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INTERVIEW WITH CAPT DENNIS BOYER

Q=(b) (6)

A=CAPT Dennis Boyer

Q: Okay, so today's June 20, 2016. My name's (b) (6). I'm an investigator with the Commander Navy Installations Command, Inspector General Office and, um, toda- uh, the time is approximately 1300 and I'm interviewing Captain Dennis Boyer. Could I have you spell your name for me please, sir?

A: Uh, Captain Dennis Boyer, that's D-E-N-N-I-S, last name B-O-Y-E-R.

Q: Okay. Thank you, sir. And you understand the tape recorder is running...

A: I do.

Q: ...and you have no problem with that?

A: I have no problem.

Q: Okay. And I'm investigating, case number 201601079 and, I explained to you that we are an independent fact-finder, uh, just collecting information and we'll provide a report to the appropriate responsible management officials for a determination of any corrective action, if necessary. You already signed the Privacy Act and confidentiality statement, correct?

A: I did.

Q: You did. And thank you. And I'm going to have you sign one more form. This is about the importance of presenting truthful testimony during the course of an IG investigation, and I'm sure you're already familiar with this. Go and, um - I'm going to go ahead and read this to you...

A: Sure.

Q: ...just to - i- "I consider it my duty to advise you that any person subject to the UCMJ, who with the intent to deceive signs any false record, return regulation order or other official document, knowing the same to be false, may be subject

46 to action under the provisions of Article 107. Additionally, under the
47 provisions of UCMJ Article 134 any person subject to the UCMJ who makes
48 a false statement, oral or written, under oath believing the statement to be
49 untrue, may also be subject to disciplinary action under the UCMJ.” Do you
50 understand that?
51
52 A: I understand that.
53
54 Q: Okay. Okay, and can you raise your right hand, sir?
55
56 A: Yes.
57
58 Q: Do you swear or affirm that the information you will provide is true and
59 correct to the best of your knowledge?
60
61 A: I do.
62
63 Q: Thank you. Okay. So now I’m going to ask you a few questions to clarify, um,
64 kind of the current situation...
65
66 A: Okay.
67
68 Q: ...with the overtime and the manning shortage in Security.
69
70 A: Mm-hm.
71
72 Q: That’s the - the complaint that I’m investigating and as I said, the violation
73 centers around this traffic safety violation, OPNAV 5100.12(j) and there’s
74 other references that amplify this, the DOD traffic safety program also contain
75 information about the length of time that people should be driving...
76
77 A: Okay.
78
79 Q: ...and working and but this is the one that is really clear about not about the
80 requirements...
81
82 A: Right, the numbers, right, right.
83
84 Q: ...so that’s the one we’re citing, okay? Um, so I’m going to just talk a little bit
85 about the history here because I know that there was already an investigation
86 done.
87
88 A: Correct.
89
90 Q: It was a command-directed inquiry by CNRMA.

91
92 A: That's correct.
93
94 Q: Commander, Navy Region Mid-Atlantic, um, that wasn't really an IG
95 investigation, though, you - you were aware of that, right?
96
97 A: I'm sure I was, to be honest with you.
98
99 Q: Yeah.
100
101 A: From my perspective it doesn't seem to be any different. You know, I...
102
103 Q: Yeah, it's a similar process...
104
105 A: Right.
106
107 Q: ...but it was,
108
109 A: CNRMA IG came into...
110
111 Q: ...not really under the oversight of Navy IG.
112
113 A: Sure.
114
115 Q: It was done under the oversight...
116
117 A: Command investigation.
118
119 Q: ...of a - of the regional commander.
120
121 A: Fair enough.
122
123 Q: Okay? So, um, I have a copy of that report...
124
125 A: Okay.
126
127 Q: Been through it. I know you were interviewed already by (b) (6) ...
128
129 A: That's correct.
130
131 Q: ...back in November.
132
133 A: Mm-hm.
134
135 Q: And, um, then the Admiral endorsed his report in January.

136
137 A: And gave me three action items.
138
139 Q: Gave you three action items and you responded to that.
140
141 A: That's correct.
142
143 Q: All three of them, and I have a copy of that. The letter's not dated but that's
144 okay.
145
146 A: Oh, yeah.
147
148 Q: Um, so of the three things, you know, one was to do the - the command
149 climate assessment...
150
151 A: That's correct.
152
153 Q: ...which would have happened anyway probably, right?
154
155 A: Yes, yes. So we increased the numbers so this is the admiral I think, uh,
156 implied in his directions, not - explicitly said it.
157
158 Q: Okay. And then the - there was one about posting the - the schedule.
159
160 A: Y- oh, that's right. Posting the overtime schedule because...
161
162 Q: Yeah.
163
164 A: ...I think we discovered that - I'm not sure how it happened but, uh, people
165 were signin' up for overtime but not everybody was gettin' a fair shot because
166 surprisingly a lotta people want the overtime.
167
168 Q: Okay.
169
170 A: So they - they - they - they want that overtime list and they wanna sign up for
171 it so they get a fair shot at it, and then there's the ordered list when - for when
172 you don't have enough volunteers you have to assign somebody, you order
173 them basically to do the overtime.
174
175 Q: Okay.
176
177 A: So that ordered list was not y- I think it's the ordered list that was not, yeah,
178 maintained so it wasn't clear on who was getting ordered and whose turn was
179 it next.
180

181 Q: Okay, and that's happening now?
182
183 A: That's correct.
184
185 Q: Since this, right?
186
187 A: That's correct.
188
189 Q: Okay. Okay.
190
191 A: And the third one was probably the most significant action item and it related
192 directly to the safety, and that's...
193
194 Q: Yes, so-
195
196 A: ...the ORM.
197
198 Q: The ORM, so that's the first topic I kinda wanted to talk about...
199
200 A: Correct.
201
202 Q: ...was this, um, Operational Risk Management...
203
204 A: Mm-hm.
205
206 Q: ...assessment that was done. I have a copy of the appointment letter...
207
208 A: Okay.
209
210 Q: ...where you identified people to be on this team, um, and then their report.
211
212 A: Yes.
213
214 Q: Which was - okay, so you did get a copy of that report...
215
216 A: Oh, I did.
217
218 Q: ...and read - read through it?
219
220 A: Yeah, sure did.
221
222 Q: Mm-hm.
223
224 A: In fact, I think I signed direction on implementing that, or maybe I - I included
225 that. I - I...

226
227 Q: Yup.
228
229 A: ...somehow or another, yeah, I formalized that, yeah, we're - we're movin'
230 forward with that process.
231
232 Q: Okay. Um, did you ever talk about it directly with (b) (6), the
233 person who signed the report from Safety?
234
235 A: Ooh, I don't know if I - I know I talked to the XO about it a great deal. I don't
236 know - I - I don't remember, to be - tell you the truth, I just don't remember.
237
238 Q: Okay. Um, and so you did talk about it with Commander (Selliburg).
239
240 A: Yes.
241
242 Q: What did the two of you talk about?
243
244 A: I think, um, she had some concerns that, um, I think it was Security member,
245 Lieutenant - I think (b) (6) was the actual designee from Security
246 that participate that, uh, he - he wasn't very helpful in his participation, um, so
247 I'm not sure that, uh...
248
249 Q: He was appointed, though...
250
251 A: That's correct.
252
253 Q: ...to be on the team, right? Yup?
254
255 A: That's correct, so that was one of the concerns the XO raised.
256
257 Q: Okay. That he just wasn't generally not helpful? Not a participant as much
258 or...
259
260 A: Uh, y- I think he - yeah, exactly. He was not very helpful even if he was there,
261 and I think there was a reluctance - there's - there appears to be a reluctance
262 among those four supervisors to actually make things better. Y- you know,
263 so...
264
265 Q: Okay.
266
267 A: So I have offered - well, I - I know that there's a couple a different things we
268 could do differently but to be honest with you, a couple of 'em want the
269 overtime, you know, and then the, uh - you know, I - I can - you know...
270

271 Q: Ca- can you just clarify, you said, four supervisors and there's five people
272 that's makin' the complaint...
273
274 A: Well, the MA1 was not a participant in the - in the complaint so, uh...
275
276 Q: Okay, I have five people.
277
278 A: Oh, the four - sure, you have (b) (6)
279 (b) (6) - there was five, I'm sorry.
280
281 Q: R- okay.
282
283 A: I'm sorry, yeah.
284
285 Q: Okay, good. I wasn't sure if maybe you were excluding someone for a reason
286 or s-
287
288 A: No, no.
289
290 Q: Okay.
291
292 A: No, that was a math error, yeah.
293
294 Q: Okay. Um, okay so, uh, one of the issues was that (b) (6) wasn't -
295 wasn't very helpful or participative...
296
297 A: That's correct.
298
299 Q: ...but as far as the content of the report and the findings, um, that (b) (6)
300 (b) (6) ...
301
302 A: I agree with it.
303
304 Q: You did agree with it?
305
306 A: Right. I - I think - I haven't looked at this in probably a month or so, right, but
307 I - I think the - it addressed the fact there are manning shortfalls.
308
309 Q: Mm-hm.
310
311 A: And that is - that is a reality. So any solution set that I have to execute, if it
312 involves hiring people, is really not - not executable for me, right? I - I have to
313 work with what I got as far as, you know, usin' the players here so I agree, we
314 need to hire more personnel. We're working' with the region. I know the
315 region was working' with CNIC to get more supervisors.

316
317 Q: Okay.
318
319 A: Uh, there's a whole MPVP modeling issue there that doesn't even authorize
320 the supervisors but - so there - there is - there is some big hurdles to overcome
321 so for, you know, my security team leadership to, you know, keep stompin'
322 their foot sayin', "You need to hire more people, that's the only solution,"
323 isn't useful to me. You know, that - that's not executable.
324
325 Q: Okay, and that was part of what the operation...
326
327 A: And that was part of - right, right.
328
329 Q: ...this risk assessment report also recommended...
330
331 A: Correct.
332
333 Q: ...is that we need to hire more people.
334
335 A: And I say agree. I don't - I - in fact, I can't find anybody between me and -
336 and, you know, the admiral, for - everybody agrees to that, it's just the actual
337 execution of that because it's...
338
339 Q: Heard that so many times now that everybody agrees to that.
340
341 A: It's just the execution because of the MPVP modeling says if you have less
342 than 15 personnel per shift you don't rate supervisors.
343
344 Q: Yes, that's what I understand too so I really wanted to get real into that...
345
346 A: Yeah, so we don't rate supervisors.
347
348 Q: ...and to - I - I can see that this is putting you and probably other COs...
349
350 A: Oh, there's smaller installations, certainly.
351
352 Q: ...in a situation...
353
354 A: Right.
355
356 Q: ...where you have to come up with, um, a way...
357
358 A: Correct.
359
360 Q: ...to manage the situation.

361
362 A: Right, because...
363
364 Q: So-
365
366 A: ...going without supervisors doesn't appear to be executable either.
367
368 Q: That's - this is great. You're jumping ahead, though, of my questions.
369
370 A: Right.
371
372 Q: You're answering them already. Um, okay, so my - I did hear - back to this
373 report.
374
375 A: Right.
376
377 Q: We're going to get to all that definitely. Um, back to this report. Um, I heard
378 that the XO was dissatisfied with the report itself, that she - she said, "This is
379 not what I was looking for," um, that she told (b) (6), "This report is
380 not what I wanted from you." Um, but what - what was she looking for, then,
381 because I thought it was pretty thorough.
382
383 A: I think she was lookin' for - if I recall the conversation correctly she was
384 lookin' for changes to standard operating procedures, actually changing
385 instructions, that sort of thing.
386
387 Q: Okay. That would be done by Security, though, more so than Safety?
388
389 A: That - that's correct, tha- thi- so that and - e- exactly, or, you know, some of
390 those are just managed, uh, either at a higher level, with, you know, someone
391 else's instruction or we just do it differently, right? So I - I wasn't so caught
392 up in the, hey, go change a (SOP) somewhere, right? It's, like...
393
394 Q: Okay.
395
396 A: ...you know, what - the process they had put out in there talked about things to
397 consider doing for the routine use of overtime for drivers, and that's a- that's
398 what we're after.
399
400 Q: Mm-hm, mm-hm.
401
402 A: That's the operation risk management piece. I - I thought it was well done and
403 I moved forward with it.
404
405 Q: Okay. So have there been...

406
407 A: So I di- I did not...
408
409 Q: ...some changes made as a result of this report?
410
411 A: I'm not sure I understand.
412
413 Q: To ha- I mean, I guess, has the, um, overtime...
414
415 A: The overtime has not gone down. Typically you'll find...
416
417 Q: Okay.
418
419 A: ...two supervisors a week and the routine, (b) (6) will almost
420 always do, I think it's a Friday/Saturday or Thursday/Friday and then (b) (6)
421 (b) (6) will do one on the weekend. Generally
422 speakin', (b) (6)'s doing it on a day he would normally have
423 off.
424
425 Q: Mm-hm.
426
427 A: Um, but...
428
429 Q: Okay.
430
431 A: ...those are - that - that's pretty standard when you look at the weekly (watch
432 fills).
433
434 Q: Okay. Has there been any change to how they manage the driving of the patrol
435 vehicles or anything that would mitigate the...
436
437 A: For the - for the supervisors or for the, uh...
438
439 Q: For the supervisors.
440
441 A: For the supervisors, again, they should not be driving that much. They should
442 be supervising. If they're driving they're not supervising. And I also
443 understand that their duties require them to be in Building 1373 doin' the
444 paperwork that goes with supervising.
445
446 Q: Okay.
447
448 A: So in fact, that was a previous complaint when I first got here, was there was
449 an inordinate amount of admin that they have to do, so we - it's, like, okay. So
450 I can't find it in my mind possible for them to drive for ten hours on a 16-hour

451 day. There's just - you know, if they're doing that, they're not supervisin'.
452 They should be out there on the post with a sentry makin' sure they're doin'
453 business right, you know, maybe doin' a - a part of a ride-along with one of
454 their patrolmen, and that's it. They should not be in themselves...
455

456 Q: Okay.

457

458 A: ...drivin' a car for ten hours.

459

460 Q: Okay. What about the patrolmen, though?

461

462 A: Well, now, that - that would be an issue. Again, the - so the union's pretty
463 happy with the overtime. It's managed - it's manageable for them.

464

465 Q: Okay.

466

467 A: Um, the ORM process we put in place focused on the entire team, not just the
468 supervisors, because they're the ones that are most likely to push up against
469 that ten-hour limit. Now often the overtimes that they will draw will require
470 them to drive for the patrol period, again, it's an eight-hour shift, there's no
471 way they're drivin' for eight hours. An eight-hour shift and then they'll, um, if
472 they're doin' overtime, chances are there'll be an ECP, you know, um, for a
473 two or three-hour period as we open up an extra lane or open up a different
474 gate.

475

476 Q: Yup, okay.

477

478 A: Um, some of them will take on a follow-on shift where they will actually
479 drive, you know, either through the housing areas which will require to patrol
480 or, um, something like that but again, that's what that - what this ORM
481 process is intended to address.

482

483 Q: Okay. So you would agree that - that some of the risks that they identified
484 here, even if they're not driving-related, they talk about other things like
485 firearm safety...

486

487 A: Oh, yeah. In fact, I think when I...

488

489 Q: ...and judgment being impaired and...

490

491 A: When I - when I talk to (b) (6), that's more of his concern than
492 the driving piece, and - and I get that. I - yes.

493

494 Q: So yo- you agree that these risk are, um...

495

496 A: Oh, I - I agree with 'em.
497
498 Q: ...valid.
499
500 A: Y- yeah.
501
502 Q: Okay.
503
504 A: So I - that's why I - I agreed with the (OR) report. I thought it recognized the
505 risk appropriately...
506
507 Q: Okay.
508
509 A: ...and I thought the mitigations were also appropriate.
510
511 Q: Okay. So - let me see if I'm jumping ahead of myself. Oh, I am a little. As far
512 as the watch bill goes, the actual scheduling, you seem to be very aware of
513 how much o- overtime they're working'.
514
515 A: Very much.
516
517 Q: Do you actually see that on a regular basis?
518
519 A: Yes.
520
521 Q: Y- okay.
522
523 A: Yeah, every week.
524
525 Q: And do you approve it? I know at one time you were.
526
527 A: I approved it up until I got the new director. So he's been here I think since
528 last week of March. It's probably middle of April when I turned over approval
529 to him.
530
531 Q: Okay.
532
533 A: Because I wanted him to - he a- he's asked for some ownership of some
534 processes...
535
536 Q: Okay.
537
538 A: ...so he can attack the - some of the emotions that's goin' on over at Building
539 1373.
540

541 Q: Understand, yup.
542
543 A: So I - I agreed to that...
544
545 Q: Mm-hm.
546
547 A: ...but I told him, said, "You must send me the watch bill."
548
549 Q: Okay.
550
551 A: So I get it electronically every week.
552
553 Q: Okay and, um...
554
555 A: And I particularly look for overtime concerns.
556
557 Q: So you do see it? You're aware.
558
559 A: Oh, absolutely.
560
561 Q: It's not like you're not aware.
562
563 A: Oh, absolutely.
564
565 Q: Okay.
566
567 A: Yeah.
568
569 Q: And if you disagreed with it you could push it back and say, "I'm not having
570 this"?"
571
572 A: Absolutely. Absolutely.
573
574 Q: Okay. So that kind of leads me to the situation with, um, I guess the
575 acceptable level of risk that as the CO you have to make a determination as to
576 what kind of risks you're willing to accept.
577
578 A: Mm-hm.
579
580 Q: And in this, because of this MPVP, which we kinda touched on a little bit, um,
581 there's two choices you have. You can either leave that shift completely
582 unmanned...
583
584 A: Right.
585

586 Q: ...a- with supervisor unmanned...
587
588 A: Right. Which...
589
590 Q: ...which is what the MPVP seems to be tellin' you to do.
591
592 A: Right.
593
594 Q: Or you can have them work the overtime.
595
596 A: Right.
597
598 Q: And if you - you lose yet another supervisor, my understanding is you're not
599 allowed to backfill that one either.
600
601 A: That's correct, so the plan for the civilian supervisors was to let them go by
602 attrition.
603
604 Q: Right, and - and leave the shift unmanned with no supervisor? Is that what the
605 MPVP designers were shootin' for?
606
607 A: I don't know the answer to that question but, uh - I - so I think that there are
608 people who are responsible for that model that are rightfully interested in the
609 financial running of the - of the process.
610
611 Q: Yup.
612
613 A: Great. But I think the operational part, it's clearly not on board. I mean, I
614 don't think there's - I - I've not received any guidance that says it's okay not
615 to have a supervisor on shift, you know, I mean, that has not come across in
616 any way, shape, or form. In fact, I knew that - you know, there's so much
617 emphasis on security to say it's okay to go without a supervisor, we just seem
618 to be contrary to that.
619
620 Q: Right.
621
622 A: Yeah.
623
624 Q: I agree. So...
625
626 A: And then - and my biggest (unintelligible).
627
628 Q: ...your thought is you need to have the supervisor.
629
630 A: Correct. A-

631
632 Q: Even though the MPVP tells you - you don't.
633
634 A: (b) (5)
635 (b) (5)
636 (b) (5)
637
638 Q: (b) (5)
639
640 A: (b) (5)
641 (b) (5)
642 (b) (5)
643 (b) (5)
644 (b) (5)
645
646 Q: And they're - they're not supervisors...
647
648 A: (Unintelligible).
649
650 Q: ...but they're not...
651
652 A: No, they're clearly not supervisors.
653
654 Q: ...qualified to be patrolmen either? They go to a little...
655
656 A: The - that - that's exactly right. That's right.
657
658 Q: Yeah.
659
660 A: (b) (5)
661 (b) (5)
662 (b) (5)
663
664 Q: I see. Oh, that helps me to understand this better than anyone so far. They
665 especially really need the supervision.
666
667 A: Right.
668
669 Q: So there's a lot of reasons why you need that supervisor on duty.
670
671 A: Right. And my master in arms that I have, they're good Americans but they
672 don't have a lot of experience when they come here. I'm - I'm getting the ones
673 who - well, they're not patrolmen from other installations that are comin'
674 here. They're all of quad zero so to speak, so there's no special NECs and if I
675 get somebody from another assignment, generally speakin' they've done some

676 sort of, you know, security in with that, you know, um, just physical security,
677 you know, not law enforcement or anything like that. So those are who I have
678 for MAs.

679

680 Q: Okay.

681

682 A: Not complaining, it's just, again...

683

684 Q: They're not really qualified either.

685

686 A: They're not supervisors. No way. Which argues again for the need for actual
687 supervisors on post. And it - you know, if nothing ever happened, no- nothing
688 ever went wrong then okay, but that's not what we plan for.

689

690 Q: Right. You have to be ready if somethin' goes wrong.

691

692 A: Right.

693

694 Q: Obviously. Um, so with that, like now, it sounds like not having supervisors
695 just isn't an option.

696

697 A: Agreed, and - and - and the chain of command has bought off on that, right, so
698 CNRMA has forwarded the RPA request to hire supervisors. They've finally
699 gotten CNIC's blessing for that.

700

701 Q: Recently, like...

702

703 A: Yeah, just the last...

704

705 Q: ...two weeks ago or - yeah.

706

707 A: Yeah, exactly right, so - but it's taken me that long to kinda get this ball
708 rollin'. Um, so it's - even though the MPVP doesn't say it's authorized, I - I
709 finally have now gotten point where the RPAs are finally goin' out for
710 supervisors. Now because the modeling piece hasn't been - hasn't caught up
711 yet or maybe on the (C&O) side of it has bought off on it, those - those
712 higherees are going to be term employees, s-

713

714 Q: Okay, because you can still do that even if they're not funded, the way I
715 understand it? Temps and terms don't really count as real bu- billets, is...

716

717 A: Yeah, that's what I'm assuming...

718

719 Q: So to speak. That's what I've been told.

720

721 A: ...to be honest with you. I mean, that's - so I have personally - that's...
722
723 Q: And I'm not really an expert either in that but that's what I've been told.
724
725 A: E- exactly right, so it seemed like a reasonable, you know, thing to do...
726
727 Q: Mm-hm.
728
729 A: ...a- in the meantime, and again, it indicates that there's agreement that I
730 actually do need supervisors.
731
732 Q: All right. Okay. Okay, so in the absence, though, of, you know, having
733 enough people on board, like, I guess until these two billets get filled, I can
734 see why you had them working the overtime.
735
736 A: Right.
737
738 Q: So would you say that you were effectively, like, accepting the level of risk of
739 having people work 16-hour shifts?
740
741 A: Oh, that's my job, yes, I - I - I could - I - I...
742
743 Q: I mean, so you were aware of it and you...
744
745 A: Yes.
746
747 Q: ...did it because the alternative was to have no one?
748
749 A: That's correct. A- a- and again...
750
751 Q: I wanted to make sure I capture that, you know what I mean?
752
753 A: Yes.
754
755 Q: So even if - I mean, I have to look more carefully into the driving aspect of
756 it...
757
758 A: Right.
759
760 Q: ...but if it - it creates this violation of the safety standard...
761
762 A: But again, that's where I say it's not a- because I - I (unintelligible), they're
763 not driving for ten hours.
764
765 Q: Right.

766
767 A: You know?
768
769 Q: But then there are the other risks.
770
771 A: The other risks, agreed, but that's...
772
773 Q: That are legit even if they're not driving (ten hours).
774
775 A: That's clear, but - but they're not actually quantified either, like, in - there's
776 no instructions (unintelligible).
777
778 Q: They're not in the s- d- which is kinda surprising to me when I started this.
779
780 A: Right.
781
782 Q: That there's a - a regulation that says you - you can't drive...
783
784 A: Yeah.
785
786 Q: ...when you're exhausted but there's no regulation that says you can't, um,
787 handle a firearm.
788
789 A: A- agreed, agreed, so...
790
791 Q: It's just I couldn't find that.
792
793 A: Right, right.
794
795 Q: Yeah.
796
797 A: So there's nothin' that quantifies this, says...
798
799 Q: Yeah.
800
801 A: ..."Hey, you know, you're - you're contrary to this part," but - but again, there
802 - there's no way they're drivin' for te- if they are, then - well, they're just not.
803 I mean, I...
804
805 Q: Yeah. Yeah.
806
807 A: ...I bet you could look at the telematics information on the cars and you'll see,
808 they're - the supervisors are not driving for ten hours.
809
810 Q: Right. There is, um - it's more of a guideline I think in that, um, that DOD

811 instruction that says including other duties, um...

812

813 A: Well actually, it's in the Op Nav instructions - well, in - in that same section

814 that talks about - I - I - I'm certain it has something about other duties. It's - it

815 - it says something about a 14-hour shift.

816

817 Q: Yeah, including all other duties.

818

819 A: If I - if I remember, 14 hours.

820

821 Q: Shall not - yeah.

822

823 A: So again, I - I agree with that, yes, it's - it is a 16-hour shift. It does exceed -

824 to be honest with you, I never caught the 14 versus 16 hours before because y-

825

826 Q: Oh, here it is. "A 14-hour duty day including driving and all other duties

827 should be the maximum allowed."

828

829 A: And - and I wish it was.

830

831 Q: Unless required under exceptional conditions.

832

833 A: Right, and we are told a- we in - installations COs are told, "Hey, manning

834 shortfalls, use overtime," and they will tell you to fill the gap.

835

836 Q: And you're told that by who?

837

838 A: Oh, it - from - from above, I mean, it's - it's from the - I can't - I don't know

839 if I could tell you a name but I mean - you know, that's the guy (in second)

840 from the region.

841

842 Q: Mm-hm.

843

844 A: And I'm sure it's from CNIC as well, even US-lead forces because the bill

845 payer recognizes this is what we have.

846

847 Q: Mm-hm. That could be considered an exceptional condition.

848

849 A: I agree. I agree.

850

851 Q: At this MPVP scenario.

852

853 A: Right.

854

855 Q: You know? Uh...

856
857 A: Because I think the MPVP came about and then - and then the way we are
858 actually looking at force protection, you know, with the ISIS threat and others,
859 this in the last what, year and a ha- year anyway, the - it's different, you know.
860
861 Q: Mm-hm.
862
863 A: I'm - I'm patrollin' housin' areas that were even outside my jurisdiction, you
864 know.
865
866 Q: I heard that, yeah.
867
868 A: You know, so that's, uh - I mean, there - there's definitely a different mindset
869 and - and the modeling piece of that that runs the back end essentially hasn't
870 caught up yet.
871
872 Q: Okay.
873
874 A: But I think the risk is manageable for what we have here, so I'm - I'm not the
875 doomsayer sayin', you know, I- i- it - you know, it's all bad, right, I - I - so I
876 think that although there are times when they have to do a 16-hour day, I - I
877 think the risk is manageable there, I think it's shown out so far. And - and...
878
879 Q: Yeah.
880
881 A: You know, and - and again, they're - they're not driving ten hours, not - not
882 the supervisors.
883
884 Q: Okay. It's still - you know, I mean, you can see when I looked at the, um,
885 timecards and I really did the analysis...
886
887 A: Mm-hm.
888
889 Q: ...and laid it out, you can see where i- it's a lot.
890
891 A: Ye-
892
893 Q: It's a lot on some of 'em.
894
895 A: There typi- well, it's typically only two supervisors who are stayin' overtime a
896 week.
897
898 Q: Yeah. Yeah, (b) (6) .
899
900 A: (b) (6) and either (b) (6) or (b) (6) .

901
902 Q: Right, and there's - there's times when she's working, like, 16 hours and then
903 she gets off, goes home, she has just a few hours and then has to be back at
904 work the next morning.
905
906 A: Um...
907
908 Q: Um...
909
910 A: Okay, I can't say that I've caught in a- as to that, but okay.
911
912 Q: Yeah.
913
914 A: (Unintelligible).
915
916 Q: Well, I mean, I say a few hours, let's see, where is it? I just wanted to kinda
917 show you so you could see what I'm talkin' about. Right here. Okay, she
918 works, uh, this (b) (5) ...
919
920 A: Yeah.
921
922 Q: ...to (b) (5) .
923
924 A: All right, so you got a - day's a swing, okay.
925
926 Q: And then she's back in the next morning, Saturday morning, at (b) (5) , so she
927 only has that...
928
929 A: That shift off, ri-
930
931 Q: ...time between (b) (5) and - and has to be back by (b) (5)
932 (b) (5)
933
934 A: Right.
935
936 Q: And, you know, she said it takes her (b) (5) to drive home, take a shower,
937 have some food, go to bed, and get - try to get back by (b) (5) , you know, it's a
938 lot, and then that second day she's working' a full (b) (5) too, so - and on
939 a regular basis. It just doesn't seem...
940
941 A: That she's volunteered for.
942
943 Q: Okay, that's...
944
945 A: I mean, I - I tell you, I - I...

946
947 Q: Has she or is she told...
948
949 A: Yes.
950
951 Q: ...sh- she has to do that?
952
953 A: I - I have told (b) (6) and (b) (6), "Hey, if this is an issue,
954 you two stand and watch," and I've got the pushback sayin', no, they want it,
955 "they" bein' the two that typically stay in the overtime.
956
957 Q: Mm-hm. Okay.
958
959 A: And I've told (b) (6), I said, "Hey, split that overtime up." I said,
960 "They're doin' an eight-hour shift, pull one for four hours, bring someone that
961 early for four hours." Again, I got, you know, "No, that's - this is what they
962 want to do." So I - I really believe they have a sincere effort to try to get more
963 supervisors hired and I think you were on the e-mail chain about the whole
964 term employment piece so...
965
966 Q: Yeah.
967
968 A: ...it appears they want to hire within, they don't wanna bring new people in,
969 they just wanna have this upward mobility within Naval Station Newport.
970
971 Q: Mm-hm.
972
973 A: Which I don't think is executable, you know, and - you know, I - I think that if
974 you're going to be upward and mobile you should be mobile and be willin' to
975 go to a- another facility, ma- you know?
976
977 Q: Okay. Now why do you think it's not executable, though? Are they not
978 qualified?
979
980 A: Oh no, becau- oh well, some of 'em may not be, right? But the - just the sheer
981 numbers, right? And you know, by the time you're talkin' about a civilian
982 supervisor, right, they could be there for 20 years, right? They're not openin'
983 up slots for people below them to move into. So i- although it may look like
984 it's upward mobile but it may be 30 years in execution, because people aren't
985 quittin', they're not retirin'.
986
987 Q: I - I - I see. But say with these vacancies that they just announced as terms...
988
989 A: Mm-hm.
990

991 Q: ...if they had announced 'em as temps...
992
993 A: Okay.
994
995 Q: ...then could a patrolman feasibly have applied?
996
997 A: It depends on how they worded the statement event because I think our
998 patrolmen are GS5s, so they probably...
999
1000 Q: And you can't jump from a five to a nine.
1001
1002 A: That's right. That's right.
1003
1004 Q: Or whatever it is.
1005
1006 A: So it'd be unexecutable.
1007
1008 Q: Mm, mm-hm.
1009
1010 A: A- and to be honest with you, and I'm not going to push for that either. I - I
1011 think it's perfectly okay to move from one facility to another. I think that
1012 that's good for the organization...
1013
1014 Q: Yeah. Yeah.
1015
1016 A: ...because then you get to see how things are done on other bases. I - I think
1017 that sometimes we have more emotion in Building 1373 because people have
1018 been there forever and that's the only thing they know.
1019
1020 Q: Mm-hm. Okay. Um, I just wanna make sure I'm covering all of this...
1021
1022 A: Mm-hm.
1023
1024 Q: ...that's a- appreciate your patience while I look this over.
1025
1026 A: Of course.
1027
1028 Q: Um, yup, we talked about this, okay. So thi- this part that, um, this overtime is
1029 voluntary is fairly...
1030
1031 A: I've asked on numerous occasions...
1032
1033 Q: ...new to me, yeah. Do you have any e-mail traffic on that a- uh, between
1034 yourself and (b) (6) or (b) (6) where you said - you - "If this becomes an
1035 issue you guys should..."

1036
1037 A: Yeah.
1038
1039 Q: ...work a shift yourself”?
1040
1041 A: Yeah.
1042
1043 Q: Oh, if you could forward that to me...
1044
1045 A: Yeah, okay.
1046
1047 Q: ...that'd be very helpful and, uh - because in my analysis of this (locata) I
1048 don't see (b) (6) workingg overtime.
1049
1050 A: I know.
1051
1052 Q: And he is - he's qualified to do the work, right?
1053
1054 A: Yes, he is. And he has...
1055
1056 Q: Whereas, you know, I know the MAs...
1057
1058 A: ...y- and...
1059
1060 Q: ...reason they're not doin' it is because...
1061
1062 A: They're not qualified.
1063
1064 Q: ...they're not qualified.
1065
1066 A: Now - except for (unintelligible) who does.
1067
1068 Q: Except for one.
1069
1070 A: Now the, uh - there are instances where (b) (6) has come in on an off-
1071 shift. Um, he hasn't done it probably in six months or so but - but he has done
1072 it in the past.
1073
1074 Q: Okay, but he doesn't do it, like, in order to alleviate...
1075
1076 A: Mm-hm. And - and - agree.
1077
1078 Q: ...um, (b) (6), m- um, (b) (6) ...
1079
1080 A: Correct.

1081
1082 Q: ...of having to be in this situation every other Friday where she's only gettin'
1083 five hours of sleep...
1084
1085 A: Right.
1086
1087 Q: ...or whatever it is.
1088
1089 A: So his - his...
1090
1091 Q: He could work every Friday.
1092
1093 A: Right, now his pushback to me was, um, you know, if he's doing supervisor
1094 then he's not doin' (ops divo) stuff, which is what he's hired to do.
1095
1096 Q: A- if he's doin' watch supervisor?
1097
1098 A: If he's doin' the watch supervisor then he's not doin' his (ops divo)
1099 responsibilities, e- exactly for that day, right, so I...
1100
1101 Q: But say, like, on this Saturday, if he could give her that Saturday off...
1102
1103 A: Right.
1104
1105 Q: ...and take it...
1106
1107 A: Right, right.
1108
1109 Q: ...in her place that would alleviate some of that stress off of her.
1110
1111 A: Right, right.
1112
1113 Q: And on a Saturday, the- would - would there be someone else doin' the ops?
1114
1115 A: There would be no ops, there would...
1116
1117 Q: There is no ops on Saturday.
1118
1119 A: Yeah, he's a Monday through Friday. Right.
1120
1121 Q: Right, okay. Say that again, (ops divo), just so I know what I'm talkin' about
1122 now?
1123
1124 A: He's the, um - he's the ops division director, I guess.
1125

1126 Q: Division.
1127
1128 A: Yeah, so he's a GS...
1129
1130 Q: Director.
1131
1132 A: ...11, I believe.
1133
1134 Q: Okay, so what would be askin' him...
1135
1136 A: So he is the supervisor's supervisor.
1137
1138 Q: ...to do GS9 work on a Saturday?
1139
1140 A: So he's the G- he's the supervisor's supervisor.
1141
1142 Q: Right, right.
1143
1144 A: So they all report to him.
1145
1146 Q: Mm-hm. Hmm. 'Kay. I mean, for me lookin' through this, the bigger picture
1147 is the effect that that MPVP has had on all the installations that are...
1148
1149 A: Yes. It doesn't match.
1150
1151 Q: ... (b) (5)
1152 (b) (5) ...
1153
1154 A: Right.
1155
1156 Q: ...according to that.
1157
1158 A: Right.
1159
1160 Q: And it sounds like, from what I'm hearin' from all these different subject
1161 matter experts, that that's just not feasible to not have a supervisor.
1162
1163 A: Agree. Agree. I mean, it's just no- it...
1164
1165 Q: Have you talked to any other COs that are in this similar situation?
1166
1167 A: Oh, absolutely.
1168
1169 Q: Yeah?
1170

1171 A: Absolutely. In fact, I think we all have. I mean, so this is a big drive-by on a
1172 whim, so even back in September.
1173

1174 Q: Mm-hm.
1175

1176 A: So, uh, a- and that's why he got very involved in pushing his concern up to -
1177 w- it was (b) (6) had just gotten in the (seat) here at CNIC so he was
1178 - I mean, I think there was six installations that are in the same situation I'm
1179 in.
1180

1181 Q: Just in CNRMA.
1182

1183 A: Y- yeah, right, right, right, right. I'm - I - exactly. So throughout the country, I
1184 don't know the answer to that one but just within CNRMA, so - yes. And we
1185 all are feelin' the same pain, you know.
1186

1187 Q: Right, and you're all, like, accepting this risk associated with havin' people
1188 work these high levels of overtime...
1189

1190 A: Correct.
1191

1192 Q: ...to cover that. Okay. And, um, I heard that Mechanicsburg was one of them
1193 that actually was leaving shifts without a supervisor, (unintelligible).
1194

1195 A: I'm s- I - I'm sure it's possible.
1196

1197 Q: Yeah.
1198

1199 A: You know, Crane, Indiana, I think's another one and a- well, you know, (b) (6)
1200 (b) (6) would probably, you know, have more insight on that one.
1201

1202 Q: Yeah, okay.
1203

1204 A: But like I said, there's a - so - so the region back in September where Admiral
1205 (Williamson) was personally engaged in this one, you know, and that's why -
1206 I mean, it's taken a while but that's why CNIC has finally agreed to at least
1207 letting us hire the - I - (I'm going to write) the term positions.
1208

1209 Q: Yeah.
1210

1211 A: You know, so - so their RPAs are goin' out now.
1212

1213 Q: I saw that and I saw that there's, like, a different type of concern now about
1214 that, like you said, about the not bein' able to be promoted from within...
1215

1216 A: Right.
1217
1218 Q: ...and, um, but that's, um, I'm not sure. It's a- it's outside the scope of what I
1219 was focusin' on here but...
1220
1221 A: Right. But it speaks to the emotion that exists amongst the supervisors there.
1222
1223 Q: Yes, yeah.
1224
1225 A: Yes. There is, uh...
1226
1227 Q: It is a little concerning.
1228
1229 A: Yes. So we have a new security director and I'm optimistic. It may take him a
1230 little bit of time but I'm optimistic in that he will be able to, you know, make
1231 them a little more objective and, you know, bring them onto a team. You
1232 know, again, they're all used to just growing up from within their own ranks. I
1233 don't think any of them - and well, the supervisors haven't worked, you know,
1234 outside of Naval Station Newport...
1235
1236 Q: Mm-hm.
1237
1238 A: ...(that is NSF).
1239
1240 Q: Okay. So are there any other alternatives to covering this manning besides the
1241 overtime? Oh, and having (b) (6) pick up a shift?
1242
1243 A: Ri- right, (b) (6) pick up a shift, you know, make one stay four hours, bring
1244 another one on for four hours. I mean, those are - those are options - to be
1245 honest with you, the four-on-four, I'm not sure how executable that is, to be -
1246 I - I - I think there was something that came up amongst that one but, uh, I
1247 mean, they w- I - I - yeah. But, you know, havin' - having another person will
1248 really help.
1249
1250 Q: Yeah. But the - the best scenario would be to hire more people.
1251
1252 A: A- agree.
1253
1254 Q: Yeah?
1255
1256 A: And that's why I didn't push back on the ORM letter that (b) (6)
1257 sent up and the- in that enclosure because he's - I mean, the - it's right, that -
1258 that's - that's the best solution, but it's just not what I can execute today so
1259 we'll execute with the ORM process that they had, uh, put in place in that
1260 enclosure.

1261
1262 Q: Okay. Now, do you know if there's any regulations - I looked and I found
1263 something, um, that talks about the definition of a watch commander and -
1264 and so forth, which implies that those things are required, but I was looking
1265 for an instruction that actually says you must have supervision for safety
1266 reasons? For mission reasons, you know?
1267
1268 A: Well, I think, um - I think it comes out when you look at the responses to
1269 issues, so the, uh - I g- I'm not sure you're going to find an instruction that
1270 says every shift must have a supervisor but I think you're going to find, you
1271 know, action items that are assigned in which supervisors are required.
1272
1273 Q: Okay.
1274
1275 A: So again, if - if nothing wrong ever happened, I can see where not havin' a
1276 supervisor would - would be okay.
1277
1278 Q: Okay.
1279
1280 A: But that's not - that's not what we plan for, you know.
1281
1282 Q: I see.
1283
1284 A: So you know, if somethin' happens, you know, you have to have somebody at
1285 the scene, you have to set up the ICP, for example, yo- there are things you
1286 have to do that require a supervisor.
1287
1288 Q: I see. Okay. Okay. Oh, now I understand that there was an effort at one time
1289 to come up with a list of things to actually document what is it we can't do...
1290
1291 A: Oh, yeah.
1292
1293 Q: ...due to our manning shortage.
1294
1295 A: When I took command I continued to hear, "We are undermanned," and then I
1296 looked, I said, "Well, we seem to be doing everything," you know?
1297
1298 Q: Yeah.
1299
1300 A: And so ho- "How undermanned are we?"
1301
1302 Q: Yeah.
1303
1304 A: You know, "What is it - what - what is it we can't do?" And...
1305

- 1306 Q: Mm-hm.
1307
- 1308 A: And, uh, I got a list, there was a few small items that we just said - you know,
1309 I think (b) (6), for example, was doing background checks for,
1310 you know, people who were tryin' to get their security clearances and all that.
1311
- 1312 Q: Mm-hm.
1313
- 1314 A: So n- just said, "No, stop," you know, "We're - we're not doin' that anymore,
1315 that's - that's o- out of your lane," and fingerprint checks.
1316
- 1317 Q: Is there someone else that's supposed to be doing that, the personnel security
1318 manager?
1319
- 1320 A: Don't know, don't know. Didn't care from that perspective because it clearly
1321 didn't have to be security, you know. As far as I'm concerned - 'cause this
1322 was all, you know, checkin' the (CLIOC) desk journal and all - i- it seemed to
1323 me, it's, like, "Hey, have 'em call the region," you know, 'cause this isn't like
1324 - this isn't, you know, Billy Bob Jones callin', this is, you know, like, one of
1325 the investigative, you know, contractors callin'...
1326
- 1327 Q: Mm-hm.
1328
- 1329 A: ...lookin' for an assist and see - and that's just somethin' we just kept doin',
1330 you know, out of...
1331
- 1332 Q: Just 'cause we always did it.
1333
- 1334 A: We always did it, right?
1335
- 1336 Q: Yeah.
1337
- 1338 A: So wha- you know, that was just an example that's come in my (line) where
1339 we just said, "Stop doing that," you know, push 'em away, tell 'em to go
1340 somewhere else to look that information up.
1341
- 1342 Q: But somebody's still doing the background checks? I mean, I don't wanna...
1343
- 1344 A: Don't know. I mean, i- it's not for us.
1345
- 1346 Q: It's no- all you need to know is if they actually - after they got one they have
1347 an ID card.
1348
- 1349 A: That they have the clearance, right, exactly.
1350

1351 Q: Right.
1352
1353 A: So it's - it's not...
1354
1355 Q: I mean, how would they get it is not your problem.
1356
1357 A: Not my problem.
1358
1359 Q: I see, (unintelligible).
1360
1361 A: Right, there's a whole different organization responsible for that.
1362
1363 Q: Yeah, okay.
1364
1365 A: And then - you know, so there was that. The XO actually followed the
1366 supervisors around for a couple of shifts just to see what sort of admin
1367 projects they were working' on, and so- she actually might be able to talk
1368 more about what she saw.
1369
1370 Q: Who said it, now?
1371
1372 A: Commander (Selliburg).
1373
1374 Q: Oh, yeah.
1375
1376 A: So, um - and then the - so- s- so a couple things came off the list, we're just,
1377 like, a- "Just - just stop doing that." You know...
1378
1379 Q: Yeah.
1380
1381 A: That's not important to us. But I didn't get anything meaningful, you know?
1382 So it was, like, okay, and - so in my mind it's, like, "Well, this - this looks like
1383 it's a new 100%."
1384
1385 Q: Mm-hm.
1386
1387 A: Right, so if you're able to do everything, uh, with the current manning then
1388 I'm not sure what the issue is. But, um, that was my big push when I first got
1389 here was to find out, "Hey, what can I do to take off your plate?" Because
1390 Admiral (Williamson) had just taken over at the region nearly the same time I
1391 took over here...
1392
1393 Q: Mm-hm.
1394
1395 A: ...and we were of the same mindset, "Hey, if - if security manning is - is bad,"

1396 you know...

1397

1398 Q: Did he agree with that as far as you know?

1399

1400 A: Oh, absolutely. Yeah.

1401

1402 Q: Yeah.

1403

1404 A: So his - what he was pushin' for was, hey, he wants to have that - that
1405 discussion with CNIC, it's, like, all right, what can we not do? He wants to
1406 have that CO to - you know, commander discussion, what - w- on risk.

1407

1408 Q: Mm-hm.

1409

1410 A: What is it we can't do anymore?

1411

1412 Q: I guess one thing I'm wondering, how they're announcing these term positions
1413 now which they just did...

1414

1415 A: Yeah.

1416

1417 Q: ...two weeks ago or recently, why didn't they do that before and why hasn't
1418 anyone else done that before if it was always something that could have been
1419 done to mitigate this?

1420

1421 A: Oh, I don't think - I don't think any - I don't think people agreed that i- it was
1422 allowed to be done, right, this is a decision that was just made recently so
1423 back last summer, probably a year ago...

1424

1425 Q: Mm-hm.

1426

1427 A: ...I submitted the RPAs. I said, "I wanna find out who's sayin' no," and...

1428

1429 Q: Right, right.

1430

1431 A: ...it was at the region, they said no. So then I - I engaged with the admiral, I
1432 said, "Hey, this is the situation we have," of course, then other COs piled on.
1433 So...

1434

1435 Q: Okay

1436

1437 A: ...then I got told, "Hey, resubmit 'em again," so this time the region forwarded
1438 them to CNIC.

1439

1440 Q: And when you say, "the region," you mean N1 or N3 or both?

1441
1442 A: Yes, to be honest with you I think it was HR probably but, you know, so N3's
1443 involved, HR's involved, which would of course be N1. But then we...
1444
1445 Q: So specifically, like, did you talk directly to (b) (6) about that and say, "I
1446 need to fill these vacancies"?"
1447
1448 A: I talk to (b) (6) about it, the N3.
1449
1450 Q: (b) (6), yeah.
1451
1452 A: Yeah, correct. Many, many, many times.
1453
1454 Q: Okay. But not the N1?
1455
1456 A: U- um, don't know the answer that.
1457
1458 Q: Okay, how to hire people...
1459
1460 A: Right, right.
1461
1462 Q: ...and what are our strategies and how can we get...
1463
1464 A: O- so I go to N3 and so N3 and N1 and N1 would say no because the MPVP
1465 modeling doesn't support it...
1466
1467 Q: Ah.
1468
1469 A: ...right?
1470
1471 Q: And maybe they were always just askin' for permanent positions.
1472
1473 A: I- it could be.
1474
1475 Q: And no one ever said, "Oh, why don't we do terms?"
1476
1477 A: Right, well, I-
1478
1479 Q: Until just two weeks ago.
1480
1481 A: Right, but a- but again - so, see, you...
1482
1483 Q: That's what I was wondering...
1484
1485 A: Oh.

1486
1487 Q: ...like, why didn't anyone think of that before?
1488
1489 A: I di- I don't - I don't know the answer to that question. You know, so...
1490
1491 Q: Yeah, okay. It just never came up before...
1492
1493 A: Yeah.
1494
1495 Q: ...this term idea.
1496
1497 A: Yeah, I guess.
1498
1499 Q: Or temps.
1500
1501 A: Yeah, and I get "term" and "temp" mixed up so...
1502
1503 Q: Yeah, me too.
1504
1505 A: So...
1506
1507 Q: But they're both - I know they're both not permanent.
1508
1509 A: Correct.
1510
1511 Q: And the - that t- topic just never came up before until recently.
1512
1513 A: Okay. That - I - I don't know the answer to that.
1514
1515 Q: And it star- yeah, okay.
1516
1517 A: I - so I do know that the N1 at region is the one who pushed back, said, "No,
1518 you can't hire them because the MPVP doesn't support." So then the
1519 leadership at CNRMA, that's (b) (6) and the admiral and, you know,
1520 folks weighed in and said, "No, we want it," so I resubmitted those RPAs, this
1521 time to region 4 forwarded it to CNIC and then it got turned down by
1522 somebody for the reason of MPVP not supporting it.
1523
1524 Q: Mm-hm.
1525
1526 A: And then that's when the discussion became very real about, "All right, what
1527 di- what do we - what can we do because this is important?" And there was an
1528 MPVP meeting probably six weeks ago in which I'm sure this came up, and
1529 as an outcome of it everybody agreed that yeah, we should have supervisors.
1530 Can't change the MPVP modeling, can't get that done immediately so the

1531 next best route is hire the term employees. So I'm anticipating the MPVP
1532 modeling to change to support supervisors and then this all becomes a moot
1533 point.
1534
1535 Q: Mm-hm, ri- ho- right.
1536
1537 A: And that's why the three years...
1538
1539 Q: Now, when you said there was an MPVP meeting held six weeks ago...
1540
1541 A: Right.
1542
1543 Q: ...um, at what level was that? Who was at...
1544
1545 A: At the O6 level, so the SP, (b) (6) and others (standing)...
1546
1547 Q: But in CNRMA or do you mean...
1548
1549 A: Oh no, at CNIC.
1550
1551 Q: Okay.
1552
1553 A: It was in Washington D.C. In fact there was a - an all ne- or a (nav admin) that
1554 announced it.
1555
1556 Q: I think I saw that now.
1557
1558 A: Right.
1559
1560 Q: Okay, I know what you're talkin' about. And you think this topic came up
1561 maybe?
1562
1563 A: I'm sure it did, right.
1564
1565 Q: Yeah.
1566
1567 A: I know that supervisors - uh, hirin' supervisors was a topic. I wasn't privy to
1568 all - a- you know, I was here, it was in D.C.
1569
1570 Q: Right, and you didn't go to the meeting.
1571
1572 A: But - correct. But shortly afterwards I got this as an alternative, right, so I -
1573 I'm just puttin' two and two together so this is probably happening.
1574
1575 Q: Oh, it could be that they're connected, yeah.

1576
1577 A: And I had phone calls with (b) (6) in the meantime that implied that was
1578 the case, that...
1579
1580 Q: Right, okay. So with the term people, the - the - whoever applies for these
1581 term positions, they're going to have to be qualified, right? They're not going
1582 to be, like...
1583
1584 A: Correct. You have to meet the...
1585
1586 Q: ...the MAs that aren't qualified to be supervisors.
1587
1588 A: That's correct. That's correct.
1589
1590 Q: Right. Okay. So there - it's the training issue shouldn't be as significant with
1591 whoever the candidates are for these (unintelligible).
1592
1593 A: Oh, yeah. I - I can't see hiring a supervisor who's not trained and qualified.
1594
1595 Q: Right. Right, right. Okay.
1596
1597 A: You know, 'cause I don't need to do that.
1598
1599 Q: 'Cause I just see it...
1600
1601 A: I - yeah, I'm not - I'm not tryin' to just - to fill a body, I'm - I really need
1602 somebody who...
1603
1604 Q: You need somebody qualified, right.
1605
1606 A: Qualified, right. And I think the terms of the - of the - of the hiring parameters
1607 are - sufficiently address that.
1608
1609 Q: Yup. Okay. All right. Um, all right, so I'm d- the - my - this little set of
1610 questions here is about the MPVP. Do you agree that the goal of eliminating
1611 the shift supervisors at (Nav Sta) Newport is good, and you said no.
1612
1613 A: No. It's completely out of step with everything I'm getting from - you know,
1614 e- even an e-mail - I mean, even Admiral (Davidson) talked about his concern
1615 for, you know, in the (ROC) four and five places, you know, followin' the
1616 Chattanooga shooting, you know, so th- there's - there's nothing that would
1617 imply that it would be okay to reduce our level of effort in security.
1618
1619 Q: Okay. All right, um, I think I already - you know it al- has affected other
1620 bases. Um, and - and I - I think we - we did already address this, that the - the

1621 risk of leaving the shift completely unmanned is greater than the risk
1622 associated with the overtime.
1623

1624 A: I think so.
1625

1626 Q: Yeah.
1627

1628 A: Yeah.
1629

1630 Q: Um, okay. Um, so what - here was my question. What do you view as the
1631 ideal solution to the overtime safety violation problem in security?
1632

1633 A: I - I would say the ideal solution is more manpower.
1634

1635 Q: Yeah. Meaning permanent manpower...
1636

1637 A: Well...
1638

1639 Q: ...right?
1640

1641 A: I- oh, agree, yeah. It has to be - but you know, civilian or military, I- to be
1642 honest with you, I - I'll take you to one but I mean, qualified personnel...
1643

1644 Q: Qualified.
1645

1646 A: ...who can stay in the post, we really need that.
1647

1648 Q: Yeah. Okay. Okay, so you first said you initially asked for the positions and
1649 submitted a request for personnel action back a- about a year ago?
1650

1651 A: A- think a year ago, yes.
1652

1653 Q: So May of two thousand...
1654

1655 A: It's June or - June or July, 'cause it was - uh, (b) (6) was still the
1656 director at the same and we were talkin' about our need to, you know, hire
1657 more supervisors because I'm also worried that people are going to leave,
1658 right, so - tha- it's...
1659

1660 Q: Right, and once another one leaves then there's even a bigger problem.
1661

1662 A: Right, then I'm really in a crunch, you know.
1663

1664 Q: And I saw that you do have at least one who could retire on - tomorrow if he
1665 wanted to.

1666
1667 A: Right, and the other one's probably not physically qualified to do much - you
1668 know, so...
1669
1670 Q: Yeah. Yeah, I mean...
1671
1672 A: Yeah, there's...
1673
1674 Q: ...he could just say, "I'm done, I'm outta here."
1675
1676 A: Right.
1677
1678 Q: Of course, any of 'em can quit at any time, (too).
1679
1680 A: And that's when I have to go to CNRMA and ask for assistance, you know,
1681 do- you know, detail me somebody, you know, short term that I can use.
1682
1683 Q: Or somethin', right.
1684
1685 A: Right. You know, of course, New London is nearby. They're not overmanned
1686 by any stretch of the imagination but they might have a body they can - they
1687 can lend me.
1688
1689 Q: Mm-hm, mm-hm. Yeah, okay. Um, now, I saw this little brief that's given at
1690 your department head meeting...
1691
1692 A: Mm-hm.
1693
1694 Q: ...by Security each time you have a meeting, they - they say there's still no
1695 status on the RPAs, sent out one in March. So I was just curious about one
1696 March and who they were submitted to.
1697
1698 A: Yeah.
1699
1700 Q: Did the person that they were submitted to respond and s-
1701
1702 A: Well, see - so this is what drove - so this - this is when, um, s- CNRMA said,
1703 "Go ahead and resend 'em," right, and this time CNRMA passed 'em through
1704 to CNIC.
1705
1706 Q: Okay.
1707
1708 A: Right, so that's when this was done. So I did it back in June, I got ter- told no,
1709 I say June, it could have been July or somethin' like that. It was back in the
1710 summertime.

1711
1712 Q: Okay.
1713
1714 A: So then CNRMA all got on board and said, "No, we really do want you to
1715 have supervisors. Please resubmit."
1716
1717 Q: Mm-hm, mm-hm.
1718
1719 A: So we resubmitted and that's what those are.
1720
1721 Q: Okay.
1722
1723 A: Uh, so there's still no status...
1724
1725 Q: No, I wanna show you something...
1726
1727 A: Sure.
1728
1729 Q: ...'cause I think - I think it's fair for you to know this and maybe it's really a
1730 coincidence but I can see this - yeah, when - so you're sayin' this was a
1731 resubmission, that you had already tried to do this in the past, submit these...
1732
1733 A: Yeah.
1734
1735 Q: And this is (b) (6) ...
1736
1737 A: Yeah.
1738
1739 Q: ...doin' it on your behalf.
1740
1741 A: But ri- so he would send it to (b) (6) who's an HR person. I think
1742 she's HR, I - I mean...
1743
1744 Q: She's in three (unintelligible).
1745
1746 A: Right, right, right, right, but I think she wears the HR hat...
1747
1748 Q: Yeah.
1749
1750 A: ...within the three organization.
1751
1752 Q: Mm-hm.
1753
1754 A: So that's who we would send the RPAs to.
1755

1756 Q: Right, so then I looked in (TWIMS).
1757
1758 A: Mm-hm.
1759
1760 Q: Uh, the - the history of RPAs is, like, maintained there and I could see that on
1761 March 1, coincidentally the same day...
1762
1763 A: Right.
1764
1765 Q: ...from (Yur Uwich)...
1766
1767 A: Good.
1768
1769 Q: ...these two actions were created in the system.
1770
1771 A: Good.
1772
1773 Q: And then it showed they were cancelled...
1774
1775 A: Huh.
1776
1777 Q: ...like, immediately the same day. So I asked (b) (6) about that.
1778
1779 A: Okay.
1780
1781 Q: Did anyone ever tell you that they were created and cancelled?
1782
1783 A: Same day? No.
1784
1785 Q: And then she told me that it was a mistake.
1786
1787 A: Okay.
1788
1789 Q: That this was just an error, that she really meant this for Little Creek, not for...
1790
1791 A: Oh, well, then I-
1792
1793 Q: And it was just a coincidence that it was also not (unintelligible).
1794
1795 A: That's an interesting coincidence but, uh, I don't have any...
1796
1797 Q: Nobody ever talked to you about that?
1798
1799 A: No.
1800

1801 Q: I just wondered if you could shed more light on what happened there.
1802
1803 A: N- no.
1804
1805 Q: No?
1806
1807 A: Nobody ever talked to me on that one. So I know that there was - again, there
1808 was initial pushback at the region, say, "Hey, you're not authorized to have
1809 supervisors."
1810
1811 Q: Okay.
1812
1813 A: And but that was all within the HR manning people, right. Nobody in the ops
1814 department, nobody - nobody at the admiral level agreed to that, so once the
1815 admiral got involved it was, like, "Oh, no, we want you to have supervisors."
1816 (b) (6) was very aggressive at - you know, working' with (b) (6)
1817 (b) (6), uh, you know, about getting supervisors hired.
1818
1819 Q: All right, so now as of May, they were resubmitted yet again and this time
1820 they went through. They were posted, I could see.
1821
1822 A: That's correct. That's correct.
1823
1824 Q: The new SA jobs?
1825
1826 A: That's correct.
1827
1828 Q: Okay.
1829
1830 A: So we of course didn't post 'em as term or temp, whatever it was, you know,
1831 but - but that was, uh - again, that - part of the deal that came out of I'm sure
1832 that MPVP meeting in D.C., that said they - the way it had - the implication is
1833 that MPVP changed in that three-year period. That's - that's why the three
1834 years was selected...
1835
1836 Q: Mm-hm.
1837
1838 A: ...it's, like, to give the process enough time to catch up.
1839
1840 Q: Yeah, ri- okay. The - not to exceed three-year term.
1841
1842 A: Right.
1843
1844 Q: Okay, 'cause with the temporaries, the way I understand it, is they can only be
1845 not to exceed one year.

1846
1847 A: (Unintelligible).
1848
1849 Q: So it coulda been that that was a factor, that these would have a person that
1850 would last for three years...
1851
1852 A: Right.
1853
1854 Q: ...as opposed to one that...
1855
1856 A: Right, right, right, because one year is...
1857
1858 Q: That's one year and then you have to go do it again.
1859
1860 A: Which unfortunately indicates that there's no - we're optimistic this will
1861 change within a year.
1862
1863 Q: Yes. Yes, right, right. Um, okay. Um, all right. I think I'm understanding all
1864 of this better now.
1865
1866 A: (Unintelligible).
1867
1868 Q: All right. I think we covered everything. Um, I definitely wanna find more out
1869 about the amount of time that is actually spent driving...
1870
1871 A: Yeah.
1872
1873 Q: ...because that's where the regulation is. Now with that said, though, we all
1874 agree there are other risks associated with all the overtime...
1875
1876 A: Yup.
1877
1878 Q: ...and it's just...
1879
1880 A: Right.
1881
1882 Q: ...not the best scenario.
1883
1884 A: Right.
1885
1886 Q: Either way.
1887
1888 A: Right. And, uh, and I'll end you the e-mail regarding, uh, discussion (me) and
1889 (Bodell) (standing post), you know...
1890

1891 Q: Yes, that would be really helpful.
1892
1893 A: I - I don't delete any e-mails, so...
1894
1895 Q: I- and - and even that, it's a mitigation.
1896
1897 A: Right.
1898
1899 Q: It's still not solving the big problem but it would be another means...
1900
1901 A: Right, if - 'cause if he's doing that he's not doing his job.
1902
1903 Q: Right, right.
1904
1905 A: You know, which - you would be amazed at - you know, there's - there's a-
1906 'cause i- pretty much any action item comes down that's security-related has
1907 to be done by someone. I- it - it can't be done by (b) (6) or
1908 (b) (6), I mean, so it's (b) (6) - you know, (b) (6)
1909 (b) (6) and (b) (6), and those are the guys who are handling the
1910 load so...
1911
1912 Q: I see, yeah.
1913
1914 A: I mean, we were manned the way we are, any little bit can be a lot.
1915
1916 Q: Yeah, yeah.
1917
1918 A: You know?
1919
1920 Q: Yup. Okay. Well, if I think of anything else I'm going to...
1921
1922 A: Okay.
1923
1924 Q: ...reach out to you again and of course, all the paperwork we signed and the
1925 (unintelligible) and everything still apply...
1926
1927 A: Agree, agree.
1928
1929 Q: ...in our future correspondence...
1930
1931 A: Agree.
1932
1933 Q: ...of any kind, phone or e-mail or whatever. And, um, just - do you have any
1934 questions for me...
1935

1936 A: Well, one...
1937
1938 Q: ...or anything else you'd like to add or...
1939
1940 A: One - one little concern, though, right. So a- a- part of the - part of the, uh -
1941 well, one of my concerns is related to - all the supervisors a- are involved in
1942 this issue, right, and - and every time I see - well, often I see e-mails that has
1943 words like, let's see, "retaliatory," "calculated attempt to"...
1944
1945 Q: Yes, uh-huh.
1946
1947 A: Right, that to me is just i- i- I - sometimes think that they're just tryin' to
1948 cover themselves as well, 'cause I'll tell you, they have not been scrutinized
1949 near as much as they have since I took command and then - and I know it's
1950 not just because (Dennis Boyer)'s, you know, hard-nosed but when you - you
1951 know, you're told by the three stars (unintelligible) one job told about - about
1952 two stars (unintelligible) one job, I come here and - and I'm going to pay
1953 attention to security.
1954
1955 Q: Mm-hm.
1956
1957 A: They're not used to havin' people pay attention to security, and then when
1958 you've added on the training manual requirements for, you know, a cart and
1959 inspection.
1960
1961 Q: That's fairly new too, right, the training manual?
1962
1963 A: Exactly, so there's a lot of emotion over there...
1964
1965 Q: Mm-hm.
1966
1967 A: ...about people who aren't wearin' badges from Naval Station Newport, right,
1968 um, lookin' in their business.
1969
1970 Q: Mm-hm, mm-hm.
1971
1972 A: So I see and I hear words like, "retaliatory"...
1973
1974 Q: I wanna mention about that "retaliatory" too. Couple things. One is, um, my
1975 office doesn't handle that.
1976
1977 A: Okay.
1978
1979 Q: Even Navy IG doesn't handle civilian reprisal complaints. That's a separate...
1980

1981 A: Special Counsel or...
1982
1983 Q: Office of Special Counselor and Department of Defense IG.
1984
1985 A: Okay.
1986
1987 Q: They submit to DODIG and then DOD can either do the case themselves or
1988 they can tr- refer it to Office of Special Counsel, I think that's how they're
1989 handling it. But we are not allowed to get involved in that, my office.
1990
1991 A: Oh, and no- I w- get - you don't - I don't want...
1992
1993 Q: But I just want you to know that, um, you may hear from someone else from...
1994
1995 A: Sure.
1996
1997 Q: ...OSC...
1998
1999 A: Right.
2000
2001 Q: ...or DOD...
2002
2003 A: Because...
2004
2005 Q: ...about this separate matter of the reprisal.
2006
2007 A: Yeah, any issue that comes up, they are quick to use those phrases.
2008
2009 Q: Mm-hm.
2010
2011 A: And part of me thinks it's to cover their deficiencies.
2012
2013 Q: Well, I would just say try to avoid tryin' to figure out why anybody - don't
2014 say anything.
2015
2016 A: I do - (ran) objective, I agree, but - but...
2017
2018 Q: You know.
2019
2020 A: When I see those phrases often I'm, like, come on.
2021
2022 Q: And what motivates people to submit a complaint, we are always, um, you
2023 know, it's not - that's not the issue. The issue was, was there a regulatory
2024 violation or not? Did the reprisal occur or not? That's what they're going to
2025 look at. They don't care what the motivation was, and you shouldn't either,

2026 you know.
2027
2028 A: No, that's a fair statement.
2029
2030 Q: You know, just to...
2031
2032 A: I - I - that's a fair statement.
2033
2034 Q: And also as part of this, um - this goes both ways, you know. You're protected
2035 from reprisal yourself so if anyone was to, um, contact you, try to ask you
2036 what did I ask you about, you know, what - what did you tell me or, you
2037 know, do anything, um, to you that you view as a reprisal like, um, an adverse
2038 personnel action of any type of threaten to take an adverse - you're protected
2039 against that too.
2040
2041 A: Mm-hm.
2042
2043 Q: Um, and likewise for yourself towards others, uh, be- just caution about that
2044 because n- it - tryin' to determine why they did it, what they did it, or take any
2045 action against them for it is really prohibited...
2046
2047 A: Oh, and sh- ri-
2048
2049 Q: ...under se- under the Reasonable Protection Act, yeah.
2050
2051 A: It should be. It's just that, you know, every time somethin' comes up, though,
2052 that's a phrase that comes out, it's, like, come on, y'all.
2053
2054 Q: Yeah, I understand.
2055
2056 A: Yeah, no.
2057
2058 Q: Um, that's - but that is a serious separate matter, it's - if they should find that
2059 something is taken because of the fact that they made the complaint...
2060
2061 A: O-
2062
2063 Q: ...or because of the fact that they participated...
2064
2065 A: I su-
2066
2067 Q: ...that's part of what has to be demonstrated, is that the action was taken for
2068 that reason.
2069
2070 A: Mm-hm.

2071
2072 Q: Not for another legitimate reason, you know?
2073
2074 A: Right, and - and believe me, I support - I mean, I - I'm very much in support
2075 of that policy.
2076
2077 Q: Yeah, right.
2078
2079 A: I - I just - you know.
2080
2081 Q: Yeah, I - I understand. Um, so that's part of what I - I need to say at the end
2082 anyway is, um, to make sure that you're cautioned about both, um, bein'
2083 recipient of any reprisal...
2084
2085 A: Mm-hm.
2086
2087 Q: ...or bein' the person that might reprise against someone to avoid it, you know.
2088
2089 A: I will. I will.
2090
2091 Q: Um, and if you have any questions for me, don't ever hesitate to call me or...
2092
2093 A: Okay.
2094
2095 Q: ...e-mail me, anything about where we are with the process or anything. Just
2096 feel free to call me anytime.
2097
2098 A: Okay.
2099
2100 Q: And if you think of anything else that you say, "Oh, I wish I woulda told her
2101 about that," just call me.
2102
2103 A: Okay.
2104
2105 Q: You know, and definitely any e-mail traffic related to overtime issues...
2106
2107 A: Okay.
2108
2109 Q: ...at Security would be really helpful.
2110
2111 A: So do, um - do you have a timeframe on it? I know that...
2112
2113 Q: Well, our goal is always to get them done within 90 days to complete a - an
2114 investigation.
2115

2116 A: Okay.
2117
2118 Q: Um, often that is not the case.
2119
2120 A: Sure, sure.
2121
2122 Q: But we do our best and, um, I'm - I'm hoping that we'll - we'll meet it...
2123
2124 A: O-
2125
2126 Q: ...in this case, uh, 'cause we did already do some preliminary inquiry work
2127 towards it, so...
2128
2129 A: Okay.
2130
2131 Q: Um, and I guess that should - should be it. If there's anything else that, uh, I
2132 think of, like I said, I'll - I'll give you a call.
2133
2134 A: All right, and I'll send you (notes) here once I do an e-mail search.
2135
2136 Q: Okay. And, um - all right.
2137
2138 A: Thanks.
2139
2140 Q: 'Preciate your time, sir.
2141
2142 A: Good to meet you, bye.
2143
2144 Q: And let me just say the time is, uh, just about 1400 now.
2145
2146 A: Yes, okay.
2147
2148 Q: Okay. Thank you very much.
2149
2150 A: Bye.
2151
2152 Q: Have a good day, sir.
2153
2154
2155 The transcript has been reviewed with the audio recording submitted and it is an accurate
2156 transcription.
2157 Signed _____