



Laborers International Union of North America

National Guard District Council

February 24, 2014

COL Gregory A. Durkac
Chief of Staff
Michigan National Guard

RE: Conduct of MATES 15-6 Investigation and Competency of COL Doolittle

COL Durkac:

1. This letter is provided as an attachment to the Technician Replies the Union submitted on behalf of Mr. Joseph Smock and Mrs. Renee Reed.
2. Regarding the 15-6 Investigation and the Investigating Officer (IO) the Union feels it's important to make clear how concerned we are that allegations stemming from the MATES AR 15-6 Investigation ever saw the light of day. Not only do we have strong reservations about the conduct of the investigation, we also disagree with the interview tactics displayed by the Investigating Officer (IO), COL Scottie Doolittle. We're particularly troubled by the fact that COL Doolittle failed to secure a single piece of supporting evidence. We repeat: the 15-6 file is completely devoid of any solid proof (i.e., pictures, property logs, vehicle logs, receipts, etc.) to substantiate allegations provided by some of the individuals he interviewed, especially in regards to Mr. Smock and Mrs. Reed, and it doesn't appear he bothered to secure any conclusive evidence, either.
3. COL Doolittle's recommendation that both Mr. Smock and Mrs. Reed be arrested and criminally charged with theft and embezzlement is especially troubling considering his assertions are all based on hearsay evidence. His other allegations that both Mr. Smock and Mrs. Reed made false statements, attempted to deceive the IO, and interfered with the 15-6 investigation are also baseless and he provides no evidence to support any of those claims. His behavior is disconcerting considering his civilian position as a full time law enforcement official, and it begs the question as to how COL Doolittle is used to conducting investigations in his dealing with the citizens of Grand Rapids as a full time peace officer.
3. The bulk of COL Doolittle's 15-6 summary strikes of an organized crime movie rather than a lucid attempt to seek out the truth. Rather than conduct an objective and unbiased investigation in order to build a case from the ground up, it's quite clear the IO allowed the anonymous build the foundation for his investigation, formulated a collection of assumptions based on the anonymous allegations, and conducted his investigation as a means to justify these pre-formulated conclusion. In other words, he sought out witness testimony that would support his prejudiced notions and ignored those witnesses who contradicted and refuted the anonymous

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accusations. COL Doolittle operated under the belief that those accused were “guilty until proven innocent” and set out to indict rather than exonerate. That’s not how our system of justice is supposed to work, neither in civil or military settings. The burden of proof rests with the accuser, not the accused. Again, COL Doolittle clearly established a theory or “theme” (as he stated in his 15-6 summary) based on the anonymous allegations, and cherry-picked his way through pages upon pages of nothing more than unsubstantiated hearsay testimony, some of it elicited under his own duress and coercion, in order to support said theory.

4. According to his report of initial interviews with witnesses, COL Doolittle found everyone to be nervous and uncooperative, even those witnesses which he would later find credible, like MAJ Brian Burrell whom he actually recommended to assume the top spot at MATES. For example, regarding his initial interview of MAJ Burrell on 16 September 2013, COL Doolittle remarks that he find Burrell “evasive at times” and “not forthcoming with information.” He also suspected Burrell of “trying to remain loyal...to protect someone in the chain of command.” That’s a stark difference to the way Doolittle described Burrell in the 15-6 summary when he praises him for maintaining “his professionalism...and bearing,” and highlighting the fact that Burrell “can make the hard decisions that benefit the organization” (ref 15-6 summary Para. 19(n)(1)).

5. In regards to military technicians, he deliberately ignored the requirement in your appointment orders that he provide them with their Weingarten Rights prior to interviews taking place, and consistently denied their requests for representation. This is the equivalent of denying a suspect in a civil matter their right to have a lawyer present when being questioned in an investigation. We’re certain COL Doolittle understands the right for representation afforded by Federal law, and the pitfalls of denying someone their valid request for representation, and yet he chose to ignore the requests, often advising employees they didn’t need representation.

6. COL Doolittle arbitrarily lent credibility to witnesses who made his theory work without exploring their allegations further even when they were unable to provide actual facts or corroborating evidence, and even when they were complicit in the same types of behavior they were accusing others of. He also chose to ignore those witnesses whose testimony did not fit into his “themed” investigation, and who provided direct rebuttal testimony to the hearsay allegations made by others. Based on the conduct of the investigation alone, Mr. Smock and Mrs. Reed should be returned to full employment, without delay, and provided with a written apology from the Adjutant General’s office. Those who made false allegations should also face discipline, up to and including dismissal. We hope the Agency recognizes the shortfalls in Doolittle’s investigation and takes the appropriate course of action.

7. As we stated in MSG Reed’s reply, it is important to note that MATES has nearly 70 employees, and that the accusations of perceived inappropriateness concerning MSG Smock and MSG Reed are largely being made by a group of 4 individuals (Janet Fouts, Thad Cooper, Sharon and Todd Whichter) who appear to have colluded in presenting similar testimony, and could potentially have personal agendas against others at MATES. It is our belief based on the evidence we have collected that MSG Fouts, in particular, should be disciplined IAW NGB TPR 752 Table D-1 Item 6a and 6b, for making false statements against her co-workers.

8. COL Doolittle also shares the blame for how this investigation unfolded. He should be held accountable as an officer of the Army National Guard, and in his capacity as a full-time peace

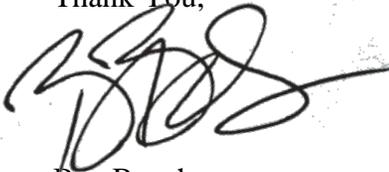
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officer, for the poor conduct of this investigation, for his failure to verify or corroborate any of the preposterous charges made against MSG Reed and MSG Smock, and for his behavior during interviews. The fact that he lent credibility to ridiculous allegations made by a few against many has thrown an entire community into turmoil. It's especially troubling when you consider that COL Doolittle supported charging MSG Reed with having an inappropriate relationship because she's enlisted and he's an officer in light of the fact that COL Doolittle himself enjoyed a longtime friendship with MSG Reed's husband, and even attended social functions at MSG Reed's house which involved participants from all ranks and walks of life, never once complaining or demonstrating any concerns for the appearance of impropriety. Perhaps it's because there never was any to begin with.

9. It goes without saying that this investigation has taken a toll on not only those who have become targets. It is also inconceivable how the Adjutant General of the Michigan National Guard would allow the reputations of these individuals to be trashed on such flimsy hearsay evidence considering their service record. Frankly, it's appalling.

10. Point of contact for this matter is the undersigned via email at benbanchs@liuna-ngdc.org. or vial telephone at (985) 249-2315.

Thank You,



Ben Banchs
Business Manager
LIUNA National Guard District Council

Cc:
MSG Joe Smock
MSG Renee Reed
Mr. James Sweat, Business Manager, LIUNA Local 2132