent view that decisions of senior officers should not be questioned. For example, after receiving a SIGAR request for information and documents related to the 64K building, he stated in an email:

“I don’t think people in this command should be subject to interviews that make them go behind official decisions here; for instance, I would consider it inappropriate for members of the command to address with SIGAR what they think of the 15-6 investigation appointed and approved by the commander. I have a good deal of knowledge about that investigation, but I would not answer questions to SIGAR; it’s not just out of loyalty to the command, but by process it would mean SIGAR is investigating the commander, and that, I believe, is way outside their purview.”<sup>120</sup>

Evidently, Colonel Allen believes that the actions of generals and other senior officers should not be subject to Inspector General inquiry. Not only is this contrary to SIGAR’s authorizing statute and the Inspector General Act, it is counter to a foundational principle of the U.S. States Constitution, that all citizens are equal before the law, without regard to rank or privilege.

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<sup>118</sup> Section 1229(f) of the National Defense Authorization Act, 2008, and Section 4(a)(5) of the Inspector General Act of 1978, as amended.

<sup>119</sup> Section 1229(h)(5) of the National Defense Authorization Act, 2008.

<sup>120</sup> Email from Colonel Norman F. Allen to Colonel Walter M. Hudson and Duane T. Rackley, *et al* (February 1, 2014) [Exhibit 12]. General Richardson’s Chief of Staff was also copied on this email. Contrary to Colonel Allen’s assertion, neither the Inspector General Act or SIGAR’s authorizing statute exempt general officers from SIGAR audits and investigations.

## APPENDIX IV: INQUIRY LETTER TO THE DEPARTMENT OF DEFENSE OFFICE OF INSPECTOR GENERAL



**SIGAR**

Office of the Special Inspector General  
for Afghanistan Reconstruction

25 February 2015

Mr. Anthony Jones, Director  
Investigations of Senior Officials  
U.S. Department of Defense - Office of the Inspector General  
400 Mark Center Drive  
Alexandria, VA 22350-1500

Dear Mr. Jones,

We are in receipt of the Department of Defense's February 9, 2015 response to the six recommendations made in SIGAR's report entitled "\$36 Million Command and Control Facility At Camp Leatherneck, Afghanistan: Unwanted, Unneeded, And Unused" sent on behalf of Secretary Hagel. While reviewing the responses of the Department of Defense to these issues, we have specific concerns regarding the responses to Recommendations 3, 4 and 6 discussing the need to determine if appropriate administrative or disciplinary action is warranted regarding Lieutenant General Peter Vanjel, Major General James Richardson and Colonel Norman F. Allen.

In all three cases, the Department of Defense's response stated that their actions "do not represent misconduct warranting consideration of administrative or disciplinary action. The DoD IG has also reviewed this matter and finds insufficient basis for conducting or directing further investigation."

The response provides no discussion of how these conclusions were reached. Due to the serious nature of the allegations made in this report, please provide for each of the three senior officers an explanation of how these conclusions were reached, including what standards were applied to reach this conclusion, and what evidence was considered. In addition, please provide a copy of any report of investigation, report of investigative inquiry, or other memorandum explaining the disposition of these matters.

Army Regulation 20-1 provides that allegations of professional misconduct by an Army lawyer are not appropriate for inspector general action, but must be referred to the senior counsel having jurisdiction over the subject lawyer for disposition, including, for example, the Judge Advocate General. See AR 20-1, chap. 7-1, b(7)i(4). Was the case of COL Norman F. Allen referred in accordance with this provision? If so, please provide copies of any report of investigation, report of investigative inquiry, or other memorandum explaining the disposition of COL Allen's case.

Thank you in advance for your response to our request. We look forward to receiving the information requested above.

Respectfully,

Sharon E. Woods

Deputy Assistant Inspector General for Investigations  
SIGAR Investigations Directorate

1550 Crystal Drive, 9th Floor  
Arlington, Virginia 22202

Mail: 2530 Crystal Drive  
Arlington, Virginia 22202-3940

Tel: 703 545 6000

[www.sigar.mil](http://www.sigar.mil)

APPENDIX V: RESPONSE LETTER FROM THE DEPARTMENT OF DEFENSE  
OFFICE OF INSPECTOR GENERAL



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

MAR 20 2015

Ms. Sharon E. Woods  
Deputy Assistant Inspector General for Investigations  
Office of the Special Inspector General for Afghanistan Reconstruction  
2530 Crystal Drive  
Arlington, VA 22202-3940

Dear Ms. Woods:

This responds to your request for information on the Department of Defense's response to your draft report about the Command and Control Facility at Camp Leatherneck, Afghanistan. Specifically, you requested an explanation on the Department's decision that administrative or disciplinary action was not warranted for the three officers – two general officers and one colonel (an attorney) – referenced in your report.

Based on the information you provided, it appears that Department officials made a decision that the three officers' actions described in the report "do not represent misconduct warranting consideration of administrative or disciplinary action." Because the OIG does not participate in management decisions to take, or not take, action, we are unable to provide an explanation and suggest you direct your request to the responsible Department officials.

You also request an explanation of our conclusion not to conduct additional investigation regarding senior official conduct described in your report. In deference to your independence and objectivity, and in the absence of a specific request for a separate investigation, we did not find it necessary to conduct an additional investigation.

Finally, you asked whether allegations of professional misconduct described in your report concerning the colonel were referred to a senior counsel in accordance with Army Regulation (AR) 20-1. You also requested copies of any report of investigation, report of investigative inquiry, or other memorandum explaining the disposition of the colonel's case. You noted this matter is "not appropriate for inspector general action, but must be referred to [his] senior counsel." We did not find the allegations you referenced to be something that merits reporting in accordance with AR 20-1, but encourage you to make the appropriate referral should you believe it to be warranted.

Please contact me if you have any further questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Anthony D. Jones".

Anthony D. Jones  
Director

Investigations of Senior Officials





**UNITED STATES MARINE CORPS**  
I MARINE EXPEDITIONARY FORCE (FORWARD)  
UNIT 42511  
FPO AP 16427-2511

7050  
C-7  
MAY 19 2010

From: Commanding General, I Marine Expeditionary Force Forward  
To: Deputy Commanding General, United States Forces Afghanistan

Subj: REQUEST CANCELLATION OF MILCON PROJECTS

1. At my direction, the I Marine Expeditionary Force (Forward) [I MEF (FWD)] staff and all Task Force Leatherneck Major Subordinate Commands completed a comprehensive review of the FY10 thru FY12 MILCON program for Helmand province. Their review focused on the relevancy of each project to the overall counter-insurgency mission and the impact the project will have on the servicemen and women aboard our forward operating bases.

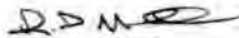
2. In total, we reviewed 84 projects programmed for more than \$1.5 billion to support operations at Camps Leatherneck, Dwyer and Delaram II. Our analysis found that (6) projects listed below are not necessary in order to execute our mission within the Helmand province or the need was already met via other means.

3. I MEF (FWD) requests the cancellation of the following military construction (MILCON) projects:

- FY10 Supp - PN 76916, Command & Control HQ Facility, Leatherneck
- FY11 OCO - PN 75202, C2 Facility, Dwyer
- FY11 OCO - PN 75207, Contingency Housing, Leatherneck
- FY12 OCO - PN 77433, Command & Control Facility, Delaram II
- FY12 OCO - PN 77434, Contingency Housing, Delaram II
- FY12 OCO - PN 77440, Paved Roads, Leatherneck

The \$149.5 million programmed for these projects can be better used supporting other requirements in the theater.

4. The point of contact for this issue is Col James Flowers, Assistant Chief of Staff C-7, I MEF (FWD). He may be reached at DSN [REDACTED] or email at [REDACTED]

  
R. P. MILLS



HEADQUARTERS  
UNITED STATES FORCES-AFGHANISTAN  
KABUL, AFGHANISTAN  
APO AE 09336

USFOR-A DCG-S

22 June 10

MEMORANDUM FOR Commanding General, I Marine Expeditionary Force Forward

SUBJECT: MILCON Cancellation Request (Reference I MEF (Fwd) CG, 19 May 10 Memo)

1. We appreciate your thorough review of your facility investment programs. My staff has reviewed your request and we agree that cancelling the below projects would be appropriate. The continued use of expeditionary temporary facilities is consistent with the operational use and disposition of Dwyer and Delaram II envisioned within the Afghanistan Basing Strategy. We understand you have met the need for adequate C2 Facility at Leatherneck through other means and thus this project is also no longer required.

- a. FY10 Supp - PN76916, C2 HQ Facility, Leatherneck
- b. FY11 OCO - PN75202, C2 Facility, Dwyer
- c. FY12 OCO - PN77433, C2 Facility, Delaram II
- d. FY12 OCO - PN77434 Contingency Housing, Delaram II

2. After discussing with Col Flowers, we believe cancelling the below projects is premature. The requirement for these projects is consistent with the Base Master Plan and draft Afghanistan Basing Strategy. In addition, these projects are further supported by the Camp Bastion base posture designation in the draft CENTCOM 2010 Theater Posture Plan. We remain open to revisiting the need for these projects after the Camp Bastion posture designation is finalized.

- a. FY11 OCO - PN75207 Contingency Housing, Leatherneck
- b. FY12 OCO - PN77440 Paved Roads, Leatherneck

3. The point of contact for this issue is Lt Col Neil Arnold, USFOR-A JFEC at DSN [REDACTED] or email to [REDACTED]

FOR THE COMMANDER:

A handwritten signature in black ink, appearing to read "Timothy P. McHale".

TIMOTHY P. McHALE  
Major General, U.S. Army  
Deputy Commander, Support  
United States Forces- Afghanistan





HEADQUARTERS  
JOINT FORCE ENGINEER COMMAND-AFGHANISTAN  
KABUL, AFGHANISTAN  
APO AE 09356

20 JUN 10

USFOR-A-JFEC-CG

MEMORANDUM FOR United States Forces Army Central (USARCENT), Kuwait G7

SUBJECT: MII,CON Cancellation Request

1. USFOR-A requests the below projects be cancelled. I MEF has done a comprehensive review of facility investment programs in RC (SW) and has recommended the below projects be cancelled. We concur with cancelling the following projects:

- a. FY10 Supp – PN76916, C2 HQ Facility, Leatherneck
- b. FY11 OCO – PN75202, C2 Facility, Dwyer
- c. FY12 OCO – PN77433, C2 Facility, Delaram II
- d. FY12 OCO – PN77434 Contingency Housing, Delaram II

2. The requirement for the above projects was evaluated based on the ISAF Campaign Plan, the Afghanistan Basing Strategy and Base Master Plans. The continued use of expeditionary temporary facilities is consistent with the operational use and disposition of Dwyer and Delaram II envisioned within the Afghanistan Basing Strategy. The requirement for adequate C2 Facility at Leatherneck has already been met and thus this project is also no longer required.

3. The point of contact for this issue is Lt Col Neil Arnold at DSN [REDACTED] or email to [REDACTED]

Encs

- 1. I MEF Cancellation Request
- 2. USFOR-A Response to I MEF Request

WILLIAM M. BUCKLER, JR.  
BG, USA  
Commanding



DEPARTMENT OF THE ARMY  
THIRD ARMY  
UNITED STATES ARMY CENTRAL  
581 HARDEE AVE SW  
FORT BUCHERMAN, GA 30609

ACEN-DCG

MEMORANDUM FOR Deputy Commanding General, United States Forces Afghanistan,  
APO, AE 9258

SUBJECT: Regional Command (South West) MILCON Cancellation Request

1. References

- a. Memorandum, (USFOR-A JFEC CG), 26 June 2010, subject: MILCON Cancellation Request
- b. Memorandum, (USFOR-A DCG-S), 22 June 2010, subject: MILCON Cancellation Request
- c. Email Coordination, 3 August 2010, subject: FY10 Supplemental - MILCON

2. USARCENT has reviewed the I Marine Expeditionary Force Forward request to cancel the following projects:

- FY10 Supp - PN 78916: Command & Control HQ Facility, Leatherneck (\$24M)
- FY11 OCO - PN 75202: C2 Facility, Deyar (\$5.2M)
- FY11 OCO - PN 75207: Contingency Housing, Leatherneck (\$85M)
- FY12 OCO - PN 77433: Command & Control Facility, Delaram II (\$13.6M)
- FY12 OCO - PN 77434: Contingency Housing, Delaram II (\$56M)
- FY12 OCO - PN 77440: Paved Roads, Leatherneck (\$9.8M)

3. USARCENT has endorsed your request to retain PN 75207 and PN 77440. These projects are needed to stay consistent with the Base Master Plan and draft Afghanistan Basing Strategy.

4. USARCENT concurs with request to cancel FY11 OCO PN 75202. Based on operational requirements, the current facilities are consistent with the operational use and disposition within the Afghanistan Basing Strategy and will support the current and future mission of the ISAF Campaign Plan. Therefore, this project is no longer required.

5. USARCENT concurs with request to cancel FY12 OCO PN 77433 and PN 77434. Both projects have been removed from the FY12 OCO submission.

6. USARCENT disapproves the request to cancel PN 78916. Currently, this facility is also listed in the FY12 OCO emerging requirements under PN77441. Therefore, cancelling the FY10 project, which has appropriated funds, and reprogramming it for a later year is not prudent.

7. Point of contact for the above request is LTC Marty Norvai, DSN [REDACTED] or email [REDACTED]

PETER M. VANGJEL  
Major General, USA  
Deputy Commanding General



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**HEADQUARTERS  
UNITED STATES FORCES - AFGHANISTAN  
KABUL, AFGHANISTAN  
APO, AE 09356**

USFOR-A CDR

23 JUN 2013

MEMORANDUM FOR MG James M. Richardson, CDR, USNSEC-A, Kabul,  
Afghanistan, APO AE 09356

SUBJECT: Appointment as AR 15-6 Investigating Officer

1. (U) You are hereby appointed as an investigating officer pursuant to AR 15-6, *Procedures for Investigating Officers and Boards of Officers*, to conduct an informal investigation into the facts and circumstances surrounding the construction of a Command and Control Facility at Camp Leatherneck after the I MEF Commanding General requested cancellation of the project.

2. (U) The scope of your investigation is as broad as necessary. Your investigation will, at a minimum, address the following matters using a question and answer format in your findings:

- a. What was the original requirement for this construction? Who formulated the requirement?
- b. Who or what had a role/responsibility in validating the requirement as it worked through the approval process?
- c. Did the requirement change? If so, when, and how was that change communicated to USFOR-A?
- d. What action did USFOR-A take upon change in requirement? Could the project be cancelled at that time? If so, what steps were required to stop construction?
- e. Who was the final approving authority in Afghanistan for construction, and when was that approval given?
- f. What communication was shared from USFOR-A to higher headquarters or organizations, including ARCENT, CENTCOM, USACE, DOD with regard to demand for this facility and scheduled construction?
- g. Were any steps taken to reduce costs as this project continued?
- h. Who is the current owner of the facility? Is it part of a FOB or property transfer intended to the Afghans?
- i. Assess whether continued processing for approval and construction was a result of any particular act or omission? Did such act or omission constitute dereliction of duty, or any other violation of law or regulation?

3. (U) Before you begin your investigation, you should consult your legal advisor, MAJ Heidi Weaver, [REDACTED]. MAJ Weaver is available to consult on all aspects of this investigation.

4. (U) You are to conduct this investigation using the procedures of AR 15-6, Chapter 3. Witnesses should be sworn, and you should document all witness



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USFOR-A CDR  
SUBJECT: Appointment as AR 15-6 Investigating Officer

interviews in writing, preferably on a DA Form 2823 (Sworn Statement). Reduce any oral statements to memoranda for record.

5. (U) If, in the course of your investigation, you suspect someone of criminal misconduct, you must advise them of their rights under Article 31, UCMJ, or the Fifth Amendment, as appropriate. Witness waivers of their Article 31 or Fifth Amendment rights will be documented on DA Form 3881. For military personnel suspected of misconduct, you should inform the chain of command so that they may initiate a FLAG. In addition, you may need to provide a witness with a Privacy Act statement before you solicit any personal information. Maintain a daily written chronology of your investigation.

6. (U) You will make specific factual findings. Based upon your findings, you will make recommendations. Findings will fully capture the facts and circumstances surrounding the scope of this investigation. Develop in your recommendations any courses of action appropriate to resolve issues or problems raised by your findings, and recommend whether someone should be held accountable or further investigation is warranted. Consult with your legal advisor in making findings and recommendations.

7. (U) The report of investigation will be completed on DA Form 1574. The report should include a table of contents and all exhibits will be tabbed. Submit the completed report, along with the completed DA form 1574 to the USFOR-A OSJA for a legal review. In assembling your report ensure that you include a witness list, chronology, index of exhibits and proper classification markings for each paragraph, page and exhibit.

8. (U) This appointment authorizes Priority 1 Travel Status for you throughout the AOR in order to conduct the investigation.

9. (U) The point of contact for this memorandum is LTC Mark Eichelman, Chief, Administrative Law, USFOR-A at [REDACTED] or DSN [REDACTED]

  
JOSEPH F. DUNFORD, JR.  
General, U.S. Marine Corps  
Commander  
International Security Assistance Force/  
United States Forces-Afghanistan

2

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## EXHIBIT 6

**From:** [REDACTED]  
**To:** [REDACTED]  
**Subject:** FW: (U//FOUO) MEF 64K Facility at Leatherneck  
**Date:** Saturday, July 13, 2013 9:50:34 AM

**From:** Richardson, James M US MG OPERATIONAL CORPS HQs DCG  
[REDACTED]

**Sent:** Friday, July 12, 2013 7:18 AM  
**To:** Weaver, Heidi E MAJ USARMY (US); Sullivan, Joseph P III COL USA USFOR-A J3 FUOPS; Mcsherry, Arie J COL MIL USA USFOR-A J8  
**Subject:** FW: (U//FOUO) MEF 64K Facility at Leatherneck

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Team,

I think this provides context that we should use and fills in some blanks. PH 7

-----Original Message-----

**From:** Watson, Bryan G MG USARMY JS J7 (US) [REDACTED]  
**Sent:** Friday, July 12, 2013 8:25 AM  
**To:** Richardson, James M US MG OPERATIONAL CORPS HQs DCG  
**Subject:** RE: (U//FOUO) MEF 64K Facility at Leatherneck

Jim,

Let me begin with a little preamble that might help you with your investigation. Much of this you might already know or have learned during the course of your investigation....if so, I'm sorry to cover old ground. Then I'll answer specific the questions you outlined. I would also be glad to do a Tandberg with you at your convenience.

As you know, MILCON construction are projects that cost over \$750K and therefore requires Congress to appropriate funds for the specific project proposed for construction. There are some provisions for construction-like projects that are health related that only require Congressional notification and not pre-approval. The process for getting approval of a MILCON through the Service (Army in the case of Afghanistan), into the PresBud, and approved by Congress usually takes 2 years...sometimes longer if there are delays along the way or you miss the budget cycle. More importantly, you can't put the project under contract until the money has been appropriated...otherwise you have an Anti-Deficiency Act violation. The project must begin within 3 years and be completed within 5 years of appropriation. There are some exceptions and unique funding strategies of very large projects. Bottomline: it can be 2-4 years between when a requirement is identified and the project begins. Applied to Afghanistan and this HQs, the requirement was likely identified when surge planning began in 2008/9...which could mean it was approved in the 2010 or 2011 Budget with contract award in 2011/12. THIS IS ONLY CONJECTURE. I don't have the specific records on this project.

Another unique thing about construction in Afghanistan is that a lot of the project funds tend to be obligated upfront when the contractor begins to purchase material and have them shipped into theater. Where that may/may come into play is when you cancel a project because it is no longer needed (terminate for convenience) you may find that you have already expended 50-60% of the funds even though nothing is really built yet. Again, I don't have the specifics for this project... but that was the case a number of times and often the decision was to complete the build and then repurpose the building. A note of caution, there are laws that restrict repurposing a facility right away. It don't remember the exact language, but I think you can't repurpose a building for other than the intended construction requirement within the first year after completion.



To put all this in context, when I took over as the JENG we were still building like crazy...executing construction requirements that were identified to support the two troop surges in 2009 and the money came in 2010 with construction getting underway in earnest in 2011. And the underlying assumption was when all that construction began is that we would maintain troop strengths for another 5 years...most of the strategic and operational bases had master plans that outlined requirements for 5-10 years. It wasn't until Oct/Nov 2011 that it became clear that we would begin incremental drawdowns and had to take steps to get off the "build out" program. That is when I initiated a series of MILCON reviews with a view towards cancelling or terminating construction projects followed by establishing the base closure process.

That the preamble, now to your specific questions with some additional amplification.

1. As JENG, what was your role in continual review of military construction projects for the CIOA? Specifically the C2 facilities at Leatherneck? Was this project reviewed and ever recommended for descope? If so, what were the reasons for continuing it?

ANSWER. As the JENG one of responsibilities was to oversee construction requirements. That is one of reasons my staff spanned both IJC and USFOR-A. DC (and the RCs) identified the requirements and USFOR-A performed the Title X function of validating the requirements, staffing the requirement to ARCENT and CENTCOM, to DA and OSD, to get projects included in the PRESBUD and then approved by Congress. The US Army Corps of Engineers then performed construction acquisition and management through the forward USACE Districts. A portion of my staff worked with USACE to monitor the status of each MILCON project as well as validate new requirements. Each month, we held a construction program review board with the Commander of TransAtlantic Division. This review included all MILCON for US facilities as well as the construction for ANSF facilities. The program review was a macro level review and only went into details on specific projects if there were problems with pre-construction activities (security, real-estate, etc), solicitation, contract award, or construction execution. When I got there, it was not a board that revalidated requirements.

When it became apparent that we would begin a drawdown sooner than everyone thought, I advised MG Rapp and GEN Allen that we should begin a series of comprehensive MILCON reviews on the strategic and operational bases with the intent of "right-sizing" the MILCON program by cancelling, de/re-scoping or terminating various projects. Over the course of my tour, we conducted 3 complete iterations of MILCON reviews that resulted in 1.1B in cost avoidance or savings. (I think I have that total about right.) We conducted reviews of each major base in conjunction with the RCs, informed by a constantly changing base closure strategy, and made decisions on each project. For projects already started, we did a pretty thorough analysis of the cost/benefits for terminating that included how much was already obligated, how much could be saved after we paid the contractor termination penalties, and what was the repurpose potential based on operational plans and corresponding base closure/transfer plans.

Regarding the HQs - if my memory is correct. There were three HQs buildings being built at Basoon. Two were 32K sq ft and one 64K sq ft...all them configured for HQs. The larger was the MEF HQs and the others were for the MAWG and Support Group. If I remember right the two 32K building were complete or nearing completion and the 64K building was well underway. They were part of the MILCON review of Basoon which was a very heated debate with the Marines. I really can't remember the RC-SW recommendation in detail. There may have been a recommendation by the CG to terminate. But it seems like there was conflicting recommendations. I think the first review occurred as the RC-SW was getting ready to RIP and the decision was to wait to let the incoming RC staff revisit. I just can't fully recall. But, I do remember that the MILCON review for Basoon...as well as the other Marine bases...was very contentious because there was no clear decision on whether Basoon would become an enduring base...whether RC South and SW would merge...whether we should maintain Dwyer and Payne...etc. I suspect the lack of clarity in the basing plan combined with the percent of project fund already obligated and potential to for repurposing the facility all played a role in allowing the project to continue.

2. What process would you have followed to recommend cancellation or descope of any MILCON project? Who would have approved or forwarded any requests to ARCENT to cancel MILCON projects?



Who ultimately could approve requests to cancel?

ANSWER: I partly answered this above. For each base, I sent a team from my staff and the supporting Engineer District to the specific base we were reviewing. They would spend about a week with the RC staff, BOS-1, Commanders, etc. If the project was underway, they would look at the details of the project -- put eyes on -- and come up with a recommendation to de-scope or terminate. Sometimes the descope would be to keep the function but reduce the capacity... e.g. continue to build a solid waste incinerator or fuel storage site but with less capacity. Other times, we would execute a change modification that allowed us to use the building for the same general purpose... e.g. a maintenance facility might be slightly modified to accommodate prepping MRAPS for redeployment vice rebuilding battle damaged ones.

After each iteration, we would brief the recommendation to DCG-5 USFOR-A (MG Rapp or MG Dahl), provide a brief to COMJIC, then take it to GEN Allen as COMUSFOR-A. Honestly, I can't remember if GEN Allen signed out the recommendation or whether MG Rapp/Dahl did. It would then be sent to ARCENT/CENTCOM. CENTCOM was the final authority and it would be transmitted to both DA and OSD... and likely through the JS. There was a time period for notification to Congress... since the money was specifically appropriated for the project. Once notification was complete, the Army Corps of Engineers could take appropriate action with the contractor. Some of the descopeing required not only notification, but also approval since it involved reprogramming funds before any action could be taken. The entire process could take several months or longer.

3. While you were JENG (or IFEC-A), did the MEF communicate that they continued to not have a need for the facility? If so, how was this communicated to USFOR-A, and what action did USFOR-A take?

ANSWER:

Like I said, there may have been a transmittal letter that made their recommendations, but it seems like it was on the tail end of their tour and the staff asked that the incoming staff be allowed to review again. Going from memory, we may delayed making a decision during the 1st iteration of MILCON Reviews and then picked up the issue again a few months later. I just can't be sure. But, I don't recall it being a big issue with folks pounding on tables. And, at some point, the requirement -- and specifications for a big building with all the bells and whistles like back up generators, fiber optic, perimeter fence, etc -- were generated and approved by the RC. It may have been at the outset of surge planning and the conditions/assumption changed, but the requirement started with the user.

One final note, the Corps of Engineers has been trying to get legislative change to the MILCON process for some time... it just does not support dynamic campaigns and the threshold of \$750K no longer makes sense. \$750K was a major project 20 years ago, today the average platoon COP costs \$1.2M.

I know the answers were long. I hope they were sufficient. And I'm more than willing to link up by Tandberg at your convenience and I can give you some more background/atmospherics.

All the best to you and the team!

Lead to Serve  
VR  
Bryan

----- Original Message -----  
From: Richardson, James M US MG OPERATIONAL CORPS HQ: DCG  
[REDACTED]  
Sent: Thursday, July 11, 2013 9:30 AM  
To: Watson, Bryan G MG USARMY 2S J7 (US)  
Subject: (U//FOUO) MEF 64K Facility at Leatherneck

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Bryan

I am doing an informal 15-6 investigation to find out information on the requirement and construction of the MEF 64,000 square foot command and control facility at Camp Leatherneck. The project was generated in 2009, approved in 2010, and completed in 2012. It has never been occupied, and I am trying to fill in the details that generated the requirement and resulting construction. In the course of my investigation, I emailed MG Yenter, your predecessor, and he provided your name as his successor. I'm hoping you might be able to fill in some holes related to the construction process and review after you took over as USFOR-A JENG in August 2011. I am including some questions for your review below and welcome your comments via email or by phone conversation.

1. As JENG, what was your role in continual review of military construction projects for the CJOA? Specifically the C2 facilities at Leatherneck? Was this project reviewed and ever recommended for descope? If so, what were the reasons for continuing it?
2. What process would you have followed to recommend cancellation or descope of any MILCON project? Who would have approved or forwarded any requests to ARCENT to cancel MILCON projects? Who ultimately could approve requests to cancel?
3. While you were JENG (or JFEC-A), did the MEF communicate that they continued to not have a need for the facility? If so, how was this communicated to USFOR-A, and what action did USFOR-A take?

I appreciate your time and consideration on this matter. Please feel free to call me or fill in any additional details that might come to mind on this requirement.

v/r Jim

JAMES M. RICHARDSON  
MG, USA  
CDR, United States National Support Element Command-Afghanistan DSN  
[REDACTED]

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## EXHIBIT 7

**From:** [Weaver, Heidi E MAJ USARMY \(US\)](#)  
**To:** [Weaver, Heidi E MAJ MIL USA USFOR-A SIA Contract/Fiscal Law Atty](#)  
**Subject:** FW: (U//FOUO) 64 K building  
**Date:** Friday, July 12, 2013 8:10:05 PM

**From:** Richardson, James M US MG OPERATIONAL CORPS HQs DCG

**Sent:** Friday, July 12, 2013 2:38 PM  
**To:** Weaver, Heidi E MAJ USARMY (US); Mcsherry, Arie J COL MIL USA USFOR-A JB  
**Subject:** FW: (U//FOUO) 64 K building

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fyi

-----Original Message-----

**From:** Nicholson MajGen Larry D [REDACTED]  
**Sent:** Friday, July 12, 2013 6:31 PM  
**To:** Richardson, James M US MG OPERATIONAL CORPS HQs DCG  
**Subject:** 64 K building

Jim, thanks for your patience in allowing me to locate and tickle my 3 retired Colonels to better compare notes and assess exactly what we know of this issue. I have a string of correspondence from Col George Amland (my Deputy who is now in Kabul working for DARPA), Col Preston McLaughlin (my Former Chief Of staff now working at DARPA in DC), and my Chief engineer and facilities director, Col Al Faxon (now working for the VA in Vermont) that validate my own recollections.

At the outset, I am sorry that I am not going to be able to provide much depth or add much clarity to the important questions you posed. The 2nd MEB started developing what would become Camp Leatherneck from open desert adjacent to the LK Base at Camp Bastion in late Feb/March of 2009. Utilizing all the SEABEES we could muster, we started constructing the berm, erecting watch towers, and raising tents for the flow of 10 k incoming Marines during the April to June timeframe. When the MEB launched the attack to clear the Districts of NAWA, GARMSIR, and KHAN NESHIN (OPN KANJAR) on 2 July of 2009, we command and controlled this large scale operation from our CAPESET Tent configuration which we worked out of until late August. We then slowly transitioned the HQ into the new wooden facility called the Ark, (still in use today by MGEN Lee Miller) and left the CAPSET in place as overflow office space and as a redundant backup COC/TOC.

By the time we turned over to 1 MEF (FWD) and then MGEN Rich Mills in April of 2010, the Camp was maturing, and the SEABEES had built additional plywood HQs for the Logistics and Aviation component HQs. Realizing that the follow on MEF would be larger and would be bringing in a DIV Ground Combat Element Component that we did not have, the Seabees built another wooden Division HQ next to the Ark. Numerous additional wooden structures were erected by the SEABEES as the MEB and the follow on MEF moved out from under canvas to more efficient and reliable wooden facilities.

Our team was not aware then, (or today), of any plans to build a permanent state of the art facility like the 64K building at LNK. This is not an issue I ever discussed with LTGEN Mills, or then LTGEN Dunford who was my MARCENT CG, or then MGEN Nick Carter who was the CG of RC-South. While there was much chatter about the creation of roads, better billeting, a new PX, post office and the desire for a decent Gym, I was not aware of any planned construction of a follow-on HQ. It should also be pointed out that at that time, the MEB was a subordinate Hq to RC-South and any and all plans for this sort of contracted building would have had to go through them before getting to USFOR-A.

I was greatly surprised (as were my Colonels) to see in your note that the 64 K project had been initiated in 2009. We certainly needed many things in those early days at Camp Leatherneck, but we



were very pleased with the Ark HQ BLDG, and frankly we had many far more pressing facilities issues. There is always chatter about the future, and in the middle of a surge of forces, sometimes planners may think deep and long term, but I am confident that neither I or any of my team asked for, signed for, or formally or informally requested a new future HQ for my successors.

Jim, I know you are being asked to sort this out for the boss, and I wish I could offer and help more. I am well aware that LTGEN Mills and his team tried to kill this project several times before it broke ground, but as to how it got started and where the initiating request came from, I am at a loss. I stand by to answer any additional questions you may have. VR Larry

MajGen Lawrence D Nicholson  
Commanding General 1st Marine Division



-----Original Message-----

From: Richardson, James M US MG OPERATIONAL CORPS HQs DCG



Sent: Saturday, July 06, 2013 7:30

To: Nicholson MajGen Larry D

Subject: (U//FOUO) MEF 64K Facility at Leatherneck

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MGen Nicholson,

I am doing an informal 15-6 investigation to find out information on the requirement and construction of the MEF 64,000 square foot command and control facility at Camp Leatherneck. The project was generated in 2009, approved in 2010, and completed in 2012. I am trying to fill in the details that generated the requirement and resulting construction.

As you were the CG of 2d MEB during the requirements generation phase, I'm hoping that you can recall some details about the project. I am including some questions for your review below and welcome your comments via email or by phone conversation.

1. What can you tell me about who generated and formulated the original requirement? If possible, please list specific names and positions of individuals who you worked with at ARCENT, CENTCOM, and Regional Command South and South-West. What was the original identified need for the facility?
2. As CG of 2d MEB, what was your role in recommending and/or approving military construction projects for RC-SW? Specifically the C2 facilities at Leatherneck?
3. Who or what had a role/responsibility in validating the requirement as it worked through the approval process for the FY2010 Supplemental Appropriations? If possible, please list specific names and positions of individuals who participated in the validation process at all command levels.
4. At any point while you were CG at 2 MEB, did the requirement change? If so, what factors contributed to this change? If so, how was this change communicated to USFOR-A,

and what action did USFOR-A or other higher headquarters take?

5. Why did USFOR-A decide to continue the project after recommending cancellation in accordance with MEF recommendation? Who specifically made the decision to proceed?

6. What guidance did you pass on to your successors concerning the requirement for the facility?

I appreciate your time and consideration on this matter. Please feel free to call me or fill in any additional details that might come to mind on this requirement. I hope you and your family had an enjoyable 4th of July holiday!

v/r Jim

JAMES M. RICHARDSON  
MG, USA  
CDR, United States National Support Element Command-Afghanistan DSN  
[REDACTED]

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EXHIBIT 8

From: Dunford, Joseph Gen USMC COMISAF  
Sent: Saturday, August 10, 2013 2:06 PM  
To: Richardson, James M US MG OPERATIONAL CORPS HQs DCG  
Cc: Allen, Norman F USA COL OFFICE OF THE LEGAD HQ ISAF  
Subject: RE: (U//FOUO) C2 facility

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Thanks again Jim ... I quickly scanned yesterday. I will read carefully tomorrow ...

VR  
JFD

-----Original Message-----

From: Richardson, James M US MG OPERATIONAL CORPS HQs DCG  
Sent: Friday, August 09, 2013 9:24 AM  
To: Dunford, Joseph Gen USMC COMISAF  
Cc: Allen, Norman F USA COL OFFICE OF THE LEGAD HQ ISAF  
Subject: (U//FOUO) C2 facility

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Sir -

Today I signed the findings and recommendations in the investigation into the C2 facility in RC-SW. We found the records we needed and got a number of e-mails that helped us understand the contracting process for this building.

As you will see, we found no misconduct or abuse of process. After initial processing of funding for the requirement, the MEF (FWD) gave notice to cancel. After review and discussion, and with a broader strategic view of how Bastion might be used in the future, ARCENT denied the cancellation and contracting went forward according to all normal requirements. You will see, sir, that my recommendation is to give consideration to having RC-SW move into the C2 facility after the fighting season this fall. That is a viable option.

Norm has the report and will bring to you for approval or other guidance.

Thanks, sir.

v/r, Jim

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## EXHIBIT 9

### **Vangjel, Peter M LTG USARMY (US)**

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**From:** Vangjel, Peter M LTG USARMY (US)  
**Sent:** Wednesday, August 28, 2013 4:22 PM  
**To:** Allen, Norman F USA COL OFFICE OF THE LEGAD HQ ISAF  
**Subject:** RE: (U) USFOR-A 15-6 investigation (UNCLASSIFIED)  
**Signed By:** [REDACTED]

Classification: UNCLASSIFIED  
Caveats: NONE

No sweat, Norm. Will be available whenever you need me. V

-----Original Message-----

**From:** Allen, Norman F USA COL OFFICE OF THE LEGAD HQ ISAF  
[REDACTED]  
**Sent:** Wednesday, August 28, 2013 4:21 PM  
**To:** Vangjel, Peter M LTG USARMY (US)  
**Subject:** RE: (U) USFOR-A 15-6 investigation (UNCLASSIFIED)

UNCLASSIFIED

Thanks, sir. That's helpful. Apologize for taking too much of your time, but I'll dig a bit into the material and provide you some additional background tomorrow and see if we can clarify, just to do so now before DOD or someone asks us to. But I owe you more background.  
Thanks, sir.

Before I came to Afghanistan in February this year, I was the FORSCOM SJA for 2-1/2 years, and we worked several actions, getting your assistance on release of records and such. Always appreciate the support, and will try and reciprocate on this one.

Norm

-----Original Message-----

**From:** Vangjel, Peter M LTG USARMY (US)  
[REDACTED]  
**Sent:** Thursday, August 29, 2013 12:36 AM  
**To:** Allen, Norman F USA COL OFFICE OF THE LEGAD HQ ISAF; Mills, Richard P LTGEN USMC (US)  
**Cc:** Kleis, Eric R COL USMC 2ND CEB (US)  
**Subject:** RE: USFOR-A 15-6 investigation (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

Spotty, but I seem to recall that a part of this decision was tied up in a leader transition in RC SW...could be wrong. MajGen Mills, if he was the previous commander who requested cancellation, was followed by a commander who requested to leave it as an active project, or perhaps MajGen Mills was the new commander...just can't recall specifics. Do know there was initial confusion wrt info coming out of A-stan.

Am confident that I directed that we get a "read" and "azimuth check" from USFOR-A and from CENTCOM because of the criticality of Leatherneck at

the time, and ARCENT, as the supporting command, was not going to do anything that would be counter to supported commander intent (ie USFOR-A). I know I did not sign the denial until I was informed by the G8 and ARCENT Engineer that both CENTCOM and USFOR-A agreed that the C2 facility should be left on the docket.

Records of this proposal and the decision should be with the ARCENT Engineers and G8 I would think. Do recall that I would not sign unless I had USFOR-A (MG McHale and COL Rob Ulises) and CENTCOM agreement.

Best I can do on the fly, Norm. Would have to see some documents to help recall. Sorry. V

-----Original Message-----

From: Allen, Norman F USA COL OFFICE OF THE LEGAD HQ ISAF

Sent: Wednesday, August 28, 2013 3:53 PM

To: Mills, Richard P LTGEN USMC (US); Vangjel, Peter M LTG USARMY (US)

Cc: Kleis, Eric R COL USMC 2ND CEB (US)

Subject: USFOR-A 15-6 investigation

Gentlemen -

I am the SJA for GEN Dunford at ISAF/USFOR-A, and seek to clarify a point in a 15-6 investigation. I appreciate if you are able to provide any additional information.

In June, GEN Dunford appointed an Army Regulation 15-6 investigation into issues relating to the construction of the 64K square foot Command and Control (C2) facility in Regional Command-Southwest, Afghanistan. The findings do not indicate any misconduct or inappropriate acts through the requirement and contracting process. There is, however, a point that I've tried to clarify before GEN Dunford approves the report of investigation, and he directed me to follow-up directly with you.

The investigation findings state that in June 2010, then-MajGen Mills, as Cdr, RC-SW, requested cancellation of the C2 facility and routed that to DCDR-S, USFOR-A, who concurred and forwarded to ARCENT. DCG, ARCENT, non-concurred with the request to cancel.

The issue to clarify in order to lay out clearly for GEN Dunford, is the findings state that ARCENT non-concurred with the request to cancel after coordination with USFOR-A and MEF(FWD) staff that agreed the C2 facility should continue. Specifically, two sentences in the findings drafted by the Investigating Officer read as follows:

- para. 3c(3): "ARCENT did not concur with the request to cancel. The ARCENT DCG relied upon the CENTCOM strategic vision of Camp Leatherneck as an enduring strategic base, as well as coordination with USFOR-A and MEF(FWD) staff that the 64K C2 Facility should continue prior to signing his denial memo."

- para. 3d(3): "The ARCENT decision to deny the request was in keeping with the CENTCOM strategic vision of the enduring presence in RC-SW and was made after coordination with USFOR-A and MEF(FWD) engineers. Notably, ARCENT, did not sign the denial memorandum until after receiving information that USFOR-A and MEF(FWD) were in agreement that the 64K C2

Facility would continue."

It's not clear whether then-MajGen Mills was aware of these other discussions; again, there is no appearance anything done that violates law or regulation, but simply a matter of clarifying the discussion in command and staff channels.

I realize this was a few years ago, but appreciate any information you might recall. If I can provide information that will help, please advise and I will do what I can to get it to you.

Thank you for your time and consideration. There is no hidden agenda, but simply seeking a complete picture before the boss goes final.

COL Norm Allen III  
Legal Advisor, ISAF/  
SJA, US Forces-Afghanistan



Classification: UNCLASSIFIED  
Caveats: NONE

UNCLASSIFIED

Classification: UNCLASSIFIED  
Caveats: NONE



## EXHIBIT 10

-----Original Message-----

From: Mills LtGen Richard P  
Sent: Tuesday, February 11, 2014 11:18 AM  
To: Mills LtGen Richard P  
Subject: FW: USFOR-A 15-6 investigation

-----Original Message-----

From: Mills LtGen Richard P  
Sent: Thursday, August 29, 2013 8:31 AM  
To: Allen, Norman F USA COL OFFICE OF THE LEGAD HQ ISAF; Vangjel, Peter M  
LTG USARMY (US)  
Cc: Kleis Col Eric R  
Subject: RE: USFOR-A 15-6 investigation

Col Allen,

I'm afraid I can't add much clarity. I was aware that there were discussions underway at the highest levels regarding which bases would be designated as enduring bases and development would continue at those locations to support post war activities. I don't recall being asked a second time about continuing the headquarters buildout....rather I recall discussions with my staff that our request to stop had been turned down and we surmised that it was an indication that Leatherneck would in fact be an enduring facility....by the time we turned over in March of 2011, however, that decision had not been made.... Regards the para's in question....if coordination was made with SW then that coordination was made well below Flag Officer level.

Late spring/early summer of 2010 was a busy time in SW with the conversion to a RC and the heavy fighting....so my attention on this wasn't 100 % ....

If I can answer anything please let me know...S/F RPM

1



-----Original Message-----

From: Allen, Norman F USA COL OFFICE OF THE LEGAD HQ ISAF

Sent: Wednesday, August 28, 2013 2:53 PM

To: Mills LtGen Richard P; Vangjel, Peter M LTG USARMY (US)

Cc: Kleis Col Eric R

Subject: USFOR-A 15-6 investigation

Gentlemen -

I am the SJA for GEN Dunford at ISAF/USFOR-A, and seek to clarify a point in a 15-6 investigation. I appreciate if you are able to provide any additional information.

In June, GEN Dunford appointed an Army Regulation 15-6 investigation into issues relating to the construction of the 64K square foot Command and Control (C2) facility in Regional Command-Southwest, Afghanistan. The findings do not indicate any misconduct or inappropriate acts through the requirement and contracting process. There is, however, a point that I've tried to clarify before GEN Dunford approves the report of investigation, and he directed me to follow-up directly with you.

The investigation findings state that in June 2010, then-MajGen Mills, as Cdr, RC-SW, requested cancellation of the C2 facility and routed that to DCDR-S, USFOR-A, who concurred and forwarded to ARCENT. DCG, ARCENT, non-concurred with the request to cancel.

The issue to clarify in order to lay out clearly for GEN Dunford, is the findings state that ARCENT non-concurred with the request to cancel after coordination with USFOR-A and MEF(FWD) staff that agreed the C2 facility should continue. Specifically, two sentences in the findings drafted by the Investigating Officer read as follows:

- para. 3c(3): "ARCENT did not concur with the request to cancel. The ARCENT DCG relied upon the CENTCOM strategic vision of Camp Leatherneck as an enduring strategic base, as well as coordination with USFOR-A and MEF(FWD) staff that the 64K C2 Facility should continue prior to signing his denial memo."

- para. 3d(3): "The ARCENT decision to deny the request was in keeping with the CENTCOM strategic vision of the enduring presence in RC-SW and was made after coordination with USFOR-A and MEF(FWD) engineers. Notably, ARCENT, did not sign the denial memorandum until after receiving information that USFOR-A and MEF(FWD) were in agreement that the 64K C2 Facility would continue."

It's not clear whether then-MajGen Mills was aware of these other discussions; again, there is no appearance anything done that violates law or regulation, but simply a matter of clarifying the discussion in command and staff channels.

I realize this was a few years ago, but appreciate any information you might recall. If I can provide information that will help, please advise and I will do what I can to get it to you.

Thank you for your time and consideration. There is no hidden agenda, but simply seeking a complete picture before the boss goes final.

COL Norm Allen III  
Legal Advisor, ISAF/  
SJA, US Forces-Afghanistan



Classification: UNCLASSIFIED  
Caveats: NONE

EXHIBIT 11

[REDACTED]

-----Original Message-----

From: Messman, Clifford A CIV US USFOR-A CMD GROUP  
Sent: Monday, November 11, 2013 9:04 PM  
To: Maroun, Gary J COL MIL CAG, USFOR-A; Harvell, Thurinton W COL US USFOR-A IG; Wehr, Michael C BG MIL USA USFOR-A JENG  
Cc: Kontry, Bryan E CPT MIL USA USFOR-A SJA Admin Law Atty; Rojko, Michael P CPT USA CJTF-1 C38 CERP OIC  
Subject: RE: (U//FOUO) SIGAR responses ref C2 facility

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BG Wehr has the response already drafted. Although I do not have a copy.

Thanks, Cliff

-----Original Message-----

From: Maroun, Gary J COL MIL CAG, USFOR-A  
Sent: Monday, November 11, 2013 8:30 PM  
To: Harvell, Thurinton W COL US USFOR-A IG  
Cc: Messman, Clifford A CIV US USFOR-A CMD GROUP; Kontry, Bryan E CPT MIL USA USFOR-A SJA Admin Law Atty; Rojko, Michael P CPT USA CJTF-1 C38 CERP OIC  
Subject: FW: (U//FOUO) SIGAR responses ref C2 facility

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T,

Are you tracking these responses due?

v/r,  
Gary

-----Original Message-----

From: Allen, Norman F USA COL OFFICE OF THE LEGAD HQ ISAF  
Sent: Monday, November 11, 2013 8:10 PM  
To: Barraclough, Brett A COL MIL USA III Corps Chief of Staff; Messman, Clifford A CIV US USFOR-A CMD GROUP; Maroun, Gary J COL MIL CAG, USFOR-A  
Cc: Weaver, Heidi E MAJ MIL USA TJAGLCS  
Subject: (U//FOUO) SIGAR responses ref C2 facility

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Gents and Heidi -

Push from CENTCOM to have us provide responses to the SIOGAR questions of their 25 Jul letter ref C2 facility. I wanted to slow roll these a bit more, but may be pressed to respond, and since we've asked CENTCOM to handle release, I think we need to support them.

I'm not sure who has point on this, but would like to see if we can get final by early afternoon tomorrow. I have not looked in detail, but had my folks over here do some work and don't think they are complicated.

Is early afternoon tomorrow doable for you? Glad to discuss at your convenience. We are working BSA business hard tonight and in meeting with Afghans tomorrow from around 1000-1200. I'll look at draft tonight, and send to whomever has lead.

Thanks much.

Norm

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## EXHIBIT 12

[REDACTED]

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**From:** Allen, Norman F USA COL OFFICE OF THE LEGAD HQ ISAF  
**Sent:** Saturday, February 01, 2014 4:34 AM  
**To:** Hudson, Walter M COL MIL USA USCENCOM CCJA-SJA; Rackley, Duane T Mr CIV USAF USCENCOM CCIG-AD  
**Cc:** Harvell, Thurinton W COL US USFOR-A IG; Hoover, Mark D LTC USAF ISAF-HQ LEGAD; Barraclough, Brett A COL MIL USA III Corps Chief of Staff  
**Subject:** (U//FOUO) SIGAR inquiry

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Walt / Duane -

Working an issue here that I think we'll need some support on. Have not talked with CG, so not asking you to move up the chain yet, but for your heads up now and any input. We've touched on it previously.

SIGAR has initiated contact with members of this command in order "to review decisions that led to the construction of the C2 facility, as well as the decision to use the building for its original stated purpose." This request in particular went to a lawyer who works for me; she worked on the investigation, but other than info learned there, she has no other information. We have not yet gone back to the individual who requested the interview.

I copy all the reasons the command should not give broad guidance in responding to requests for interviews, since I know it may be discovered and interpreted by others as efforts to interfere with an investigation, and I don't want any GOs I support stuck in that loop. I also recognize that under the enabling legislation SIGAR can inquire into the construction of this building, use of funds, etc. I'm not sure how far he can go into military decision-making on need for the facility.

I am concerned, however, that interviews with people who have only part of the picture, if any, will lead to skewed conclusions. Similarly, I don't think people in this command should be subject to interviews that make them go behind official decisions here; for instance, I would consider it inappropriate for members of the command to address with SIGAR what they think of the 15-6 investigation appointed and approved by the commander. I have a good deal of knowledge about that investigation, but I would not answer questions to SIGAR; it's not just out of loyalty to the command, but by process it would mean SIGAR is investigating the commander, and that, I believe, is way outside their purview. They may, of course, notify DODIG if they think there is a problem, and DODIG can decide whether it wants to investigate a commander or other personnel.

You know all those things, but I mention them as they are in my mind as I try and help shape response for the command. SIGAR is reaching out to line up interviews, and doing so without working through leadership in the organization. While I recognize their aim, the command is also focused on many other pressing issues at the moment.

This is not an official request for action as I can't speak for GEN Dunford on this point, but I expect we'll review with him soon, and at a minimum, would like to know if you think I'm off base in assessment, and wanted to give you time to consider. It is important to reiterate that there is no guidance, direction or emphasis to deny anyone speaking to SIGAR or any of his representatives conducting an investigation; at the same time, it is important to ensure accurate information is reported.

Thanks and appreciate any inputs.



Norm

COL Norman F.J. Allen III  
Legal Advisor, ISAF/  
SJA, USFOR-A



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EXHIBIT 13

[REDACTED]

**From:** Passerello, Robert J CDR MIL USN USCENTCOM CCJA-SJA  
**Sent:** Tuesday, December 31, 2013 9:40 AM  
**To:** Allen, Norman F USA COL OFFICE OF THE LEGAD HQ ISAF  
**Cc:** Hudson, Walter M COL MIL USA USCENTCOM CCJA-SJA  
**Subject:** [Warning: encrypted attachment not virus scanned] RE: (U) SIGAR Investigation into the Camp Leatherneck C2 Facility

Sir,  
I think we are all set on the investigation and you don't owe us anything more right now. We concur with your last statement: "he lacks the authority to direct a search/freeze of any records".  
V/r,  
Bob

-----Original Message-----

**From:** Allen, Norman F USA COL OFFICE OF THE LEGAD HQ ISAF  
[REDACTED]  
**Sent:** Monday, December 30, 2013 6:20 PM  
**To:** Passerello, Robert J CDR MIL USN USCENTCOM CCJA-SJA  
**Cc:** Hudson, Walter M COL MIL USA USCENTCOM CCJA-SJA  
**Subject:** RE: (U) SIGAR Investigation into the Camp Leatherneck C2 Facility

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Need to discuss below probably. We answered the questions after completion of our investigation, but pushed that through JS or OSD, to my recollection. We also, through you, got the complete investigation to SIGAR to my recollection, or is that part of the redaction discussion and we owe you better redaction done? I thought we gave it to him.

As for retention of records and such, I don't know that he has authority to tell us to do that, but don't think we're working on providing him more info.

We can talk later today.

COL Allen

-----Original Message-----

**From:** Passerello, Robert J CDR MIL USN USCENTCOM CCJA-SJA  
[REDACTED]  
**Sent:** Monday, December 30, 2013 11:23 PM  
**To:** Allen, Norman F USA COL OFFICE OF THE LEGAD HQ ISAF  
**Cc:** Hudson, Walter M COL MIL USA USCENTCOM CCJA-SJA  
**Subject:** FW: SIGAR Investigation into the Camp Leatherneck C2 Facility

Sir,  
Happy Holidays! Hope that you and your team are doing well. COL Hudson is on leave today but, he wanted me to forward to you the inquiry below. We spoke about this email a little while ago and we are curious to know your thoughts / response. Our initial assessment is that there was no obligation to go out and search and preserve any records related to the C2 facility. We conducted an investigation, as we needed to do and we have already cooperated with SIGAR by providing them a copy of that investigation. Please let me know if you have any other comments or thoughts. Thanks.  
V/r,

Bob

Robert J Passerello  
CDR, JAGC, US Navy  
United States Central Command  
Deputy Staff Judge Advocate

-----Original Message-----

From: Hudson, Walter M COL MIL USA USCENTCOM CCJA-SJA  
Sent: Monday, December 30, 2013 11:42 AM  
To: Eckart, Julia P Ms CIV USAF USCENTCOM CCJA-SJA  
Cc: Passerello, Robert J CDR MIL USN USCENTCOM CCJA-SJA  
Subject: Fw: SIGAR Investigation into the Camp Leatherneck C2 Facility

Bob: will call. WH

----- Original Message -----

From: Goen, James W CIV OSD OUSD POLICY (US) [REDACTED]  
Sent: Monday, December 30, 2013 11:16 AM  
To: Hudson, William A Jr CIV OSD OGC (US) [REDACTED] Hudson, Walter M  
COL MIL USA USCENTCOM CCJA-SJA  
Subject: SIGAR Investigation into the Camp Leatherneck C2 Facility

Bill or Walter,

I'm trying to track down whether or not any action occurred to respond to the SIGAR request "to retain and preserve records" in the attached November letter on the Camp Leatherneck C2 facility. Here is the full text of the request.

"To aid our investigation, please take immediate action to retain and preserve all records, including documents, information, and data stored electronically or otherwise, related to issues surrounding the planning and construction of this building, as well as all records related to the May 2013 AR 15-6 investigation and the AR 15-6 investigation conducted by General Richardson. I also request that you direct all DOD active duty, civilian, and contractor employees not to delete or alter any such records. This request includes all pre-decisional material and applies to both on- and off-site computer systems and removable electronic media."

I spoke with the CENTCOM IG office and they haven't seen any information. I was wondering if either of you have, or would know who I could talk with that would take such an action.

Thanks,

James

James W. Goen IV  
Country Director Afghanistan  
Resources and Transition

OASD(Asian & Pacific Security Affairs)

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## ACKNOWLEDGEMENTS

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Claire M. Barnard, Senior Analyst

Christopher Staszak, Senior Investigative Counsel

Alexandria M. England, Executive Assistant

## SIGAR's Mission

The mission of the Special Inspector General for Afghanistan Reconstruction (SIGAR) is to enhance oversight of programs for the reconstruction of Afghanistan by conducting independent and objective audits, inspections, and investigations on the use of taxpayer dollars and related funds. SIGAR works to provide accurate and balanced information, evaluations, analysis, and recommendations to help the U.S. Congress, U.S. agencies, and other decision-makers to make informed oversight, policy, and funding decisions to:

- improve effectiveness of the overall reconstruction strategy and its component programs;
- improve management and accountability over funds administered by U.S. and Afghan agencies and their contractors;
- improve contracting and contract management processes;
- prevent fraud, waste, and abuse; and
- advance U.S. interests in reconstructing Afghanistan.

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- Web: [www.sigar.mil/fraud](http://www.sigar.mil/fraud)
- Email: [sigar.pentagon.inv.mbx.hotline@mail.mil](mailto:sigar.pentagon.inv.mbx.hotline@mail.mil)
- Phone Afghanistan: +93 (0) 700-10-7300
- Phone DSN Afghanistan: 318-237-3912 ext. 7303
- Phone International: +1-866-329-8893
- Phone DSN International: 312-664-0378
- U.S. fax: +1-703-601-4065

## Public Affairs

Public Affairs Officer

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