

STATE OF MICHIGAN

MICHIGAN NATIONAL GUARD - AGENCY,

vs.

ADVERSE ACTION APPEAL
VOLUME I

RENEE REED,

Appellant.

_____ /

MILITARY HEARING

BEFORE COLONEL KEVIN K. DAWKINS, HEARING EXAMINER

Camp Grayling, Michigan - Thursday, October 16, 2014

APPEARANCES:

For the Agency:

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Also Present: Renee Reed
SSG Steven Schultz, Assist. CPT Bedells
LTC Alice Niedergall
MAJ Allyn Johnson, Labor Relations
Specialist
James Sweat, President 2132 Local
Ja'net Vallotton, 2nd Chair to Mr.Banchs

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Grayling, Michigan

Thursday, October 16, 2014 - at 8:03 a.m.

COURT REPORTER: Today's date is October 16, 2014, and the time is now 8:03 a.m. We are on the record.

HEARING EXAMINER: I will call this hearing to order. Today is Thursday, the 16th of October. We are at Camp Grayling. The Adjutant General of Michigan has received an Adverse Action Appeal from Renee Reed. Under the provisions of Technician Personnel Regulation TPR 752, this case is an Adverse Action resulting in the removal against Ms. Reed, the Appellant. Ms. Reed's appeal is based upon the claim that there's a lack of cause or supporting evidence for her removal. The purpose of this hearing is to afford both the Appellant and the Agency the opportunity to present evidence and witnesses, to cross-examine witnesses, and to make presentations to support their respective views. As previously stated in the pre-hearing conference, the Agency will be asked to present its case first. An opening statement may be made by the representative for the Agency followed immediately by the representative for the Appellant. Please note that I will afford the Appellant representative the right to withhold their opening statement until the Agency representative has completed their side of the case.

Captain Bedells, what's your desire regarding

1 an opening statement?

2 CAPTAIN BEDELLS: I'll waive the opening
3 statement, sir.

4 HEARING EXAMINER: Okay. Is the representative
5 for the Agency ready to make his or her--his opening
6 statement? Disregard. So you can go ahead and call your
7 first witness.

8 CAPTAIN BEDELLS: Thank you, sir. The Agency
9 calls Lieutenant Colonel Meyers. Sergeant Schultz went to
10 get him.

11 HEARING EXAMINER: Colonel Meyers, raise your
12 right hand, please. Do you swear or affirm that the
13 testimony you're about to give in this case is the truth,
14 the whole truth, and nothing but the truth so help you
15 God?

16 COLONEL MEYERS: I do.

17 HEARING EXAMINER: Okay. Further, you are
18 advised that you are assured the freedom from restraint,
19 interference, discrimination, coercion, or reprisal for
20 testifying in this case. With that, you can have a seat.
21 Captain Bedells?

22 CAPTAIN BEDELLS: Thank you, sir.

23 COLONEL SCOTT LEE MEYERS

24 (At 8:06 a.m., sworn as a witness, testified as follows)

25 DIRECT EXAMINATION

1 BY CAPTAIN BEDELLS:

2 Q Sir, would you please state your name for the record?

3 A **Scott Lee Meyers.**

4 Q Thank you, sir. Sir, the Hearing Examiner has mercifully
5 let us dispense with a lot of the formalities, so I'm
6 going to, if you will, cut right to the merits of the
7 case.

8 A **Okay.**

9 Q We're aware, because we have a previous record, of how
10 you're employed, who you supervise, what it is you do and
11 why you were the--why you issued the proposed Adverse
12 Action Notice in this matter.

13 A **Okay.**

14 Q But with all that said, I want to call your attention to
15 what is in front of you marked as Exhibit 3 to the Reed
16 matter, titled "Reed Case File." And I believe it's Tab A.
17 Is that correct? Tab A?

18 A **It is.**

19 Q Sir, as you look at that exhibit, do you recognize that
20 document?

21 A **I do.**

22 Q Okay. And for the record, what is that document?

23 A **The proposed Adverse Action Notice for Removal.**

24 Q And you authored that document?

25 A **I did.**

1 Q Okay. And can you explain to the Hearing Examiner
2 what--what you relied upon if anything prior to drafting
3 that proposed Adverse Action Notice in this matter?
4 **A Primarily the 15-6 and the sworn statements in the 15-6.**
5 Q Okay. And in front of you is another document if you want
6 to--if you want to look. And when you say the "15-6,"
7 would that be Exhibit--would that be what is marked as
8 Exhibit 1 to the Reed file?
9 **A It is.**
10 Q A book marked MATES 15-6--
11 **A It is.**
12 Q --Book 1; correct?
13 **A Correct.**
14 Q Did you also look at what has been marked as MATES
15 book--MATES 15-6 Book 2 in your--prior to drafting the
16 proposed Adverse Action Notice?
17 **A And this is?**
18 Q That is Book 2 to the 15-6. It's--
19 **A It was.**
20 Q --entitled--okay.
21 **A I think when I first looked at it, there were--they were**
22 **smaller binders, and there was three of them but--**
23 Q Okay. But is it your testimony you reviewed the entire
24 15-6 and all the exhibits attached to, prior to issuing
25 the proposed Adverse Action Notice?

1 **A** **Correct.**

2 Q And ultimately you decided to do what with respect to
3 Master Sergeant Reed's employment as a technician?

4 **A** **My recommendation was for removal.**

5 Q Okay. And if we--if we take the time to walk through
6 the--walk through Tab A to Exhibit 3, which is the
7 proposed Adverse Action Notice, I notice in paragraph 2
8 Alpha it reads that--it reads, "TPR 752 table D-1, item
9 2A," and I'm going to show you--it's not been marked as an
10 exhibit but it's a copy of the--of the TPR.

11 **A** **Okay.**

12 Q If you need to refresh your recollection, the table's
13 there. You wrote, sir, that Master Sergeant Reed
14 failed--or she was subject to termination for failure to
15 observe written regulations or rules. And then you went on
16 to talk about a relationship with Lieutenant Colonel--an
17 impermissible relationship with Lieutenant Colonel Golnick
18 in violation of AR 600-20. Can you explain to the Hearing
19 Examiner what led to that--to that particular paragraph of
20 the proposed Adverse Action Notice?

21 **A** **Sure. When I reviewed the sworn statements and the**
22 **testimony of those, it was clear to me that there was an**
23 **inappropriate relationship that disturbed the workplace.**
24 **So--and it was beyond just a typical relationship with**
25 **a--with an officer and NCO or supervisor and a**

1 subordinate. I don't believe--as an example, I've got a
2 best friend that's a command sergeant major. We have a
3 great relationship and--but at no time would he ever ask
4 for a favor or at no time would he ever disrupt a work
5 environment. And in this case, from what I saw was that I
6 believe Master Sergeant Reed took advantage of the
7 relationship with Colonel Golnick and for favoritism at
8 the--at the MATES.

9 Q Okay. Now, if I call your attention to paragraph 2 of that
10 same document, being the proposed Adverse Action Notice,
11 we talk about--and again, sir, if you need to refresh your
12 recollection through the TPR, feel free to open that. You
13 again refer to Table D-1 and this time item 12-E. And we
14 talk about misuse of or abuse of government property or
15 personnel. Can you explain to the Hearing Examiner why
16 that is included in your proposed Adverse Action Notice?

17 A Well, I think part of that relationship and special
18 privilege that Master Sergeant Reed received included her
19 own private office where production controllers typically,
20 you know, don't have that, the use of GSAs when others
21 were not permitted for activities, different items that
22 she definitely received, a benefit of that relationship
23 versus other typical employees at the MATES, time off
24 awards.

25 Q And then if we move down one more paragraph, to 2 Charlie,

1 2-C, it--sir, it reads much the same way. As I can--as far
2 as I can tell, the only distinction is that 12--or I'm
3 sorry--2 talks about non-official use of a government
4 vehicle during annual training and 2 Charlie speaks about
5 non-official use of a government vehicle during drill
6 weekends. Is that the distinction in those paragraphs?

7 **A Correct.**

8 Q Okay, okay. So as you drafted that, you distinguished
9 between her--her use or misuse of a government vehicle
10 during AT and drill weekend? Is that fair to say?

11 **A Correct. At times of course we allow the technician**
12 **workforce to use GSAs if the unit's leadership requests it**
13 **for a particular mission. And then those issues certainly**
14 **pop up or arise and there are instances where parts are**
15 **transferred or they have to have a government vehicle for**
16 **the use of a drill weekend for a medical event or**
17 **something of that nature. In this case I saw that a lot of**
18 **times specifically she was allowed to, I believe, use the**
19 **GSA just to save her gas money and where others were not**
20 **permitted to.**

21 Q Okay. And finally, if we go to 2 Delta, we see again the
22 allegation of misuse of a government vehicle. But I think
23 in 2 Delta, if I'm not mistaken, the distinction again is
24 this--we're talking about during the technician duty day.
25 Is that--is that the distinction in 2 Delta?

1 **A** **It is.**

2 **Q** And can you explain to the Hearing Examiner what--why you
3 included that provision in the--or perhaps we've covered
4 it already--but why you included that provision in your
5 proposed Adverse Action Notice?

6 **A** **Sure. Same type of thing, using to come to Lansing for a**
7 **personal thing she may have needed to take care of in**
8 **Lansing, a case where others were not permitted to do so.**
9 **They were--they were required to use their own POV.**

10 **Q** Okay. Sir, should others have been afforded the
11 opportunity to use a GSA? Or is it the case that no one
12 should have been allowed to use a GSA for things like
13 attending drill?

14 **A** **Like I said, unless there is a specific requirement or**
15 **request from a unit as to what that GSA would be used for**
16 **in a government function, those instances we--we do**
17 **approve. For just personal use to drive to drill, those**
18 **absolutely are not.**

19 **Q** Fair. Now, back to the paragraph 2 Alpha, the relationship
20 if you will, were there any allegations as you combed
21 through the 15-6 that suggested any sort of sexual
22 relationship whatsoever?

23 **A** **I guess there were hints towards it, although I don't**
24 **know--I would hate to believe that to be true.**

25 **Q** Okay.

1 **A** **But--**

2 Q My--but to-

3 **A** **--there were--there were--**

4 Q --go into your thought process, did you believe that there

5 was or was not?

6 **A** **It certainly--I guess if I found out that there--there**

7 **specifically was, for some reason part of me wouldn't be**

8 **terribly surprised, although I'd hate to believe that to**

9 **be true, to be fair.**

10 Q Okay. And prior to drafting this proposed Adverse Action

11 Notice dated 12 February--is that correct?

12 **A** **It is.**

13 Q Did you consider--let me strike this. Are you familiar

14 with the Douglas factor?

15 **A** **I am.**

16 Q Okay. And prior to drafting this proposed Adverse Action

17 Notice, did you consider the Douglas factor?

18 **A** **Yeah, each of them I initialed off on.**

19 Q And even after reviewing them, it was your decision to

20 terminate Master Sergeant Reed's employment; correct?

21 **A** **Correct.**

22 Q Do you understand the TPR, the table of--table of offenses

23 that I referenced earlier? I believe it's D-1. Do you

24 understand that those are recommendations?

25 **A** **I do, absolutely.**

1 Q Okay. So is it your position that you could exceed those
2 recommendations if you chose to?

3 **A It is.**

4 CAPTAIN BEDELLS: I have no further questions,
5 sir.

6 HEARING EXAMINER: Mr. Banchs?

7 CROSS-EXAMINATION

8 BY MR. BANCHS:

9 Q Good morning, sir.

10 **A Good morning.**

11 Q Sir, what is the--what is the Michigan National Guard's
12 regulation for NTV or GSA use?

13 **A They have a GSA-NTV SOP that is--that is used as well
14 as--I don't know--there is a government regulation on
15 NTVs. I just don't have it handy.**

16 Q Right. But which one is the government regulation for
17 technicians of this state?

18 **A Just NTV SOP that we use in the state.**

19 Q Does the--does the SOP specifically prohibit members of
20 the Michigan National Guard from using NTVs or GSAs to
21 travel to drill if it's on official business?

22 **A If it's for personal benefit only, we don't permit it.**

23 Q I understand. The question I asked was but if it was--if
24 it's for official business?

25 **A Only if it's requested by the unit, that official**

1 **business. If you're just going to drills, then it's not**
2 **permitted.**

3 Q Okay. So what would be an approved use for a technician
4 that's on drill status to take an NTV or a GSA to their
5 drill, for example, or AT, other than them being requested
6 by a commander? And I'm sorry for stepping on--

7 A **Yeah. Technically they obviously wouldn't go on technician**
8 **status to drill. However, if there was a requirement for**
9 **that particular unit as part of that request--so as an**
10 **example--and there were instances where I'm quite sure**
11 **Master Sergeant Reed was authorized specifically if there**
12 **were parts that needed to come from MATES down to a unit**
13 **and there was a request that--made that would help that**
14 **mission of that unit. If--we have pools of GSA vehicles**
15 **and like I said, you know, a medical event, a tactical**
16 **vehicle is not the appropriate vehicle to shuttle people**
17 **around for medical events, those types of things. They**
18 **would--they would get vetted and approved.**

19 Q So it is possible that when Master Sergeant Reed used a
20 vehicle that she did have authorization and at least at
21 some purpose? If you--you know, even if you believe some
22 of the hearsay testimony that's in the 15-6, it is
23 possible that she was requested to bring an NTV or a GSA
24 for example to drill or to AT?

25 A **Certainly for many--probably many occasions that would be**

1 requested and approved through both chains of command.

2 Q Okay. I'm sorry--do we have the GSA logs? Sir, did you
3 have an occasion to examine the GSA logs for the MATES?

4 A I have. They're hand-scratched GSA logs.

5 Q Are you saying they're not accurate?

6 A I believe they are as accurate as they are. Whether or not
7 MATES followed all the procedures in logging out GSAs,
8 there are many issues with their processes that I've since
9 discovered that are changed.

10 Q Well, just--and I won't--I won't--you know, I won't bore
11 you with going through them all, but just my cursory
12 review of them, the records whether they're accurate or
13 not, go back prior to 2008?

14 A Correct. That's what they had available.

15 Q Yes, sir. And just based on my--and you did see the same
16 records? Am I correct?

17 A I have.

18 Q Okay. We have--

19 CAPTAIN BEDELLS: Here, take a look at them,
20 sir, if you need to refresh your--

21 BY MR. BANCHS:

22 Q There are approximately maybe 20 pages' worth of sign-out
23 sheets?

24 A And that's kind of the issue I have with these sheets is
25 certainly there are many, many more uses of GSAs than what

1 **was logged in, logged out on these documents.**

2 Q But that's--you know, if what you're saying is true,
3 sir--and I'm not saying that it is or not. I'm just saying
4 we don't have any evidence of that.

5 A **Correct.**

6 Q That would be a violation of Federal regulations, wouldn't
7 it?

8 A **Absolutely. If they weren't dispatched, they were just
9 taken--and like I said, when the new superintendant was
10 placed at MATES, we have completely changed the policy so
11 we can absolutely track it.**

12 Q Now, in addition to these, the vehicles themselves also
13 have a sign-out sheet; is that correct? A mileage sheet
14 that you keep track of the mileage that you drive and
15 stuff like that? It's a DOD form, I believe.

16 A **Well, they print it out of the SAMS box and then they turn
17 it in and update the mileage and the--the fuel used and
18 those types of things as well.**

19 Q So using the--

20 A **But the records certainly don't go back as far--**

21 Q Using a government vehicle, whether it's a GSA or an NTV
22 or whatever, without signing it out properly is a
23 violation of the SOP? It's a violation--

24 A **Absolutely.**

25 Q --of Federal regulation? Putting fuel in a government

1 vehicle without authorization would also be a violation;
2 correct?

3 **A And all our GSAs and NTVs have fuel cards.**

4 **Q** Okay. Have you guys initiated since the--since Colonel
5 Doolittle's investigation ended, has there been a FLIPL or
6 a 15-6 specifically concerning misuse of GSAs other than
7 Ms. Renee's termination?

8 **A** **We don't have any testimony to go back and do anything**
9 **with that. However, like I said, after the investigation,**
10 **we currently dug down in to the use and authorization**
11 **amongst all of the facilities to ensure that they were**
12 **certainly tightened up.**

13 **Q** Well, sir, what I'm trying to get in a roundabout way is
14 that all--other than the hearsay testimony from
15 individuals like Master Sergeant Fouts, Joel Mack, Mr.
16 Cooper, other than that, was there any follow-up
17 investigation that perhaps you did because obviously the
18 Hearing Examiner (sic) didn't because he never referenced
19 the GSA logs? He never even looked at them from what I can
20 tell in the 15-6. Did you go back and--

21 **A** **The only thing that I did is I met with the manager of the**
22 **GSA-NTV fleet and the G4. I said, hey, as soon as I saw**
23 **this, I knew we likely had a problem with GSAs being**
24 **issued out to whoever and not documented. I said--in the**
25 **shop that I used to manage as CSMS, we did it completely**

1 differently. You certainly can go back and those logs are
2 completely different and more accurate. And so we're
3 instituting and have been instituting that same policy
4 since the 15-6. So there--to answer your question on
5 investigation, no, there has not been.

6 Q I guess I'll put it to you another way, sir. Other than
7 allegations by individuals against Mrs. Reed that she
8 misused a government vehicle, did you find any evidence to
9 support those allegations, any solid evidence, direct
10 evidence?

11 A **Just the sworn statements from the 15-6.**

12 Q Other than those, sir--

13 A **No.**

14 Q --because those are hearsay--

15 A **Absolutely none.**

16 Q And the reason that I say that those are hearsay is
17 because they alleged that she misused the vehicles, but
18 they don't say that on December 3rd, 2006, Ms. Renee Reed
19 took a GSA to drill without authorization. Did you follow
20 up those statements with any kind of evidence to back
21 those up?

22 CAPTAIN BEDELLS: Well, I'm going to object to
23 his characterization of hearsay. If we're talking about
24 hearsay in the legal context of hearsay, that's not what
25 makes a statement hearsay. What makes a statement hearsay

1 is that a person didn't personally observe or hear it for
2 themselves. It's--it is not the fact that there's some
3 written documentation that's missing. So a sworn
4 statement, okay, if they--if it's based on personal
5 knowledge, it's not hearsay. That's--that doesn't
6 characterize it as hearsay. It's a legal term of art so--

7 HEARING EXAMINER: I think if you just asked
8 this witness what he used as his basis for his proposals--

9 MR. BANCHS: Well, I think he's already
10 established that, sir. I think he's established that he
11 relied solely on the statements that were made by
12 individuals in the 15-6. And I'm just trying to establish
13 whether he went back and maybe looked at the GSA files to
14 correlate those.

15 HEARING EXAMINER: All right.

16 THE WITNESS: I looked--I looked at these, and
17 they were crap.

18 BY MR. BANCHS:

19 Q Okay. And they were crap?

20 A **I believe so.**

21 CAPTAIN BEDELLS: That's a term of art too.

22 BY MR. BANCHS:

23 Q So--so the records--so these records are not accurate is
24 what you're saying?

25 A **I don't believe them to be accurate.**

1 Q So how are you to know, sir, that Ms. Reed used a GSA or
2 an NTV properly or improperly? Because you have--

3 **A Based on--**

4 Q --a number of individuals in here that have signed out or
5 possibly didn't sign out vehicles?

6 **A Right; based--just based on the testimony of the others.**

7 Q Solely based on the testimony? Okay. You also testified
8 that you relied solely on the 15-6 statements to determine
9 that there was a clear inappropriate relationship and that
10 the relationship disrupted the workplace; is that correct?

11 **A Correct.**

12 Q And then you reference that you--you're close friends with
13 a sergeant major. Do you care to name that sergeant major,
14 sir?

15 **A Command Sergeant Major Kevin Day.**

16 Q Okay. But that you would never ask for a favor?

17 **A He would never ask.**

18 Q He would never?

19 **A Correct.**

20 Q But I mean, you know it's--it's a two-way street. I mean,
21 you know, certainly there's--

22 **A Yeah.**

23 Q --you know, there's favors that can be asked from top down
24 bottom so--

25 **A He pulled me out of a burning vehicle. Our wives are good**

1 **friends. I've been to his kids' functions.**

2 Q Roger that. Have you been to functions with other lower
3 enlisted individuals whether they were official or
4 socially?

5 A **Absolutely.**

6 Q And would that be considered inappropriate?

7 A **I don't believe so.**

8 Q The mere fact that a--that a officer, whether they're
9 junior, whether they're senior ranking, socializes even
10 with a lower enlisted person, does that make the
11 relationship inappropriate?

12 A **No.**

13 Q Would you say that there is a clear distinction between
14 the relationship--and I've been in the Guard for 23
15 years--between the relationship that we have in the Guard
16 and the relationship that active duty has? I'll ask it a
17 different way. Is active duty much stricter with their
18 definition of what inappropriate fraternization is versus
19 what we are used to here in the Guard?

20 A **I actually think active duty's loosened up a lot on that
21 front. I absolutely know officers and enlisted soldiers in
22 the active component who are friends, and their families
23 hang out as well. And like I said, it depends on how
24 you're defining fraternization, I guess.**

25 Q Okay. The regulation that you cite as your justification

1 for the relationship being inappropriate is AR 600-20; is
2 that correct? And it's paragraph 14-4, relationships
3 between soldiers of different rank. And I don't want to
4 read the whole thing, but which--if you can recall or
5 maybe you can point out, which specific, you know, chapter
6 and--I'm sorry, paragraph was the one that you really
7 relied on?

8 **A I don't know without--**

9 CAPTAIN BEDELLS: I don't have a copy of the
10 reg either or I'd show it to him. So I don't have that
11 reg.

12 THE WITNESS: And I guess to be fair, my
13 primary issue was the disruption of that relationship
14 within the workplace. I think that was absolutely evident
15 with a lot of testimony.

16 BY MR. BANCHS:

17 Q And your--your conclusion of this was based merely on
18 witness statements; correct?

19 **A Correct.**

20 Q Did you--what weight or credibility did you lend to
21 witness statements that said that there was no
22 inappropriate relationship, that there was no disruption
23 of the workplace?

24 **A There was so many other individuals that--that stated that**
25 **there were and gave examples. That was my issue.**

1 Q Okay.

2 **A Now, there certainly were some that I believed to be close**
3 **friends with Master Sergeant Reed and Lieutenant Colonel**
4 **Golnick who, you know, backed their buddy kind of thing.**
5 **But--**

6 Q And since we've already done some of this, I mean, I can
7 just dive straight into the record. But I can just say
8 there were statements that were--that were individuals
9 that were highlighted as being reliable and trustworthy by
10 the investigating officer. Okay?

11 **A Sure, yeah.**

12 Q And Major Burrell and Chief Dean did not say that they
13 felt that there was an inappropriate relationship. And
14 those individuals are still in positions of leadership,
15 and in fact Chief Dean is actually the number two at the
16 MATES now.

17 **A He is.**

18 Q So I'm just wondering why would you not lend those kind of
19 statements just as much or even more credibility or maybe
20 just, you know, it would--they would equal out the
21 detractors or the ones that were making allegations.

22 CAPTAIN BEDELLS: Sir, I'm going to place an
23 objection to his characterization of Major Burrell's
24 testimony. Maybe what we need to do is go, Mr. Banchs,
25 right to Major Burrell's testimony, because I'm not so

1 sure that he didn't characterize the relationship as
2 inappropriate in some regard as well. So subject to that
3 objection, maybe what we need to do is review the--review
4 the sworn statement of Major Burrell.

5 THE WITNESS: What tab is it?

6 STAFF SERGEANT SCHULTZ: T-9.

7 CAPTAIN BEDELLS: And I could be wrong, but my
8 notes don't jive with that.

9 BY MR. BANCHS:

10 Q In my technician reply on behalf of Mrs. Reed, the part
11 that I highlighted from Major Burrell's testimony or at
12 least written statement was that he said that there is a
13 perception--"no known facts that I know of of
14 inappropriate behavior occurring between Reed and
15 Golnick."

16 CAPTAIN BEDELLS: Okay. And let me--let me put
17 in the record what--

18 MR. BANCHS: Well, I'm going to object to this
19 because--

20 HEARING EXAMINER: Well, let me hear it. I
21 haven't even heard it yet.

22 MR. BANCHS: But he can do it--he can do it on
23 his redirect.

24 CAPTAIN BEDELLS: Okay. That's fine. I'll save
25 it.

1 MR. BANCHS: Yeah.

2 CAPTAIN BEDELLS: I'll save it for redirect.

3 BY MR. BANCHS:

4 Q In fact the statements that pretty much every witness made
5 was it was also about perceived--perceived.

6 A There was certainly the--a large amount of time that
7 Colonel Golnick and Master Sergeant Reed spent together in
8 her office disrupting the work environment. I don't--and
9 certainly that was part of my decision with Colonel
10 Golnick as well. There was a lot of distraction with
11 their--with how they behaved, I think, at the workplace
12 with each other. And it was that relationship that they
13 had, a good friendship I believe, that was the large
14 distraction on that part of that question.

15 Q But certainly the same folks that have made some of these
16 allegations also alleged that Colonel Golnick had special
17 relationships with other individuals in the workplace like
18 Master Sergeant Smock?

19 A I don't think it was as predominant as the relationship
20 with Master Sergeant Reed.

21 Q Yeah, but certainly it's been alleged that there was a
22 click, the Grayling Mafia or however they called it?

23 A There were I believe to be clicks, not just a click, but
24 different clicks at the MATES for sure.

25 Q So why is it that Sergeant Reed was the only one that was

1 charged with inappropriate relationship?

2 **A Because of the distraction. Part of that reason was the**
3 **distraction at the--of the work environment.**

4 Q But had she been male, would it have been the same
5 distraction because--

6 **A I believe it would be. I believe not only was it that**
7 **relationship but it was also the special privileges that**
8 **she received because of that relationship.**

9 Q I'm going to get to those special privileges. But the
10 AR-620 clearly does not differentiate between special
11 relationships of a different--of different genders or same
12 genders?

13 **A Correct.**

14 Q I mean, they will deem an inappropriate relationship
15 regardless of gender status?

16 **A I concur.**

17 Q So there were other people that were alleged, like Master
18 Sergeant Smock, that was alleged to have--

19 **A Like I said, I don't believe that it was the same type of**
20 **relationship. I don't think it was--**

21 Q Would you agree that all the witnesses that alleged an
22 inappropriate relationship stopped short of saying that it
23 was intimate or sexual in nature?

24 **A Yes, I do believe that to be true.**

25 Q Okay. So--

1 **A** **Now, it was hinted at, and that's why I said earlier if I**
2 **found out later, I don't know that it would surprise me.**
3 **However, I don't believe it to--I don't want to believe**
4 **that it occurred.**

5 **Q** **It was certainly hinted but they all certainly stopped**
6 **short of saying that?**

7 **A** **Correct.**

8 **Q** **And whether you have, you know, your perceptions or not--**

9 **A** **Correct.**

10 **Q** **--has there been any proof that there was anything more**
11 **than just--**

12 **A** **On the--**

13 **Q** **--a platonic friendship?**

14 **A** **I think it was more than platonic but--**

15 **Q** **I know what you think. I'm just saying is there any proof**
16 **otherwise?**

17 **A** **I don't--I did not see any proof of a sexual relationship**
18 **between Colonel Golnick and Master Sergeant Reed.**

19 **Q** **At any time did any of the witnesses ever say that they**
20 **would close the door and be in there by themselves?**

21 **A** **Yes.**

22 **Q** **No, they have not, sir. Well, I'll ask it a different way.**
23 **Can you point to which witness said that they would close**
24 **the door and be in either Mister--I'm sorry--Colonel**
25 **Golnick's office or Ms. Reed's office by themselves with**

1 the door closed?

2 CAPTAIN BEDELLS: Well, we're not going to be
3 done as quickly as we figured then, because I'm going to
4 have him read every sworn statement if that's what we need
5 to do.

6 MR. BANCHS: Well, it goes to the case, sir,
7 because what I'm trying--what I'm going to try to
8 establish here is that there was--nobody was trying to
9 hide anything, that the door was always open, people could
10 come and go in as they pleased and not only was Colonel
11 Golnick, quote, unquote, "hanging out" with Mrs. Reed but
12 that he would also hang out with other employees in the
13 facility.

14 CAPTAIN BEDELLS: Okay. Well, I'll tell you
15 this to save us time. I'm not going to--I won't stipulate
16 that the door was never closed, but for purposes of this
17 line of questioning, I mean, just for purposes of this
18 line of questioning, we won't talk about it. I don't know
19 that it matters if the door was closed or not. Or what we
20 can do is read through the--if it's that important, if the
21 issue of whether the door was closed or open is that
22 important, we'll review every sworn statement to see if
23 anyone testified that the door was closed.

24 MR. BANCHS: Well, sir you're going to have an
25 opportunity to review the 15-6 afterwards. So I guess I

1 mean--

2 HEARING EXAMINER: Well, my question is this
3 witness has testified--and I don't want to put words in
4 your mouth. Let me just ask you a couple questions. And
5 I'm probably going to ask you to repeat what you've
6 already said.

7 THE WITNESS: Yes, sir.

8 HEARING EXAMINER: Is it your position that
9 you did not believe there was an intimate or sexual
10 relationship?

11 THE WITNESS: I did not believe there was a
12 sexual relationship when I made my decision.

13 HEARING EXAMINER: So I don't know where this
14 witness can add anything more in terms of whether he
15 thought a door was closed or wasn't closed. He doesn't
16 believe there was--

17 MR. BANCHS: Right. But what I'm--I'm just
18 trying to establish something here, sir. I'm just trying
19 to establish that there was nothing that was being done
20 behind closed doors, for the lack of a better word, no pun
21 intended.

22 HEARING EXAMINER: I'm not sure where
23 that's--with this witness, I'm not sure whether that's
24 relevant.

25 MR. BANCHS: Okay. Well, he's saying that he

1 had--he had no proof but he believes--so that certainly
2 had to weigh in his decision. That's all I--

3 CAPTAIN BEDELLS: But he just testified that
4 it didn't weigh in his--that's exactly what he just said.
5 We can read the record back. He didn't weigh in his
6 decision because he didn't believe a sexual relationship
7 was going on.

8 BY MR. BANCHS:

9 Q So you didn't believe a sexual relationship was going on.
10 And was there ever proven that there was an intimate
11 sexual relationship going on?

12 A **I did not believe that when I made my decision, and I**
13 **don't believe it was proven.**

14 Q Okay. So it wasn't--it wasn't--you didn't give it any
15 weight then?

16 A **Correct; I did not.**

17 Q When you say that there was--when you say that Ms. Reed
18 used her relationship with Colonel Golnick to curry
19 special favor, you mention that she had her own private
20 office.

21 A **She did. Time off awards--**

22 Q Well, before we get to the time off awards, sir, how many
23 production controllers were at MATES at the time that Mrs.
24 Reed was working there?

25 A **I don't know off the top of my head. I mean,**

1 **there's--between the tool and parts and production**
2 **controllers at the MATES, they primarily do the same**
3 **thing. I believe there's four.**

4 Q Do the other ones work by themselves?

5 A **They primarily all work in the--an open area, I guess.**

6 Q But Mrs.--but for example, the other production
7 controller, Ms. Fouts, did she work by herself?

8 A **She does, and she's a tool and parts attendant that was**
9 **assigned property book functions. It was slightly**
10 **different than--**

11 Q But she--her primary job is production controller and she
12 does work by herself?

13 A **I don't believe she was permitted to do a lot of**
14 **production controller type work.**

15 Q But we're not talking about what Colonel--what people
16 allege that she was allowed or not allowed to do. I'm just
17 saying that as a fact she is a production controller and
18 she works by herself as well?

19 A **She's a tool and parts attendant, I believe. I don't have**
20 **her PD right in front of me. But I believe--and her**
21 **functions at the shop were completely different.**

22 Q I'll rephrase, sir. There are other people at the MATES
23 that have their own office?

24 A **Correct.**

25 Q Okay.

1 **A There are.**

2 Q Is there a reason that--to believe--let me finish--that
3 they're not currying special--special favor or maybe it's
4 just because of the nature of their job requires a single
5 office?

6 **A It's their--nature of their job requires a single office.**
7 **I don't believe in this case a production controller**
8 **should have their office in any of our facilities. They**
9 **don't need a reason to shut the door. They work together.**

10 Q Well, we already established that there was no record
11 whether she shut the door or not. But I'll ask it a
12 different way.

13 CAPTAIN BEDELLS: I think that--I think what--

14 THE WITNESS: No, it was--

15 CAPTAIN BEDELLS: --going to is why have an
16 office. You have an office to shut a door even by
17 yourself.

18 THE WITNESS: Correct. That's what--yeah.

19 BY MR. BANCHS:

20 Q Okay. Well, I'll ask it--when did you find out that she
21 had her own private office?

22 **A Earlier. I don't know. I'd been up to the MATES before,**
23 **and I had asked Colonel Golnick about it. He said, "Well,**
24 **it's my shop. This is how I manage my facility."**

25 Q Well, other people at the MATES have--work by themselves?

1 **A** **They do absolutely.**

2 Q In their own office?

3 **A** **Correct.**

4 Q Okay. But they're not currying favors. She was?

5 **A** **I believe--I believe that to be part of it.**

6 Q When you--when you talk about--we touched upon the use of

7 GSAs and the fact that--well, not the fact--your concern

8 that the records were not accurate. However, the records

9 show multiple vehicles being signed out and will have--as

10 I think other people are going to testify later on in this

11 hearing, they are going to testify that they have also

12 driven--and the record establishes that multiple employees

13 at the MATES that have driven vehicles whether they're

14 GSAs or NTVs to drill, AT, and other functions.

15 **A** **Correct.**

16 Q Okay. So certainly using a GSA for a work-related--for a

17 work-related function is authorized by the SOP?

18 **A** **And like I said, it depends on that function, not**

19 **specifically for an individual to use but absolutely--and**

20 **sometimes they're directed to be used. So it's more than**

21 **just authorized. Sometimes GSA or NTVs are directed for**

22 **use for certain sets of orders or different types of**

23 **things.**

24 Q Right. For--I think if we just real quick look at the SOP,

25 I think it says for ceremonies. It says for--shit--I'm

1 sorry.

2 CAPTAIN BEDELLES: Ben, do you have a written
3 copy of that?

4 MR. BANCHS: No. Mine is on the internet. I'm
5 sorry. I downloaded it on my computer.

6 CAPTAIN BEDELLES: Okay.

7 MR. BANCHS: It was sent to us by the Agency.

8 BY MR. BANCHS:

9 Q I believe it says ceremonies, transporting for after-hours
10 functions, transportation to medical appointments,
11 authorized activities, which--it doesn't talk about
12 drill--emergency leave transportation. And then I guess
13 the one where drill would fall under would be temporary
14 duty.

15 A **It depends, like I said, the nature of that request.**

16 Q Okay. But there are--I guess what I'm trying to get at,
17 sir, is there--there are a multitude of different reasons
18 that an employee of the Michigan National Guard is
19 authorized to use a GSA or an NTV?

20 A **Absolutely.**

21 Q Roger that. Okay. So now let me get to the--to the time
22 off awards. Now, they're in the record. I have put them in
23 a spreadsheet for my own edification, because I want to--I
24 want to be able to reference these pretty quickly. But can
25 you recall, sir, if you can, who your--whose testimony you

1 relied on the most in the record concerning the allegation
2 that Ms. Reed received--

3 **A I don't necessarily recall.**

4 Q And I'll stipulate that she was not necessarily terminated
5 for her time off awards.

6 **A Correct.**

7 Q But that went along with the inappropriate relationship
8 and the fact that she was quote, unquote, "currying favor"
9 in your words?

10 **A Correct.**

11 Q Would it refresh your memory if I told you that Ms. Fouts,
12 Janet Fouts, was one of the ones that--that really--

13 **A Yeah. And I read in one of the sworn testimonies that--and**
14 **I don't know that I weighted it that heavily at the time.**
15 **But the reason she was given time off awards was**
16 **specifically to keep her mouth shut on the others getting**
17 **time off awards. But I--**

18 Q So Ms. Fouts--and why would she make an allegation like
19 that?

20 **A Why would--**

21 Q Why would Ms. Fouts claim that the reason that she was
22 receiving time off awards was to keep her mouth shut about
23 the inappropriate activities that were going on at the
24 MATES?

25 **A I don't know. You'd have to ask her.**

1 MR. BEDELLS: Yeah, I'll place an objection.

2 He--

3 BY MR. BANCHS:

4 Q Okay. Well, the reason that I'm asking is because--and did
5 you review the time off awards, sir?

6 A **Not all of the time off awards. In my current function, I
7 do.**

8 Q No. I'm saying for this case, did you go--

9 A **Yes; yeah, I did.**

10 Q Now, I don't know if went as far as I did but, like I
11 said, I put them on a spreadsheet. And when I put them out
12 on a spreadsheet, you can go from the person who had the
13 most time off awards in the facility to the one that got
14 the least. Would--do you recall who that individual was
15 that got the most time off awards?

16 A **It would be either--Fouts, Reed, or Smock were primarily
17 the ones that got most of them, I believe.**

18 Q Would it surprise you to know that from 2007 until 2013,
19 August anyway because, you know, the records that are in
20 there stop in August of last year--that the person that
21 received the most time off awards was Ms. Janet Fouts? She
22 had 195 hours in a period of seven years--actually six
23 years.

24 A **And, I guess, to first be fair, I don't know that--or I
25 don't believe that the inappropriate relationship between**

1 **Master Sergeant Reed and Colonel Golnick goes back to**
2 **2007.**

3 Q Okay. But I'm just--

4 A **They may--were friends before that. But narrowing that**
5 **scope down to the last couple of years I think is where**
6 **that relationship issue was more defined, I guess. Now,**
7 **saying that, and the performance for several individuals,**
8 **it surprised me that Master Sergeant Fouts had so many**
9 **time off awards.**

10 Q Well, but Ms. Reed has been working there for nine years?

11 A **Correct.**

12 Q All right. But, again, the records that were--that were
13 provided to us in the 15-6 only went back to 2007. Again,
14 the question I have is whether you knew that already or by
15 me telling you this now, does it give you any pause to
16 know that one of her major accusers is actually the top
17 time off award earner in the shop and that her excuse is
18 that she was getting these to keep her mouth shut?

19 A **I did read that testimony. Like I said, I looked more at**
20 **the whole part of Master Sergeant Reed than I did to the**
21 **particulars. But, yes, it surprised me that she also**
22 **received that much time off awards through that period--**

23 Q Okay. Well what--

24 A **--based on what I perceived her performance to be.**

25 Q Along those lines, sir, would it surprise you to know that

1 Sergeant Reed was the ninth time off awards recipient?

2 **A For that whole--**

3 **Q --time period--**

4 **A That would not surprise me for that period.**

5 **Q She's not even in the top five.**

6 **A Since 2007--**

7 **Q Yes, sir.**

8 **A --that does not surprise me.**

9 **Q Okay. That does not surprise you?**

10 **A No.**

11 **Q** But what I'm saying is, there's a large--if she was
12 currying favor--and I'll give you the list really quick.
13 Number two was Mr. Smock. Number three was Ms. Renee
14 Nielson. Number four was Joshua Sheldon. Number five was
15 Mr. Thad Cooper. Number six was Mr. Dean Miller. Number
16 was seven was Mr. Mike McNamara. And then Mrs. Reed
17 comes--I'm sorry. She comes in at number eight.

18 **A Correct, since 2007. I would--that doesn't surprise me, I**
19 **guess, at all. More recently, there were other time off**
20 **awards for Master Sergeant Reed. There was even--since I**
21 **became the surface maintenance manager, I sat on several**
22 **on time off awards that--they're probably sitting in the**
23 **bottom of my desk drawer--recommendations from Colonel**
24 **Golnick specifically for Master Sergeant Reed and Master**
25 **Sergeant Smock that I did not approve.**

1 Q Okay. But so--

2 **A And I don't necessarily have the ability to deny them. I**
3 **just sat on them because--when the investigation was an**
4 **issue.**

5 Q Well, sir, all I can do is go with what's on the record.
6 So--

7 **A I know that.**

8 Q --real quick, since the allegation--or your perception is
9 that the relationship didn't become inappropriate until
10 the last couple years, for 2013, Ms. Reed was number two
11 in time off awards. Ms. Janet Fouts was a close third. The
12 difference was four hours. Ms. Reed had 46 hours. Ms.
13 Fouts had 42. For 2012, Ms. Reed is actually number 16 on
14 the list. So what I'm trying to get at, sir, is where did
15 you find that the time off awards were inappropriate?

16 **A Especially the more recent ones. And like I said, several**
17 **were just not submitted for actual time off award where it**
18 **was absolutely recommended by Colonel Golnick and the**
19 **partnership to come up to this level. And specifically I**
20 **believe it was authored by Master Sergeant Smock and**
21 **Colonel Golnick.**

22 Q Okay. But that's not in the record, sir. I understand, you
23 know, we have to take your word for it. But there is a
24 process for approving and disapproving time off awards; is
25 that correct?

1 **A There is absolutely.**

2 Q So other than the ones that you're mentioning that were
3 not approved, all the ones that did make it to her
4 paycheck were approved not just by--at the MATES level but
5 they had to be approved by higher level headquarters; is
6 that correct?

7 **A They had to be submitted through the 52 at HRO; correct.**

8 Q And they had--and there's an incentive award board that
9 it's supposed to--

10 **A It's supposed to. I don't believe that it was--it was done**
11 **very well at MATES. Now they have procedures in place**
12 **but--**

13 Q Yes, sir. The incentive award board does not take place at
14 MATES. It happens at the HRO level, and ultimately the
15 Adjutant General--

16 **A I don't--**

17 Q --approves the time off award?

18 **A Not in our state. That's not how it's actioned.**

19 Q Okay.

20 **A Once the--once the surface maintenance manager signs the**
21 **52, it goes to HRO for processing that time off award.**
22 **There's not an incentive board that I'm aware of at HRO.**

23 Q Well, the regulations clearly require them, but I won't
24 bore you with the details. But I'm--I guess what I'm
25 trying to say, sir, is that the time off award process

1 extends beyond the MATES. Somebody above the MATES level
2 has to approve that?

3 **A** How our state works with the partnership council today is
4 that the--if there is a local partnership council at that
5 facility--the MATES has one. CSMS has one. And then there
6 is--for all our other maintenance facilities that don't
7 have a local partnership council, there is a surface
8 maintenance partnership council. Once the supervisor of
9 that individual signs it and the partnership council
10 concurs, then the 52 is forwarded to HRO for that time off
11 award. Now, the action of the 52 doesn't--there's not a
12 process necessarily to deny it but you can certainly hold
13 it. So there's not an avenue--that approving authority is
14 at that lowest level through our partnership council
15 negotiation.

16 **Q** Well, sir, now just--I'm just going to expand a little bit
17 on this, because--because when somebody is put in for a
18 time off award that's over eight hours in a pay period--

19 **A** Okay.

20 **Q** --that requires higher-level approval.

21 CAPTAIN BEDELLS: Is that a question?

22 THE WITNESS: It--

23 CAPTAIN BEDELLS: I mean, I haven't objected.

24 Sir, I haven't objected--

25 MR. BANCHS: Okay.

1 CAPTAIN BEDELLS: --to relevancy but--

2 MR. BANCHS: I'll rephrase. If the
3 supervisor--

4 CAPTAIN BEDELLS: Wait a second. I
5 haven't--I'm not finished with my objection.

6 HEARING EXAMINER: Hold on. Hold on.

7 CAPTAIN BEDELLS: Okay. I haven't objected to
8 relevancy as to the process for time off awards or even
9 the fact that there are a number of people who also
10 received time off awards in addition to Master Sergeant
11 Reed, because I want to give him some leeway. But we've
12 heard testimony from Lieutenant Colonel Meyers that he
13 focused on the last two years of time off awards. This
14 isn't about nine other people or eight other people who
15 had more time off awards than Master Sergeant Reed. And
16 it's not about the process. Mr. Banchs is trying to
17 testify as to how--I frankly--I don't know how Michigan
18 does time off awards. I've never received one and probably
19 will never get one.

20 MR. BANCHS: Sir, here's the thing.

21 CAPTAIN BEDELLS: But my point is--hold on.
22 You can't testify how Michigan--you can testify as to how
23 it maybe is supposed to work according to the SOP.
24 Lieutenant Colonel Meyers is testifying under oath his
25 understanding of how it works.

1 MR. BANCHS: I'm not testifying. I'm asking
2 questions.

3 CAPTAIN BEDELLS: But you are trying to
4 testify. You're trying to tell him the way it's supposed
5 to be.

6 MR. BANCHS: Well, here's why because he keeps
7 dodging the question whether--whether Michigan is doing it
8 appropriately or not, there is--there is a Federal legal
9 way to approve time off awards, especially if they're in
10 excess of eight hours per period. And what I'm trying to
11 establish here is that this does not happen in a vacuum,
12 that MATES was not just handing out time off awards like
13 candy and nobody up top was--

14 HEARING EXAMINER: I don't think that's--I
15 don't think anybody--

16 THE WITNESS: That's not how we do business--

17 HEARING EXAMINER: --said that.

18 CAPTAIN BANCHS: Okay.

19 HEARING EXAMINER: Ben, I think I can--can I
20 ask just a quick question?

21 MR. BANCHS: Yes, sir, absolutely.

22 EXAMINATION

23 BY HEARING OFFICER:

24 Q I think it might help out. Colonel Meyers, did you believe
25 that there was an inappropriate relationship between Renee

1 Reed and Colonel Golnick?

2 **A I do.**

3 Q And do you believe that that relationship resulted in
4 special favors for Renee Reed?

5 **A I do.**

6 Q And do you believe that time off awards--time off awards
7 were one of those special benefits in light of the fact
8 that you've seen the record in terms of other--is it still
9 your belief today that time off awards were one of the
10 special benefits--

11 **A Were one of them, yes.**

12 Q --she received--

13 **A Yes, sir.**

14 Q --because of that relationship?

15 **A I do.**

16 HEARING EXAMINER: Does that--

17 MR. BANCHS: I'm done with that, yeah. Thank
18 you, sir.

19 HEARING EXAMINER: Okay.

20 MR. BANCHS: That's a good way to put it. No
21 more questions, sir. Thank you.

22 HEARING EXAMINER: Captain Bedells?

23 CAPTAIN BEDELLS: I have redirect.

24 REDIRECT EXAMINATION

25 BY CAPTAIN BEDELLS:

1 Q Sir, I didn't ask you the question about Command Sergeant
2 Major Day. And we're talking about--is it Kevin Day?

3 A **It is.**

4 Q Okay. I didn't ask you about that question but you went
5 down that road anyway. Would you--the relationship you
6 have with Command Sergeant Major--he is a Command Sergeant
7 Major; right?

8 A **He is.**

9 Q The relationship you have with Command Sergeant Major Day,
10 is it in any respect similar to the relationship that you
11 have in your mind with respect to Lieutenant Colonel
12 Golnick and Master Sergeant Reed?

13 A **None; absolutely not.**

14 Q Okay. In other words, you don't spend the amount of time
15 in the office that you did--

16 A **(No verbal response)**

17 Q Now, my next question is your proposed Adverse Action
18 Notice lists about--lists not about--it lists four
19 potential offenses; correct?

20 A **Yeah.**

21 Q If proven--would it be your recommendation to remove
22 Master Sergeant Reed if any one of those offenses were
23 proven? Or is it--or was it that you required all four of
24 them to be shown in order for her to be terminated?

25 A **Any of them--some may be weighted more than others, but**

1 there were absolutely the relationship as a whole and the
2 those benefits that were received, specifically the use of
3 the military vehicles, specifically the favoritism for
4 time off awards, and the distraction at the work
5 environment of their relationship amongst the entire
6 facility was what I primarily weighted that decision on.

7 Q Okay. So if any one of--and I don't want to characterize
8 your testimony. Is it your--is it your testimony that if
9 any of those were proven--

10 A **Correct.**

11 Q --that you would have recommended removal?

12 A **Yes.**

13 CAPTAIN BEDELLS: Okay. I have no further
14 questions, sir.

15 HEARING EXAMINER: Recross?

16 RECCROSS-EXAMINATION

17 BY MR. BANCHS:

18 Q Were they proven, sir?

19 A **I believe they were.**

20 Q Okay. Just on the--on the testimony in the 15-6?

21 A **Uh-huh.**

22 MR. BANCHS: Okay.

23 EXAMINATION

24 BY HEARING OFFICER:

25 Q I have a couple questions. When you looked at the GSA log

1 afterwards, you guys realized you had problems so you went
2 through it--and I don't want to again speak for you. But
3 is it fair to say that--

4 **A This doesn't represent all of the GSA-NTV use for the last**
5 **many years.**

6 Q Right. So you've revamped the process and you have a new
7 process--

8 **A Yes, sir.**

9 Q --in place? When you went through that and realized it was
10 basically a mess, was that before or after you issued the
11 proposed action to remove Sergeant Reed?

12 **A It was--it was after--**

13 Q Okay.

14 **A --the proposed--and then I--it was through the 15-6 that I**
15 **discovered--**

16 Q Right.

17 **A --going through it that it was--that it was an absolute**
18 **mess.**

19 Q Okay. And then just one more question. The same line of
20 questions I just asked you that you did believe that she
21 was receiving special benefits, besides time off awards
22 and her own office, is there any--were there any other
23 special benefits that you in your mind thought she was
24 receiving because of the relationship with Colonel
25 Golnick?

1 **A** **And besides the--**
2 **Q** --the GSA--
3 **A** --GSA use, there was--and I don't know how to characterize
4 this, I guess, as a specific benefit. But there was
5 definitely that she-was-someone-untouchable feeling at
6 the--at the shop amongst the employees. You know, naming
7 the workout room after her, doing all these--coziness with
8 the boss, I guess, was--was I guess a privilege. And that
9 was certainly what the--a lot of the employees at the
10 **facility felt.**

11 HEARING EXAMINER: Okay. And I'll allow--since
12 I jumped in there, I'll allow either one of you to add
13 anything if you'd like.

14 CAPTAIN BEDELLS: Well--

15 MR. BANCHS: You want to go first?

16 HEARING EXAMINER: Captain Bedells?

17 REDIRECT EXAMINATION

18 BY CAPTAIN BEDELLS:

19 **Q** Did you ever--did you ever hear of Master Sergeant Reed
20 referred to as the Princess?

21 **A** **Yes.**

22 **Q** Okay. You did hear that?

23 **A** **I have heard that.**

24 **Q** I wasn't hoping to go there, but--and did you ever
25 personally observe the--this reference to the workout room

1 being the Renee Reed Room?

2 **A Only through the testimony I've heard that.**

3 Q Okay. So you never observed--

4 **A I did not.**

5 Q --that yourself? Did--understanding from the previous
6 record we've established, you are the supervisor of a
7 number of facilities including MATES; correct?

8 **A Correct.**

9 Q Is it a concern of yours as the supervisor that a
10 particular employee might be, you know, in the eyes of a
11 lower-level supervisor, receiving some sort of special
12 treatment?

13 **A Absolutely.**

14 Q And why is that a concern, sir?

15 **A Not only is it a disruption throughout the facility but
16 then it undermines that working relationship and the
17 cohesiveness of the entire team. And that was--that
18 was--part of the decision was based on that inappropriate
19 relationship, that those two individuals had amongst the
20 other avenues that other employees wouldn't necessarily
21 have.**

22 Q Okay. To your knowledge, did anyone ever approach
23 Lieutenant Colonel Golnick about this relationship he had
24 with Master Sergeant Reed?

25 **A Yes. The individual who held my position prior to me,**

1 Lieutenant Colonel Maddin, did call Colonel Golnick or
2 talk to him face-to-face about the relationship and the
3 perceived inappropriateness a few years ago. And I
4 believe--

5 Q Prior to you being in the position you're in right now?

6 A **Yes.**

7 Q Did you ever speak with Lieutenant Colonel Golnick about
8 this relation--about the perception of this relationship?

9 A **I did not.**

10 Q But you are saying Lieutenant Colonel Maddin did?

11 A **Correct.**

12 CAPTAIN BEDELLS: Okay. I have no further
13 questions.

14 HEARING EXAMINER: Ben?

15 MR. BANCHS: Thank you for opening this line
16 of questions.

17 RE-CROSS-EXAMINATION

18 BY MR. BANCHS:

19 Q Sir, when did you take your position? When did you replace
20 Colonel Maddin?

21 A **A year and a half ago.**

22 Q And you're saying--and that was before the investigation
23 started; is that correct?

24 A **Yes; that's correct.**

25 Q And you're saying that you were aware of allegations of

1 inappropriate relationship at the time you took over?

2 **A** **I was aware that Colonel Maddin had discussed with Colonel**
3 **Golnick. And I guess my assumption was that it had ceased.**

4 **Q** **Okay.**

5 **A** **And through--obviously the anonymous letter that started**
6 **the 15-6 investigation, from that we learned, I guess,**
7 **that it had not.**

8 **Q** **And, you know, a lot of allegations that are in the record**
9 **by the individuals that were interviewed was that these**
10 **things had been going on for a long time?**

11 **A** **That's what I read.**

12 **Q** **Okay. And was that your--was that your understanding**
13 **before and after you took over your current position?**

14 **A** **It was certainly before and then not until I read the 15-6**
15 **that I was--I thought it had ended, I guess. I thought by**
16 **the time I was there--I hadn't made it up to MATES very**
17 **often, and I hadn't heard anybody from that facility call**
18 **me direct and say, "Hey, you need to come up here. This**
19 **is--this is going on." No one until the 15-6 brought it to**
20 **my attention, I guess.**

21 **Q** **Did Colonel Maddin relay to you why he didn't feel it**
22 **was--it didn't rise to the level of actual taking**
23 **discipline?**

24 **A** **At the time the surface maintenance manager's office is**
25 **within the CSMS facility. And at the time I was the CSMS**

1 superintendent, and so I was in his office and he was
2 saying, "Hey, we got an inappropriate relationship. I had
3 to, you know, counsel Colonel Golnick on having to end
4 this relationship."

5 Q Was it an official counseling, or was it just more like,
6 "Hey, dude, you got to stop"?

7 A I don't know, and I don't have that record at all.

8 Q And in regards to the Captain's question about Ms. Reed
9 being referred to as a Princess, is that--is it uncommon
10 for us in the military to have nicknames? I mean, I'm in
11 the Air Guard. I've been called a Princess before.

12 Q I can see that. Sorry. I'm considered high maintenance
13 myself. So--

14 A Do you have a nickname, sir?

15 Q I am sure there are probably several nicknames behind my
16 back that--

17 A Well, I didn't want to bring this up, but I mean, I know
18 you'd come up here in the January time frame and spent
19 some time with folks up here in I think what they call a
20 "drunkfest." Do you recall what nickname they had for you?

21 A No. And I don't know the drunkfest, but I don't know that
22 they nicknamed me.

23 Q Well, you know what, I'll withdraw that question. I'll
24 just rephrase it. Is it uncommon for us in the military to
25 have nicknames for each other?

1 **A** **It is not uncommon.**

2 MR. BANCHS: Okay. Thank you. I'll turn it
3 over.

4 EXAMINATION

5 BY HEARING OFFICER:

6 Q So you were Colonel Golnick's direct supervisor?--

7 **A** **I was.**

8 Q --as the surface maintenance manager? And he obviously has
9 retired. Was there a pending adverse action against him?

10 **A** **Yes.**

11 Q Okay.

12 **A** **He was recommended for--by me for termination as well. And**
13 **then HR offered him the--I believe HR did or the Chief of**
14 **Staff of whoever, but--**

15 Q Yeah. He--obviously if he was retirement eligible could
16 request a retirement--

17 **A** **Correct. I believe that's what happened, sir.**

18 HEARING EXAMINER: Okay. All right. I remind
19 you that you remain under oath and that you are subject to
20 recall to this hearing until such time that it has been
21 adjourned. Again I'll remind you not to discuss your
22 testimony with anyone.

23 THE WITNESS: Yes, sir.

24 HEARING EXAMINER: And with that, you're free
25 to go. Thank you. Thanks for your time. We can go off the

1 record for a minute.

2 (At 9:01 a.m., witness excused)

3 COURT REPORTER: We are going off the record.
4 The time is now 9:01 a.m.)

5 (Off the record)

6 HEARING EXAMINER: Back on the record. Will
7 you stand for just a second, and I'll swear you in.

8 COURT REPORTER: We are back on the record. It
9 is now 9:12 a.m.

10 HEARING EXAMINER: Colonel Durkac, do you
11 swear or affirm that the testimony that you're about to
12 give in this case is the truth, the whole truth, and
13 nothing but the truth so help you God?

14 COLONEL DURKAC: I do.

15 HEARING EXAMINER: Further, you are advised
16 that you are assured the freedom from restraint,
17 interference, discrimination, coercion, or reprisal for
18 testifying in this case. And with that, you can have a
19 seat.

20 THE WITNESS: Thanks.

21 HEARING EXAMINER: Captain Bedells?

22 CAPTAIN BEDELLS: Thank you, sir.

23 COLONEL GREGORY A. DURKAC

24 (At 9:12 a.m., sworn as a witness, testified as follows)

25 DIRECT EXAMINATION

1 BY CAPTAIN BEDELLS:

2 Q Sir, would you please state your full name for the record?

3 A **Gregory A. Durkac.**

4 Q And since you testified last week, I assume your duties
5 have not changed in--

6 A **No.**

7 Q --any respect?

8 A **They have not.**

9 Q Sir, I'm showing you what is marked as Tab G to Exhibit 3
10 to the Reed case file.

11 A **Okay.**

12 Q And ask you to take a moment just to review that document.

13 A **Are you--**

14 Q Okay. Do you recognize that document, sir?

15 A **I do.**

16 Q And did you draft that document?

17 A **I did.**

18 Q And it bears your signature; correct?

19 A **It does.**

20 Q Okay. Now, prior to that drafting--drafting that document,
21 what if anything did you consult in arriving at your
22 decision to terminate Master Sergeant Reed?

23 A **I consulted the 15-6. I consulted the rebuttal from the**
24 **employee or really rebuttal from the--from Mr. Banchs on**
25 **behalf of the employee.**

1 Q Did you also consider the Douglas factors?

2 A **I did.**

3 Q Okay. Did you go through them factor by factor?

4 A **I certainly did.**

5 Q And arrived at the decision to terminate; correct?

6 A **I did.**

7 Q Is it your testimony, sir, that any one of the allegations

8 if proven would be grounds for termination of Master

9 Sergeant Reed?

10 A **Yes.**

11 Q Okay. And I gather you--I gather you also consulted the

12 TPR 752?

13 A **752, yes, I did.**

14 Q Correct?

15 A **I did.**

16 Q And do you understand the table--I believe it's D, Delta

17 1, to be recommendations more than strict guidelines, if

18 you will?

19 A **Yes.**

20 Q And again, considering all this information, you decided

21 that--decided that your decision would be to terminate

22 Master Sergeant Reed; correct?

23 A **Yes; yes, I did.**

24 Q Okay. And if I could call your attention again to Tab G,

25 which is your original decision, sir--

1 **A** **Okay. Got it.**

2 **Q** --you wrote, at paragraph 4 Alpha, that Master Sergeant
3 Reed had over the past 24 months engaged in an
4 impermissible relationship with Lieutenant Colonel Golnick
5 in violation of AR 600-20, paragraph 4-14, which created a
6 predictable adverse impact on discipline, authority,
7 morale, and the ability of the command to accomplish its
8 mission. Do you recall writing that?

9 **A** **I do.**

10 **Q** Okay. Can you explain to the Hearing Examiner what you
11 determined to be impermissible with respect to the
12 relationship Master Sergeant Reed and Lieutenant Colonel
13 Golnick shared?

14 **A** **As it related to the inappropriate relationship, it was**
15 **special favors accepted by the employee from the**
16 **supervisor and additionally the compromising of the**
17 **supervisor's position and additionally the technician,**
18 **Master Sergeant Reed, in that relationship, meaning that**
19 **the command climate was compromised, the supervisor**
20 **responsibilities were compromised. And there was no**
21 **integrity within the leadership or within the climate of**
22 **the organization.**

23 **Q** Thank you, sir. And then 4, and I'm going to read it into
24 the--even though it's part of the record, I'm going to
25 read it. At 4 Bravo you wrote:

1 "Over the past 24 months you," meaning Master
2 Sergeant Reed, "have misused your position as a
3 military technician to obtain and use government
4 vehicles located at Grayling for non-official use
5 during annual training, drill weekends and during
6 the technician duty day."

7 Sir, do you recall writing that paragraph?

8 **A I do.**

9 Q And, again, can you explain to the Hearing Examiner why
10 you believe that--that form of misconduct, if you will,
11 constituted a termination of Master Sergeant Reed?

12 **A The sworn statements indicated--that I read through on the**
13 **15-6 indicated that the GSAs or the government vehicles**
14 **were being used more of a personal convenience versus**
15 **military official business.**

16 Q Okay. Sir, did you consult any--well, I'll note what's in
17 front of you. Mr. Banchs has provided--I guess these are
18 our GSA logs; correct?

19 MAJOR JOHNSON: Correct.

20 BY CAPTAIN BEDELLS:

21 Q Okay. They were in his possession. They've not been marked
22 as exhibits. They're not part of the record, but I'm going
23 to ask you, did you--have you seen these GSA logs before?

24 **A No, I have not.**

25 Q So you've not consulted the GSA logs in--

1 **A** **No.**

2 Q --any respect?

3 **A** **No, I did not.**

4 Q And so it's your testimony you relied principally upon the
5 sworn statements in--

6 **A** **Correct.**

7 Q --the 15-6?

8 **A** **That is correct.**

9 Q Okay. And you also noted, sir, that you did consider the
10 reply that Master Sergeant Reed submitted through Mr.
11 Banchs; correct?

12 **A** **I did.**

13 Q Did you read that entire reply?

14 **A** **I did.**

15 Q Okay. Did you speak with--to your recollection, did you
16 speak with Colonel Doolittle on this particular file prior
17 to issuing your original decision?

18 **A** **Yes, I did.**

19 CAPTAIN BEDELLS: I have no further questions
20 at this time, sir.

21 HEARING EXAMINER: Mr. Banchs?

22 CROSS-EXAMINATION

23 BY MR. BANCHS:

24 Q Yes, sir. You testified that you consulted the 15-6
25 and--both the 15-6 and the rebuttal?

1 **A** **Yes, sir.**

2 **Q** Did you--did you give--or how much weight, sir, did you
3 give to the documents that we provided in the rebuttal
4 concerning specifically the GSAs, the fact that Ms. Reed
5 did not inappropriately misuse GSAs and NTVs?

6 **A** **So--**

7 **Q** There was--there were statements certainly
8 that--implicating her in the misuse of GSAs--

9 **A** **Right.**

10 **Q** --but there were also statements that we provided--

11 **A** **Right.**

12 **Q** --were provided by Michigan National Guard employees that
13 said that Ms. Reed certainly did not misuse GSAs. In two
14 instances, for example, we have a sworn statement--and I
15 just pulled it out. It's in the record, but I just pulled
16 it out.

17 CAPTAIN BEDELLS: Well, if you'll show it to
18 him--

19 MR. BANCHS: I will.

20 CAPTAIN BEDELLS: --that'd be great.

21 BY MR. BANCHS:

22 **Q** I believe he's a major now, but Captain at the time Jeremy
23 Ruby, where he--where he swore that he had directed Ms.
24 Reed to bring an NTV in conjunction with her duties. Do
25 you recall that statement, sir?

1 **A** **I do.**

2 Q And then we also have a statement from, I believe,

3 Lieutenant Colonel Perricane--

4 **A** **Perricane.**

5 Q --where he also indicates--

6 **A** **I read it.**

7 Q --and those are just two--

8 **A** **Yeah.**

9 Q And the reason that I want to highlight those two, sir, is

10 because those two witnesses provide sworn statements

11 referencing specific times and dates where they requested

12 that Ms. Reed bring an NTV or a GSA. I can't remember

13 exactly which one. And those statements are in stark

14 contrast to the testimony against Ms. Reed which was "I

15 heard," or "I've known Ms. Reed to be misusing GSAs," but

16 they never indicate any specific times and dates.

17 **A** **No. I did read these.**

18 Q Okay.

19 **A** **And I did take them into consideration.**

20 Q And is there any reason why you still decided to terminate

21 Ms. Reed at least for the misuse of GSAs?

22 **A** **There's no--I mean, I can't give you a specific reason as**

23 **to, you know, if--I read the statements is what I'm**

24 **saying. I read the statements. I weighed them against the**

25 **15-6. And the corroboration of the allegations made**

1 **against Master Sergeant Reed in the 15-6 were pretty**
2 **clear. So to answer your question, yes, I read them. I**
3 **took them into consideration, and I still moved forward**
4 **with the decision.**

5 Q Well, when you say that the allegations against her were
6 pretty clear, other than--other than the general
7 allegations unless Captain Bedells has an objection to me
8 generalizing the fact that people were just saying "I
9 heard" or "I've been knowing Ms. Reed to misuse GSAs" but
10 again no specific dates or times, the who, what when and
11 where--

12 CAPTAIN BEDELLS: Well, I will object to the
13 part of your question that says that they just heard,
14 because that's not true. There are sworn statements where
15 people witnessed various forms of--witnessed particular
16 allegations in here. I will--I will not object to your
17 part of the question that talks about the lack of dates. I
18 don't think there are specific dates--

19 MR. BANCHS: Okay.

20 CAPTAIN BEDELLS: --in the--but you're
21 mischaracterizing the sworn statements that suggest that
22 no one says they--

23 BY MR. BANCHS:

24 Q Well, I'll rephrase. Certainly individuals did say that,
25 "I have seen Ms. Reed use GSAs." And they assume that it

1 was for non-official reasons. And, again, they did not
2 provide a who, what, when, where and why. And you have two
3 individuals that are in leadership positions that did
4 provide who, what, when, where and why's which--I was
5 just--is there a reason why you lent those more
6 credibility than these perhaps?

7 **A The 15-6 surrounded a full-time position, a, you know,**
8 **Monday through Friday operation of the MATES facility.**
9 **Those statements are from the soldiers that only saw that**
10 **particular event in a certain space and time. So it wasn't**
11 **consistent. That's not consistent with what I read in the**
12 **15-6, so therefore it created--it did not change anything.**
13 **As I said, the issue was still not resolved.**

14 **Q Well, I certainly agree, sir, they're not consistent with**
15 **what was in the 15-6.**

16 **A So I did take them into consideration, okay, to answer**
17 **your question.**

18 **Q So you--and so basically you had contradicting testimony**
19 **in other words?**

20 **A I didn't say that. What I'm saying is that I read both. I**
21 **took both into consideration, and I still moved forward**
22 **with what I read in the 15-6.**

23 **Q Okay. Jumping to the inappropriate relationship, you**
24 **mentioned--well, I'll read it straight from your reply,**
25 **sir, that--and you quoted straight out of the AR 600-20,**

1 which says that:

2 "Over the past 24 months you engaged in an
3 impermissible relationship which created a
4 predictable adverse impact on discipline, authority,
5 morale, and the ability of the command to accomplish
6 its mission."

7 Can you refresh my memory, sir? Did the MATES at any time
8 fail an inspection or not accomplish their mission per se?
9 Did you recall in the last--and I'm sorry--I hate to keep
10 stepping all over you, sir. But the investigation really
11 went back to 2007, at least what was provided to us in the
12 record. So I mean, since--from 2007 until now, was there
13 any point in time that the MATES did not accomplish their
14 mission, did not service their customers, along those
15 lines?

16 **A I didn't have supervisory responsibility over MATES at**
17 **that time, so I can't answer that question.**

18 **Q** Okay. But the--the way that your paragraph reads here,
19 sir, is that it created a predictable adverse impact on
20 discipline and the ability of the command to accomplish
21 its mission. It's not a--it's not an assumption. It is a
22 statement of fact.

23 **A But you're asking me to go back to 2007.**

24 **Q** Well, since 2007, sir, has the MATES not done their job?

25 CAPTAIN BEDELLS: Well, how was--how was going

1 back to 2007 relevant when we would only go back to
2 February 28--or on or about February 28, 2012? I guess I
3 don't understand the relevancy.

4 BY MR. BANCHS:

5 Q Okay. Well, since 2012, has the MATES failed an
6 inspection? Has the MATES failed to support their units or
7 their customers?

8 CAPTAIN BEDELLS: And he's already answered
9 that question. He doesn't have supervisory responsibility
10 over MATES, so he wouldn't know.

11 MR. BANCHS: So certainly he's the Chief of
12 Staff. If the MATES were to fail an inspection, he would
13 know.

14 CAPTAIN BEDELLS: Okay. Well, I didn't--I
15 deliberately didn't go down--didn't go down how long he's
16 been Chief of Staff--

17 HEARING EXAMINER: Well, let--I think I know
18 where you're going. You did make the statement that--and
19 this is in your decision letter--

20 THE WITNESS: Yes.

21 HEARING EXAMINER: --that the consequences of
22 this impermissible relationship was predictable adverse
23 impact on discipline, authority, morale, and the ability
24 of command to accomplish its mission. So I think the
25 question is what evidence did you see of those things?

1 THE WITNESS: The evidence was the initial
2 anonymous letter that informed the command that there was
3 an impermissible relationship and additional allegations
4 made against employees at MATES. And that's what generated
5 the 15-6 to further find out--it's no different than a
6 command climate survey. If we get a command climate survey
7 of an organization and there's allegations in there of
8 inappropriate behavior or illegal, immoral or unethical
9 actions, then we continue through with an investigation.
10 So to answer your question, the base document for me to
11 make that statement was the original anonymous letter
12 which generated the investigation, to the investigating
13 officer resulting in the 15-6.

14 MR. BANCHS: Can I--

15 HEARING EXAMINER: Yeah.

16 BY MR. BANCHS:

17 Q Well, sir, I agree with you that the anonymous letter
18 could have the same--how can I put this? The difference
19 between the anonymous letter and a command climate
20 statement is that allegedly the anonymous letter was
21 written by one person; correct?

22 A I don't know.

23 Q Okay. So we don't know who wrote the anonymous letter?

24 A Correct.

25 Q So that is an issue. But a command climate survey is a

1 survey of an entire pool of individuals?

2 **A It depends on how many participate.**

3 Q Okay. But if we were to do a command climate survey of the
4 MATES, sir, how many employees are at the MATES?

5 **A I don't know off the top of my head.**

6 Q It's around 60.

7 **A Okay.**

8 Q So if--you know, I'll withdraw. I don't even know where
9 I'm going with this. But I'll just ask you this, sir. What
10 weight did you--did you lend the 31, 35--let me give you
11 the exact count, sir--37 character references that we
12 submitted on behalf of Ms. Reed?

13 **A To be fair and objective, equal weight. Equal weight. I**
14 **mean, that's part of the decision process is to fair--to**
15 **objectively look at all the evidence, look at the**
16 **investigation, look at the rebuttals, look at all the**
17 **pieces of information that provided, so equal weight**
18 **across the board.**

19 Q Okay. I don't know. Maybe if you could explain what equal
20 weight, sir--because you have 37 individuals who submitted
21 voluntary character references on behalf of Ms. Reed. And
22 the reason that those character references are important
23 in this case is because specifically to the allegation of
24 inappropriate relationship. It goes to her character.

25 **A Understand.**

1 Q And our technician reply, at least when I did the reply on
2 her behalf, I was able to only identify one, two, three,
3 four, five, six individuals who specifically made the most
4 damaging allegations about her having an alleged
5 inappropriate relationship with Colonel Golnick. So you
6 have six versus 37. And it's interesting to note that at
7 least one individual that provided a character reference
8 was one of the same ones that accused her of having an
9 inappropriate relationship. So there is a contradiction
10 there. So I'm just wondering what is equal weight?

11 **A Equal weight is that I don't make a decision until I**
12 **review all the information.**

13 MR. BANCHS: Okay. I don't have any further
14 questions, sir.

15 EXAMINATION

16 BY HEARING EXAMINER:

17 Q Sir, one of the things I'm going to have to take back with
18 me is--there's three things I'm looking for. One, did the
19 offenses occur, two, if the offenses occurred, is some
20 penalty appropriate to promote the efficiency of the
21 service--

22 **A Correct.**

23 Q --for the good of the organization, and three in this case
24 was that the right penalty.

25 **A Yes, sir.**

1 Q So and I read the 15-6. I read everything that you've
2 read. Clearly there was an anonymous letter that indicated
3 there was some trouble at the MATES. And so the command
4 jumped on it and said, "Let's do an investigation. Let's
5 find out what's going on here." That was done. It resulted
6 in these charges against Ms. Reed, removal, and then the
7 rebuttal came after that. So as you looked at all that,
8 when it got to your level to make the decision--and
9 there's compelling--there's compelling evidence on both
10 sides in my opinion.

11 A Yes, sir.

12 Q What--can you help me understand your thought process as
13 you carefully weighed all that and obviously decided to
14 remove this individual from technician employment?
15 How--what was that thought process like for you?

16 A When I reviewed all the information, the first thing that
17 came to mind was the health and welfare of the overall
18 organization. And based on the fact that the allegations
19 were made, the sworn statements were provided by the
20 individuals, it was clear to me that the relationships
21 between the two individuals, the inappropriate use of the
22 government vehicles, the gifts received by the individuals
23 had compromised not only the supervisor, the MATES
24 superintendent, but also the individual in question. And
25 in the best interest of the organization, for the health,

1 **welfare and the command climate, it was my decision to**
2 **terminate the employee.**

3 Q Okay. Thank you.

4 A **Okay, sir.**

5 HEARING EXAMINER: Do you want to redirect?

6 CAPTAIN BEDELLS: No. I think we missed the
7 question you wanted answered so I think that's it. But
8 subject--if Mr. Banchs has more, I would like to have the
9 opportunity to question again.

10 REXCROSS EXAMINATION

11 BY MR. BANCHS:

12 Q I'm just curious because the Colonel mentioned that she
13 received gifts. And I know it was alleged that she
14 received gifts, but what gifts did she receive if you can
15 recall, sir?

16 A **Favors. I'd have to go back through the statements and**
17 **pull out each of the individual statements that I**
18 **reviewed. But at the time, yes, that was--**

19 Q Sir, it wasn't anything of--it wasn't like a gift gift?

20 A **Like I said, I'd have to go back and, you know, take a**
21 **look through the statements again so--**

22 Q Was a time off award considered a gift? If you don't mind,
23 sir, I'm just going to--and I won't do it--you know, I
24 won't belabor it like I did with Colonel Meyers. But I was
25 just wondering, did you--did you actually, sir, take into

1 consideration the amount of time off awards that were
2 given? Because that was one of the allegations that was
3 made against Mrs. Reed, that she was, you know, receiving
4 time off awards that were maybe in excess of what other
5 employees were receiving.

6 **A No, I did not.**

7 Q Okay. Would it surprise you to know that since 2007--at
8 least that's how far back the records went--that Janet
9 Fouts was the top recipient of time off awards and Mrs.
10 Reed was number nine--I'm sorry--number eight on the list?

11 **A That's new information. I didn't know that.**

12 Q Well, would that give you pause, sir, if Ms. Fouts--

13 **A No, it doesn't.**

14 Q --was one of the ones that alleged that Mrs. Reed received
15 inappropriate time off awards and she claimed that the
16 reason that she received more than Mrs. Reed was because
17 they were trying to shut her up in her own words?

18 **A I don't know. I don't know.**

19 MR. BANCHS: That's all I've got. Thank you,
20 sir.

21 HEARING EXAMINER: Okay. I remind you that you
22 remain under oath and that you are subject to recall to
23 this hearing until such time that it has been adjourned.
24 Again I'll remind you not to discuss your testimony with
25 anyone.

1 THE WITNESS: Yes, sir.

2 HEARING EXAMINER: Thanks for your time.

3 THE WITNESS: Yeah. Thank you.

4 (At 9:34 a.m., witness excused)

5 CAPTAIN BEDELLS: I don't know if my next
6 witness is here. Can we go off to--

7 HEARING EXAMINER: We can go off the record.

8 COURT REPORTER: We are going off the record.
9 The time is 9:34 a.m.

10 (Off the record)

11 COURT REPORTER: We're back on the record. The
12 time is now 9:39 a.m.

13 HEARING EXAMINER: Colonel Doolittle, do you
14 swear or affirm that the testimony you're about to give in
15 this case is the truth, the whole truth, and nothing but
16 the truth so help you God?

17 COLONEL DOOLITTLE: I do.

18 HEARING EXAMINER: Further, you are advised
19 that you are assured the freedom from restraint,
20 interference, discrimination, coercion, or reprisal for
21 testifying in this case.

22 COLONEL DOOLITTLE: Okay.

23 HEARING EXAMINER: You can have a seat,
24 please. Captain Bedells?

25 CAPTAIN BEDELLS: Thank you, sir.

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COLONEL SCOTTI LEE DOOLITTLE

(At 9:39 a.m., sworn as a witness, testified as follows)

DIRECT EXAMINATION

BY CAPTAIN BEDELLS:

Q Sir, would you please state your full name for the record?

A **Scotti Lee Doolittle.**

Q Thank you, sir. And we are not going to go into all the testimony that we did last week with respect to your background. We've established that you are a police officer and that you were the 15-6 investigator. So the Hearing Examiner has allowed us to--he's going to take judicial notice of all the--all the preliminary matters, for lack of a better term, that you testified to last week. Bearing that in mind, we're on a whole other case, but you were the IO on this particular--or you were the IO for the 15-6 that led to this case, so we're going to get into this--into the merits if you will of this particular matter. Okay?

A **Okay.**

Q So understanding that last week you testified about your investigation as it pertained to Master Sergeant Joe Smock, I'm now going to ask you questions about your report as it pertained to Master Sergeant Renee Reed.

A **Okay.**

Q Okay? If you don't understand the question, please ask me

1 to rephrase it or say "I don't understand the question."
2 But what I would like to do is highlight again your 15-6
3 as it pertained to--as it pertains to Master Sergeant
4 Renee Reed. So if I could--and you have in front of you
5 Exhibit 1 to the Reed case file, and I've placed in front
6 of you your 15-6; correct?

7 **A Yes.**

8 Q So I'd like to draw your attention to page--well, the
9 first page, under major themes--the first page of the
10 report, not the 15-74.

11 **A Okay.**

12 Q Okay. And you've outlined three major--three major themes
13 that are A, being toxic leadership, B, being theft, and C,
14 being destruction or willful throwing away of government
15 property; correct?

16 **A Correct.**

17 Q Which, if any of those pertain to Master Sergeant Reed?

18 **A I think I put it under the toxic leadership.**

19 Q Okay. Now, Master Sergeant Reed was not really the leader
20 of MATES; correct?

21 **A Correct.**

22 Q So how would--how would she being--how would she be
23 encompassed within your toxic leadership theme if you
24 will?

25 **A Well, there was quite a bit of background on it, but it**

1 was based on a relationship that she had with Lieutenant
2 Colonel Chris Golnick. Colonel Golnick was said to have
3 been in her office on a daily basis for multiple hours on
4 end while they were in working conditions. It was said in
5 sworn statements that Colonel Golnick would ask Master
6 Sergeant Reed and Master Sergeant Smock for advice versus
7 asking supervisors for their input on information
8 regarding MATES production or activity.

9 Q Okay. During the course of your investigation, did you
10 ever ascertain--well, strike that. Let me ask you a
11 different way. What time reference did you use during your
12 investigation? In other words, what evidence were you
13 looking at on a particular date--beginning date and what
14 evidence were you looking to at an end date?

15 A I was not able to identify a chronological basis for any
16 of the evidence. In fact, I put it in there that because
17 it was so broad and so spread over time, that I couldn't
18 list a date that said, you know, here's when it started
19 and here's a clear end. It happened over a long period of
20 time.

21 Q Let me limit to the end--the end of your investigation if
22 you will. Who did you understand to be Master Sergeant
23 Reed's supervisor at the--you know, during the course of
24 your investigation?

25 A It was told to me that Lieutenant Colonel McNamara was

1 **actually Master Sergeant Reed's first-line supervisor.**

2 Q Okay. So my question to you then, sir, is if Lieutenant
3 Colonel McNamara was her first-line supervisor, how did
4 this relationship between Lieutenant Colonel Golnick and
5 Master Sergeant Reed develop?

6 A **The way I understand is production control, where Master**
7 **Sergeant Reed works, was the hub. That is the center of**
8 **how things happen. So the superintendent would regularly**
9 **go in to production control and to identify what needed to**
10 **be done, how it needed to be done, what was coming in. So**
11 **Master Sergeant Reed had a lot of information regarding,**
12 **you know, the--what was happening with MATES.**

13 Q I didn't ask that question properly then. You've testified
14 that--you've testified that--it's Lieutenant Colonel Mike
15 McNamara; correct?

16 A **Correct.**

17 Q --was her supervisor; correct?

18 A **Yes.**

19 Q Master Sergeant Reed's supervisor?

20 A **Correct.**

21 Q Okay. Would she not then interact with her--that
22 supervisor?

23 A **I would speculate that she should have direct**
24 **communication with that supervisor on a daily basis.**

25 Q During the course of your investigation, did you find that

1 to be the case?

2 **A I did not.**

3 Q Okay. Who did she interact with on a daily basis if
4 anyone?

5 **A Lieutenant Colonel Golnick.**

6 Q And did anyone provide an explanation as to why Master
7 Sergeant Reed, whose first-line supervisor was Lieutenant
8 Colonel Mike McNamara, actually interacted with another
9 person altogether?

10 **A No.**

11 Q Did you ask Lieutenant Colonel Golnick?

12 **A Yes.**

13 Q Okay. And he couldn't offer an explanation at all?

14 **A He said that they were friends and he had dealings in the
15 production control area on a daily basis. He would go and
16 ask Master Sergeant Reed because she had the information.
17 It was also said that the relationship between Colonel
18 McNamara and Colonel Golnick was not good, so he--they
19 didn't want to have interaction. So instead, Colonel
20 Golnick would come and talk with Sergeant Reed.**

21 Q Okay. Now, do you--earlier you testified that you believe
22 they talked on--I believe you testified a daily basis.
23 Correct?

24 **A Correct.**

25 Q Did you hear that testimony--or I'm sorry. Strike that.

1 Did you--did you obtain sworn statements from people that
2 established that these two--that Lieutenant Colonel
3 Golnick and Master Sergeant Reed spent time together on a
4 daily basis?

5 **A I did.**

6 **Q** Okay. Did you obtain that information from more than one
7 sworn statement?

8 **A I did.**

9 **Q** And if you can tell the Hearing Examiner, the best
10 estimates of how much time you believe--you learned
11 Lieutenant Colonel Golnick and Master Sergeant Reed were
12 spending in one another's office or--let me ask that
13 question--

14 **A It was multiple hours a day is the--I have sworn**
15 **statements that say she was in there--or he was in her**
16 **office from 7:15 to 3:30. I have multiple hours a day. I**
17 **have six hours a day. A lot of people have testified that**
18 **it was--it was often.**

19 **Q** Okay.

20 **A I can't give you a specific, okay, it was 15 minutes, it**
21 **was five hours but--**

22 **Q** When I--my question was how much time they spent in one
23 another's office, and you've answered it, that it was--it
24 varied. Some people said from 7:15 to 3:00, others said
25 six hours, I believe you--okay?

1 **A** **Correct.**

2 **Q** Did you ascertain that it was Lieutenant Colonel Golnick
3 who was spending most of his time in Master Sergeant
4 Reed's office or vice versa?

5 **A** **No. It was--Lieutenant Colonel Golnick was in Master
6 Sergeant Reed's office.**

7 **Q** Okay. And did those persons you interviewed in their sworn
8 statements indicate what Lieutenant Colonel Golnick was
9 doing in Master Sergeant Reed's for this amount of time
10 each day?

11 **A** **There were sworn statements that were saying they were
12 talking personal business, laughing and joking about where
13 they went the night prior, talking about other stuff. Of
14 course I'm certain that they were--they were talking
15 business at that time also.**

16 **Q** Did any of the persons you interviewed and who provided
17 sworn statements indicate that this had an effect on the
18 working environment? And by this I mean, Lieutenant
19 Colonel Golnick apparently spending endless hours in
20 Master Sergeant Reed's office.

21 **A** **Yeah, it did.**

22 **Q** What if you recall--

23 **A** **Yeah, I do. Master Sergeant Fouts actually writes in
24 her--in her statement and made the comments to me that she
25 had had to burn sick time and annual leave because she was**

1 so disgusted with it. Chief Mack indicates that he was
2 uncomfortable with some of the conversations they were
3 having. Master Sergeant Cooper indicated something
4 similar, that it was uncomfortable some of the
5 conversations that they were having.

6 Q Okay. Now, you've indicated that one employee had to
7 take--"burn" in your words leave, another employee--at
8 least two other employees felt uncomfortable. But my
9 question needs to be more specific. Did it--did anyone
10 provide a sworn statement to the effect that it affected
11 the mission of MATES in any respect?

12 A It did, and I can't tell you. That theme came up multiple
13 times, that there was an overall--supervisors were
14 concerned that Colonel Golnick was asking Master Sergeant
15 Reed about supervisory things as well as Master Sergeant
16 Smock versus actually asking the supervisors. So they
17 thought that that was a challenge. Colonel McNamara said
18 that he felt like he was completely out of the loop
19 because nobody asked him as the foreman or the number two,
20 whether or not MATES's activities should be going on. And
21 instead they thought that the relationship between Master
22 Sergeant Reed and Colonel Golnick was adversely affecting
23 the production at the shop.

24 Q And so I want to be even more specific. Let's take--you
25 mentioned Chief Mack's name; correct? Do you recall as you

1 sit here today--and you might have to refresh your
2 recollection by looking at the 15-6. I don't want to hurry
3 through this process. But if you need to refresh your
4 recollection, please do so. But as we sit here and having
5 mentioned Chief Mack as an individual who said that he was
6 uncomfortable, do you recall specifically what Chief
7 Mack's--what Chief Mack's sworn testimony was--

8 **A I do.**

9 **Q --with respect to how it made him uncomfortable?**

10 **A On page five it's on my report. It came right from his**
11 **sworn statement. Chief Mack writes in a sworn statement,**
12 **"I actually feel uncomfortable going in to get job**
13 **orders," referring to the production control office where**
14 **Master Sergeant Reed works.**

15 **Q Okay. And other--I'd presume that Chief Mack also advised**
16 **you during the course of your investigation that he had to**
17 **interact with the production control office; correct?**

18 **A Correct.**

19 **Q And specifically Master Sergeant Reed; correct?**

20 **A That's correct.**

21 **Q Sir, I'm curious, during the course of your investigation,**
22 **did you ever gather any evidence of an improper sexual**
23 **relationship between Master Sergeant Reed and Lieutenant**
24 **Colonel Golnick?**

25 **A I did not.**

1 Q Okay. And you noted that in your report; correct?

2 A **That's correct.**

3 Q I'm looking at page four of your report if you'll turn to
4 that.

5 A **Okay.**

6 CAPTAIN BEDELLS: And I'm looking at paragraph
7 3-a on page four. Oh, sir, you have the wrong one again,
8 don't you?

9 HEARING EXAMINER: How does the sentence
10 start?

11 CAPTAIN BEDELLS: "When the IO asked
12 questions." I think it's 7 on yours. I think it's 7-a. Do
13 you have a 7-a? No, not page seven. Paragraph 7.

14 HEARING EXAMINER: I have it. I'm there.

15 CAPTAIN BEDELLS: Right there, right.

16 BY CAPTAIN BEDELLS:

17 Q So I'm going to ask you, you actually wrote in paragraph
18 3-a of the record, which is found on page four, the second
19 sentence--third sentence down, "Though there was no
20 allegation of sexual relationship, several areas of
21 sexually explicit activity were reported." Correct?

22 A **Correct.**

23 Q Okay. What did you mean by "several areas of sexually
24 explicit activity were reported"?

25 A **Areas such as somebody observing Colonel Golnick with his**

1 hand inside of Master Sergeant Reed's ASU or class-A coat
2 to adjust ribbons. Master Sergeant Cooper in his sworn
3 statement talks about conversations--sexually explicit
4 conversations that they had. So that was the areas that I
5 was referring to.

6 Q And then--and then notwithstanding that, and we'll go up
7 one sentence. I took them out of order. You do state,
8 "None of the persons interviewed indicated they were aware
9 of a sexual relationship but many claim Master Sergeant
10 Reed received benefit from her personal relationship from
11 Lieutenant Colonel Golnick"?

12 A **Correct.**

13 Q By "benefit," not a sexual benefit, some sort of--what
14 benefit did she receive then?

15 A **I actually listed them out if you go to page five. And it
16 goes "benefits Master Sergeant Reed received according to
17 the sworn statements"--**

18 Q Okay. Great. I'm glad you--so let's go step by step. Okay?
19 You indicate performance step increases not afforded to
20 other MATES personnel. What did you discover during the
21 course of your investigation that led you to write this in
22 the report?

23 A **There were persons who gave me statements indicating that
24 Master Sergeant Reed progressed up the GS steps very
25 rapidly where many other people in the shop didn't have**

1 **to--or had to wait until the time limits, and they weren't**
2 **afforded the same opportunity.**

3 Q Who would--who would afford an employee a performance step
4 increase? And I don't mean at the expense of other people.
5 But typically who would say, you know, "Congratulations.
6 You just received a performance step increase"? And, sir,
7 forgive me, because I know you all know this. I don't.

8 **A It would be the first-line leader or the superintendent**
9 **would afford that.**

10 Q Okay. And I thought we established early in your testimony
11 that her first-line leader was Lieutenant Colonel Mike
12 McNamara. Correct?

13 **A It was.**

14 Q Was Lieutenant Colonel Mike McNamara, did you find during
15 the course of your investigation, the person who actually
16 put her in for a performance step increase?

17 **A I wasn't able to ascertain who put Master Sergeant Reed in**
18 **for the performance step increases. This was just**
19 **statements that people had made that I included in my**
20 **report.**

21 Q Okay. Do you--do you recall speaking with a Master
22 Sergeant Troy Herblet?

23 **A I do.**

24 Q Do you recall--and it might require you reading his sworn
25 statement if you don't specifically recall. But do you

1 recall as you sit here whether at one point Master
2 Sergeant Troy Herblet was Master Sergeant Reed's
3 supervisor?

4 **A He was.**

5 **Q** Okay. Do you recall if he ever indicated that he had put
6 Master Sergeant Reed in for a performance step increase?
7 Take a moment to refresh your recollection.

8 **A Yeah. I was going to say I don't recall if he put her in**
9 **for a step increase. I don't read anything that talks**
10 **about Master Sergeant--or Master Sergeant Herblet putting**
11 **her in for a step increase.**

12 **Q** Okay. During the course of your investigation, did you
13 ascertain that any particular person had put in Master
14 Sergeant Reed for a performance step increase? Or maybe it
15 was called a quality step increase too.

16 **A I testified a little while ago, I don't know who put**
17 **Master Sergeant Reed in for the step increases. I don't**
18 **know who actually did that.**

19 **Q** But some--

20 **A Or at least I don't--I don't remember.**

21 **Q** Okay. But someone did because you put performance step
22 increases are--were not afforded to other MATES personnel.
23 And presumably they were to Master Sergeant Reed; correct?

24 **A That was coming from statements from Janet Fouts, Chief**
25 **Mack, and some of the other individuals indicating that**

1 she has progressed faster. And I didn't get in to the
2 point where I evaluated every person at MATES to see
3 whether step increases happened. It was a statement that
4 was made that I included in the investigation.

5 Q Very well. So, sir, we'll just move to the next benefit
6 that you document Master Sergeant Reed having received was
7 use of an NTV--use of NTV to use for drill assemblies in
8 Jackson and use during AT period. Can you please explain
9 to the Hearing Examiner what you found during the course
10 of your investigation that caused you to include this in
11 your report?

12 A Again, this was given by multiple sources, multiple
13 individuals, saying that Master Sergeant Reed was given
14 the opportunity to use NTVs to go to drill assemblies, to
15 go down to Lansing on multiple occasions to get DA photos,
16 and to use during AT periods. That's what I recall.

17 Q Okay. Do you--and I don't want--we're going to get to the
18 witnesses, so I'm not going to ask you to reread the whole
19 book. But as you sit here without having the need to
20 reference any--you know, without having the need to
21 reference anything, do you specifically recall who might
22 have told you about Master Sergeant Reed's use of NTVs for
23 drill assemblies or AT?

24 A It would be Master Sergeant Fouts was the probably the one
25 that was the most adamant about it.

1 Q Now, let's move down to the third benefit you noted that
2 Master Sergeant Reed had received as a result of her
3 relationship with Lieutenant Colonel Golnick; correct? I
4 mean, that really is the gravamen of what you put down
5 here? Is that fair to say?

6 A As for the NTV, I also had--there's more to the story.
7 Sorry. Testimony was that individuals at MATES indicated
8 that Master Sergeant Reed was able to use the NTV that was
9 assigned to Colonel Golnick, that on occasions it was seen
10 him helping her load personal gear into the NTV. It was
11 also talked about that it was often pulled up to the door
12 running in the cold months so that Master Sergeant Reed
13 would have a warm vehicle to get in.

14 Q But again no specific recollection of who told you this?
15 And we'll hear from them but--

16 A I don't know who--exactly who.

17 Q Without looking at your--

18 A Correct.

19 Q Without looking at your report; correct?

20 A Correct.

21 Q Okay. Anything else on the NTV use?

22 A No.

23 Q So as I was--and I'll restate my question. So on the third
24 one you note in your report that Master Sergeant Reed
25 received multiple unwarranted time off awards. And then in

1 parents you wrote, "Master Sergeant Reed received the
2 second highest total of TOA"--

3 **A Time off awards.**

4 Q --"time off awards in 2013," okay, open sub-parents "over
5 45 hours," close parents. So when you write "unwarranted
6 time off awards," what did you mean by "unwarranted"?

7 **A The same thing. This was coming from individual statements**
8 **indicating that time off awards were given to her. There**
9 **were statements made throughout the investigation that**
10 **indicated Master Sergeant Reed would say to people, "I'm**
11 **getting low on annual leave. I better go and ask the boss**
12 **for a time off award."**

13 Q Okay. And by the boss, did you ascertain during the course
14 of your investigation who the boss was?

15 **A Colonel Golnick.**

16 Q But I thought--again, I thought you testified earlier that
17 Lieutenant Colonel Mike McNamara was her first-line
18 supervisor?

19 **A I did.**

20 Q But she didn't go to that boss? Is that--

21 **A That's fair to say.**

22 Q Is that what you discovered?

23 **A I did not discover anybody saying that she went to Colonel**
24 **McNamara and asked for a time off award. Nobody told me**
25 **that.**

1 Q Okay. Typically--and again for my own edification, who
2 would you go to for a time off award if you know?

3 A I don't think that I would go to anybody for a time off
4 award. I think my supervisor would come to me and say, "I
5 appreciate the work that you're doing. You've done X, Y,
6 and Z. I'm submitting you for a time off award." I don't
7 think that I would go and ask.

8 Q It's not the employee who goes to the supervisor and says,
9 "Hey, I need a time off award"?

10 A Well, you've asked me what I would--I wouldn't do that.
11 But in my years of being a military leader and a
12 supervisor, it would be my experience that the supervisor
13 would go to the employee and give the time off award as in
14 appreciation.

15 Q Okay. And during the course of your investigation, is
16 it--is it the case that you found that it was Lieutenant
17 Colonel Golnick who was issuing the time off award to
18 Master Sergeant Reed? Or did you not ever ascertain that?

19 A We have--we were able to get physical evidence on the time
20 off awards. And we started going through there and I can't
21 recall who issued the time off awards. But I know we have
22 that information.

23 Q Well, this might be important to get to, so I'm going to
24 ask you to take a look at that exhibit. Take your time to
25 review it.

1 **A** **It doesn't--it doesn't say who issued it. It just gives**
2 **the award itself and then the date.**

3 **Q** Okay. So your record does not indicate who the authority
4 was who--

5 **A** **We pulled this from--**

6 **Q** --issued the time off award?

7 **A** **--from the HRO. We got it directly. So it's not my record.**

8 **Q** During the course of your investigation, did you obtain
9 any testimony or any sworn statements--are there any sworn
10 statements that would--that would indicate who issued
11 Master Sergeant Reed in particular a time off award?

12 **A** **I don't recall the verbatim in the sworn statements, but**
13 **there were multiple comments during the interviews that**
14 **indicated Colonel Golnick was the one that issued Master**
15 **Sergeant Reed the time off awards.**

16 **Q** Did that strike you as odd in any respect, having--having
17 testified earlier that it was actually Lieutenant Colonel
18 McNamara who was her supervisor?

19 **A** **I would find it odd, and I would find it odd that people**
20 **would testify that Master Sergeant Reed would say to them,**
21 **you know, "I'm running short on leave. I'm going to go and**
22 **ask the boss or hit the boss up for a time off award."**

23 **Q** And you've already testified that you yourself wouldn't do
24 that. It's not--in other words it's not the employee who
25 goes to the boss and says, "Hey I need a time off award"?

1 It's the boss who says, "Good job. Here's a time off
2 award"? Is that fair to say?

3 **A That's fair to say.**

4 Q Okay. And you also noted in here in parens, "Master
5 Sergeant Reed received the second highest total of TOA,"
6 time off awards, "in 2013, over 45 hours." What is the
7 significance of putting that statement in there, sir?

8 **A It just showed that there was a pattern. I was trying to
9 establish the pattern of time off awards.**

10 Q Okay. I'm not--I'm not--so are we to take from this that
11 it was Master Sergeant Reed who received the highest total
12 of time off awards in 2013? And the reason I ask is
13 because you put Master Sergeant--oh, I'm sorry--Master
14 Sergeant Reed received the second-most--okay. Who received
15 the first? Sorry. I lost my train of thought. Do you
16 recall who received the first or highest amount?

17 MR. BANCHS: Can I help?

18 THE WITNESS: I don't know.

19 MR. BANCHS: Chris Golnick.

20 CAPTAIN BEDELLS: Okay.

21 BY CAPTAIN BEDELLS:

22 Q Do you recall?

23 **A That sounds correct. I don't know without looking at it. I
24 don't want to--I don't want to make a statement--**

25 Q Okay. Now, you've also indicated here in 4 with respect to

1 a benefit Master Sergeant Reed received, multiple--up to
2 five reported trips to Lansing to update Master Sergeant
3 Reed's DA photo. Can you explain to the Hearing Examiner,
4 sir, what caused you to put this in the report?

5 **A Usually it's a--it's a one-time deal. One time per year**
6 **you can go down to update your DA photo. And the**
7 **individuals in question or that made the statements said**
8 **they were not afforded the same opportunities to go down**
9 **to Lansing using an NTV to do it.**

10 **Q** Do you recall what individuals as you sit here today, what
11 individuals told you they were not afforded the same
12 opportunity?

13 **A I would say Warrant Officer Witcher was one of them.**
14 **Master Sergeant Fouts was one of them.**

15 **Q** So it's really more than that she was--that she was
16 allowed more than one trip, okay? Fair to say?

17 **A Correct.**

18 **Q** You noted up to five. Okay?

19 **A I didn't--I didn't see her do any of these. It was--this**
20 **was what people have told me.**

21 **Q** I mean, you reported it?

22 **A Yes.**

23 **Q** It says "up to five reported." I understand you didn't
24 personally witness--

25 **A Okay.**

1 Q --any of this. Okay. We established that at the--last
2 week; right?

3 A **Very good.**

4 Q Right. But you indicate in your report that she received
5 at least--or up to five trips to Lansing; correct?

6 A **Correct.**

7 Q And you--and I understand you didn't observe it. You got
8 it through the testimony or sworn statements of other
9 people; correct?

10 A **That's correct.**

11 Q But it's more than that, because you just told me that she
12 used an NTV; is that correct?

13 A **That's what they told me.**

14 Q Okay. Did those persons who told you about these trips to
15 Lansing to get her DA photo also tell you that, "Hey, she
16 used an NTV," and that's improper in itself?

17 A **That's what they told me.**

18 Q Let's take this next one. Let's separate it. So you also
19 said the benefit that Master Sergeant Reed received was
20 gifts and cards. Please explain to the Hearing Examiner
21 why you put this in your report.

22 A **It was again said through witness statements that Master
23 Sergeant Reed received--received cards. Master Sergeant
24 Fouts was the one that said that. She--**

25 Q Cards from whom?

1 **A** **From Colonel Golnick. Sorry. I didn't mean--**
2 **Q** **All right.**
3 **A** **In that same sentence, I was told by Chief Mack that**
4 **Master Sergeant Reed hurt her back and went to the**
5 **hospital. Colonel Golnick visited her in the hospital. He**
6 **found that odd when Colonel Golnick didn't go and visit**
7 **Master Sergeant Cooper who was in the hospital for an**
8 **extended period. I think he mentioned three months. One of**
9 **the gifts that was given, as I put in the report, was a**
10 **sweaty ball sack rag that was given to Master Sergeant**
11 **Reed.**
12 **Q** **I don't even want to go there, Colonel Doolittle, but**
13 **since you went there, let's--I don't--I wouldn't want--I**
14 **wouldn't consider that a gift.**
15 **A** **I'm not sure that I consider it a gift either, but**
16 **somebody else thought it was a gift.**
17 **Q** **Okay. And moving on down the--down the list here, you also**
18 **reported that a benefit--and when we talk--when we talk**
19 **about this paragraph in general, we're talking about--and**
20 **correct me if I'm wrong--a benefit bestowed upon Master**
21 **Sergeant Reed by Lieutenant Colonel Golnick; correct?**
22 **A** **Correct.**
23 **Q** **Is that fair to say?**
24 **A** **That is correct--fair.**
25 **Q** **Including the--yeah, whatever. So you note an opportunity**

1 to work comp weekends with Lieutenant Colonel Golnick?

2 Again, if you can explain to the Hearing Examiner why--or
3 the circumstances that caused you to put this in your
4 report.

5 **A** And I can't exactly tell you who made that statement, but
6 indicated that on weekends there is overtime available to
7 assist or support units that are coming to the Grayling
8 area. And they'll work--some of the MATES employees will
9 be able to work overtime to support the units. And the
10 person making the allegation, without going through all my
11 notes, indicated that other MATES employees were not
12 afforded the same opportunity. It was Master Sergeant Reed
13 and Colonel Golnick that were given those opportunities.

14 **Q** Okay. And the next one down the--down the list says,
15 "Lieutenant Colonel Golnick helped Master Sergeant Reed
16 paint her office on a comp weekend." So again we're
17 talking about a comp weekend which we talked about in the
18 previous allegation. Is this just more specificity with
19 respect to a particular comp weekend?

20 **A** Just another--it was just another example that was brought
21 out to describe the relationship that Colonel Golnick and
22 Master Sergeant Reed had. And it was--the comp weekend I
23 don't think there was a lot of concern with that. It was
24 more the fact that Colonel Golnick helped Master Sergeant
25 Reed paint her office when he didn't help anybody else

1 **paint their offices.**

2 Q Okay. And the next--the next benefit you've enumerated
3 down here is that Lieutenant Colonel Golnick helped stain
4 Master Sergeant Reed's mother's deck. Okay. That's pretty
5 self-explanatory. Is the inference from that much like the
6 other one, that, well, he helped stain her mother's deck
7 but that he didn't help stain anyone else's mother's deck?
8 Is that inference we draw from that?

9 A **That's correct. In the reference, to actually go on to**
10 **that, is he left in the middle of the day to go and do**
11 **this. It was--it wasn't like it was done on a weekend. It**
12 **was--**

13 Q So this wasn't a comp weekend?

14 A **No.**

15 Q This particular allegation?

16 A **No.**

17 Q Okay. So you do recall that this particular allegation
18 concerned Lieutenant Colonel Golnick at least leaving
19 during the duty day?

20 A **That's correct.**

21 Q But the benefit wasn't bestowed upon Master Sergeant Reed,
22 it was really her mother who got her deck stained;
23 correct?

24 A **That's correct.**

25 Q But the implication being again other employees didn't

1 receive the same treatment; correct?

2 **A That's correct.**

3 **Q** Okay. So the next one--we have to flip the page, sir. I
4 don't know that you do. But you note trips away from MATES
5 during the duty day. Jim Teeple observed "them," and who
6 did you mean by "them"?

7 **A Master Sergeant Reed and Colonel Golnick.**

8 **Q** Together on a road near his house, not close to MATES. Can
9 you explain to the Hearing Examiner the circumstances that
10 led you to put this in your report?

11 **A** During the interviews that I conducted, it was said that
12 Colonel Golnick and Master Sergeant Reed would often get
13 in a vehicle and go out to the ranges. Chief Mack will
14 testify when he comes up that they would go out to the--to
15 like the MPRC or some of the other ranges, and he would
16 be--he adamantly said, you know, "Why is the production
17 controller going out to see that type of range?" Then I
18 was also told that Jim Teeple observed Colonel Golnick and
19 Master Sergeant Reed on their road. And it was reported
20 that there might have been inappropriate or sexual
21 activity in nature. I spoke with Jim Teeple and he said he
22 didn't observe anything like that.

23 MR. BANCHS: I'm going to object here real
24 quick just as a procedural matter, because that's not in
25 the record. This is--this is new evidence--

1 CAPTAIN BEDELLS: Okay.

2 MR. BANCHS: --that he spoke with Teeple.

3 THE WITNESS: That was just part of why I put
4 that statement in there, sir. There was nothing more.

5 MR. BANCHS: Right. But there is no statement
6 or anything in the record from Mr. Teeple himself.

7 THE WITNESS: There is audio--there is audio
8 record of that.

9 MR. BANCHS: I don't think so.

10 CAPTAIN BEDELLS: Well, either way he's
11 testifying to it right now. Can I--

12 HEARING EXAMINER: Your objection is noted.

13 MR. BANCHS: Thank you.

14 BY CAPTAIN BEDELLS:

15 Q Can I--just to clarify. So did Jim Teeple tell you that "I
16 never observed them," or, "It wasn't sexual in nature"?

17 A **No. He observed them on his road--**

18 Q Okay. But it--

19 A **--right outside of his house.**

20 Q Okay. But it wasn't sexual in nature?

21 A **He didn't--he said he did not see any sexual activity.**

22 Q And that's--that's consistent with what you testified at
23 the outset of your testimony that there's no evidence of
24 any sexual relationship; correct?

25 A **That's correct.**

1 MR. BANCHS: I'm sorry. Let me just get this
2 clear. Did Teeple say that he observed them in a sexual
3 compromising position?

4 THE WITNESS: No, he didn't.

5 CAPTAIN BEDELLS: No, he didn't.

6 THE WITNESS: He did not--did not.

7 MR. BANCHS: All right.

8 CAPTAIN BEDELLS: Just as he said--that's in
9 this report. Jim Teeple observed them together on the road
10 near his house.

11 MR. BANCHS: Okay.

12 CAPTAIN BEDELLS: I wouldn't have gone there
13 but he went on to say that--

14 MR. BANCHS: Other people--

15 CAPTAIN BEDELLS: --that other people said--

16 MR. BANCHS: --and inferred from that next
17 statement--

18 CAPTAIN BEDELLS: Right; right.

19 MR. BANCHS: Okay.

20 CAPTAIN BEDELLS: And I just want to clear the
21 record up.

22 BY CAPTAIN BEDELLS:

23 Q So number 10, called the shop Princess--called the shop
24 Princess because of the relationship with Lieutenant
25 Colonel Golnick. Now, we've already heard some testimony

1 to this effect, sir. But tell the Hearing Examiner what
2 you discovered in the way of this nickname that apparently
3 Master Sergeant Reed had.

4 **A That was reported by multiple sources also, indicating**
5 **that the nickname around the shop for Master Sergeant Reed**
6 **was the shop Princess because of the relationship with**
7 **Colonel Golnick.**

8 Q Help us understand. Why would you call--well, strike that.
9 Did Lieutenant Colonel Golnick call her Princess? Did you
10 receive any evidence--

11 **A No.**

12 Q --of that--to that effect?

13 **A They did not say that he called her Princess.**

14 Q Okay. So why would someone have bestowed upon them the
15 nickname of Princess?

16 **A Purely speculation. I did not ask anybody specifically**
17 **that question. So, again, it's speculation--was because**
18 **she was afforded things that other employees were not**
19 **afforded.**

20 Q Okay. For instance, having the fitness center named--

21 **A R3.**

22 Q --the Renee Reed Room; correct?

23 **A Yeah.**

24 Q Did you personally observe this fitness center and the
25 name emblazoned upon it as the Renee Reed Room?

1 **A** **I went and looked at the MATES facility on a couple of**
2 **different occasions. I don't recall it being R3. I don't**
3 **recall.**

4 Q So you didn't see a big sign up there that said "Renee"--

5 **A** **No.**

6 Q --"Reed Room"?

7 **A** **No.**

8 Q Was it more of a--more like the Princess thing, something
9 among the shop that they just called it the Renee Reed
10 Room?

11 **A** **Again, purely speculation, it was reported to me, yes,**
12 **that it was the R3 room.**

13 Q Did they report to you why it would be called that Renee
14 Reed Room?

15 **A** **I don't think that I asked that.**

16 Q Okay. And then did we skip--was there an 11 that was
17 omitted? Or is that just a--is it just a numbering issue?

18 **A** **It's a numbering issue.**

19 Q Okay. So we go from 10 to 12, which is the fitness center,
20 and then we go on to 13. Master Sergeant Reed was
21 identified by Lieutenant Colonel Golnick as an essential
22 person and was able to work while more senior personnel
23 were furloughed in October of 2013. Can you explain to the
24 Hearing Examiner the circumstances that led you to put
25 this in your report?

1 **A** Because of the sequestration and some of the other CRA's
2 that came down, nonessential person--personnel were
3 ordered off for the first two weeks of October. And there
4 were multiple people that came up and indicated Sergeant
5 Reed was allowed to stay as one of the essential personnel
6 when more senior personnel were not--like personnel were
7 not allowed to stay.

8 **Q** Okay. So we've covered what would appear to be 13, but it
9 really looks like it's 12 allegations of benefits bestowed
10 upon Master Sergeant Reed by Lieutenant Colonel Golnick;
11 correct?

12 **A** **That's correct.**

13 **Q** In the course of talking with these people you interviewed
14 during the investigation, did any of them tell you that
15 they confronted either Master Sergeant Reed or Lieutenant
16 Colonel Golnick about these benefits?

17 **A** **Yes.**

18 **Q** Okay. Let me just get more specific, okay? Who told you
19 they confronted Lieutenant Colonel Golnick about this
20 matter or these matters, I should say?

21 **A** **Who told me who confronted or that they actually**
22 **confronted? Master Sergeant Smock indicated that he**
23 **actually talked with Colonel Golnick regarding it.**

24 **Q** So that's one.

25 **A** **Yeah. Lieutenant Colonel Maddin--I did not talk to him to**

1 say, "Yes, I indeed talked to Golnick." He's been retired.
2 I just couldn't find him. That's all. And those are the
3 only two that I recall right now that talked to Golnick
4 directly.

5 Q How about--okay, that talked to him directly. Fair enough.
6 How about Master Sergeant Reed? Did anyone during the
7 course of your investigation tell you, "Yeah, I talked to
8 Renee about this and these benefits or the perception of
9 this relationship?"

10 A Yeah. It was Colonel McNamara indicated he talked to her.
11 Master Sergeant Herblet talked to Sergeant Reed. Chief
12 Mack said he talked to Sergeant Reed even to the point
13 where she became emotional as part of the conversation.
14 Master Sergeant Smock talked to Master Sergeant Reed. It
15 was said that Chief Warrant Officer Peterson talked to
16 Reed, and that came from Witcher and Fouts. And when they
17 made that comment, the way it was told to me was Master
18 Sergeant Reed said that she liked the attention so she
19 didn't want to stop.

20 Q Okay. Now, we're going to hear from some of those people,
21 sir, so while I'm interested in what they told you, I'm
22 assuming that when they're under oath they're going to
23 tell us what if anything they told Master Sergeant Reed.
24 But one person I don't think we're going to hear from is
25 Joe Smock. So do you recall, as you sit here today, what

1 Joe Smock told you with respect to him telling Master
2 Sergeant Reed, "Hey, you know, this relationship you have
3 with Golnick"--

4 **A As I recall, Master Sergeant Smock said that he talked--he**
5 **spoke with both of them and acted on behalf of the union**
6 **just saying, "Hey, it's not that I think that you're**
7 **having a relationship. It's what other people perceive as**
8 **the relationship." So he was talking about perceptions**
9 **when he actually spoke with Sergeant Reed and Colonel**
10 **Golnick.**

11 Q Okay. And you--you indicated that--was it Maddin?

12 **A Colonel Mike Maddin; correct.**

13 Q Maddin? Okay. You didn't speak with him; correct?

14 **A I did not.**

15 Q As you sit here today, do you recall what Lieutenant
16 Colonel McNamara told you with respect to him talking to
17 Master Sergeant Reed about the relationship she had with
18 Lieutenant Colonel Golnick?

19 **A I don't recall the exact verbiage on his other than to**
20 **have him say that the relationship was--is being perceived**
21 **as inappropriate.**

22 Q Okay. The same question for Chief Mack. Do you recall what
23 he told you?

24 **A Chief Mack had--he said that he talked with Sergeant Reed.**
25 **And based on his conversation, she denied any type of**

1 inappropriate or sexual relationship, and she became very
2 emotional and started crying as a result of the--him
3 confronting her about the perception of an inappropriate
4 relationship.

5 Q Same question for Master Sergeant Herblet. Do you recall
6 what Master Sergeant Herblet told you with respect to him
7 confronting Master Sergeant Reed about her relationship
8 with Lieutenant Colonel Golnick?

9 A Now, that was a more specific--he could remember or he
10 recalled where. He was at Fort Custer, and he approached
11 Sergeant Reed and said, you know, "there's a perception of
12 an inappropriate relationship here," told her to stop. He
13 went on to say that after confronting Sergeant Reed, he
14 was moved--transferred to another section where he was
15 not--was no longer the first-line leader or a leader or a
16 supervisor in Sergeant Reed's chain of command.

17 Q Okay. And then finally I think you talked about Chief
18 Peterson, and I do see he's in your report. Do you recall
19 what Chief Peterson told you?

20 A I didn't talk to Chief Peterson. That was--that was from
21 statements made by Master Sergeant Fouts and Warrant
22 Officer 1 Witcher. And he said that he addressed the
23 inappropriateness and Master Sergeant Reed, according to
24 them, said that she liked the attention.

25 Q Did you interview Master Sergeant Reed in this file?

1 **A** **I did.**

2 **Q** Do you recall--do you recall if you asked her about
3 these--about these allegations? Or did you interview her
4 at a time when you weren't aware of these allegations?

5 **A** **No. When I asked her about--it was a general question. I**
6 **said--I asked the question I think is verbatim is, "Are**
7 **you aware of any perceived--any inappropriate or perceived**
8 **inappropriate relationships at MATES?"**

9 **Q** And how did she answer?

10 **A** **She was not aware of any.**

11 **Q** Did you ask her specifically about the allegations that
12 were made against her and a relationship she might have
13 had with Lieutenant Colonel Golnick?

14 **A** **At that time I did not.**

15 **Q** Okay. How many times did you question Master Sergeant
16 Reed?

17 **A** **Just once. Now, following the interview, I sent an email**
18 **exchange to Sergeant Reed indicating that I wanted to**
19 **question her further. She asked me at that time if she**
20 **needed a union rep present. At the time it was going to be**
21 **nonspecific questioning, again trying to identify what**
22 **some people said versus what other people said. So it was**
23 **fact finding. I said, no, I didn't think that she needed a**
24 **union rep, and then that kicked off into some other**
25 **avenues where I was accused of not giving fair--fair**

1 treatment to a union employee. I never had the opportunity
2 to interview Sergeant Reed again.

3 Q Did you interview anyone during the course of your
4 investigation who told you, "Hey, Colonel Doolittle, I
5 don't see anything inappropriate whatsoever about the
6 relationship Master Sergeant Reed had with Lieutenant
7 Colonel Golnick?"

8 A I did.

9 Q Okay. And do you recall who told you that?

10 A If I can go out and get my list--I have a list out in the
11 truck that I just didn't bring in here. It will show who
12 said that they thought there was an inappropriate
13 relationship and who--

14 Q Can you not tell from the exhibits that are in evidence?

15 A No. It was--I went actually through audio. And the
16 audio--again, my first set of questions were very generic,
17 "Are you aware of a perceived inappropriate relationship?"
18 And there are people at MATES that said, "I'm not aware of
19 any."

20 Q And you can't--from just the--what's in evidence, you
21 couldn't surmise who those people were--

22 A No.

23 Q --as you sit here today?

24 A Again, I wrote them out. I went through the testimony.

25 Q Okay.

1 **A** **There were more people--the majority of the people said**
2 **that they were aware of the inappropriate but there were**
3 **people that said they were not.**

4 **Q** Well, I'm not going to ask you to go out to your truck.
5 The Hearing Examiner, when he gets his chance, he might
6 ask you to do that. But we're trying to get through this.
7 Okay. You also noted in your--you also noted in your
8 report following the numerated allegations, the paragraph
9 immediately following the numerated paragraphs--the
10 enumerated allegations, that there was some sworn
11 testimony about a local bar called the Two Track.

12 **A** **Yeah.**

13 **Q** Do you recall why you put this in the report?

14 **A** **This was information that I received from Master Sergeant**
15 **Fouts, and it talks about Two Tracks, the bar that--Master**
16 **Sergeant Reed and Colonel Golnick would frequent that**
17 **establishment.**

18 **Q** Frequent it when?

19 **A** **After hours.**

20 **Q** Okay. After work hours?

21 **A** **Yeah; not during the work hours.**

22 **Q** Did you visit the Two Track Bar?

23 **A** **I did not.**

24 **Q** You're under oath, sir.

25 **A** **I didn't.**

1 Q And then the next paragraph down, we're touching upon the
2 time off awards. And we already talked about that. That
3 was allegation 3 in the preceding paragraph; correct?

4 A **Correct.**

5 Q I'm curious what was the--did you ask people what they
6 thought of Master Sergeant Reed's abilities as a
7 production controller?

8 A **Everybody spoke highly of her. There wasn't anybody that
9 said she didn't--she wasn't competent at her job.**

10 Q That's what I recall reading, very good at her job--

11 A **Yes.**

12 Q --as production controller; correct?

13 A **Correct.**

14 Q Yet you conclude in your report--and I'm on--I'm on the
15 next page over, which is our page seven. It's the
16 concluding paragraph before nepotism starts. Okay?

17 A **Yeah.**

18 Q Yet, sir, in light of the fact that you--that you've heard
19 testimony from people who say--it sounds like from
20 everyone who said she was an outstanding production
21 controller. And you even heard testimony from people
22 who--and it's in your car or your truck apparently--"I
23 didn't view her relationship with Lieutenant Colonel
24 Golnick as inappropriate," you conclude:

25 "The inappropriate relationship was clearly

1 affecting production, affecting personnel readiness
2 and affecting the working environment at MATES. The
3 following sections will continue to build on the
4 central theme," which is toxic leadership.

5 MR. BANCHS: Can you--where are you exactly?

6 CAPTAIN BEDELLS: Right before "nepotism"
7 starts.

8 THE WITNESS: Right before 3-b.

9 MR. BANCHS: Okay.

10 BY CAPTAIN BEDELLS:

11 Q It's that concluding paragraph. So I'll restate it. You
12 conclude the inappropriate relationship was clearly
13 affecting production, affecting personnel readiness, and
14 affecting the working environment at MATES. You conclude
15 with that. How is it that you concluded that in light of
16 what I--you know, in light of the testimony about her
17 being a very good production controller and some people
18 saying, "I didn't witness anything inappropriate"?

19 A **Some of the things that we didn't talk about that are in**
20 **the report also talk about the amount of time--amount of**
21 **time that Master Sergeant Reed and Colonel Golnick had**
22 **having lunch together where they would make each other**
23 **lunch and Colonel Golnick would wash the dishes. They talk**
24 **about when Sergeant Reed was out on the FOB and Colonel**
25 **Golnick would allow her to use the NTV or a GSA for**

1 transportation. He would bring her food even to--there
2 were people that indicated that he brought--or he did
3 laundry for Master Sergeant Reed and brought it back to
4 the field while she was on an AT status. Just talked about
5 the--when I put that statement in there, I was referring
6 to persons that said, "Yes, I felt uncomfortable." You'll
7 read in the sworn statement made by Chief Fitzpatrick that
8 he was uncomfortable by--by the relationship. You'll see
9 Chief Mack or when he comes in to testify, he boldly says
10 that if somebody says that they don't believe there's an
11 inappropriate relationship between Colonel Golnick and
12 Master Sergeant Reed, they're lying. That was a statement
13 directly made to him. And then I used Master Sergeant
14 Fouts's statements indicating that she had to burn sick
15 time and annual leave because she didn't want to put up
16 with the carrying on that happened between the two.

17 Q Okay. Well, you mentioned what I didn't touch upon,
18 because I didn't see it in the--I didn't see it in your
19 enumerated allegations or maybe I didn't ask the right
20 question, which is entirely possible. You talked about
21 lunch; correct?

22 A Correct.

23 Q So what is this--what did you discover in the way of
24 Lieutenant Colonel Golnick and Master Sergeant Reed having
25 lunch?

1 **A** **Just people indicating that they had lunch nearly every**
2 **single day together.**

3 **Q** Where? Did they say where?

4 **A** **In the break room or in her office. They would have**
5 **smoothies or other type of drinks that they would have.**
6 **And it was--**

7 **Q** Okay. You heard this from multiple people?

8 **A** **Yes.**

9 **Q** That Lieutenant Colonel Golnick and Master Sergeant Reed
10 are having lunch together daily?

11 **A** **Correct.**

12 **Q** And in the break room or in her office; is that correct?

13 **A** **That's correct.**

14 **Q** And you mentioned someone doing dishes for someone else;
15 is that correct?

16 **A** **That's correct.**

17 **Q** And what did you--I wasn't clear. What did you hear in the
18 way of testimony?

19 **A** **Indicated that Colonel Golnick would regularly do the**
20 **dishes for Master Sergeant Reed.**

21 **Q** Okay. After they ate lunch?

22 **A** **Correct.**

23 MR. BANCHS: Object. Is there a restriction
24 against doing dishes or eating lunch? Asked and answered.
25 I mean, they eat lunch and they--sometimes they did

1 dishes.

2 BY CAPTAIN BEDELLS:

3 Q Yeah. I don't know that there's a restriction. I think it
4 goes to the inappropriateness that he's talking about so--

5 **A And it was the over-arching theme that--**

6 Q And if it's not--

7 **A --nobody else--**

8 Q --inappropriate, Schultz, you're going to start doing my
9 dishes.

10 **A Nobody else talked about Colonel Golnick doing--having**
11 **lunch with them and doing their dishes is what--I'm sorry.**
12 **I didn't finish the statement.**

13 Q Okay. I seem to recall reading--now that you bring up
14 lunch, I seem to recall reading something about breakfast
15 as well. Did you--did you, during the course of your
16 investigation, discover anything about these--about Master
17 Sergeant Reed and Lieutenant Colonel Golnick eating
18 breakfast together?

19 **A Yes. I can't remember the exact testimony, but breakfast**
20 **was another opportunity that they spent together. I can't**
21 **remember.**

22 Q During the course of your investigation, did anyone at all
23 tell you that they ate breakfast with Lieutenant Colonel
24 Golnick?

25 **A I don't recall anybody saying that statement.**

1 Q Okay. Did--during the course of your investigation, did
2 anyone ever tell you that they ate lunch with Lieutenant
3 Colonel Golnick?

4 **A I don't recall anybody saying they had lunch with Colonel
5 Golnick.**

6 Q And that's presumably because apparently they were saying
7 he was having lunch with Master Sergeant Reed every day;
8 correct?

9 **A That's what they were saying.**

10 Q Okay. And as Mr. Banchs just pointed out, are you aware of
11 a regulation that says that two technicians can't have
12 lunch together?

13 **A I am not.**

14 Q So what causes you to put it in the report?

15 **A It was just the totality. That was just another piece
16 saying that the amount of time that they spent together
17 was being perceived as inappropriate.**

18 Q And then finally--and again it goes right to the
19 lunch--your comment about the two eating lunch together.
20 Did you, during the course of your investigation, discover
21 any evidence of Master Sergeant Reed and Lieutenant
22 Colonel Golnick working out in the gym together?

23 **A It was also said that they worked out regularly together.**

24 Q Again, any prohibition in working out together?

25 **A Not at all.**

1 Q So why do we put it--why did you put it in the report?

2 A **It was just another example, adding totality of the**
3 **circumstances.**

4 Q Did anyone else testify, "Hey, I worked out with
5 Lieutenant Colonel Golnick in the gym too"?

6 A **I don't recall.**

7 Q So in other words it wasn't noteworthy? You didn't think
8 to put, well--let me ask you this question, sir.

9 A **I actually think there was somebody that said that they**
10 **were a good runner and that they would often run next to**
11 **Colonel Golnick and they would try to race each other. So**
12 **I don't remember who it was, but I do recall that**
13 **conversation.**

14 Q Okay. So at least one other person said that they were in
15 the workout room with Master Sergeant Reed and Lieutenant
16 Colonel Golnick; is that right?

17 A **I don't know if they were all three of them together.**

18 Q They just had worked out with--

19 A **Yeah.**

20 Q --Lieutenant Colonel Golnick? Okay. Thank you, sir.

21 HEARING EXAMINER: Mr. Banchs?

22 MR. BANCHS: Thank you, sir.

23 CROSS-EXAMINATION

24 BY MR. BANCHS:

25 Q Sir, I've got a bunch of questions for you. Did you--and I

1 know I asked you this last week, sir. But when you were
2 assigned as the IO and you saw the--you read the anonymous
3 letter and you saw some of the folks that were implicated,
4 did you--did you know any of the individuals, either them
5 personally or a family member?

6 **A I do.**

7 **Q** And who--and in regards to Ms. Reed, did you know her or
8 anybody that she's related to?

9 **A I do.**

10 **Q** And who is that?

11 **A Her husband, Jimmy Reed.**

12 **Q** Okay. And how would you have occasion to know Mr. Reed?
13 How do you know him? Professionally or in a social
14 capacity?

15 **A Both.**

16 **Q** How do you know him professionally?

17 **A We've worked--I was involved on a couple big projects up**
18 **in here--in Grayling, and Mr. Reed helped me out with**
19 **communication.**

20 **Q** And how do you know him socially, sir?

21 **A I've had beers with him before, and I've played cards with**
22 **him before, and I have gone and listened to music with him**
23 **before.**

24 **Q** Okay. And you've been to his house before?

25 **A I have.**

1 Q When you first interviewed Ms. Reed, did you--did you
2 acknowledge that you had a relationship with her husband?

3 A Yes.

4 Q And was that before or after the interview?

5 A It was before. It was during the--trying to just put her
6 at ease--stage of it.

7 Q Okay. And how long have you known Mrs. Reed's husband for?

8 A 1999.

9 Q So a long time?

10 A Yeah.

11 Q And you knew him obviously before and after they were
12 married?

13 A I believe, yes. I don't know when you guys got married.

14 Q Let me ask you this, and this is just from a personal
15 perspective. When you read the anonymous letter and you
16 saw that Ms. Reed was being accused of all these things
17 and having known her husband--and did you know her as well
18 through her husband?

19 A I did.

20 Q What was your thoughts at that point in time? Did it make
21 any sense, sir?

22 A It did not make any sense to me.

23 Q Okay. And why is that?

24 A I know Jimmy, and I consider him very committed. And I
25 wouldn't have believed the allegations.

1 Q So you say--I don't want to put words in your mouth, sir.
2 But would you say that it just--that you had doubts about
3 the allegations?

4 A I did.

5 Q Just from your personal perspective, knowing them?

6 A Yes.

7 MR. BANCHS: Okay. And, again, you know,
8 hindsight is 20/20, and I think you testified--do you mind
9 if I reference some of the stuff that he said last week?
10 Or do you want me to ask it all over again?

11 CAPTAIN BEDELLS: I don't know how it--you
12 mean as it pertains to Smock or the general--the
13 investigation--

14 MR. BANCHS: No, no; the general
15 investigation.

16 CAPTAIN BEDELLS: Well, I might object, but
17 you go and ask--

18 MR. BANCHS: Well, I'll ask--

19 CAPTAIN BEDELLS: --what you want.

20 BY MR. BANCHS:

21 Q You know, hindsight being 20/20, sir--and if he objects,
22 then I'll ask it a different way. But it was the
23 general--at least you conveyed that perhaps you did not
24 feel like you completed your investigation. Would that be
25 accurate?

1 **A** **That's correct.**

2 **Q** Okay. And you've also--and this particular question--and
3 today you've also repeatedly said that some of the
4 statements that you relied on were purely speculation and
5 that in response to Captain Bedells's questions as to--

6 CAPTAIN BEDELLS: I will place an objection
7 here. I don't think he testified that the statements he
8 relied upon were purely speculation. I think I asked him a
9 question and he said if he were to answer it, it would be
10 purely speculation.

11 BY MR. BANCHS:

12 **Q** Okay. Well along the same lines--and you've also
13 repeatedly said that "I don't know" or "I didn't ask
14 that"?

15 **A** **Correct.**

16 **Q** And those responses were--those were answers to questions
17 when Captain Bedells would ask you, for example, who said
18 they confronted Reed and Smock, and you said--I'm
19 sorry--Reed and Golnick. And you said, well, you know,
20 Lieutenant Colonel Maddin, Smock, and then other people
21 would say that, for example, Mr. Mack--I think it was Joel
22 Mack said that Reed said that she liked the attention.

23 **A** **That was Chief Warrant Officer Peterson.**

24 **Q** Okay. Peterson said that?

25 **A** **Uh-huh.**

1 Q But that--

2 A **It was from somebody else. That came from Fouts and**
3 **Whitcher.**

4 Q Exactly. So basically what I'm trying to say is that some
5 of these were--were secondhand and sometimes even maybe
6 third- hand?

7 A **It wasn't third-hand. I heard it from the two interviews**
8 **from both of those individuals.**

9 Q At least secondhand?

10 A **(No verbal response)**

11 Q Okay. Now, you were not--you were not privy to this,
12 because this was included in our rebuttal, so you didn't
13 see--you were not privy to the rebuttal because once you
14 completed your investigation you've testified that that
15 was it, your hands were washed of it?

16 A **I was done.**

17 Q But if I were to tell you now, sir, hindsight being 20/20,
18 that for example, Mr. John Peterson provided a sworn
19 statement on behalf of Mrs. Reed denying the allegations
20 that he--

21 HEARING EXAMINER: Let him look at it.

22 BY MR. BANCHS:

23 Q Yeah, that he ever counseled her or that he ever--and you
24 can read it, sir, if you like.

25 A **Sure.**

1 Q Would that--would this give you any reason to doubt the
2 statements that were given to you--I'm sorry--if you can
3 go back, who was the one that told you that Peterson had
4 counseled her?

5 **A Fouts and Witcher.**

6 Q Would it give you any--would this statement now give you
7 any reason to doubt what they told you?

8 **A Absolutely.**

9 Q Okay. Again, not putting words in your mouth, but
10 would--would it call into question their credibility?

11 **A On that statement, absolutely.**

12 Q And so there were other statements that rebutted some of
13 the statements that were given to you in your--in your
14 role as an investigating officer. Would that also give you
15 cause to question those initial witnesses' testimony?

16 **A Depending on what the statement was.**

17 HEARING EXAMINER: I would suggest here, Ben,
18 I think maybe if we take a minute and let him read the
19 rebuttal.

20 MR. BANCHS: Okay. All right.

21 HEARING EXAMINER: Yeah, and take--

22 BY MR. BANCHS:

23 Q Would you like to see that, sir?

24 HEARING EXAMINER: I'd be very interested in
25 hearing your--

1 MR. BANCHS: Well, sir, what I'll do is I'll
2 give--

3 HEARING EXAMINER: --your position today based
4 upon what you read in the rebuttal.

5 BY MR. BANCHS:

6 Q So basically this is Mrs. Reed's case file, and it
7 includes the reply that we furnished on her behalf. And
8 there is about 37 different mostly character statements
9 but also rebuttal statements, you know, concerning the
10 allegations that were made against her by those same
11 individuals that were claimed to have said certain things
12 about her.

13 A Okay.

14 Q So, sir, if you--

15 HEARING EXAMINER: I'd like to give him 15
16 minutes.

17 MR. BANCHS: Absolutely.

18 HEARING EXAMINER: We'll go off the record.

19 MR. BANCHS: Yeah.

20 COURT REPORTER: We are going off the record.
21 The time is now 10:46 a.m.

22 (Off the record)

23 COURT REPORTER: We're back on the record. The
24 time is now 11:12 a.m.

25 HEARING EXAMINER: Mr. Banchs?

1 BY MR. BANCHS:

2 Q Sir, having had an opportunity to review our reply on
3 behalf of Ms. Reed and the 37 character references and
4 some statements that were provided, sworn mind you, to
5 rebut some of the allegations that were made against
6 her--I don't know how to put this. Does it change your
7 mind at all? Or would you have written your report of the
8 investigation any differently had you had access to this
9 information?

10 **A The only thing that I would change in my report is the**
11 **comment made from a sworn statement from Chief Peterson.**
12 **And that was that he had no recollection of having a**
13 **conversation with Sergeant Reed.**

14 Q Now, as far as the fact that--well, you know--I'm sorry--
15 HEARING EXAMINER: Could you specify again
16 just for the record so that we know what exactly you're
17 saying?

18 BY MR. BANCHS:

19 Q Yeah, can you answer his question?

20 **A The one line where I make a statement that Warrant Officer**
21 **Whitcher and Master Sergeant Fouts made--stated that they**
22 **thought that Chief Warrant Officer Peterson had counseled**
23 **or at least talked with Sergeant Reed, I wouldn't have put**
24 **that in my report.**

25 HEARING EXAMINER: Because in the rebuttal he

1 indicates he had not done that?

2 THE WITNESS: Yeah. In his sworn statement he
3 says he doesn't recall anything--

4 HEARING EXAMINER: Very good. Thanks.

5 BY MR. BANCHS:

6 Q So that's the only thing you would change?

7 A Yes.

8 Q Did you give any--any consideration--well, you didn't
9 because this--I'm sorry. Turn to the allegations of
10 inappropriate--or inappropriate use of a GSA where you
11 have two sworn statements provided by a Captain Ruby and a
12 Colonel Perricane who specifically said that they
13 don't--on at least two occasions maybe--it was definitely
14 at least two occasions that they requested that she drive
15 a GSA up. Would this have given you any reason to maybe
16 think twice about the allegations that were being made
17 against her? And the reason I ask you this, sir, is
18 because Ruby and Perricane provided specific dates and
19 times, whereas the folks that were making allegations
20 against Ms. Reed were very vague and, you know, there was
21 really no who, what, when, where and why. It was more
22 like, "Oh, we've heard" or "we've seen her take it" so--

23 A Of course I asked in my question, when somebody makes an
24 allegation, hey, when did that happen. They could say AT
25 2013. They could say AT 2014. They could say March drill.

1 They could say February drill. They could say a lot of
2 things. They didn't have that level of detail. But when
3 they said--when they made the indication that they
4 observed Master Sergeant Reed driving an NTV or a GSA,
5 they were adamant, "Yeah, I saw it." "I saw Colonel
6 Golnick helping her move her stuff into the GSA." "I saw
7 the GSA parked out in front of MATES running, waiting for
8 Master Sergeant Reed to get into it." I weighed that when
9 I--when I made the statement reference to the NTV.

10 Q Right. But so the--the fact that they were adamant about
11 it was sufficient enough for you to give them much more
12 credibility?

13 A If there--credibility looking at Captain Ruby as a
14 first-line leader I take it of your guard unit? I don't
15 know what his relationship--I was asking Sergeant Reed, is
16 he your supervisor?

17 CAPTAIN BEDELLS: Well, you--you--

18 THE WITNESS: Well, he makes a statement in
19 here that he--the keys were somewhere where everybody
20 could use the NTV. And then Colonel Perricane in his
21 statement says that he, on other occasions, asked Sergeant
22 Reed to drive a GSA.

23 BY MR. BANCHS:

24 Q Right.

25 A Okay. That's official business. They also indicated that

1 **MATES employees were allowed to use MATES vehicles on**
2 **official business.**

3 Q Who is this?

4 A **multiple people at the shop indicate that.**

5 Q Okay. And that goes to my next question. So would--would
6 it have been strange for Ms. Reed or anybody else in the
7 MATES to be able to use an NTV or a GSA for official
8 purposes?

9 A **No, that would not have been strange.**

10 Q Did you have occasion to review the GSA logs?

11 A **I did not.**

12 Q Is there a reason you didn't? I mean, you were at the
13 facility where the logs were being kept. Is there a reason
14 you didn't?

15 A **The use of the NTV--I was looking at--no, there is no**
16 **reason why I didn't other than I didn't have time.**

17 Q Okay.

18 A **I've got a--the allegation sheet that I had was ten-pages**
19 **long. It had 80 separate allegations on it that were**
20 **broken down into major themes. I had a very limited amount**
21 **of time to investigate each of the separate allegations.**
22 **So to say that I went to fruition and said okay I looked**
23 **at all the logs, I looked at all of the time off awards, I**
24 **looked at all of the credit card receipts, I looked at all**
25 **of that, it wasn't physically possible. So I relied on**

1 **testimony from witnesses in that. The one position that we**
2 **talked about, Peterson, I should have gone and talked to**
3 **him. I didn't have time. I didn't--I didn't get to him.**
4 **But to look at the logs, I didn't do it.**

5 Q So would it be fair to say that the allegations that
6 individuals made, especially the ones that did not have
7 times or dates specific to them, you were not able to
8 substantiate those?

9 A **Dates or times, no.**

10 Q Okay. You testified to Captain Bedells' questions that
11 there was no specific time frame as to the allegations of
12 an inappropriate relationship, that they were just over a
13 long period of time?

14 A **Master Sergeant Fouts indicates it's been happening for**
15 **years. I want to say Colonel McNamara said something very**
16 **similar, that it's been going on for years.**

17 Q All right. Now, specifically to Colonel McNamara, because
18 Colonel McNamara even though he was her first-line
19 supervisor, the allegation at least that he made in--if I
20 can turn your attention to his--to the notes that
21 you--that you guys took in his--in his interview.

22 A **Uh-huh.**

23 Q It's 21 or something like that.

24 A **Yeah, they're not numbered, sir. It should be in order of**
25 **question number.**

1 Q Oh, the question number 30, absolutely--

2 A **Right.**

3 Q And question 30 is really--thank you very much, because
4 that's where I wanted you to go. But in, you know--I know
5 you testified before that this is only--this was only your
6 second 15-6, but you've been a police officer for almost
7 20 years, I think.

8 A **Uh-huh.**

9 Q So when you're questioning witnesses, you know, if you
10 look at--when you ask Colonel McNamara, "Are you aware of
11 any real or perceived inappropriate relationships at
12 MATES," right, and his answer is, "Perceived, yes. I'm not
13 aware of any that are for sure but there's a perception
14 between"--and then he says, "I don't even want to say this
15 because as much as he and I hate each other, I don't want
16 to be the person to say this." When a witness makes a
17 statement like that, wouldn't that give you pause to maybe
18 question the fact that they're already saying they don't
19 like each other? So that--that testimony might be a little
20 biased if not a lot biased if they say they hate each
21 other?

22 A **Absolutely. Now, I can actually talk about how I set up
23 the 15-6 investigation. The initial intent was to ask 55
24 general questions regarding all of the allegations. And
25 that was to get an overall feel of actually does this**

1 merit any type of further investigation and should I get
2 witness statements out of it. So the 55 questions that we
3 had here we actually talked with the witnesses. They were
4 all asked the exact same questions, all of them.

5 Q Yes, sir.

6 A And during--and during that I would determine--if they
7 said, yes, there is a perception of an inappropriate
8 relationship, I noted that. If there was no perception of
9 inappropriate relationship, then I noted that also. And so
10 I would have done follow-up with more time with more of
11 the individuals that talked about it. Here's the list of
12 the persons that said, yeah, there's a perceived
13 inappropriate relationship. And on the backside here is
14 the list that said they did not perceive any inappropriate
15 relationship. The intent would have been to get sworn
16 statements from every single one of these persons, but
17 time didn't allow me to do that.

18 Q Roger that. But when a witness--when you asked a witness
19 if they perceived somebody else is doing wrongdoing and
20 they tell you yes "but I hate that person," wouldn't that
21 give you a little question? Is the reason they're giving
22 me this testimony because they hate that person and they
23 wish to do them harm? Or are they actually telling me the
24 truth and nothing but the truth?

25 A I would--

1 CAPTAIN BEDELLS: He already asked and
2 answered that it would give him pause. We've already asked
3 that question.

4 THE WITNESS: And you're comparing a criminal
5 investigation versus preponderance of evidence. Criminal
6 investigation, I have to arrest somebody or make a
7 determination on probable cause. You're absolutely right.
8 Now, is there enough evidence here to say that? Other
9 persons indicated that there's a perception of an
10 inappropriate relationship. That's why I was trying to
11 determine.

12 BY MR. BANCHS:

13 Q Yes, sir. Again, the reason--and where I was going with
14 this is that you have individuals--and certain names keep
15 popping back up, like Fouts and Witcher and Mack. And so
16 out of--I think you testified also that you interviewed
17 over 50 people.

18 A **Correct.**

19 Q And then you do have a list of people that--did they say
20 they alleged perception or had heard perception? Because
21 there is a difference. If they just heard that there was a
22 perceived inappropriate relationship, that's just hearing
23 about it; right? So, you know, there is--what I'm trying
24 to say, sir, is did that give you a concern that there was
25 a specific group of individuals that was making these

1 allegations to where other people were just--

2 **A** **In your rebuttal you talked about my investigation. You**
3 **talked about the word "perceived," and you hit on that**
4 **quite a bit--**

5 **Q** **Yes, sir.**

6 **A** **--saying that I didn't do my due diligence to say that**
7 **everybody--I asked that specific word, "perceived." "Is**
8 **there evidence of a perceived relationship within MATES?"**
9 **Okay? Out of these individuals, they said, "yes." I will**
10 **give you the example--it's in your character witness,**
11 **Sergeant Fall (phonetic) indicates within one month of**
12 **being at MATES, she is aware of a relationship between**
13 **Sergeant Reed and Colonel Golnick. She sees him in**
14 **Sergeant Reed's office on a regular basis because they**
15 **work production control. She hears the conversations. So**
16 **I'm not basing all of my comments that I made in my**
17 **written report on four individuals, Whitcher, Mack,**
18 **Cooper, and Fouts. It was a--it's the totality of the**
19 **questions that I asked.**

20 **Q** **Moving on, sir, I know that a lot of people testified that**
21 **there was a perception that there was an inappropriate**
22 **relationship, but at any--and you were asked this before**
23 **by Captain Bedells. You mentioned--they mentioned, you**
24 **know, instances of Ms. Reed and Colonel Golnick being in**
25 **the break room, being in their office, making smoothies,**

1 you know. But I think you testified that the question was
2 never specifically asked if other people were doing these
3 things as well. So for example, was Lieutenant Colonel
4 McNamara maybe eating lunch with Cooper and Whitcher?

5 **A And that goes to the first line of questioning, any**
6 **inappropriate relations. Just having lunch with somebody**
7 **in and of itself is not inappropriate. Doing the dishes**
8 **for somebody in and of itself is not inappropriate. Having**
9 **breakfast for somebody in and of itself is not**
10 **inappropriate. Hanging out in somebody's office and having**
11 **a conversation whether it be business or personal is not**
12 **inappropriate. But when you do it over a long period of**
13 **time, that was where the inappropriateness came about.**

14 **Q Right. But it would only be inappropriate if--if one**
15 person was getting any kind of special favors out of that
16 relationship? I mean, because let's just say they were
17 just--if you take the allegation of the fact--or the
18 statements that they were eating lunch and eating
19 breakfast almost on a daily basis, and you just look at
20 them in a vacuum and you forget about the allegations of
21 her getting time off awards and getting use of GSAs and
22 all this other stuff--forget about all the benefits that
23 she supposedly got from this relationship. Is there
24 anything specifically wrong with just having lunch with
25 somebody?

1 **A** **I just testified a couple seconds ago in and of itself**
2 **that's not an issue.**

3 **Q** Okay. So what makes--what makes her having lunch or
4 breakfast with Colonel Golnick inappropriate is their
5 alleging that because of that she was getting time off
6 awards that she wasn't supposed to, maybe she was getting
7 quality step increases, stuff like that?

8 **A** **That's the allegations that were made; correct.**

9 **Q** Good. One of the--one of the individuals that I think you
10 mentioned you relied a lot upon her testimony was Mrs.
11 Fouts.

12 **A** **Master Sergeant Fouts?**

13 **Q** Yes, sir. And I don't--and you had access to the time off
14 awards; right? And her allegation was that Ms. Reed was
15 receiving a lot of time off awards, maybe more so than
16 others. Do you know that--that Master Sergeant Fouts is
17 the largest recipient of time off awards at the--

18 **A** **I know that she received substantial time off awards, yes.**

19 **Q** Well, not substantial, sir. The records that you provided
20 us in your investigation go back to 2007. So I
21 spread-sheeted them out, you know, and now--and also
22 taking Joshua Sheldon out of the equation, because he did
23 receive a special award in 2009 that really put him over
24 the top. But taking him out of the equation, if you look
25 at the rest of the employees, Ms. Janet Fouts is the

1 largest recipient of time off awards in the last seven
2 years at MATES. I think you just said you didn't know
3 that? You knew that she had received a lot; right?

4 **A I know she did. I don't think--**

5 CAPTAIN BEDELLS: He testified to substantial,
6 and you objected and said it wasn't substantial. But --

7 BY MR. BANCHS:

8 Q Okay. Well, it's in the record. She is the largest
9 recipient of time off awards at the MATES since 2007. And
10 in fact in that list, Ms. Reed is the eighth on the list.
11 Okay? So when you have somebody that's making an
12 allegation that somebody else is receiving all these time
13 off awards, yet she is the top recipient and she's not
14 even number two or three on the list, does that give you
15 concern, sir, now, knowing now that you didn't know then?

16 **A Why would that concern me?**

17 Q Well, because the--

18 **A The allegation of the time off award was she was receiving
19 it when she would make statements such as, "Oh, I'm
20 running low on time. I better go and hit the boss up for
21 an award."**

22 Q Okay. But those were statements that were made. Were you
23 ever able to verify or prove that that actually happened,
24 that Ms. Reed said, "I'm getting low on leave, so I need
25 more time off awards"?

1 **A** **I was not.**

2 **Q** You also--you were also asked who would you go to for a
3 time off award. Did you ever familiarize yourself with the
4 approval for time off awards?

5 **A** **Somewhat.**

6 **Q** So what is your understanding of the time off awards just
7 very briefly?

8 **A** **That anybody can initiate a request for a time off in that
9 it goes through an approval process.**

10 **Q** That's not actually how it works, sir.

11 **A** **Okay.**

12 CAPTAIN BEDELLS: Okay. I mean, are we going
13 to--sir are we going to do this again? I mean, he's
14 testified of what his knowledge is, and that's what's in
15 evidence.

16 MR. BANCHS: So what--

17 CAPTAIN BEDELLS: If there's another process,
18 then put it into evidence. But I don't know what
19 difference it makes because--

20 MR. BANCHS: Because I'm about to explain to
21 him real briefly that a time off award can only be granted
22 to an employee at the request of a supervisor. Okay? And
23 that request goes up the chain to HRO. Okay?

24 BY MR. BANCHS:

25 **Q** So that being the case, sir, then wouldn't--would it give

1 you any pause to doubt some of the testimony that was
2 given to you that Ms. Reed would just go ask and she was
3 given a time off award?

4 CAPTAIN BEDELLS: Assuming you're
5 understanding of how you're awarded a--yours--I mean you.

6 MR. BANCHS: No. That's not my understanding.
7 That's how it works.

8 CAPTAIN BEDELLS: Okay. But that's not how he
9 understood it works.

10 BY MR. BANCHS:

11 Q Okay. But now that he understands that--

12 **A It's the same thing. If somebody makes that allegation,**
13 **I'm not going to say "you're lying about the allegation.**
14 **That's not how it works." I don't understand what you're**
15 **saying, Mr. Banchs.**

16 Q Well, what I'm trying to say is that if I hear you
17 correctly, the allegations that were being made was that
18 Ms. Reed was putting herself in for time off awards.

19 **A I don't think that that was said. I think she was making**
20 **the statement that she was running short on leave and she**
21 **had to go and hit the boss up for an award. So she was**
22 **going to request somebody give her an award, and I think**
23 **that's what was said.**

24 Q Okay. But you never got any proof that? That was just an
25 allegation; correct?

1 **A That was an allegation, yes, sir.**

2 Q And refresh my memory on this. I don't know if this
3 was--if this was a statement that you made or--and it
4 was--I think--oh, I'll withdraw the question. This is kind
5 of along the same lines as far as the quality step
6 increases that Ms. Reed allegedly received. And you
7 testified that you heard that from Master Sergeant Fouts.
8 But you also said that you were not able to ascertain
9 whether that was accurate or not?

10 **A I said that I didn't go through everybody at MATES to see**
11 **when step increases were given.**

12 Q Okay. So you have no way of knowing one, whether she
13 actually got quality step increases as she's alleged she
14 did, and if she did, whether they were out of line with
15 the norm?

16 **A I have no way of ascertaining that, no. And that's why I**
17 **said that I didn't go through and look at everybody**
18 **else's.**

19 Q Okay.

20 **A And I also testified that everybody that I talked to**
21 **didn't have a problem with how she did her job.**

22 Q Right. But I'm talking specifically to the quality step
23 increases because that was one of your findings in your
24 report of investigation against Mrs. Reed, that she
25 allegedly received inappropriate step increases.

1 **A** And you're going to have to go through the witness
2 statements. I'm certain that they're on your witness
3 statements. They'll be able to answer that a little bit
4 more thoroughly than I will.

5 **Q** Right. But did--I'm just trying to--they didn't have any
6 proof, this was just speculation; correct?

7 **A** **Speculation, yeah.**

8 **Q** Okay. We already covered the NTVs. Again, it was
9 speculation, no who, what, when, and where. And you
10 also--you never reviewed the GSA logs or the NTV logs. We
11 covered the time off awards. As far as Ms. Reed taking
12 multiple trips to get a DA photo, it was alleged that it
13 was five. Again, it was just allegations, correct, from--

14 **A** **Correct.**

15 **Q** --Master Sergeant Fouts?

16 **A** **I don't have dates of when she did it.**

17 **Q** And I think you testified to Captain Bedells is that you
18 didn't see her do any of this. And I'm assuming you didn't
19 go to see--I guess the folks that take the pictures and
20 check their records to see how many times she had actually
21 been out there for a photo?

22 **A** **No.**

23 **Q** Okay. The gift cards, again it was Fouts. And there was
24 also something that you testified and other people have
25 said. I think it was Joel Mack that said that Colonel

1 Golnick went to the hospital to visit Ms. Reed but he
2 didn't go--he didn't provide the same hospitality to
3 Master Sergeant Cooper. Would it--would it--and I know you
4 didn't get a chance to interview Mrs. Reed again because
5 she wanted to avail herself of union representation, but
6 would it make a difference to know that the reason that
7 Colonel Golnick went to the hospital to visit Ms. Reed is
8 because her injury was work related and Master Sergeant
9 Cooper's wasn't? So him as the superintendent of the
10 facility had a duty to go visit his employee, would that
11 make a difference in that statement?

12 **A I think that's a fair statement.**

13 **Q** So it would give him a reason to go?

14 **A It would definitely give him a reason.**

15 **Q** A valid reason, not just because it was an inappropriate
16 relationship?

17 **A Sure. I have no problem with that statement.**

18 **Q** In regards to the comp time weekends, again it was all on
19 witness statements. Did you review the time and attendance
20 records for the--for the time periods that they allege
21 that Ms. Reed was receiving abnormal comp time?

22 **A No.**

23 **Q** Okay. As far as Colonel Golnick allegedly helping Ms. Reed
24 paint her office on a comp weekend--and again, it's
25 witness statements. Did they ever mention about him maybe

1 helping others paint their office or maybe just the
2 facility in general?

3 **A And that's--I testified to that already. I didn't receive**
4 **any other testimony that said that Colonel Golnick helped**
5 **any other individuals in the MATES paint.**

6 Q The allegation that she was--that Colonel Golnick left
7 early in the middle of the day to go help stain Mrs.
8 Reed's mother's deck at her house, were you able to
9 substantiate that allegation that it actually happened?

10 **A No. No, I didn't ask Mrs. Reed's mother.**

11 Q Did you ask Colonel Golnick if that was true?

12 **A I didn't ask him. I interviewed Colonel Golnick and Master**
13 **Sergeant Reed. They were one of the first and second**
14 **people interviewed or near the top. So when those**
15 **allegations, it was long--well after the fact.**

16 Q Well, I'm glad you said it, so I'll just cover this. You
17 were never able to go back and actually confront Mrs. Reed
18 about the allegations that were being made by other
19 coworkers?

20 **A I did not have her write a sworn statement, no.**

21 Q Well, not just a sworn statement though, sir. You weren't
22 able to re-interview her to say--

23 **A I offered the opportunity to come in and talk about it,**
24 **yes, I did.**

25 Q Yeah, and I'm going to get to that in a second.

1 **A** **Yeah.**

2 Q Trips outside of MATES--and you said this several times.
3 You said that Chief Mack will testify. Are you just--are
4 you just making that statement based on what's in the
5 record? Or have you had an opportunity to speak with Chief
6 Mack?

7 **A** **He told me that directly, yes.**

8 Q Recently?

9 CAPTAIN BEDELLS: No, no. I don't think he
10 understood the question. Can you rephrase it?

11 BY MR. BANCHS:

12 Q Well, when was the last time you spoke with Chief Mack?

13 **A** **Last Thursday.**

14 Q Okay. And did he make the statement then, or are you just
15 saying that he's going to testify to this because of what
16 he testified before?

17 **A** **What he testified, he wrote in his statement.**

18 Q All right. Thank you. You said you spoke with Jim Teeple,
19 but you never did actually get a statement from him like a
20 sworn or written statement?

21 **A** **I talked to him over the phone.**

22 Q You talked to him over the phone. All right. We're almost
23 done, sir. As far as the shop Princess--and I asked this
24 to the two witnesses that came before you. Are there any
25 regulations against getting called names in the military?

1 **A** **No.**

2 Q I mean, we all have a nickname, and I won't tell you what
3 mine is, because it backfired on me last time I said it.

4 **A** **With a last name like mine, you get a lot of nicknames so**
5 **I'm--**

6 Q Right. But you did testify that it wasn't specifically
7 Colonel Golnick calling Ms. Reed a Princess. It was other
8 people in the shop. Do you recall who specifically was
9 calling her a Princess?

10 **A** **No, sir, I don't.**

11 Q No?

12 **A** **Again, it'll be on the audio tape.**

13 Q The Renee Reed fitness room, again, that was just another
14 kind of a nickname?

15 **A** **Correct.**

16 Q It was never officially deemed the Renee Reed--okay. Now,
17 this one I do want to explore a little bit, the working
18 during the furlough. And the allegation was being made
19 that Ms. Reed got special treatment during the furlough,
20 and she was deemed essential personnel and not--and she
21 didn't have to go home. Again, these were allegations.
22 Were you ever able to determine why Ms. Reed was one of
23 the individuals that were deemed essential?

24 **A** **I did not ask that. And I will tell you that because of**
25 **when the timing of the investigation, that was near and**

1 **dear to a lot of people. A lot of people--and you're going**
2 **to say which people. But it was more than one. It was more**
3 **than five that came up and said, "Man, I don't think this**
4 **is right."**

5 Q Right. And I think one of the things that you testified to
6 was that there was some people that said that even senior
7 folks were furloughed, and she wasn't.

8 A **More senior folks, production--production controllers,**
9 **Master Sergeant Fouts.**

10 Q Now, again, hindsight being 20/20, would it have made any
11 difference to you to know that the list of essential
12 personnel, that that approval and the positions that were
13 identified as potentially being essential, that actually
14 came down from NGB, and it was floated down to the states?
15 Would that have made a difference to you?

16 A **The essential--say that again.**

17 Q The folks that were deemed essential for furlough
18 purposes, which meant that they were going to get to stay
19 at work and the others were going to get sent home, that
20 list was actually floated down from--

21 CAPTAIN BEDELLS: I'm going to object. I
22 don't--that assumes facts not in evidence. If you've got a
23 memo that says that, that Master Sergeant Fouts--or Master
24 Sergeant Reed is essential--

25 MR. BANCHS: I'll rephrase; I'll rephrase.

1 CAPTAIN BEDELLS: --then produce the exhibit.

2 BY MR. BANCHS:

3 Q Would it make any difference to you to know that the
4 approval process for who was deemed essential and
5 non-essential was above the MATES level?

6 A From the way it was described to me, it was--it was a
7 supervisor position. Colonel Golnick picked the people
8 that stayed. And then there is--was there another approval
9 process--

10 Q Well, certainly Colonel Golnick had a say in who stayed
11 and who didn't.

12 A Well, it gives the appearance that you just said NGB told
13 Colonel Golnick who he could have and who he couldn't
14 have.

15 Q Well, the--you know, again, I don't want to introduce
16 facts not in evidence. But NGB was part of that approval
17 process after those positions were identified.

18 CAPTAIN BEDELLS: Well, part of that--hold on.
19 Part of that approval process after Lieutenant Colonel
20 Golnick says these are my people who I consider essential
21 or before? Because that's--that's what he's confused
22 about. Your question earlier implied that it was NGB who
23 said the following people are deemed essential, and they
24 will--

25 MR. BANCHS: No, no, no. NGB--it was not a

1 nametag database that NGB sent out. But there were certain
2 positions that were identified as being essential. Now,
3 for example, on the Air Guard side, all the alert
4 facilities were deemed as essential. So NGB did have a say
5 in the process of what positions were or not.

6 CAPTAIN BEDELLS: Okay. As to positions,
7 right.

8 BY MR. BANCHS:

9 Q What I'm trying to get at is, were you aware that the
10 production controller position was one of those positions
11 that was deemed essential?

12 A **I was.**

13 Q So why would it be strange for Ms. Reed not to have been
14 deemed essential?

15 A **She wasn't the most senior production controller is what
16 was told.**

17 Q That's what you were told?

18 A **Yeah.**

19 Q Were you able to verify that, that she was not the most
20 senior production controller?

21 A **No.**

22 Q Okay. But--

23 HEARING EXAMINER: Who told you that?

24 THE WITNESS: Sir, there were
25 multiple--multiple people that when we came in and they

1 were giving their testimony--again, it was near and dear
2 to everybody's heart because they had just been furloughed
3 for two weeks. So people made that allegation and, you
4 know, when they talked about the inappropriate
5 relationship--I'd have to listen to the audio, go through
6 it--that Sergeant Reed was afforded the opportunity to
7 come to work for that two weeks when more senior
8 people--more senior production controllers were allowed
9 to--or had to stay home.

10 HEARING EXAMINER: Was the furlough issue
11 among your original 55 questions? Or is that something
12 that became apparent--it became apparent--

13 THE WITNESS: That came up--

14 HEARING EXAMINER: --to you as you were
15 talking to folks?

16 THE WITNESS: It became apparent afterwards.

17 HEARING EXAMINER: So you mentioned you talked
18 to Colonel Golnick and Master Sergeant Reed early?

19 THE WITNESS: That was in September. They got
20 furloughed in October.

21 HEARING EXAMINER: Do you recall if you were
22 able to ask Master Sergeant (sic) Golnick anything about
23 why Master Sergeant Reed was determined to be essential
24 during the furlough?

25 THE WITNESS: I didn't have that as one of my

1 55 questions, no, sir.

2 HEARING EXAMINER: Okay.

3 THE WITNESS: As a matter of fact, like I
4 said, I talked to Colonel Golnick in September. So the
5 furlough hadn't even taken place. And nobody had made that
6 allegation.

7 HEARING EXAMINER: Okay. Thank you.

8 BY MR. BANCHS:

9 Q Were Colonel Golnick and Ms. Reed the only two people that
10 were deemed essential at the MATES facility, or were there
11 others?

12 A There were other people that stayed. I don't--I don't know
13 who actually. When--how it came about--so let's go back.
14 One of the questions, the inappropriate relationships, as
15 people started expounding on that answer, and they offered
16 that Master Sergeant Reed was allowed to come into work
17 when more senior people within the union were not that
18 were also production controllers.

19 Q Okay. Is it possible that the reason that she was kept
20 back was because of her position?

21 A Very possible. It could be for her performance also. She
22 might be the best production controller. I'm just saying
23 what other people said.

24 Q All right. But they--you answered my question. Thank you,
25 sir. You said that--and this was before you read the

1 character references. You said that everyone spoke very
2 highly of Master Sergeant Reed, and that kind of went
3 along with your perception of her from before?

4 **A Uh-huh.**

5 Q Right? And then after reading all 37 character
6 references--so these would make sense. Here's what I'm
7 asking. Do these character references seem like they were
8 coerced by Mrs. Reed? Or do they seem--do they seem
9 accurate?

10 **A They seemed genuine and they speak of her character.**

11 Q Okay. And I guess I just want to--the last things that
12 I'll ask you, sir, is I really just want to clarify
13 something for the record. And it's in regards to the--to
14 your second request to have a meeting with Mrs. Reed. You
15 testified earlier that--that you talked to her once. The
16 second time that--the second time you wanted--you
17 requested to interview her that she asked for union
18 representation. And you told her that she really didn't
19 need a union representative?

20 **A Uh-huh.**

21 Q I'll just ask you this way, sir. Do you recall actually
22 telling her that she--that she was not authorized a union
23 representative at this time?

24 **A I did not say that she was not authorized a union**
25 **represent, no, sir.**

1 Q So if I was to show you an email that you sent her that
2 says that no union representation is authorized at this
3 time--

4 **A Okay.**

5 MR. BANCHS: Do you want to see it first?

6 CAPTAIN BEDELLS: No. Give him an opportunity
7 to read it though.

8 BY MR. BANCHS:

9 Q It's going to be at the bottom of the page, sir.

10 **A Let me go through the top.**

11 Q Okay. No worries.

12 **A There was more. Do you have the whole email stream?**

13 Q It starts at the back, sir. It's starts from--it's from
14 oldest to newest.

15 **A Okay.**

16 Q Does that--does that look accurate?

17 **A Okay, yeah, that looks like--**

18 CAPTAIN BEDELLS: Is that in evidence? Is that
19 part of your reply?

20 MR. BANCHS: I don't think it is.

21 CAPTAIN BEDELLS: Okay. Then I'll object to
22 relevancy. If it's not in evidence--

23 HEARING EXAMINER: There may be a
24 representation question here, and that's fine. And
25 that's--that ought to be--

1 MR. BANCHS: Well, this is what I wanted to go
2 to--

3 HEARING EXAMINER: Yeah.

4 MR. BANCHS: --because I want to--

5 HEARING EXAMINER: Yeah, where is it tied to
6 the--

7 MR. BANCHS: I want to make sure--

8 HEARING EXAMINER: --merits of this case?

9 MR. BANCHS: I want to make sure for you, I
10 guess, for your benefit--

11 HEARING EXAMINER: Yeah.

12 MR. BANCHS: --the reason that she--she didn't
13 meet with him a second time wasn't because she didn't want
14 to. It was because he denied her union--

15 HEARING EXAMINER: Okay.

16 MR. BANCHS: --representation.

17 HEARING EXAMINER: Well--

18 CAPTAIN BEDELLS: Well that's not--

19 THE WITNESS: Well that's--

20 CAPTAIN BEDELLS: Why don't you ask him the
21 question, did you deny her union representation?

22 HEARING EXAMINER: He said he didn't.

23 MR. BANCHS: I did, and he said "no."

24 BY MR. BANCHS:

25 Q Sir, the last question I'll ask you is you testified that

1 you knew Mrs. Reed's husband and Renee before this
2 investigation and that when you first read the anonymous
3 letter, the allegations--I can't remember your exact
4 words, but you were surprised by the allegations. Have you
5 had occasion to speak with Chief Reed?

6 **A No, I have not.**

7 **Q**Before, during or after?

8 **A**During the investigation, no.

9 **Q**And how about since?

10 **A**No.

11 **Q**Okay. Thank you very much, sir.

12 **A**Do you want me to answer the question that you asked
13 reference to the union representation? Because there's
14 another email string that comes on after that.

15 **Q**You can, sir, I mean, if you want to expound on it.

16 **A**That's--

17 HEARING EXAMINER: I don't know that--I mean,
18 as it impacts the merit of this case, I'll consider it.
19 But that's a whole separate issue. If there's a question
20 about representation that--that something may have been
21 found--

22 MR. BANCHS: I just wanted to establish the
23 reason she didn't speak with him the second time is
24 because she was under the impression that he was denying
25 her union representation.

1 HEARING EXAMINER: Yeah, in which case I'll
2 rely on the stuff that is in the record.

3 MR. BANCHS: Roger that.

4 CAPTAIN BEDELLS: Right. And he's previously
5 denied that he--

6 REDIRECT EXAMINATION

7 BY CAPTAIN BEDELLS:

8 Q You say that you did not deny her union representation; is
9 that right?

10 **A Right.**

11 Q So I don't know if it goes to merits either, so I don't
12 have any objection--in light of the question that Mr.
13 Banchs just asked you, is it in your report that you
14 were--I don't know--you socialized with Master Sergeant
15 Reed's husband? Is that in the report?

16 **A No.**

17 Q Because I missed it if it is. So you were friends
18 principally with her husband; is that correct?

19 **A Yes.**

20 Q But you knew her as well prior to this investigation?

21 **A I have--or I do--or I did. Sorry.**

22 Q Well, you still do?

23 **A I still do, yes.**

24 Q You still know her. So you knew him since 1999. Do you
25 recall when you first met Master Sergeant Reed?

1 **A** **I don't remember the year. I don't.**

2 Q Was it within the last five years, ten years?

3 **A** **Ten or 15.**

4 Q Okay. So you've known her a while?

5 **A** **Yeah.**

6 Q Yet on page 23, you conclude with, "Master Sergeant Reed
7 should be immediately removed from the facility, should be
8 terminated for her participation in the inappropriate
9 relationship, slash, fraternization with Lieutenant
10 Colonel Golnick." And you go on to say, "and should be
11 criminally charged for her participation in the theft of
12 materials from MATES." You know this woman and you
13 recommend this. I'm just assuming--and tell the Hearing
14 Examiner if it's otherwise--you gave some considerable
15 thought before you made that recommendation to the Chief
16 of Staff of the Michigan Army National Guard?

17 **A** **I did. And knowing her character beforehand, I took that
18 into consideration when I made the statement.**

19 CAPTAIN BEDELLES: No further questions.

20 HEARING EXAMINER: Recross?

21 MR. BANCHS: Just one question, sir.

22 REXCROSS-EXAMINATION

23 BY MR. BANCHS:

24 Q And I just want to--along those same lines that Captain
25 Bedells just asked you, and it is curious that you would

1 make those recommendations. You made those recommendations
2 in light of the fact that you have testified already that
3 you perhaps did not complete your investigation?

4 **A I knew that there were going to be follow-up**
5 **investigations if there were criminal charges that--a more**
6 **thorough investigation. This was a 15-6--**

7 Q Roger that.

8 **A --where I had to make a recommendation.**

9 Q And it's a preponderance of the evidence?

10 **A Correct.**

11 Q Now, with your law enforcement background and your
12 recommendation that this be a criminal investigation--your
13 recommendation that she be criminally charged, was it
14 based on the evidence that you had in this file? Or would
15 they have to produce more evidence in order to criminally
16 charge her?

17 **A It was based on the statements that I received.**

18 Q I'll ask it a different way. Do you think that there
19 is--since they opened the door, do you think that there is
20 enough in this investigation to charge Ms. Reed
21 criminally?

22 **A Based on the statement's that I received, I think there's**
23 **evidence out there to say that she should be criminally**
24 **charged.**

25 Q Knowing that the difference between criminal and this

1 setting, which is preponderance, and criminal is beyond a
2 reasonable doubt, you think that there's evidence beyond a
3 reasonable doubt in your investigation that she should
4 be--that she could be charged criminally?

5 **A I believe that further investigation should happen, yes,**
6 **sir.**

7 MR. BANCHS: Thank you very much.

8 EXAMINATION

9 BY HEARING EXAMINER:

10 Q I've got a couple questions. And, again, I think my
11 sub-paragraphs are different. This is your report and
12 recommendations. I'm showing it as sub-paragraph--or
13 paragraph 7. Oh, I'm sorry. It's under the inappropriate
14 relationship fraternization. Is that 4 for you guys?

15 CAPTAIN BEDELLS: It's our page 4. It's
16 paragraph 3 Alpha.

17 BY HEARING EXAMINER:

18 Q And I'm looking at sub-paragraph D, again that list of
19 13--

20 CAPTAIN BEDELLS: Page 5.

21 THE WITNESS: Okay.

22 BY HEARING EXAMINER:

23 Q So as I understand your testimony, these were the benefits
24 that you came to the conclusion that Sergeant Reed
25 received based upon--primarily based upon the testimony

1 of--

2 **A Witnesses, yes, sir.**

3 Q --the people that you interviewed? And then I go to--back
4 to your recommendations. So you did this big
5 investigation. You found lots of things. And then at the
6 end in the recommendations, it appears then you boiled it
7 down by individual. Here's--with everything I found,
8 here's specifically is what I found related to this
9 individual. And so Sergeant Reed's piece there is
10 sub-paragraph F on my--it's paragraph 19, sub-paragraph F.

11 CAPTAIN BEDELLS: Page 23 for you, sir.

12 BY HEARING EXAMINER:

13 Q It's the same paragraph that we were just talking about.
14 And I note--again, in this case, in this adverse action
15 case, the only--the charges were the inappropriate
16 relationship and the results of that and inappropriate use
17 of NTVs or GSA vehicles. So in your summary, she should be
18 terminated for--Sergeant Reed should be terminated for her
19 participation in the inappropriate relationship
20 fraternization with Colonel Golnick. That's the one thing
21 that's related to this case. The criminal charges on theft
22 is not--is not an issue here. Regarding the GSA vehicle,
23 that's not mentioned here. So my question is, did you
24 consider the use of the GSA vehicle to be tied more to the
25 fact that they had an inappropriate relationship and that

1 was one of the benefits she got from the inappropriate
2 relationship?

3 **A Yes, sir.**

4 **Q** Okay. So you--you didn't find--did you deliberately not
5 include that as a separate and distinct standalone?

6 **A I didn't put it in, because I thought it was part of the**
7 **relationship. It showed the totality, so I didn't put it**
8 **in there as a--I didn't have the GSA guide. I didn't have**
9 **the regulation for the NTV use. I didn't include that in**
10 **my--in my report, no, sir.**

11 HEARING EXAMINER: Okay. I don't have any
12 other questions. Do you? Redirect?

13 CAPTAIN BEDELLS: No, sir.

14 HEARING EXAMINER: Recross?

15 MR. BANCHS: No, sir.

16 HEARING EXAMINER: Okay. I'll remind you that
17 you remain under oath and that you are subject to recall
18 to this hearing until such time that it has been
19 adjourned. Again, I will remind you not to discuss your
20 testimony with anyone. And I thank you for your time. And
21 we can go off the record.

22 COURT REPORTER: We are off the record and the
23 time is now 11:54 a.m.

24 (At 11:54 a.m., witness excused)

25 (Off the record)

1 HEARING EXAMINER: Let's go back on the
2 record.

3 COURT REPORTER: We are back on the record.
4 The time is 1:18 p.m.

5 HEARING EXAMINER: I've asked Colonel
6 Doolittle to return. I've been thinking during the lunch
7 time of one more question I'd like to ask.

8 EXAMINATION

9 BY HEARING EXAMINER:

10 Q And I'm going to try to kind of characterize what I think
11 I've heard you say. If at some point I go astray or you
12 don't agree with me, stop me and correct me. But I gather
13 you did the investigation and it was primarily taking
14 statements from people, collecting--collecting data. At
15 some point your position evolved from being a data
16 collector to actually forming an opinion and ultimately
17 making recommendations which would suggest that at some
18 point you believed or accepted the testimony that you
19 were--you were gathering up to that--or that you gathered
20 up to that point before you wrote the report.

21 **A Correct.**

22 Q And you've heard additional--or you've seen additional
23 evidence today that--from Sergeant Reed's representative
24 that attempts to refute or at least mitigate some of the
25 findings that you had in your report. And you've testified

1 that even having seen that, you still would have come to
2 the same conclusions and made the same recommendations
3 except for the one piece regarding Peterson's testimony.
4 So my question to you is this. Have I characterized
5 everything accurately?

6 **A Correct.**

7 **Q** Okay. Particularly given the friendly relationship you had
8 with Sergeant Reed and more so with her husband, what
9 caused you to believe the evidence that was condemnatory
10 and to reject--and I understand you weighed it but
11 ultimately rejected it, given your recommendations--the
12 evidence that refuted or attempt to contradict the
13 evidence that was--that suggested that she did these
14 things?

15 **A The only evidence that I have seen that actually**
16 **contradicted the statements was the statement from**
17 **Peterson. Other than that, I didn't receive anything in**
18 **the investigations that I had that said, no, there wasn't**
19 **an inappropriate relationship. It's just people said that**
20 **they were not aware of it.**

21 **Q** Okay. So regarding like the GSA vehicle--and again, you've
22 testified that the evidence would suggest that there
23 weren't any--when you did your investigation, there
24 weren't any particular dates anybody could identify. There
25 was rebuttal evidence that you looked at that suggested

1 that on this date Sergeant appropriately checked out a
2 vehicle and used it for official purposes. I realize that
3 doesn't necessarily contradict the allegations that at
4 some points in time she did misuse it, but I guess I'm
5 just trying to understand--

6 CAPTAIN BEDELLS: Well, for clarification,
7 sir, is it that--are you--when you say that there's
8 evidence that contradicts it, are you talking about what's
9 in the reply letter that Mr. Banchs--because Colonel
10 Doolittle didn't see that until today.

11 BY HEARING EXAMINER:

12 Q Yeah. No, I'm saying--but after having read that, he
13 testified that he still would--he still would have come to
14 the same conclusion and made the same recommendations. So,
15 again, and all I'm trying to do is--you know, I've got to
16 go back and sort all this stuff out and write a
17 recommendation to your TAG. So I'm just trying to figure
18 out--really what I'm asking is what compelled you to
19 believe--I mean clearly people are making sworn statements
20 so, I mean, that--that should definitely carry some
21 weight. But what compelled you to believe the evidence
22 that was condemnatory in this case, specifically regarding
23 the relationship and the GSA vehicle misuse?

24 A **I think that your next witness is going to be**
25 **Major--Master Sergeant Fouts. When she came in and talked**

1 to me the very first time--this was when it was still a
2 very broad and general overview. Master Sergeant Fouts
3 brought in handwritten notes on a tremendous amount
4 of--there was a lot of allegations that were in there. And
5 we went through and we discussed all those. I talked with
6 Warrant Officer Cannon (phonetic) at that time, and now
7 Warrant Officer 1 Whitcher, on several occasions. And some
8 of the same allegations that were said by Master Sergeant
9 Fouts without prompting were also said by Warrant Officer
10 Cannon Whitcher. Some of the same allegations--again
11 without leading some of the witnesses that I had to a
12 conclusion, I would ask them questions in a different way
13 to try to see if any of the allegations had merit. So they
14 did. And when I testified earlier today, I read the
15 statements by Ruby and Perricane, and though I agree they
16 probably had those vehicles at their disposal that Master
17 Sergeant Reed was available to use, it was the other
18 circumstances. People readily admitting that Colonel
19 Golnick helped Master Sergeant Reed load personal
20 equipment into the vehicle to use, that at times they
21 observed the vehicle parked in front of the MATES
22 headquarters or the MATES building running and knowing
23 that Master Sergeant Reed was getting in to use to go to
24 drill. I took all of that into consideration, so I--both
25 of the officers--I'm not saying that their statements

1 aren't valid, I was just looking at more of the statements
2 that I received.

3 Q So if I'm hearing you correctly, you're saying it was--it
4 was the volume of material that Sergeant Fouts bothered to
5 produce? Was that compelling, the fact that she--

6 A Well, if there was redirect, I would--I would say that I
7 was a little concerned when she came in and she had notes,
8 that she was prepared to answer a question that I haven't
9 even asked her yet. So that--yes, I was concerned. But
10 when more people started bringing in the same--identifying
11 the same areas of concern, then I--then I weighed that a
12 little bit more--

13 Q So there was corroboration and--

14 A Correct.

15 Q --that helped you--compelled you to find it to be--

16 A Yeah.

17 Q --something you believed? Okay. I don't have any other
18 questions, and I thank you for coming back. Oh, you, you--

19 CAPTAIN BEDELLS: I have no questions, sir.

20 RE-CROSS-EXAMINATION

21 BY MR. BANCHS:

22 Q Along the lines of corroboration--and we mentioned this
23 earlier--it was clear from the testimony that individuals
24 were speaking outside of the interview room. So, you know,
25 again--and I know I asked you this last week. But did that

1 give you pause that maybe it wasn't corroboration, maybe
2 it was--

3 **A I was very concerned that people were speaking after we**
4 **told them not to. Yes, that--that caused me concern. So,**
5 **again, I tried and, you know, I developed other questions**
6 **so that I could get to the same information without asking**
7 **the same question.**

8 MR. BANCHS: Okay. Thank you, sir.

9 HEARING EXAMINER: Anything else?

10 CAPTAIN BEDELLS: No, sir.

11 HEARING EXAMINER: Okay. Thank you. Next
12 witness?

13 CAPTAIN BEDELLS: That's Sergeant Fouts.

14 HEARING EXAMINER: Go off the record for just
15 a second.

16 COURT REPORTER: We are going off the record.
17 It is now 1:26 p.m.

18 (At 1:26 p.m., witness excused)

19 (Off the record)

20 HEARING EXAMINER: Back on the record.

21 COURT REPORTER: We're back on the record. The
22 time is now 1:29 p.m.

23 HEARING EXAMINER: Sergeant Fouts, do you
24 solemnly swear or affirm that the testimony you're about
25 to give in this case is the truth, the whole truth, and

1 nothing but the truth so help you God?

2 MASTER SERGEANT FOUTS: I do.

3 HEARING EXAMINER: Further, you are advised
4 that you are assured the freedom from restraint,
5 interference, discrimination, coercion, or reprisal for
6 testifying in this case.

7 MASTER SERGEANT FOUTS: Yes.

8 HEARING EXAMINER: You may have a seat.
9 Captain Bedells?

10 CAPTAIN BEDELLS: Thank you, sir.

11 MASTER SERGEANT JANET FOUTS

12 (At 1:29 p.m., sworn as a witness, testified as follows)

13 DIRECT EXAMINATION

14 BY CAPTAIN BEDELLS:

15 Q Ma'am, would you please state your full name for the
16 record?

17 A **Janet Jean Fouts.**

18 Q Master Sergeant Fouts, you testified last week here. Do
19 you recall your testimony in connection with the Smock
20 hearing?

21 A **Yes, sir.**

22 Q Okay. So today we're here on a wholly separate matter. And
23 while we covered some background information last
24 week--and I'm not going to cover that again because the
25 Hearing Examiner we don't need to cover that again. But

1 there are certain things I do want to establish. Okay?

2 **A Yes, sir.**

3 Q If I don't--if my question's not worded clearly or you

4 don't understand it, please say "I don't understand it.

5 Can you rephrase it." And your answers need to be "yes" or

6 "no." A nod--a nod of the head won't suffice because we

7 have a reporter here. Okay?

8 **A Yes, sir.**

9 Q Okay. So I understand you are a production controller. Is

10 that right?

11 **A Yes, sir.**

12 Q How long have you been a production controller at MATES?

13 **A Thirty years.**

14 Q All 30 years at MATES?

15 **A Yes, sir.**

16 Q Okay. And for the record, what do you do as a production

17 controller?

18 **A Actually production controller is my job title, but I'm a**

19 **property book.**

20 Q You are a property book what?

21 **A Tech. I'm not actually a property book officer, NCO,**

22 **whatever you are.**

23 Q Okay. So you're a property book NCO?

24 **A Yes.**

25 Q Correct?

1 **A** **Yes, sir.**

2 Q Okay. But your job description is production controller;
3 is that right?

4 **A** **Yes. It never got changed when I got switched to property
5 book. They never changed my job title.**

6 Q So for clarification, you've been in a job description
7 that holds the title production controller for 30 years;
8 correct?

9 **A** **Yes, sir.**

10 Q But you are a property book NCO currently; correct?

11 **A** **Yes, sir.**

12 Q How long have you been a property book NCO?

13 **A** **Since 2008.**

14 Q Okay. Then explain what your duties are as a property book
15 NCO if you could, please.

16 **A** **To keep track of all the MATES property, the GSAs, NTVs,
17 the--any equipment that belongs to the shop basically,
18 tool boxes, the steam cleaners.**

19 Q Okay. So essentially you're keeping track of all the
20 property that is at the MATES facility? Is that fair to
21 say?

22 **A** **Yes, sir.**

23 Q Do you have occasion to order material for MATES as well?
24 Or is that someone else's duty?

25 **A** **I do. I order Class II, which is--**

1 Q Master Sergeant Fouts, you're going to have to speak up
2 because we're keeping a record and this donut box is
3 actually covering one of the recorders. So you'll have to
4 speak up so that the microphone catches you. So you were
5 about to tell me what--what types of items you order?

6 A **Tools, cleaning supplies for the shop.**

7 Q Anything else?

8 A **Well, at one time I ordered, you know, the equipment. But**
9 **they changed that here not too long ago, a couple years**
10 **ago. They changed it where I don't--you know, like if we**
11 **need a truck, then I would put a requisition in for the**
12 **truck or--**

13 Q So that responsibility was taken away from you?

14 A **Yes, sir.**

15 Q Who took that responsibility away from you?

16 A **Colonel Golnick, I believe.**

17 Q Okay. And who holds that responsibility now?

18 A **Chief Bird.**

19 Q Chief who?

20 A **Chief Bird.**

21 Q Okay. And how long has Chief Bird held that responsibility
22 to your knowledge? Is that who he gave it to?

23 A **Yes, sir.**

24 Q So he took it from you and gave it to Chief Bird?

25 A **Yes, sir.**

1 Q Fair enough. Okay. So you order Class II--

2 A **Uh-huh.**

3 Q --material such as tools and cleaning supplies. Anything

4 else?

5 A **Class III POLs, and actually cleaning supplies falls under**

6 **that.**

7 Q Any other goods or materials you order besides Class II

8 and Class III?

9 A **No.**

10 Q Okay. Now, back to the GSA-NTV, you said you keep track of

11 GSA-NTVs. I think that was your testimony. Is that

12 correct?

13 A **Yes, sir.**

14 Q In what manner do you keep track of the GSAs or NTVs?

15 A **I have to make sure the serial number is correct, that it**

16 **matches the property book. I did the hand receipts as to**

17 **who got what vehicles.**

18 Q Okay. So if I worked at MATES and I wanted--

19 A **Yes, sir.**

20 Q --to take a GSA or an NTV, do I come to you?

21 A **No. You would go to Chief Whitcher, who is in the quality**

22 **control.**

23 Q Which Chief Whitcher? Sharon or Todd?

24 A **Todd.**

25 Q Okay. So you just kept track of as far as--or in terms of

1 who they belong to? They belong to the MATES facility;
2 correct?

3 **A Yes, sir.**

4 Q And if I wanted to use one, I would go to Todd Witcher,
5 not you?

6 **A Yes, sir.**

7 Q Okay. Fair enough. So any other duties as property book
8 officer besides tracking the GSAs, NTVs in terms of
9 who--who held hand receipts and whatnot, and ordering
10 Class II and Class III material?

11 **A And the inventories of the toolboxes and sensitive item**
12 **inventories. That's it.**

13 Q And, again, you've been doing--doing that property book
14 NCO job since about 2008; right?

15 **A Yes, sir.**

16 Q In your capacity as property book NCO, did you have
17 occasion to interact with Master Sergeant Renee Reed?

18 **A Yes.**

19 Q And why would you interact with Master Sergeant Renee
20 Reed?

21 **A She might have needed something ordered that was Class II.**

22 Q Okay. Or Class III; right?

23 **A Right. Or a question on a credit card or--**

24 Q Now, I understand she held the PD of production controller
25 as well; is that correct?

1 **A** **Yes.**

2 Q Was she actually--unlike you, was she actually a
3 production controller? Is that what she did?

4 **A** **Yes.**

5 Q Because you testified you were actually a property book
6 NCO who held the PD of production controller?

7 **A** **Yes, yes.**

8 Q Okay. So you would interact in your capacity as property
9 book NCO, and she would interact with you in her capacity
10 as production controller? Is that fair to say?

11 **A** **Yes, sir.**

12 Q How often would you interact, say, in a week? Daily, once
13 a week?

14 **A** **I don't--probably two, three times a week. I used to do
15 the time tickets--help do the time tickets for production
16 control.**

17 Q I don't understand what time tickets are, so--

18 **A** **The time tickets are the time that the guys put on
19 vehicles, the jobs they do. So--**

20 Q So if I were to work on a particular vehicle putting tires
21 on, and I needed to--and I had to say I did--it took me
22 two hours to do that, so you would do that time ticket?

23 **A** **I would do--yeah, the daily--a daily.**

24 Q Okay. And that would cause you to interact with Master
25 Sergeant Reed?

1 **A** **Yeah, that was one of the--**

2 Q One of the things?

3 **A** **Yes.**

4 Q What other--what other bases would you interact with

5 Master Sergeant Reed besides time tickets obviously?

6 **A** **Just like I said, if she needed something ordered.**

7 Q Okay. What might she need ordered?

8 **A** **Tape--tape or pens or pencils or paper or, you know,**

9 **office supplies, because that's what Class II is.**

10 Q That's Class II stuff; right?

11 **A** **Yes, sir.**

12 Q Fair enough. And you say that that--what did you say

13 was--was it--did you say two to three times a week that

14 might happen?

15 **A** **Not that we would interact about that but--**

16 Q Right. Interact in general is what--

17 **A** **Right, yes.**

18 Q Okay. And so when you needed to interact with Master

19 Sergeant Reed, did you--I mean, did you walk in to her

20 office? Did she walk in to your office? Did you pick up

21 the phone? How did this typically occur?

22 **A** **I might be walking by and walk in her office, or she'd**

23 **come to my office or--we were right next to each other.**

24 Q Okay. That's what I--

25 **A** **Our office was right--right next-door to each other.**

1 Q So it wasn't too much trouble to visit one another in
2 person as--

3 A **No.**

4 Q --opposed to picking up the phone?

5 A **No. She could have--she could have hollered from in her
6 office, and I would have heard her.**

7 Q Okay. Now, you provided testimony in connection with this
8 investigation with the 15-6. And again, last week you
9 already testified to that effect?

10 A **Yes, sir.**

11 Q But what I'm interested in today, Master Sergeant Fouts,
12 is your--your testimony as it--or your sworn statement as
13 it relates to Master Sergeant Reed. Okay?

14 A **Yes, sir.**

15 Q So you provided some testimony to the effect
16 you've--you've interacted with her on a weekly basis;
17 correct?

18 A **Yes, sir.**

19 Q Two to three times a week. And you've given us some
20 examples of why you would interact with her. In light of
21 that, your testimony was such that you viewed a
22 relationship that she had with Lieutenant Colonel Golnick
23 as inappropriate. Is that fair to say?

24 A **Yes, sir.**

25 Q Explain to us how--in terms of your interaction you had

1 with Master Sergeant Reed how you viewed that relationship
2 as inappropriate. Do you understand the question?

3 **A Yes, sir.**

4 **Q** Okay. So in the context of your working with Master
5 Sergeant Reed, how was that relationship--what trouble did
6 it cause you if any?

7 **A As the shop superintendent, he spent from the time he**
8 **walked in the door to the--**

9 **Q** Who is he?

10 **A Lieutenant Colonel Golnick walked in the door until he**
11 **left work, he spent in her office. And like I said, our**
12 **offices were right next to each other. And it's a drop**
13 **ceiling, and you could hear a lot of things, and there was**
14 **always a lot of giggling. One day she's like, "Well, I**
15 **thought you were going to my mom's. She's expecting you."**
16 **The next thing you know, he was gone. Other people made**
17 **comments that he was in there and they were--some of them**
18 **were intimidated to go in there because the shop**
19 **superintendent's sitting in her office. And**
20 **they're--whether it was work or just carrying on a "What'd**
21 **you do last night," whatever conversation, and they--they**
22 **both are kind of loud, boisterous. So you could hear a**
23 **lot.**

24 **Q** And that's what I'm interested in. I'm not--we're going to
25 hear from other witnesses. So what I want to do is--again,

1 I want to direct you towards the context of your
2 interaction with Master Sergeant Reed. Okay?

3 **A Uh-huh.**

4 **Q** So you testified just a moment ago that some people felt
5 intimidated; correct?

6 **A Yes, yes, sir.**

7 **Q** And I presume they told you that. Correct?

8 **A Yes, sir.**

9 **Q** Okay. And you've also testified that you had occasion to
10 work with Master Sergeant Reed, okay, on official work;
11 correct?

12 **A Yes, sir.**

13 **Q** So my question is, did you ever feel intimidated going in
14 or having to go in to her office and talk to her when
15 Lieutenant Colonel Golnick was there?

16 **A I did.**

17 **Q** How so? What made you feel intimidated?

18 **A Like I said, he's the shop superintendant. I mean, you**
19 **just--I didn't want to walk in and see something that you**
20 **shouldn't see, I guess, or should be kept at home or**
21 **whatever, I guess.**

22 **Q** Okay. And--

23 **A They had breakfast together.**

24 **Q** I'll get to that. Let me just--let me just follow up on
25 some questions.

1 **A** **Okay. Sorry.**

2 **Q** You testified that from the time Lieutenant Colonel--and I
3 think I'm characterizing your testimony accurately. From
4 the time that Lieutenant Colonel Golnick walked in to the
5 time he left, he spent a lot of time in her office. Is
6 that your testimony?

7 **A** **Yes, sir.**

8 **Q** If you could for the sake of the Hearing Examiner--and
9 we've all read your--we've all read the 15-6. But if you
10 can testify here today an approximate, how much time do
11 you think Lieutenant Colonel Golnick spent in Master
12 Sergeant Reed's office on a--on any given day in terms of
13 hours?

14 **A** **Out of his eight-hour day, I'm going to say seven and**
15 **one-half.**

16 **Q** Almost the whole working day?

17 **A** **Yes, sir.**

18 **Q** And how would you know this?

19 **A** **Because I could hear him in there. I could hear them**
20 **having a conversation.**

21 **Q** Now, was this like every Friday or was--

22 **A** **This was every day from Monday through Friday, every day.**

23 **Q** He would spend in her office?

24 **A** **Yes, sir.**

25 **Q** Okay. And you say you could hear them; correct?

1 **A** **Yes, sir.**

2 Q He was the supervisor; correct? Lieutenant Colonel

3 Golnick, I mean. He was the MATES supervisor; correct?

4 **A** **Shop superintendent.**

5 Q Shop superintendant? Okay.

6 **A** **Yes, sir.**

7 Q It's a term of art, I guess, shop superintendent. And

8 Master Sergeant Reed is a production controller; correct?

9 **A** **Yes, sir.**

10 Q Is there a reason the shop superintendent might spend

11 seven and one-half hours of an eight-hour day in the

12 office of a production controller, and in particular, this

13 production controller?

14 **A** **No, sir.**

15 Q Okay. And you've testified that you could hear them;

16 correct?

17 **A** **Yes, sir.**

18 Q Or overhear them as it were?

19 **A** **Yes, sir.**

20 Q When you had occasion to overhear them, were they talking

21 about business as it related to the MATES shop?

22 **A** **Eighty percent of the time, no. The one conversation I**

23 **heard is, "Aren't you going to eat your cookie?" "Well,**

24 **I'm not going to eat that. You licked off of it." The shop**

25 **superintendent licking the--somebody else's food, that's**

1 **pretty gross.**

2 Q So obviously this bothered you because it stands out--

3 **A Yes.**

4 Q --in your mind; correct?

5 **A Yes, yes, sir.**

6 Q When you had occasion to go by the office--I'll tell you
7 what. Why don't you--I'm going to give you--I'm going to
8 give you a piece of paper, and I want you to just sketch
9 if you will, so that I understand, where your
10 office--where your office was in relation to Master
11 Sergeant Reed's and where both of your offices were in
12 relation to Lieutenant Colonel Golnick's if you could. It
13 doesn't have to be to scale, Master Sergeant Fouts.

14 MR. BANCHS: Is she a certified architect
15 because I'm going to object to the--

16 CAPTAIN BEDELLS: I bet you will.

17 BY CAPTAIN BEDELLS:

18 Q And if you could just denote or write--there you go--whose
19 offices--you didn't draw it to scale.

20 **A Sorry. I'm not a very good architect.**

21 Q So based on your drawing, it looks as though your office
22 is right next to Master Sergeant Reed's--

23 **A Yes.**

24 Q --and you testified to that effect.

25 **A Yes, sir.**

1 Q And is this a hallway here then?

2 A **Right here, this is the hallway.**

3 Q Oh, that's the hallway? Okay. And right across from

4 your--both of your offices is what? I can't read that.

5 A **This is the PT area.**

6 Q PT area?

7 A **And that's across from my office.**

8 Q And then it looks from your unscaled drawing that

9 Lieutenant Colonel Golnick's office is quite a ways away

10 from--

11 A **Yes, sir.**

12 Q --from both of your offices--

13 A **Yes, sir.**

14 Q --correct? Okay. Great. So if you were going--based on

15 that drawing, if you were going to--well, where is--where

16 would you exit that--where would you exit the MATES

17 facility?

18 A **Over here.**

19 Q You'd walk down this hallway?

20 A **Yes. And then there's another little hallway here.**

21 Q So on your way out of your office--on your way out of your

22 office, you would have to pass by Master Sergeant Reed's

23 office to exit the building?

24 A **Yes.**

25 Q To go see Lieutenant Colonel Golnick?

1 **A** **Yes.**

2 Q To go to the PT area; correct?

3 **A** **Yes, sir.**

4 Q What other--what other areas of the MATES facility did you
5 regularly have to visit, if any? I don't know. Maybe you
6 just sit in your office most of the time.

7 **A** **The parts area.**

8 Q Would you go by her office to get to the parts area?

9 **A** **Yes, sir.**

10 Q Okay. So when you went by her office on any number of
11 those occasions, could you--was the door open or closed?

12 **A** **No. The door was normally open.**

13 Q So you could see Lieutenant Colonel Golnick in there;
14 correct?

15 **A** **Not always. I could hear him.**

16 Q So you might not be able to see him but you could hear him
17 in there?

18 **A** **Yes, sir.**

19 Q And based on your testimony, you have specific
20 recollections of, say, this cookie incident if you will?

21 **A** **Yes, sir.**

22 Q This bothered you, I gather. Correct?

23 **A** **The whole situation bothered me. I burned a lot of time.**

24 Q Okay. I'll get to that. How long--how long did this
25 interaction--I don't know how to explain it. How long a

1 period of time was Lieutenant Colonel Golnick in Master
2 Sergeant Reed's office for seven of an eight--seven and
3 one-half of an eight-hour day? I mean, how long did this
4 go on if you can recall?

5 **A Years.**

6 **Q** How many years?

7 **A Three years, four years.**

8 **Q** Prior to the investigation?

9 **A Yes, sir.**

10 **Q** Is that correct?

11 **A Yes, sir.**

12 **Q** So this investigation commenced in the fall of 2013. You
13 would say this had been going on possibly since the fall
14 of 2010? Is that fair to say?

15 **A Yes, sir.**

16 **Q** Okay. During that whole three-year time period, was your
17 office right next to Master Sergeant Reed's?

18 **A Yes, sir.**

19 **Q** And during this whole three-year time period, was
20 Lieutenant Colonel Golnick the shop superintendent?

21 **A Yes, sir.**

22 **Q** And during this whole three-year period of time, was
23 Master Sergeant Reed a production controller?

24 **A Yes, sir.**

25 **Q** As you--as you were as well, although you did a different

1 job; correct?

2 **A** **Yes, sir. I was up until, like I said, 2008 I was**
3 **production controller.**

4 **Q** That's right, 2008. So in--prior to 2008, you actually--

5 **A** **I was in the same office as Master Sergeant Reed prior to**
6 **that.**

7 **Q** Okay. Doing precisely the same thing?

8 **A** **Yes, sir.**

9 **Q** So you shared duties?

10 **A** **Yes, sir.**

11 **Q** When you left and became the property book NCO in 2008,
12 did she share the responsibilities with someone else?

13 **A** **No.**

14 **Q** By "she" I mean Master Sergeant Reed.

15 **A** **No. Colonel Golnick decided that we didn't need two**
16 **production controllers. And we lost the property book NCO.**
17 **She was--actually it was an officer at that time. And I**
18 **got moved to property book.**

19 **Q** Okay. What did you think of Master Sergeant Reed's skills
20 as a production controller?

21 **A** **She knew the job. I helped train her. I mean, yes, she**
22 **knew her job.**

23 **Q** And you had done it for, what, 22 years, until 2008?

24 **A** **Right.**

25 **Q** Right?

1 **A** **Yes, sir.**

2 Q Is that right? My math isn't right. 24 years maybe. Okay.
3 Now, I cut you off, and I apologize. We were going to talk
4 about the meals they shared together. You were about--

5 **A** **Yes, sir.**

6 Q --to tell me about--I think you mentioned lunch or maybe
7 it was breakfast. But let's start with breakfast. Okay?
8 You provided some testimony through a sworn statement in
9 connection with this investigation to the effect that you
10 observed Master Sergeant Reed and Lieutenant Colonel
11 Golnick eating breakfast; correct?

12 **A** **Yes, sir.**

13 Q Okay. How often did you view Lieutenant Colonel Golnick
14 and Master Sergeant Reed eating breakfast together?

15 **A** **He spent the breaks in her office and that's--you know,**
16 **first break is breakfast and then lunch, and then third**
17 **break is snack or whatever.**

18 Q I apologize. I thought maybe breakfast meant before you
19 started work. When did--when did you start work? What
20 hour?

21 **A** **Six o'clock.**

22 Q Six o'clock in the morning?

23 **A** **Yes, sir.**

24 Q Okay. Do you know when Lieutenant Colonel Golnick started
25 his workday?

1 **A** **7:00.**

2 Q Do you know Master Sergeant Reed started her workday?

3 **A** **7:00.**

4 Q Okay. So they started at the same time, and you started an
5 hour earlier; correct?

6 **A** **Yes, sir.**

7 Q So when you talk about breakfast, you're talking about a
8 breakfast break; is that correct?

9 **A** **Yes, sir.**

10 Q At what time of day did the breakfast break occur?

11 **A** **Nine o'clock.**

12 Q Nine o'clock in the morning. Okay. And you--you personally
13 observed--

14 **A** **Yes, sir.**

15 Q --strike that. Did you personally observe Master Sergeant
16 Reed and Lieutenant Colonel Golnick eat breakfast? Or was
17 this another instance you just heard them?

18 **A** **No, sir. I would--I would break actually in the front**
19 **office next to Colonel Golnick's office with the**
20 **secretary. So I would walk past her office on my way to**
21 **break.**

22 Q Okay. So at 9:00 o'clock when it's the breakfast break,
23 you're heading out of your office--

24 **A** **Yes.**

25 Q --and I'm referencing this little schematic there.

1 **A** **And up here to--**

2 Q And you were going up near Lieutenant Colonel Golnick's

3 office?

4 **A** **Yes, sir.**

5 Q To do what?

6 **A** **To break with the secretary up front.**

7 Q Whose secretary?

8 **A** **Colonel Golnick's.**

9 Q And what was her name?

10 **A** **Renee.**

11 Q Renee what?

12 **A** **Nielsen.**

13 Q I thought you were going to tell me Reed. I was going to

14 get all confused here.

15 **A** **No, sir.**

16 Q So you would take a break with her; right?

17 **A** **Yes, sir.**

18 Q And so is it the case that when you went by, you would

19 observe Lieutenant Colonel Golnick in with Master Sergeant

20 Reed eating breakfast?

21 **A** **Yes, sir.**

22 Q And how often did that occur?

23 **A** **Everyday, Monday through Friday.**

24 Q Okay. Everyday at 9:00 o'clock Monday through Friday in

25 Master Sergeant Reed's office--

1 **A** **Yes.**

2 Q --or in Lieutenant Colonel Golnick's office?

3 **A** **No; Master Sergeant Reed's.**

4 Q Okay. How long does the breakfast break take?

5 **A** **Fifteen minutes is what we get.**

6 Q So it's 15 minutes?

7 **A** **Yes, sir.**

8 Q And is it your testimony, Master Sergeant Fouts, that when

9 you went to go meet Renee, Lieutenant Colonel Golnick's

10 secretary, when you passed by Master Sergeant Fouts' (sic)

11 office, you would observe those two in there; is that

12 correct?

13 **A** **Yes, sir.**

14 Q When you--and I presume at 9:15 promptly you returned to

15 your office. Correct?

16 **A** **No, sir.**

17 Q No?

18 **A** **I wasn't always on time going back to my office from**

19 **break.**

20 Q Okay. Well, let's say between 9:15 and 9:30, you are

21 back--you know you've got the HRO director back there;

22 right?

23 **A** **Yes, yes, sir.**

24 Q But anyway, so you would leave your office--or leave

25 Renee's office--

1 **A** **The front office, yes.**

2 **Q** --the front office and return back to your office between

3 9:15 and 9:30; right?

4 **A** **Yes, sir.**

5 **Q** Is that fair to say?

6 **A** **Yes, sir.**

7 **Q** Did you find Lieutenant Colonel Golnick still in there?

8 **A** **Yes, sir.**

9 **Q** Okay. So sometimes he wasn't so strict with his breakfast

10 break either then; right?

11 **A** **Yes, sir.**

12 **Q** And it's your testimony that this was a daily occurrence--

13 **A** **Yes, sir.**

14 **Q** --at the breakfast break?

15 **A** **Yes, sir.**

16 **Q** Okay. Now, when's the next break?

17 **A** **Lunch.**

18 **Q** Lunch. Now, I have to tell you Master Sergeant Fouts, if

19 you testified as you did that Lieutenant Colonel Golnick

20 is spending seven and one-half hours of an eight-hour day

21 in Master Sergeant Fouts'--

22 **A** **Reed's.**

23 **Q** --Master Sergeant Reed's office, I'm presuming he never

24 even left, and now it's lunch. Is that fair to say?

25 **A** **Yes, sir.**

1 Q So he never returned back to his office as far as we know?

2 He could have just stayed in there?

3 A **Yes, sir.**

4 Q When does the lunch break occur?

5 A **Twelve o'clock.**

6 Q Twelve o'clock. And how long does that lunch break go?

7 A **To 12:30.**

8 Q Only half-hour for lunch?

9 A **Yes, sir.**

10 CAPTAIN BEDELLS: Can you get them more than
11 that, Ben? A 30-minute lunch break?

12 MR. BANCHS: All Federal employees have a
13 30-minute lunch break.

14 CAPTAIN BEDELLS: Oh, okay. Well, I'm breaking
15 the rules then too.

16 BY CAPTAIN BEDELLS:

17 Q In any event, so on--did you have occasion to observe
18 Master Sergeant and Lieutenant Colonel Golnick eat lunch
19 together?

20 A **Yes, sir. A couple times he'd wash her dishes.**

21 Q Okay. Well I'll get to that. How often did you observe
22 them? There's a method to my madness, okay. I know
23 it's--it sounds--

24 A **Yes, sir.**

25 Q So how often did you observe Master Sergeant Reed and

1 Lieutenant Colonel Golnick eating lunch together?

2 **A** **Everyday.**

3 **Q** Is that again Monday through Friday?

4 **A** **Yes, sir.**

5 **Q** From noon to 12:30?

6 **A** **Yes, sir. I would spend my break--my lunch break with the**

7 **secretary up front.**

8 **Q** So you went back up to--

9 **A** **Yes.**

10 **Q** --to talk to Renee again?

11 **A** **Yes, sir.**

12 **Q** Renee, Lieutenant Colonel Golnick's secretary?

13 **A** **Yes, sir.**

14 **Q** Okay. And, again, this happened in Master Sergeant Reed's

15 office; correct?

16 **A** **Yes, sir.**

17 **Q** So I'm guessing 12:30 or thereabout you return to your

18 office. Correct?

19 **A** **Yes, sir; yes, sir.**

20 **Q** And is it the case that you would observe Lieutenant

21 Colonel Golnick still in Master Sergeant Reed's office

22 when you returned from lunch break?

23 **A** **Yes, sir; yes, sir.**

24 **Q** And again that's because according to your testimony, she

25 was--he was seven and one-half hours of an eight-hour

1 day--

2 **A Yes, sir.**

3 Q --in her office?

4 **A Yes, sir. Actually they did PT.**

5 Q Okay. I'll get to that too. So now we're finished with

6 lunch, and you were about to tell me that someone was

7 doing someone else's dishes or something to that effect.

8 Explain to the Hearing Examiner what--what you--

9 **A Well, he'd come out of her office with dishes, go to the**

10 **break room, wash them and bring them back to her.**

11 Q And how often did this occur?

12 **A I seen it a few times. I can't say it happened every day.**

13 Q Okay. A few times over the course of the three-year

14 period?

15 **A Yes, sir.**

16 Q You didn't put--you didn't make notes or anything like

17 that of the particular day on which this happened, did

18 you?

19 **A No, sir.**

20 Q Because there's been some testimony from Colonel Doolittle

21 that when you--when he interviewed you, you brought notes

22 with you. Okay? Do you--is that--

23 **A I did.**

24 Q --true?

25 **A I did. I was writing down incidents but I didn't have**

1 **dates.**

2 Q Did you provide those notes to Colonel Doolittle?

3 A **I did.**

4 Q Did he take them?

5 A **No. I left with them.**

6 Q Oh, you left with them?

7 A **Yes, sir.**

8 Q Did he photocopy them to your knowledge?

9 A **I don't think so. I'm not sure.**

10 Q During the course of your interview with Colonel

11 Doolittle, did you go over those notes with him?

12 A **Yes, sir.**

13 Q Okay. And were those notes? Like a diary of sorts about

14 what you were witnessing or--explain to the Hearing

15 Examiner--

16 A **What it--**

17 Q --why you were keeping these notes?

18 A **Because I knew we were getting--going to be interviewed**

19 **and I wanted to make sure I remembered things that**

20 **happened.**

21 Q Okay. So were you taking--were these notes that you were

22 taking contemporaneous--or were they occurring at the same

23 time that you witnessed an incident? Or did you write them

24 down in preparation--strictly in preparation for--

25 A **A few of them were--**

- 1 Q --the interview?
- 2 A **Yes, some of them were when I witnessed an incident.**
- 3 Q Did you date those?
- 4 A **No, sir.**
- 5 Q Okay. So even the ones that were contemporaneous to the
6 event or happening at the same time, you didn't date?
- 7 A **No, sir.**
- 8 Q So they were done largely in preparation for your
9 interview with Colonel Doolittle; correct?
- 10 A **Yes, sir.**
- 11 Q Okay. So we're through the lunch break.
- 12 A **Yes, sir.**
- 13 Q On any given day and according to your testimony on any
14 given day, Lieutenant Colonel Golnick is in Master
15 Sergeant Reed's office eating lunch?
- 16 A **Yes, sir.**
- 17 Q It's 12:30 or thereabouts. Is it your testimony that
18 Lieutenant Colonel Golnick remained in her office even
19 after the lunch break?
- 20 A **Yes, sir.**
- 21 Q And how often would you say that occurred?
- 22 A **Monday through Friday.**
- 23 Q Everyday again?
- 24 A **Every day.**
- 25 Q Okay. Is there another break you get?

1 **A** **2:00 o'clock break.**

2 **Q** Is this the last break you get?

3 **A** **Yes, sir.**

4 **Q** Okay. Good. So at the 2:00 o'clock break, I presume you go
5 back up to the front of the office to see Renee?

6 **A** **Yes, sir.**

7 **Q** Lieutenant Colonel Golnick's secretary?

8 **A** **Yes, sir.**

9 **Q** Well, what is her last name? So that will simplify--

10 **A** **Nielsen.**

11 **Q** Renee Nielsen. So you go see Renee Nielsen at 2:00
12 o'clock?

13 **A** **Yes, sir.**

14 **Q** Is this another 15-minute break?

15 **A** **Yes, sir.**

16 **Q** Okay. So you spend 15 minutes with Renee Nielsen?

17 **A** **Yes, sir.**

18 **Q** And as you walk by Master Sergeant Reed's office, is it
19 your testimony that you again see Lieutenant Colonel
20 Golnick--

21 **A** **Yes, sir.**

22 **Q** --in there?

23 **A** **Yes, sir.**

24 **Q** Because according to your testimony, he's never left; is
25 that correct?

1 **A** **Correct, unless he goes to the bathroom.**

2 Q Or PT, and we're going to get to that. Okay? So is this

3 another 15-min break?

4 **A** **Yes, sir.**

5 Q I already asked that. Okay. So when you return at 2:15 or

6 thereabout--I won't hold you to the 2:15--

7 **A** **Yes, sir.**

8 Q --is it your testimony that you find Lieutenant Colonel

9 Golnick still in Master Sergeant Reed's office?

10 **A** **Yes, sir.**

11 Q And again how often?

12 **A** **Everyday Monday through Friday.**

13 Q Okay. And just to be clear, because you've testified you

14 don't always see him, is it the case that you can at least

15 hear him in there?

16 **A** **Yes, sir.**

17 Q Now, on to the--on to the physical training if you will.

18 Explain to the Hearing Examiner the significance of your

19 testimony as it relates to physical training. I mean, in

20 other words what struck you as inappropriate about two

21 people doing PT together?

22 **A** **You could hear them in there, the conversation like I**

23 **said. Her voice carries, and his did too. And I could hear**

24 **the laughing, the tee-hee-ing, "Am I doing my pushups**

25 **right?"**

1 Q Who's asking if they're doing their pushups right?

2 A **Master Sergeant Reed.**

3 Q Is presumably asking Lieutenant Colonel Golnick?

4 A **Yes, sir; yes, sir.**

5 Q And what struck you as odd about that?

6 A **Well, I guess because he is a Lieutenant Colonel and she's**

7 **a Master Sergeant.**

8 Q In other words--

9 A **But also--**

10 Q --she should know how to do her pushups and she's an NCO?

11 A **Yes, sir. But I--you--you could be outside and hear them**

12 **in the PT room laughing and whatever.**

13 Q Okay. And we've heard some testimony earlier today about

14 the name that was designated to your gym. Are you familiar

15 with the name that was designated to the gym?

16 A **The Princess?**

17 Q No, no. The name of the gym. Maybe you're not. You might

18 not be aware of it.

19 A **I don't remember the name of it, but I did see it in**

20 **writing above the door.**

21 Q How often to your knowledge did Lieutenant Colonel Golnick

22 and Master Sergeant Reed do PT together?

23 A **All the time, every day.**

24 Q Every day?

25 A **Well, not everyday, no. We could only do it--you could do**

1 **it three times a week or--an hour three times a week or**
2 **half-hour.**

3 Q Okay. And you would know this again because based on that
4 unscaled schematic drawing you--

5 A **Yes, sir**

6 Q The gym is right across from your office; correct?

7 A **Yes, sir; yes, sir.**

8 Q That's your testimony, you could hear them in the--in the
9 gym together; correct?

10 A **Yes, sir. And the door was always shut to the PT room.**

11 Q Well, was it shut all the time?

12 A **Yes, sir.**

13 Q So even when no one was in there, it was shut?

14 A **Yes, sir.**

15 Q Okay. So the point of your testimony is that they were
16 loud enough that you could hear it through a closed door?

17 A **Yes, sir.**

18 Q They didn't close the door when they--in other words, the
19 door wasn't open when they went in, and then they shut the
20 door; correct?

21 A **Right.**

22 Q Now, in your sworn statement, you also--you also provided
23 a statement to the effect that you believe Lieutenant
24 Colonel Golnick might have worked on Master Sergeant
25 Reed's mother's home; is that correct?

- 1 **A** **Yes, sir.**
- 2 **Q** Explain to the Hearing Examiner, Master Sergeant, the
3 circumstances that led you to put this in your statement.
4 In other words, what--what knowledge do you have of
5 Lieutenant Colonel Golnick putting--performing work on
6 Master Sergeant Reed's mother's home?
- 7 **A** **The union president, Joe Smock, was discussing it. And I**
8 **happened to walk in the office, and I said "What?" And**
9 **then he repeated that, yeah, that her husband--Master**
10 **Sergeant Reed's husband doesn't like doing that kind of**
11 **work. So Colonel Golnick was over there doing the work,**
12 **redoing the house and also that he had moved her three**
13 **times.**
- 14 **Q** Who had?
- 15 **A** **Colonel Golnick.**
- 16 **Q** Had moved whom?
- 17 **A** **Master Sergeant Reed's mother.**
- 18 **Q** Well, did you have reason to believe that this happened
19 during the duty day or after the duty day?
- 20 **A** **No, it was not--it was on a weekend.**
- 21 **Q** So what bothered you about that to the degree you that you
22 told the IO?
- 23 **A** **Because the superintendent is not supposed to interact**
24 **with his employees in that manner.**
- 25 **Q** Okay.

1 **A** **If you ask the superintendent who my three best friends**
2 **are, he could not tell you today. But if you ask Colonel**
3 **Golnick who Master Sergeant Reed's best friends were, he**
4 **could tell you.**

5 **Q** And then you also provided a statement to the effect that
6 Lieutenant Colonel Golnick had requested quality step
7 increases for Master Sergeant Reed that should have been
8 requested through Lieutenant Colonel McNamara. Do you
9 recall making--

10 **A** **Yes, sir.**

11 **Q** --such a statement?

12 **A** **Yes, sir.**

13 **Q** And explain to the Hearing Examiner, Master Sergeant
14 Fouts, again the circumstances surrounding this statement.

15 **A** **I was talking to my supervisor. And at the time it had to**
16 **be Colonel McNamara--about the relationship between**
17 **Colonel Golnick and Master Sergeant Reed. And he kind of**
18 **nonchalantly said, "Well that's nothing. She just got a**
19 **QSI from him."**

20 **Q** Okay. And I don't--explain what's the significance of
21 Master Sergeant Reed getting a QSI from Lieutenant Colonel
22 Golnick? In other words, why shouldn't that have happened?

23 **A** **Because it should come from your supervisor, not the shop**
24 **superintendent.**

25 **Q** So--and we've heard some testimony to this effect, but let

1 me ask you. Who did you understand Master Sergeant Reed's
2 supervisor--first-line supervisor to be?

3 **A Colonel Golnick--not Golnick but Colonel McNamara.**

4 Q Did you know that for a fact?

5 **A I know, yes.**

6 Q And it struck you as odd is that--as odd that it was
7 Lieutenant Colonel Golnick who had issued the quality step
8 increase? Is that fair to say?

9 **A Yes, sir.**

10 Q Because you believe it should have come from Lieutenant
11 Colonel McNamara?

12 **A Yes, sir.**

13 Q And Lieutenant Colonel McNamara was your first--

14 **A He was my boss.**

15 Q --line supervisor?

16 **A Yes, sir.**

17 Q Is that correct?

18 **A Yes, sir.**

19 Q Did you ever receive a quality step increase from
20 Lieutenant Colonel Golnick? And I mean Lieutenant Colonel
21 Golnick, not McNamara.

22 **A I don't know if it came from Golnick or McNamara. When I
23 returned from overseas, I had got a quality step increase.**

24 Q Okay. And you also provided a statement in connection with
25 this investigation to the effect that Lieutenant Colonel

1 Golnick had spent time with Master Sergeant Reed at the
2 Two Track Bar. Is that--is that the right bar?

3 **A Yes, sir.**

4 Q Do you recall making that statement?

5 **A Yes, sir; yes, sir.**

6 Q And can you explain to the Hearing Examiner the
7 significance of that statement as it relates to the
8 investigation?

9 **A Well, there was--again, Joe said they were out partying at
10 the Two Track.**

11 Q Joe?

12 **A Joe Smock.**

13 Q Okay. Joe told you?

14 **A Yes, yes, because I made a comment about how it smelled
15 like stale booze in the hallway.**

16 Q During the workday?

17 **A Yes, sir.**

18 Q Okay. And Joe--and you made this comment to Joe Smock?

19 **A Yes, sir.**

20 Q And Joe Smock responded how as best as you can recall?

21 **A He said that they were at the Two Track partying.**

22 Q Who is "they"? Who is "they"?

23 **A Renee, Colonel Golnick, and I don't remember--**

24 Q And Joe? How would Joe know this? In other words, did he
25 say, "I was"--

1 **A** **I don't--**

2 **Q** **--"out with these other two at the bar"?**

3 **A** **No. He didn't say he was out with them. I don't know. I**
4 **mean, a lot of people talk. The guys, they talk a lot**
5 **about what they did the night before.**

6 **Q** And then finally, you made a statement in connection with
7 this investigation that Lieutenant Colonel Golnick helped
8 paint Master Sergeant Reed's office. Do you recall that
9 statement?

10 **A** **Yes, sir.**

11 **Q** And can you describe to the Hearing Examiner the
12 circumstances that caused you to provide that statement to
13 the IO?

14 **A** **Well, it was on a comp time weekend. And he managed to let**
15 **her work a lot of comp time weekends. And normally you**
16 **don't do that on a comp time weekend. You do it on cleanup**
17 **week.**

18 **Q** Okay. Now, let me--let me ask you this. Rather than go
19 through each one of these instances in which Lieutenant
20 Colonel--everything from eating breakfast to painting an
21 office--okay?

22 **A** **Yes, sir.**

23 **Q** Let me ask you, Master Sergeant Fouts, is this something
24 that was unique to Master Sergeant Reed? Or is this
25 something that you saw Lieutenant Colonel Golnick do for

1 other employees?

2 **A** **No. It was unique with her. The whole time that Lieutenant**
3 **Colonel Golnick has been the shop superintendent, I've**
4 **never seen him on a forklift. And before you know it, when**
5 **he and Master Sergeant Reed started getting together, he's**
6 **on a forklift moving stuff for her.**

7 **Q** Okay. Explain to me the significance there. You've lost
8 me.

9 **A** **The shop--the shop superintendent does not come down and**
10 **get on a forklift for you and move stuff. That is your**
11 **job.**

12 **Q** So that was a production--okay. Now I'm tracking. So that
13 was a production controller's job to get on a forklift and
14 move stuff?

15 **A** **Yes, sir.**

16 **Q** Can you operate a forklift?

17 **A** **Yes, sir.**

18 **Q** Okay. I cannot, so that's impressive. So have you ever had
19 breakfast in your office with Lieutenant Colonel Golnick?

20 **A** **No, sir.**

21 **Q** Have you ever had lunch in your office with Lieutenant
22 Colonel Golnick?

23 **A** **No, sir.**

24 **Q** Did Lieutenant Colonel Golnick ever help paint your
25 office?

1 **A** **No, sir.**

2 Q Has Lieutenant Colonel Golnick ever spent time with you at
3 the Two Track Bar?

4 **A** **No, sir.**

5 Q And to your knowledge--you did receive a quality step
6 increase after a deployment, but you're not sure from whom
7 it--

8 **A** **Yes, sir.**

9 Q --came; correct?

10 **A** **Yes, sir.**

11 Q Okay. And did Lieutenant--well, I should ask another
12 question before--did Lieutenant Colonel Golnick ever help
13 you or a relative move?

14 **A** **No, sir.**

15 Q Did Lieutenant Colonel Golnick ever do work on your home
16 or the home of a relative?

17 **A** **No, sir.**

18 Q Now, you've also provided some testimony in the form of a
19 sworn statement to the--with respect to time off awards.
20 Do you recall making those statements?

21 **A** **Yes, sir.**

22 Q Okay. Can you explain to the Hearing Examiner the
23 significance behind your statement to the IO about time
24 off awards that Master Sergeant Reed received?

25 **A** **I need to look at my statement here.**

1 Q Take--if you don't recall something specific, exactly,
2 take your--take your time and review your sworn statement.
3 Let me--I don't think you're going to find it because it's
4 a different line--different line of questioning that I'll
5 ask you about later.

6 A **Okay.**

7 Q But I just finished asking you whether you had ever eaten
8 breakfast or lunch with Lieutenant Colonel Golnick. And
9 let me follow up with that. Okay?

10 A **Yes, sir.**

11 Q Besides Master Sergeant Reed did you see Lieutenant
12 Colonel Golnick eat breakfast with anyone in the MATES
13 facility?

14 A **Not unless it was breakfast or lunch in, you know--**

15 Q I mean--

16 A **No.**

17 Q Let me rephrase the question. That's a good point. Besides
18 Master Sergeant Reed, did you ever see Lieutenant Colonel
19 Golnick eat breakfast with another employee alone in their
20 office?

21 A **No, sir.**

22 Q Did you ever see Lieutenant Colonel Golnick eat--what'd I
23 just say? Breakfast?--lunch with another employee alone in
24 that employee's office?

25 A **No, sir.**

1 Q To your knowledge did Lieutenant Colonel Golnick ever
2 assist any other employee in the MATES facility in terms
3 of moving that employee or that--or that employee's
4 relative--

5 A **No, sir.**

6 Q --to your knowledge? To your knowledge, did you--do you
7 know if Lieutenant Colonel Golnick ever helped paint
8 anyone else's office in the MATES facility?

9 A **No, sir.**

10 Q So is it fair to say that, at least from your perspective,
11 the assistance that Master Sergeant Reed was getting from
12 Lieutenant Colonel Golnick was pretty unique? Is that fair
13 to say?

14 A **Yes, sir.**

15 Q Okay. Now, you also provided some testimony about--about
16 Master Sergeant Reed utilizing a GSA or an NTV. Do you
17 recall that?

18 A **Yes, sir.**

19 Q Explain to the Hearing Examiner the circumstances that led
20 you to tell the IO about her use of an NTV or a GSA.

21 A **Well, Lieutenant Colonel Golnick would sign his NTV out
22 for a month at a time. And he also had a fuel card. And I
23 was told by Colonel McNamara in one of our conversations
24 about how wrong their relationship was, Master Sergeant
25 Reed and Colonel Golnick's, and that she had drill and the**

1 **NTV--she got to drive the NTV.**

2 Q To drill?

3 **A Yes, sir.**

4 Q Okay. Do you know where she--do you have any knowledge of

5 where Master Sergeant Reed drilled?

6 **A Jackson.**

7 Q Would that be over the last three years?

8 **A Yes, sir.**

9 Q So based on a conversation you had with Lieutenant Colonel

10 McNamara, you understood it to be the case that Master

11 Sergeant Reed would utilize Lieutenant Colonel Golnick's

12 NTV or GSA, whatever--

13 **A NTV.**

14 Q Are they--are they interchangeable or not?

15 **A No. A GSA is contracted and an NTV is actually MATES**

16 **property.**

17 Q Okay. I never get to use either one of them, so I wouldn't

18 know. I'm always in my own POV. I know that much.

19 **A Okay.**

20 Q So Lieutenant Colonel McNamara tells you that he believes

21 that Master Sergeant Reed is utilizing Lieutenant Colonel

22 Golnick's NTV?

23 **A Yes, sir.**

24 Q To go to drill?

25 **A Yes, sir.**

1 Q Okay. Did you ever personally observe this?

2 A **No, I never saw it.**

3 Q So it's based on Lieutenant Colonel McNamara's statement?

4 A **No. There were--there were other people that commented**

5 **on--normally we have a spot inside the second fence where**

6 **the GSAs and NTVs are parked. And a lot of weekends after**

7 **her drill weekend, they--it would be parked in between the**

8 **first gate and the second gate. And he did not keep a log**

9 **of his use of the fuel card, because I'm the--what do I**

10 **want to say?--one who gets all the receipts for the fuel**

11 **card.**

12 Q Well, you testified earlier that with respect to GSAs and

13 NTVs you just make--you were--you were tracking both those

14 insofar as who they belong--

15 A **As being part of MATES property, yes, sir.**

16 Q Right. They belong to--

17 A **Yes, sir.**

18 Q So you actually did do something beyond that?

19 A **He was--**

20 Q Is that correct?

21 A **Yes, sir. He was hand-receipted for--Colonel Golnick was**

22 **hand-receipted for--**

23 Q For an NTV?

24 A **Yes, sir.**

25 Q Right. And you said--you were about to tell me that you

1 collected some form of receipt; is that correct?

2 **A The receipts for the fuel cards.**

3 Q So you did have--

4 **A And I--yes, sir.**

5 Q --responsibility beyond just--

6 **A Right.**

7 Q --the vehicles?

8 **A And I have to match up with the report that I get from**

9 **Lansing.**

10 Q Well, is there something in the--is there something in the

11 form of the receipts for the fuel cards that, you know,

12 you think--you deem as inappropriate between Master

13 Sergeant Reed and Lieutenant Colonel Golnick? I mean, can

14 you point to something? Or is that just--

15 **A That it's--**

16 Q --the fact that you kept--or is it just a fact that you

17 kept track of the receipts for the fuel cards?

18 **A No. I kept track of the receipts but because he would not**

19 **fill out the log like he was supposed to as to--you're**

20 **supposed to sign out the fuel card. And Colonel Golnick**

21 **would not sign--**

22 Q But that's something he was doing improper, that's not

23 anything Master Sergeant--

24 **A No, no.**

25 Q --Reed did improper?

1 **A** **No. It would have just made it easy for him to give her**
2 **the car because he's not keeping the log to say who had**
3 **the card that weekend.**

4 **Q** Okay. Did you ever hear any allegations of Lieutenant
5 Colonel Golnick lending out, for lack of a better term,
6 his NTV to any other person at MATES for personal use?

7 **A** **For drill weekends, no; no, sir.**

8 **Q** How about outside of drill weekends? Any other
9 allegations--

10 **A** **No, sir.**

11 **Q** And then do you recall testifying--I'm sorry. Strike that.
12 Do you recall providing a sworn statement with a statement
13 to the effect that Lieutenant Colonel Golnick had
14 accompanied Master Sergeant Reed to Lansing for--on a trip
15 or several trips in connection with a DA photo?

16 **A** **Yes, sir.**

17 **Q** Do you recall providing that statement?

18 **A** **Yes, sir.**

19 **Q** Okay. Explain to the Hearing Examiner the circumstances
20 that caused you to provide that statement to the
21 investigation officer, Colonel Doolittle.

22 **A** **As I believe the reg had changed and as an E-6 and above,**
23 **you're required a DA photo in your iPERMS. So we were**
24 **allotted a vehicle and everybody went at different times.**
25 **Nobody went at the same time. But I know that Master**

1 Sergeant Reed went about five times, and one time she went
2 with Colonel Golnick, Chief Fitzpatrick, and Chief
3 Whitcher. And they came back and said that there was some
4 inappropriate touching in the vehicle where Master
5 Sergeant Reed and Colonel Golnick were in the backseat and
6 they were in the front.

7 Q Okay. Who told you about this inappropriate touching?

8 A **Chief Fitzpatrick.**

9 Q Is this in--is this anywhere in the--

10 A **I probably didn't--**

11 Q --the record?

12 A **--state it exactly to that effect.**

13 Q Okay. So aside from that--I'm not interested in that
14 really. Aside from that, was there anything unusual in
15 Master Sergeant Reed going to Lansing to get her DA photo?

16 A **Well, just that she went five times. We were told you
17 could go once.**

18 Q Did she go all five times with Lieutenant Colonel Golnick
19 to your knowledge? Or do you not know?

20 A **I know she went once.**

21 Q But she was not only with Lieutenant Colonel Golnick, she
22 was with Chief Fitzpatrick and someone else; correct?

23 A **Chief Whitcher, Todd.**

24 Q Chief Whitcher, Todd Whitcher. So four of them went down?

25 A **Yes, sir.**

1 Q And maybe they all had their photograph taken? Maybe?

2 A **Maybe.**

3 Q But it's your testimony that you think she went at least

4 four more times?

5 A **Yes, sir.**

6 Q And that would be by herself?

7 A **No, sir. I can't say she went by herself every time, no.**

8 Q Okay. Well, is it your testimony that she used--she used

9 Lieutenant Colonel Golnick's NTV on those other four

10 occasions? Or what was--I'm asking what was improper about

11 her going down four times just--four more times?

12 A **Because you were told you--by Colonel Golnick, we were**

13 **told, "You will only go once. And if it didn't look good,**

14 **too bad. You go on your own time."**

15 Q So it's your testimony that everyone's told one time--

16 A **Yes, sir.**

17 Q --and that's what they told me, because my photo's

18 terrible.

19 A **Right.**

20 Q And I only got one crack at it.

21 A **Yes, sir.**

22 Q So everyone's told one time but apparently, according to

23 you, she's allowed to go down more than one time--

24 A **Yes, sir.**

25 Q --to take her photo? Okay. Great. Now, one last thing. Are

1 you--are you aware of--we touched upon nicknames earlier.
2 Are you aware of Master Sergeant Reed having a nickname
3 around?
4 **A Princess, yes, sir.**
5 Q Okay. I mean, are nicknames pretty common around MATES?
6 **A Yeah; yes, sir.**
7 Q I know one, Joe Shock; right?
8 **A Yes, sir; yes, sir.**
9 Q That's another nickname?
10 **A Yes, sir.**
11 Q Right?
12 **A Yes, sir.**
13 Q What about Lieutenant Colonel Golnick? Did he have a
14 nickname to your knowledge?
15 **A Other than he was the King, and she was the Princess.**
16 Q Oh, so they called him King?
17 **A Yeah, because--**
18 Q Or they just referred--
19 **A --he was the--because he was--you know, the big boss.**
20 Q Well, he is the King. He's shop superintendent?
21 **A That was his--**
22 Q Right?
23 **A Yes, sir.**
24 Q Yeah, okay. Did you ever hear anyone or did you--strike
25 that. Did you yourself ever call Master Sergeant Reed

1 Princess to--

2 **A Not to her face.**

3 Q Okay. Did you hear anyone call that to her face?

4 **A Joel Mack had a discussion with her about it one day.**

5 Q Oh, he did?

6 **A Yes, sir.**

7 Q And how do you know this?

8 **A I heard it and I also--he talked to me about it**

9 **afterwards.**

10 Q Did you overhear the discussion?

11 **A Yes, sir. And she was pretty upset.**

12 Q I'm presuming--I'm presuming because it was in her office

13 you heard it?

14 **A Yes, sir.**

15 Q Okay. So you overheard a conversation between Joel Mack

16 and Master Sergeant Reed regarding the nickname Princess?

17 **A Not just the nickname Princess about the relationship she**

18 **was having with Colonel Golnick.**

19 Q And is it your testimony that Joel Smock--strike

20 that--Joel Mack--

21 **A Joel Mack.**

22 Q --actually discussed the conversation with you that he had

23 had with Master Sergeant Reed?

24 **A Yes, he did.**

25 Q And can you tell the Hearing Examiner the subject--or, you

1 know, what you guys discussed?

2 **A We were discussing about the 15-16 (sic) and--**

3 Q The what?

4 **A The 15-16.**

5 Q Oh, the 15-6, the investigation?

6 **A Prior--yes, about it going on. And he brought up that they**

7 **had a conversation about her relationship and about people**

8 **nicknaming her Princess. And she was pretty upset about it**

9 **and was in tears for about a week. And after that,**

10 **everything was back to normal.**

11 Q Okay. Well, in light of that, let me ask you, you appear

12 to be pretty troubled by this relationship at least as you

13 perceived it between Lieutenant Colonel Golnick and Master

14 Sergeant Reed. Fair?

15 **A Yes, yes.**

16 Q Did you ever confront Master Sergeant Reed about it?

17 **A I mentioned it.**

18 Q And when you say you mentioned it, what exactly did you

19 mention?

20 **A That it wasn't right that Colonel Golnick was in her**

21 **office all the time.**

22 Q Okay. And did she respond? Or did she offer some reply of

23 some sort?

24 **A Basically just shrugged it off like it was no big deal.**

25 Q Well, after you had that conversation, did their

1 interaction--or did the--

2 **A Change? No.**

3 **Q** Right.

4 **A** **No.**

5 MR. BANCHS: I'm just going to object for the
6 record because she never in her statement or her--the
7 notes--I'm sorry--in her recorded interview, she never
8 said before that she actually talked to the Appellant
9 about her inappropriate, quote, unquote, relationship.

10 THE WITNESS: I did.

11 BY CAPTAIN BEDELLS:

12 **Q** Well, aside from Master Sergeant Reed did you--did you
13 talk to a first-line supervisor about--your first-line
14 supervisor about the relationship at least as how you
15 perceived it between her and Colonel Golnick?

16 **A** **More than one occasion, sir. And I also talked to--**

17 **Q** Wait. Let me--more than one--to whom did you talk about
18 this?

19 **A** **I talked to Colonel McNamara. It was brought to Chief--I**
20 **talked to Chief Fitzpatrick about it. I talked to the**
21 **union steward, Joe Smock, other conversations with other**
22 **employees.**

23 **Q** Okay. Well, let's talk--let's first--

24 **A** **Tammy Blair (phonetic)--**

25 **Q** So I understand, McNamara, Fitzpatrick, Joe Smock;

1 correct?

2 **A Yes, sir.**

3 Q You talked to each one of those individuals about--about
4 the relationship between Lieutenant Colonel Golnick and
5 Master Sergeant Reed at least as it how it appeared to
6 you; correct?

7 **A Yes, sir.**

8 Q When you talked to Lieutenant Colonel McNamara--well,
9 strike that. When did you have this conversation if you
10 recall?

11 **A I can't tell you the date, but I know it--**

12 Q Was it prior to the investigation?

13 **A Prior, during, after.**

14 Q Well, that's my question.

15 **A Yes.**

16 Q When you--

17 **A It was--**

18 Q --spoke to Lieutenant Colonel McNamara about the
19 relationship, at least as to how you viewed it--

20 **A Yes, sir.**

21 Q --between Master Sergeant Reed and Lieutenant Colonel
22 Golnick, did that conversation occur prior to this
23 investigation?

24 **A Many times prior.**

25 Q Okay. With Lieutenant Colonel McNamara?

1 **A** **Yes, sir.**

2 Q And how did he reply?

3 **A** **He basically said he couldn't do anything. He's the boss.**

4 Q Well, I thought you testified earlier that Lieutenant

5 Colonel McNamara was actually Master Sergeant Reed's

6 supervisor, first-line supervisor? How could he not do

7 anything?

8 **A** **He was. Because Colonel McNamara and Colonel Golnick**

9 **butted heads on a daily basis. They didn't like each**

10 **other. So Colonel Golnick wouldn't let Colonel McNamara do**

11 **anything anyway.**

12 Q Would that include supervising Master Sergeant Reed?

13 **A** **Exactly, yes; yes, sir.**

14 Q Okay. And then you--I'm sorry. You said Fitzpatrick, you

15 talked to--is it Chief Fitzpatrick?

16 **A** **Yes, sir.**

17 Q So you testified that you talked to Chief Fitzpatrick

18 about the relationship insofar as how you perceived it

19 between these two; correct?

20 **A** **Yes, sir.**

21 Q And do you recall when you talked to Chief Fitzpatrick?

22 Again, was it prior to the investigation?

23 **A** **It was prior to. There were a lot of times he--**

24 Q Why would you talk to Chief Fitzpatrick? Who was he in all

25 of this?

1 **A** **He's a supervisor but they're--**
2 **Q** **Of--**
3 **A** **No.**
4 **Q** **--Renee Reed?**
5 **A** **No. Of another section. But he would come by the office**
6 **and he'd want to go in and do some work, job order stuff,**
7 **which was all--the paperwork's in her office. But he**
8 **didn't like to go in her office because Colonel Golnick**
9 **was in there, so he'd come down to my office. And I'd just**
10 **say, "You don't wan to go in there or--and see anything or**
11 **what?" And he'd be like, "kuh" (phonetic) and then he'd**
12 **walk away.**
13 **Q** **Okay. So he shared your frustration?**
14 **A** **Exactly.**
15 **Q** **Is that fair to say?**
16 **A** **Yes, sir.**
17 **Q** **And then finally you said you talked to the union steward**
18 **Mr. Smock; correct?**
19 **A** **Yes, sir; yes, sir.**
20 **Q** **Okay. You yourself talked to him?**
21 **A** **Yes, sir.**
22 **Q** **And again was that prior to this investigation?**
23 **A** **Yes, sir.**
24 **Q** **Was it more than once?**
25 **A** **Yes, sir.**

1 Q Okay. Was anyone else present?

2 A Oh, I think Jay Hawkins (phonetic) was probably in there,
3 because he was in the--in that office with him.

4 Q And what did you tell the union steward, Mr. Smock, with
5 respect to the relationship between Lieutenant Colonel
6 Golnick and Master Sergeant Reed?

7 A That I didn't think it was right. And he said, "Yeah, it
8 isn't right. It's disgusting" and that Colonel Golnick has
9 been talked to by his boss in Lansing about it.

10 Q Who did you understand that to be?

11 A At that time it was Colonel Maddin.

12 Q Okay.

13 A And that she was not to go to Lansing with him for PC
14 council meeting and stuff like that. If he had a meeting,
15 there--

16 Q And did this--

17 A --was times he would take her just to take her.

18 Q And so it's your testimony that Joe Smock told you--

19 A Yes, sir.

20 Q --that and Jay Hawkins might have been present as you--

21 A Yes, sir.

22 Q --that, look, she's been talked to, he's been talked to--

23 A Yes, sir.

24 Q --by Lieutenant Colonel Maddin; correct?

25 A Yes, sir.

1 Q And that would be Lieutenant Colonel Meyers' predecessor;
2 right? Or that's who held--

3 A **Right; yes, sir.**

4 Q Okay. Now, I'm going to tell you something, Master
5 Sergeant Fouts, and I appreciate your patience here today
6 with me because this is--I know this is difficult. But I
7 want to ask you, is it your--is it the case that some of
8 the other employees around MATES are just a little
9 resentful of the fact that Master Sergeant Reed was
10 treated in a manner that they weren't?

11 A **No.**

12 Q Or--well, hold on for my question. Okay. You've answered
13 the question--

14 A **Sorry.**

15 Q --or is it the case that you and others were more
16 concerned with the efficiency of MATES and that it was an
17 inefficient operation? And I'm going to follow this
18 up--but inefficient operation because you couldn't go into
19 her office when Lieutenant Colonel Golnick was there? You
20 said yourself you were intimidated, other people were
21 intimidated. Is it a little bit of both? I want to hear
22 because I'm going to ask this of every single person. I
23 want to hear--and I'm sure the Hearing Examiner wants to
24 hear this. But was it just resentment, or was there
25 another issue that came into the equation?

- 1 **A** There was no resentment, none whatsoever. It just--when
2 you're intimidated, you can't do your job. So that cuts
3 back on your productivity along with everything else. It
4 just--it's not right for the--we call him the big boss or
5 the shop superintendent to spend all this time with one
6 employee. The appearance--or not just the appearance--just
7 basically it--productivity, yes, they go down.
- 8 **Q** How is it now? I mean, you--I understand Lieutenant
9 Colonel Golnick has retired. Correct?
- 10 **A** **Yes, sir.**
- 11 **Q** And I understand Master Sergeant Reed isn't in her role as
12 a production controller. Correct?
- 13 **A** **Yes, sir.**
- 14 **Q** Who took over Master Sergeant Reed's position?
- 15 **A** **Sergeant Bower.**
- 16 **Q** Okay. And who took over Lieutenant Colonel Golnick's
17 position?
- 18 **A** **Right now it's Major Austhof. But it's soon to be another**
19 **Major.**
- 20 **Q** I understand for purposes of my question, Major Austhof's
21 the interim production--interim superintendent; correct?
- 22 **A** **Yes, sir.**
- 23 **Q** Is his office in the same office as Lieutenant Colonel
24 Golnick was?
- 25 **A** **Actually he's in the office next-door. The secretary--**

1 Q Where Renee Nielsen was?

2 A **Well, no. The secretary's in the middle, and then there**

3 **was an office here and an office there. So he--**

4 Q In the same general vicinity though?

5 A **He's in that same office.**

6 Q Okay. Are you still in the same office?

7 A **Yes, sir.**

8 Q Who's in Master Sergeant Reed's old office?

9 A **Burrell--Major Burrell.**

10 Q Major Burrell? Okay. So her successor--Master Sergeant

11 Reed's successor who is now in that production control is

12 not in that same--same office; correct?

13 A **No, sir. He's in parts.**

14 Q Well, you've continued working there; correct?

15 A **Yes, sir**

16 Q I mean, obviously you're still there?

17 A **Yes, sir.**

18 Q Do you have occasion to see Major Austhof spending the

19 same amount of time in--who's the new production

20 controller? I've got to keep these names straight.

21 A **Bower.**

22 Q Bower. Okay.

23 A **No, no.**

24 Q Is Major--let me finish the question. So is Major Austhof

25 spending as much time in Bower's office as Lieutenant

1 Colonel Golnick spent in Master Sergeant Reed's office--

2 **A No sir.**

3 Q --to your knowledge?

4 **A No, sir.**

5 Q Would you know it? Because I understand Bower's office is

6 not the same office, so you couldn't hear--you couldn't

7 hear them if they were; correct?

8 **A Right. But I still spend my breaks up with Renee Nielsen.**

9 **And he's in his office.**

10 Q In other words, he's not in Bower's office?

11 **A No, sir. He's in his office.**

12 Q He's not in Bower's office eating lunch?

13 **A No, sir.**

14 Q Not in Bower's office eating breakfast--

15 **A No.**

16 Q --as far as you know?

17 **A No, sir.**

18 Q Right?

19 **A Right.**

20 Q Not painting his office as far as you know?

21 **A No, sir.**

22 Q Okay. Now, my question--this is a hard one too. Okay?

23 **A Uh-huh.**

24 Q You've testified that it's not resentment; correct?

25 **A Yes, sir.**

1 Q That it went to the efficiency of MATES; correct?

2 A **Yes, sir.**

3 Q But as I look at this, Master Sergeant Fouts, did Master
4 Sergeant Reed--what part did she play in this? In other
5 words, what happens if Lieutenant Colonel Golnick comes
6 into your office and plops himself down and says, "I'm
7 going to eat breakfast in here for the next five days and
8 lunch in here for the next five days"?

9 A **I'd tell him to get his--excuse my French--ass out of my
10 office.**

11 Q Okay. So you think in some respect, Master Sergeant Reed
12 was complicit in this relationship? In other words, do you
13 think she derived any benefit from this relationship at
14 all?

15 A **Yes, sir.**

16 Q And you've testified to that; right?

17 A **Yes, sir.**

18 Q The office getting painted?

19 A **Yes, sir.**

20 Q Okay. Use of the NTV--his NTV; right?

21 A **Yes, sir.**

22 Q Multiple trips for a DA photo?

23 A **Yes, sir.**

24 Q Mother's house--or her office getting painted and mother's
25 house--I don't know--what did he do to his--her mother's

1 house?

2 MR. BANCHS: Is she charged with that?

3 Objection.

4 CAPTAIN BEDELLS: Well, it goes to the
5 inappropriateness of their relationship.

6 MR. BANCHS: Asked and answered.

7 BY CAPTAIN BEDELLS:

8 Q Oh, he just did work on the mother's home; correct?

9 A Yes, sir; yes, sir.

10 Q And finally, helped Master Sergeant Reed's mother move;
11 correct?

12 A Yes, sir.

13 Q So in some respects she did benefit; correct?

14 A Yes, sir.

15 Q And I started to ask, now that she's gone and Lieutenant
16 Colonel Golnick has retired, has MATES become any more
17 efficient in your eyes or less efficient or has it stayed
18 the same?

19 A I think it's more efficient.

20 Q How so?

21 A Well, a lot of changes have been made just--not just the
22 four individuals being released but the new boss, new
23 ideas. And he's--he's actually changed quite a bit. Things
24 are done more by the reg, the way they're supposed to be
25 done.

1 Q Okay. I don't have any further questions. Now, Mr. Banchs
2 is going to have some questions. The same rules, if you
3 don't understand the question, ask him to rephrase it. And
4 make sure that if you--if you don't--if you need to
5 refresh your recollection as to a document, ask for time
6 to review the document. Okay?

7 **A Yes, sir. Can I use the bathroom real quick first?**

8 HEARING EXAMINER: Let's go off the record.

9 COURT REPORTER: We are going off the record.

10 The time is now 2:44 p.m.

11 (Off the record)

12 HEARING EXAMINER: Okay. Back on the record,
13 please.

14 COURT REPORTER: We're back on the record. The
15 time is now 2:54 p.m.

16 HEARING EXAMINER: Mr. Banchs, you can
17 cross-examine.

18 MR. BANCHS: Thank you, sir.

19 CROSS-EXAMINATION

20 BY MR. BANCHS:

21 Q Master Sergeant Fouts, I'm going to--I'm going to be
22 asking you a lot of questions, ma'am. Okay?

23 **A Yes, sir.**

24 Q I want to start--and, you know, normally, these types of
25 terms wouldn't necessarily be anything that I probably

1 would have asked questions about, but since they were
2 brought up I'm just going to--and I think this goes to the
3 whole notion of who was doing what at the shop. But
4 you--you mentioned that the MATES is running more
5 efficient now, that you have a new boss although he is
6 interim; correct?

7 **A Yes, sir.**

8 Q And that there's new ideas and that people are doing
9 things more by the regs. But if I was to ask you if you
10 could point to any indicators that prior to the leadership
11 being replaced other than assumptions by folks or, you
12 know, statements by individuals like you--if I was to ask
13 you to point me into one direction to show that the MATES
14 was not doing what they were supposed to do before the
15 leadership change, where would you point me to?

16 **A Can you rephrase that? I guess I'm not quite sure what
17 you're trying to--**

18 Q Well, I'll ask more directly. Did MATES ever fail an
19 inspection prior to this leadership change?

20 **A Probably not but--**

21 Q That you're aware of?

22 **A --we haven't had an inspection since--**

23 Q Since what?

24 **A --the change.**

25 Q Before the change, ma'am, when you said that--that--one of

1 the things that Captain Bedells asked you was because of
2 the intimidation and the way that Colonel Golnick was
3 running the shop, that you and other folks didn't feel
4 like they could do their jobs and that it cut down on your
5 productivity and that now with the new leadership, the new
6 boss, new ideas, more by the regulations, that the MATES
7 is more efficient. And I'm assuming that conversely you
8 are able to do your job now and that your productivity is
9 either where it's supposed to be or higher. So if I was to
10 ask you can you point me to a document, whether it's an
11 inspection by the Department of the Army, an inspection
12 maybe by the Michigan National Guard, or maybe a 15-6 to
13 show--and not this 15-6 but maybe a prior, to show me that
14 the MATES productivity was not where it was supposed to be
15 prior to this leadership change, what document would you
16 point me to?

17 **A I can't show you anything. I have nothing. The inspections**
18 **we passed in the past was because of Colonel McNamara. He**
19 **knew a lot of people, and a lot of people liked him. And**
20 **he actually helped get a lot of inspections passed. But I**
21 **can't say that--I didn't--I didn't say anything about**
22 **inspections in here and--**

23 Q No, I know you didn't. But I'm--

24 A I'm just elaborating on your--

25 Q In your testimony here today, you said that there was a

1 difference in productivity.

2 **A There is; there is.**

3 Q Okay. And so--

4 **A Because people aren't afraid to go see the production**
5 **controller to get the paperwork that they need to get, to**
6 **give to the guys to do the paperwork, to do their job.**

7 Q So before Ms. Reed was terminated, when she was the
8 production controller and people weren't able to go see
9 her, how did that affect the production at MATES?

10 **A The mechanics weren't getting their jobs done because they**
11 **weren't getting the paperwork.**

12 Q Okay. And the production of, like, vehicle repairs and
13 things like that, those are tracked, right, at higher
14 levels than MATES; is that correct?

15 **A Yes, sir.**

16 Q So if I was to ask you to point me to the document that
17 shows that MATES was not meeting their production numbers,
18 where would I go look?

19 **A I cannot point you to anything, sir, because I don't know**
20 **what records--**

21 Q Now, even though you're doing the property book job,
22 you're a production controller yourself; correct?

23 **A I was a lot--a lot of years ago.**

24 Q And it was your testimony that Ms. Reed is good but the
25 reason she's--

1 **A** **Right.**

2 Q --good is because you trained her?

3 **A** **I didn't say that.**

4 Q Yes, you did.

5 **A** **I said I helped train her. I didn't say--those were not my**
6 **words. I did not say she's good because I trained her.**
7 **That is not what I said.**

8 Q That's how I took it. But even so, you do know what the
9 production controller job is, I guess, where I was going.

10 **A** **Yes, sir.**

11 Q And Mrs. Reed's job as the production controller was to
12 track that productivity and then send those numbers up
13 higher; correct?

14 **A** **Can I--can I backtrack?**

15 Q Sure, yeah.

16 **A** **I don't know the job as well as I did back then, because**
17 **it's all changed. They've got new computers, new systems,**
18 **new reports go out. When I--when I was there, a lot of the**
19 **stuff we did was manual.**

20 Q Well, when you say back then, when did you actually stop
21 performing the production controller duties?

22 **A** **Back in 2008.**

23 Q 2008, okay. And it's changed a lot since 2008?

24 **A** **Yes, sir.**

25 Q Okay. I'm kind of going to go all over the place, because

1 I as really looking for a starting point, and I just
2 really don't have one because there's a lot of things that
3 have been said. And to be honest with you, from my
4 inspection of the 15-6, the bulk of the allegations that
5 were made against Mrs. Reed concerning the inappropriate
6 relationship seemed to stem from you. And the reason for
7 that is I guess because you had an office that was right
8 next to her, I'm assuming.

9 **A Yes, sir.**

10 Q Now, and you drew your diagram and I didn't really get to
11 see it, but I asked Ms. Reed to draw me a similar diagram.

12 **A Yes, sir.**

13 Q And is it fair to say that the offices are not necessarily
14 directly next to each other? Is there like a room or a
15 closet that's in between?

16 **A There--in between, there's, yeah--**

17 Q There is a small room or closet?

18 **A There's a small room.**

19 Q How wide would you say that room is?

20 **A I don't know, but I can tell you that the concrete walls**
21 **do not go to the ceiling. And there's probably two bricks**
22 **short--**

23 Q Right. But it's like--most standard buildings that have
24 drop ceilings are like that. But what I'm asking is, the
25 wall that divides the office between where you sit and the

1 office that Ms. Reed sits is not necessarily a party wall?

2 Like it's not one single wall. There is a wall and then

3 there's a space and then there's another wall; correct?

4 **A Yes.**

5 Q She is not directly next to you is my point.

6 **A Right.**

7 Q Okay. And to that point, you're in an office by yourself;

8 is that correct?

9 **A Yes, sir.**

10 Q Is that considered a private office?

11 **A I guess--**

12 Q And the reason I ask is because a lot is made of Ms. Reed

13 being a Princess because she had her own private office.

14 But as I'm hearing you testify here today, you were also

15 in an office by yourself. Is that correct?

16 **A Yes, sir.**

17 Q Okay. Again, there's some stuff that I--you know, that

18 just comes up during the questioning. But Captain Bedells

19 asked you about nicknames. And Colonel Golnick apparently

20 was the King of the facility?

21 **A Yes, sir.**

22 Q And Ms. Reed was referred to as the Princess?

23 **A Yes, sir.**

24 Q So who was the queen? Because there's a queen in between

25 the King and the Princess?

1 **A** **Only if you want it to be, sir.**

2 **Q** And the reason I'm asking that is because a lot of the
3 allegations that--you know, let me rephrase that. What if
4 I were to tell you--and this is just--I just want to hear
5 your opinion on this. For pretty much every allegation
6 concerning the inappropriate relationship that you made
7 against Mrs. Reed, I can find someone that can dispute
8 that allegation. And we have provided rebuttal testimony
9 insofar as those things. So for every--for example, when
10 you said here that--that the use of NTVs to go to
11 drill--when you allege that Ms. Reed regularly used NTVs
12 and legally to go to drill or to do all manner of
13 business, I have at least five rebuttal witnesses here
14 that say that, no, that Ms. Reed used NTVs appropriately.

15 CAPTAIN BEDELLS: Okay. So--

16 HEARING EXAMINER: Is there a question?

17 **BY MR. BANCHS:**

18 **Q** What would you say to that?

19 CAPTAIN BEDELLS: Well, and can you show her
20 the statements? I mean, you're asking her facts that
21 aren't even in evidence yet so--

22 MR. BANCHS: I'm just--I'm asking her what her
23 general sense is that people contradict--are contradicting
24 what you are saying.

25 CAPTAIN BEDELLS: Without showing her the

1 statements?

2 BY MR. BANCHS:

3 Q I'll show--

4 **A Those 20--what are they, 26-2's or whatever? You do not**
5 **sign an NTV out on those so--**

6 Q No, no, ma'am.

7 **A So there's no--**

8 CAPTAIN BEDELLS: That's why we show her the
9 documents, right?

10 BY MR. BANCHS:

11 Q Well, instead of the NTVs, let's start with the allegation
12 that you--let me make sure I get it right here. Your
13 allegation that Sergeant Ryan Bower told you that he saw
14 Ms. Reed adjusting her blouse while Lieutenant Colonel
15 Golnick was in her office. Do you remember making that--

16 **A Yes, sir, I do.**

17 Q Okay. Do you mind reading the first paragraph of this
18 statement?

19 HEARING EXAMINER: Where are you, Ben?

20 MR. BANCHS: I'm in Sergeant Ryan
21 Bower's--it's going to be Tab E, Echo, but it's going to
22 be--

23 HEARING EXAMINER: Is this in the rebuttal?

24 MR. BANCHS: Yes, sir, in the rebuttal.

25 HEARING EXAMINER: Okay.

1 MR. BANCHS: It is--it's the 13th page from
2 the back of the--from the back of the tab.

3 CAPTAIN BEDELLS: Okay. I want to--I want to
4 have her look at the--I know it's the same, but I just
5 want to make sure she's looking at the right exhibit.

6 MR. BANCHS: Why don't you share this one with
7 her?

8 CAPTAIN BEDELLS: Okay. Sir, this was tab--

9 HEARING EXAMINER: I've got--I'm with you now.

10 MR. BANCHS: Okay. Great.

11 CAPTAIN BEDELLS: So for the record, we're at
12 Exhibit 3, Tab E like Echo, Exhibit 3 to the Reed case
13 file.

14 THE WITNESS: He wasn't the only one that saw
15 it.

16 BY MR. BANCHS:

17 Q Okay. Who else? Because you didn't state anybody else in
18 your statement?

19 A **Sharon Witcher. And she--there's no rebuttal in here from
20 Sharon Witcher saying that she didn't see that.**

21 Q Let's go to Sharon Witcher's statement.

22 A **She came out--she said Colonel Golnick came out with a red
23 face after her and Ryan Bower had walked in the office and
24 seen it.**

25 MR. BANCHS: Well, okay, I'm going to read

1 right from the 15-6 if that's okay with you guys.

2 CAPTAIN BEDELLES: Where are you?

3 MR. BANCHS: This is going to be--

4 CAPTAIN BEDELLES: We'll just open it up--

5 MR. BANCHS: It's going to be Sharon

6 Whitcher's statement.

7 CAPTAIN BEDELLES: Okay.

8 MR. BANCHS: Sworn statement.

9 CAPTAIN BEDELLES: Right, right. We'll open it
10 up to the sworn statements so she can follow along.

11 BY MR. BANCHS:

12 Q Can you show me where Ms. Whitcher said that--

13 **A She might have not put it in her statement, but she did**
14 **tell me about it.**

15 Q Okay. So Sharon Whitcher told--we can--we surely can ask
16 her about it. But insofar as your statement and what's in
17 the record, the only one that you allege having told you
18 this story is Sergeant Bower; correct?

19 **A Yes, sir.**

20 Q Now, having read Sergeant Bower's statement that he wrote
21 on behalf of Mrs. Reed, what is--

22 CAPTAIN BEDELLES: Take a look--right--

23 BY MR. BANCHS:

24 Q The original question that I asked you was if for every
25 allegation that you made I can find a rebuttal statement.

1 What is--what is your sense--

2 CAPTAIN BEDELLS: That's not a question, so
3 ask her a question.

4 MR. BANCHS: Can you let me finish?

5 HEARING EXAMINER: Let me--

6 CAPTAIN BEDELLS: Not if you're not asking a
7 question I'm not going to let you finish.

8 MR. BANCHS: I will get to a question.

9 CAPTAIN BEDELLS: Okay.

10 HEARING EXAMINER: Just for the record I want
11 to clarify, there is a reference to being red-faced in
12 Sharon Whitcher's sworn statement. It's the fourth line
13 down. And we can talk-

14 MR. BANCHS: Right, but--

15 HEARING EXAMINER: I don't want--I don't want
16 to belabor that because we can talk to that witness.

17 MR. BANCHS: But she doesn't talk about Ryan
18 Bower saying it, sir.

19 HEARING EXAMINER: Right.

20 MR. BANCHS: She only references Ryan Bower in
21 concerns to them going to a strip club.

22 HEARING EXAMINER: Right.

23 MR. BANCHS: Yeah.

24 CAPTAIN BEDELLS: By she, you mean Sharon
25 Whitcher?

1 MR. BANCHS: Yes, Sharon Witcher.

2 CAPTAIN BEDELLS: Who we're going to question
3 in a couple minutes.

4 MR. BANCHS: Correct.

5 CAPTAIN BEDELLS: Okay.

6 HEARING EXAMINER: So let's go--the question
7 you want to ask now is what?

8 BY MR. BANCHS:

9 Q I just want to know, just like we asked the witnesses
10 before, if there is a rebuttal statement that a witness
11 that you've referenced having said something that's saying
12 something different--they're contradicting what you said,
13 in other words, what is your impression of that? Are you
14 lying or are they lying?

15 CAPTAIN BEDELLS: Well, I'm going to object to
16 the characterization. Have you had a chance to read Tab-E
17 to Exhibit 3? Did you read that whole statement?

18 MR. BANCHS: Right here.

19 CAPTAIN BEDELLS: That's Ryan Bower's
20 statement?

21 MR. BANCHS: Yes, Ryan Bower's statement.

22 CAPTAIN BEDELLS: So when you've had a chance
23 to read that, that's what his question is pertaining to.
24 Okay?

25 BY MR. BANCHS:

1 Q Okay. I'll refresh your memory. I said--you say

2 "Just a couple of months ago Master Sergeant
3 Reed and Lieutenant Colonel Golnick were caught in
4 her office as she was doing her blouse back up by
5 Sergeant Ryan Bower and Sharon Witcher. They both
6 ended up with red faces when they were caught."

7 So Sergeant Bower submitted a statement on behalf of Mrs.
8 Reed in support of Mrs. Reed's rebuttal--

9 **A Which Sharon Witcher did not.**

10 Q Well, of course she didn't. I'm just talking--I'm talking
11 about one person. Sergeant Bower submitted a statement
12 that contradicts what you originally testified to. So I'm
13 just trying to ascertain whether he's maybe not being
14 completely clear or truthful remember--or perhaps you
15 remember it a different way or perhaps you didn't hear it
16 from Sergeant Bower.

17 **A I can tell you and it really doesn't have anything to do
18 with the case, but Sergeant Bower's work ethics and that
19 used to be pretty slim and none. He's not a reliable
20 person.**

21 Q So he's not a reliable employee?

22 **A No.**

23 Q So why would you quote him on a statement like this if you
24 didn't trust him?

25 **A Because I had two people tell me that.**

1 Q Okay. So he wasn't--

2 **A It was him and Ms. Witcher.**

3 Q Let me ask the question first. So in your opinion Sergeant

4 Bower is not a top-notch employee? He's not a reliable

5 employee in your own words?

6 **A Wasn't.**

7 Q Wasn't?

8 **A He's changed.**

9 Q After the investigation?

10 **A Yes, sir.**

11 Q Okay. But this statement he made to you was before the

12 investigation when he was still a subpar employee

13 according to you?

14 **A But there was two people that made that statement.**

15 Q Well, I'm specifically talking about Sergeant Bower,

16 because there is a contradiction here. I'm just--I just

17 want to ascertain what your opinion is of his statement

18 that he would contradict something that you attributed to

19 him saying.

20 **A Because he didn't want to get involved.**

21 Q In what?

22 **A This.**

23 Q So you're saying that his statement is a lie?

24 **A Basically, yes.**

25 Q Okay. That's all I'm trying to get at.

1 HEARING EXAMINER: Which statement?

2 MR. BANCHS: The statement that--

3 HEARING EXAMINER: The written statement?

4 MR. BANCHS: --he provided, yes.

5 HEARING EXAMINER: Okay.

6 CAPTAIN BEDELLS: The unsworn statement;

7 right?

8 THE WITNESS: Yes.

9 MR. BANCHS: Sworn, unsworn, he provided a
10 statement.

11 CAPTAIN BEDELLS: Well, it's unsworn. The
12 exhibit is unsworn.

13 BY MR. BANCHS:

14 Q Well, we do have some sworn testimony that contradicts
15 what you've already said. We're going to get to it in a
16 second. Okay. So Ryan Bower is lying? Got it. Like I said,
17 I'm going to jump all over the place. Your testimony has
18 been--and there is a difference and I just want to clarify
19 it. When you first--when you provided this statement to
20 the hearing--to the investigating officer, you said that
21 for the past two years or better Lieutenant Chris Golnick
22 and Master Sergeant Reed having been carrying on a
23 relationship. But today in your testimony, you said that
24 that relationship had been carrying on--let me get it
25 straight--what did she say?--for at least--where is

1 it?--for at least three years and that for out of eight
2 hours, it was seven and one-half hours. So when did it
3 end?

4 **A When did it end?**

5 Q Yes.

6 **A When he--**

7 Q When did this carrying on in the office for seven and
8 one-half hours--

9 **A Are you talking the end of the day? You talking--**

10 Q No, no. I'm talking about--

11 **A I can't--explain what--**

12 Q --when did this--when did this inappropriate behavior
13 stop?

14 **A I don't know.**

15 Q After they got fired did it stop?

16 **A I don't know. I couldn't tell you.**

17 Q When the investigation started?

18 **A I couldn't tell you that it stopped. I have no idea.**

19 Q Okay. Because you're pretty definitive that for--in your
20 original statement it was just for two years, but then
21 today you're saying for three years, that for seven and
22 one-half hours a day they were carrying on like--I think
23 you said--

24 **A Actually, my statement says--says two years and Captain**
25 **Bedells was saying approximately three years, and I agreed**

1 **with him.**

2 HEARING EXAMINER: Well, to be clear, her
3 statement says for two years or better.

4 BY MR. BANCHS:

5 Q Right, for two years or better.

6 A **So that could three years.**

7 Q But--but the reason it matters now is because it's been a
8 year since the investigation started.

9 A **Right.**

10 Q So when you were originally questioned about this, was it
11 two years, was it three years? What do you think?

12 A **Two years or better--or better.**

13 Q Okay. For two years--for two years or better, and you
14 agreed with three years, for seven and one-half hours out
15 of an eight-hour day, every day from Monday through
16 Friday--

17 A **Yes, sir.**

18 Q --he was in her office?

19 A **Yes, sir.**

20 Q And you know this because you were hearing them?

21 A **Yes, sir.**

22 Q Now, you're only going off of voices; correct?

23 A **No; voices and--**

24 Q Physically seeing them?

25 A **Yes, sir.**

1 Q Now, you've already testified that there was some
2 separation between your office and her office and that
3 your doors don't actually--are not across from each other;
4 right?

5 A **But when you talk loud, you can hear. I have very good
6 hearing.**

7 Q And there's no way that there was other people in the
8 office?

9 A **I know her voice, and I know his.**

10 Q Is there any possibility it could have been another male
11 in there like maybe Joel Mack, because you've also
12 testified--

13 A **It's possible--possible.**

14 Q Today you also testified that you heard through your
15 office through the ceiling Joel Mack have a conversation
16 with Ms. Reed in her office?

17 A **And he did.**

18 Q So that he had that conversation in that office while
19 Colonel Golnick was in there?

20 A **No, no. He was not in there.**

21 Q So but you--so was it during that half-hour that Colonel
22 Golnick wasn't in there? Because you said that for seven
23 and one-half hours every day--

24 A **Every day that he was there. Joel Mack had the
25 conversation with her--I believe it was the day that**

1 **Colonel Golnick wasn't there.**

2 Q Okay. So this is new information though, because now it's
3 whenever Colonel Golnick was physically present at the
4 facility that he was he--that have allegedly was in her
5 office for seven and one-half hours?

6 CAPTAIN BEDELLS: Well, that would be obvious.

7 THE WITNESS: He can't be in her office if
8 he's not there.

9 BY MR. BANCHS:

10 Q Okay. Now--now--

11 A **But they could be on the phone.**

12 Q Let me ask you this. What is your work schedule?

13 A **What is my work schedule?**

14 Q Yes, ma'am.

15 A **It was 6:00 to 4:30.**

16 Q Okay. But from--

17 A **Ten-hour days.**

18 Q --day--what to what? What day to what day?

19 A **Monday to Thursday.**

20 Q Now, you testified that this behavior's gone on for the
21 last three years Monday through Friday.

22 A **Uh-huh.**

23 Q Now, how do you know that they were carrying on on
24 Fridays?

25 A **I have friends that would tell me--**

1 Q So if you weren't there--

2 A --"It's a good thing you weren't here, because you should
3 have heard what was going on in that office."

4 Q Listen to my questions. If you weren't here on Fridays,
5 because your work schedule is four ten's Monday through
6 Thursday--so what your testimony here is that even when
7 you weren't at work, that other people were keeping you
8 abreast of what Colonel Golnick and Ms. Reed were doing on
9 your off days?

10 A They were telling me, yeah, something. If they walked by
11 and seen it or heard it, yeah, they--the brought it--it
12 might not have been every day that they told me but, yeah.

13 Q You testified also that Joel Mack spoke with you
14 concerning the fact that he had had the conversation with
15 Ms. Reed?

16 A He told me that, yeah, not too long ago.

17 Q And that was while the 15-6 was going on; correct?

18 A No, I did not say that.

19 Q You said discussing the 15-6--you said that you guys
20 discussed the 15-6. That was in your testimony earlier.

21 A Right.

22 Q Okay. So when you guys were discussing the 15-6, this
23 topic did not come up? I'll rephrase. What did you and Mr.
24 Mack discuss specifically about the 15-6 while it was
25 going on?

1 **A** **That we were--this--it was--we were all going to be**
2 **interviewed.**

3 **Q** And?

4 **A** **And I said "good" and whatever else was said. But then it**
5 **was brought up that he had this conversation with Master**
6 **Sergeant Reed about her relationship with Colonel Golnick**
7 **and that she was being called Princess. And that's why she**
8 **was upset for a week and then everything went back to**
9 **normal.**

10 **Q** Okay. You said that you and Renee interacted concerning
11 time tickets maybe two or three times per week; right?

12 **A** **Not concerning time tickets only.**

13 **Q** Well, you said when Captain--

14 **A** **Not just time tickets, no. I said other--**

15 **Q** Okay, yeah. But when Captain Bedells asked you if you had
16 any interactions with Master Sergeant Reed, you said yes.

17 **A** **Yes.**

18 **Q** And some of them had to do with time tickets?

19 **A** **Yes, sir.**

20 **Q** And that your interactions with her would be approximately
21 two to three times per week?

22 **A** **Yes.**

23 **Q** How long would your interactions with Ms. Reed on these
24 two to three times per week?

25 **A** **Probably brief.**

1 Q What's brief?

2 A **I don't know. A couple minutes.**

3 Q Just a couple of minutes?

4 A **Yeah.**

5 Q And--

6 A **It's not hard to say, "I need you to order me this," okay?**

7 Q Right. Now was it--

8 A **"I'll order this."**

9 Q --was Colonel Golnick in the office? Was he not in the

10 office?

11 A **Sometimes he was in the office.**

12 Q Okay. And sometimes he wasn't?

13 A **Right.**

14 Q You testified that--that there--let me get this clear. So

15 your assumption that Colonel Golnick was in her office was

16 mostly--was mostly based on you're hearing conversations

17 through the roof?

18 A **No; hearing and seeing.**

19 Q But when you didn't--ma'am, I'm--now, if you're in your

20 own office--and I'm assuming you're doing your job--I'm

21 sure you didn't have time to be in the hallway monitoring

22 what was going on in Mrs. Reed's office. Correct?

23 A **No. I didn't monitor what was going on there. But because**

24 **I have to--**

25 Q Walk--

1 **A** --physically know where the--my equipment is at MATES,
2 yeah, I walked the halls.

3 **Q** Okay. You walked the halls. Like I'm saying, but your
4 assumption that Colonel Golnick was in her office was both
5 visual and--but mostly hearing? Or was it equal?

6 **A** **I'd say it was equal.**

7 **Q** It was equal, okay. So you being bothered about them not
8 talking--what you said about 80 percent of the time the
9 conversations that they had were not work-related?

10 **A** **Yes.**

11 **Q** And I know this might sound facetious, but how were you
12 doing your own work if you're, you know, having to
13 concentrate on everything that's going on, you know, two
14 doors down?

15 **A** **How am I doing my own work?**

16 **Q** Yes, ma'am.

17 **A** **I can order stuff on the computer and still hear a**
18 **conversation.**

19 **Q** Okay. You specifically remember something about licking
20 cookies?

21 **A** **Yeah, because it was louder. It was--Colonel Golnick was**
22 **loud and he said, "Are you going to eat that cookie," and**
23 **she said, "No. You just licked it. Why would I eat it?"**

24 **Q** And Colonel Golnick kind of run his shop--ran his shop,
25 for the lack of a better word, like a dictator; correct?

1 He was a micromanager?

2 CAPTAIN BEDELLS: Have we heard any testimony
3 to that effect?

4 HEARING EXAMINER: Yeah, where is that coming
5 from?

6 BY MR. BANCHS:

7 Q Well, I mean, it's been--it's been--it's been the
8 testimony of Mrs. Fouts and other people that Colonel
9 McNamara was not allowed to do anything, that Colonel
10 Golnick pretty much ran the shop by his own rules.

11 A He did not like Colonel McNamara I said, and they bumped
12 heads. And because he was the boss, yeah, he told Colonel
13 McNamara, "You can do this" or, "you can't do this."

14 Q And that's--that's how Colonel McNamara accomplished to
15 get all the inspections passed? Is because Colonel Golnick
16 wouldn't let him do that?

17 A I guess I don't--you keep bringing up inspections, sir.
18 Sorry. But there's nothing in here about inspections, so I
19 don't know what we're--

20 Q Yes, ma'am.

21 A --getting--

22 Q But part of this--

23 A I don't understand your question.

24 Q Well, here's where we're going with this. The anonymous
25 letter that got all this going claimed that there was a

1 lot of inappropriate stuff that was going on at the MATES
2 including Mrs. Reed alleged relationship with Colonel
3 Golnick. It was bringing down production. You've also
4 testified to that today. Okay? And I guess part of the
5 reason that production was being brought down is because,
6 according to your testimony and some others, Colonel
7 Golnick spent 80 percent of his time with Mrs. Reed in her
8 office doing non-government related things, talking about
9 cookies, you know, other things like that.

10 **A Uh-huh.**

11 **Q** So I'm just wondering again if the guy was supposedly
12 running everything by his own rules and spending 80
13 percent of his time not doing anything related to the
14 government, then how were you guys getting your jobs done?

15 **A We weren't doing it very good, I guess.**

16 **Q** Okay. Let me turn your attention to the time off awards.
17 You've made allegations--let me get this straight because
18 I don't want to get objected--

19 **A I didn't say--**

20 CAPTAIN BEDELLS: Right.

21 THE WITNESS: --anything about TOA's--

22 CAPTAIN BEDELLS: Right. And that's why I kind
23 of didn't formally withdraw my question. But--

24 MR. BANCHS: Okay. Well--

25 CAPTAIN BEDELLS: --point to where it is,

1 because I couldn't find it in there.

2 MR. BANCHS: I'll ask it a different way, and
3 we'll go to Sergeant Cooper's testimony, which is on
4 page--well, it's page 256 if you're looking at it. But
5 it's going to be--

6 CAPTAIN BEDELLS: So it's not her testimony
7 we're looking at?

8 MR. BANCHS: No. It's--but Sergeant Cooper's
9 talking about Mrs. Fouts--

10 CAPTAIN BEDELLS: Okay.

11 MR. BANCHS: --or Master Sergeant Fouts.

12 CAPTAIN BEDELLS: Okay.

13 BY MR. BANCHS:

14 Q Now, you--you--how can I--have you heard the allegations
15 that Mrs. Reed received an inordinate amount of time off
16 awards?

17 A **Have I heard those?**

18 Q Yes, ma'am.

19 A **No.**

20 Q You have not?

21 A **No.**

22 Q Okay. Well, a time off award, what is--what is your
23 understanding of a time off award? Who receives a time off
24 award?

25 A **Anybody that does something above and beyond.**

1 Q Now, would it surprise you to know that for the
2 last--since 2007, that you're the largest recipient of
3 time off awards at the MATES facility?

4 **A It would.**

5 Q Why would that be? I mean, you have physically received
6 the time off awards in your paycheck, haven't you?

7 **A No. You don't get it in your paycheck. It's time off.**

8 Q But it's in your paycheck as a leave category?

9 **A Yes, sir.**

10 Q Okay. In the last seven years, you've--and this is just
11 going up to 2013. And I apologize because, you know, this
12 has been going on for a year. So as of August of 2013,
13 when those records were provided to the investigating
14 officer, you had amount of--you had a total--you had been
15 awarded a total of 195 hours of time off awards.

16 **A I think you're looking at something else, because--**

17 Q No, ma'am. We can show you the record if you'd like to see
18 it.

19 **A In the last year? You can't--**

20 Q No, no; since 2007--between 2007 and 2013.

21 **A You're allotted 40 hours--**

22 Q No, ma'am. You can get a maximum--

23 **A --a year.**

24 Q --of 80 hours per year. You're allowed--you can--you can
25 award a Federal employee up to 80 hours per year. Okay?

1 **A** **Okay. Since 2006?**

2 Q 2007.

3 **A** **Is it '6 or '7 you said?**

4 Q 2007.

5 CAPTAIN BEDELLS: Was the question would she
6 be surprised? I've lost track of the--was that--is that
7 the question, would she be surprised that she's--

8 BY MR. BANCHS:

9 Q Yes. Would you--well, you know, forget the amount. Would
10 you be surprised that you're the top recipient of time off
11 awards at the MATES facility since 2007?

12 **A** **I would I guess. I don't know who gets what.**

13 Q So you have no--you're not aware that you've received 195
14 hours of time off awards? Do you recall last year when you
15 received 42 hours in time off awards? I can show you if
16 you'd like to see, ma'am.

17 **A** **Is that--I guess I don't recall. Was that from--I don't
18 know.**

19 Q In 2012, you received 50 hours of award for time off
20 awards. Do you recall that?

21 **A** **No. Now, we get ten hours or eight hours safety of that.
22 That isn't for doing your job above and beyond. That is
23 for not having an accident at the shop.**

24 Q Okay. Right.

25 **A** **But I guess I don't understand what does my time off**

1 awards have to do with--because I didn't say anything
2 about time off awards.

3 Q You didn't, but there is another witness, Master Sergeant
4 Cooper, who alleged that the reason that you received so
5 many time off awards was because--

6 HEARING EXAMINER: Let her see what--

7 THE WITNESS: That I did?

8 HEARING EXAMINER: Show her what he--

9 MR. BANCHS: Yeah, absolutely.

10 HEARING EXAMINER: --what he said.

11 BY MR. BANCHS:

12 Q Look at the bottom of page 4 of his testimony. It's going
13 to be 7 Alpha, paragraph 7 Alpha. The very last sentence
14 says--Sergeant Cooper says, "there are many that
15 believe"--I'm sorry. Let me back up a little bit
16 just--"and Renee Reed have received multiple individual
17 time off awards for actions that did not merit. Joe
18 received--recently received an award for his response to a
19 shop fire in July 2013." And he keeps going. This is the
20 second to last sentence:

21 "Janet Fouts has also received individual
22 TOA's for her performance that she did not merit.
23 Lieutenant Colonel Golnick submitted an award for
24 her in the amount of 30 hours for her competence as
25 a property book NCO. There are many that believe

1 this was awarded as hush money to keep Janet from
2 exposing the inappropriate relationship between
3 Lieutenant Colonel Golnick"

4 and I'm assuming--it's cut off, but it was going to be
5 Renee Reed.

6 **A Cool. I didn't realize that.**

7 **Q**Would that be an accurate statement? Or do you believe
8 that you earned your time off awards?

9 **A I believed I earned it just like I earned my rank.**

10 **Q**Were you trying to keep--

11 **A I worked my--did my job.**

12 **Q**Yes, ma'am. Were you trying to keep any kind of a
13 relationship secret?

14 **A I wasn't trying to keep anything secret. This is the first**
15 **time I saw this. I have no knowledge of anybody saying**
16 **that.**

17 **Q**Well, do you agree with Master Sergeant Cooper's
18 contention that the time off awards were hush money?

19 **A Was hush money?**

20 **Q**Yes, ma'am.

21 **A No, sir.**

22 **Q**Okay. Let's see. Now, you've testified that even while
23 Colonel Golnick was allegedly in Mrs. Reed's office, that
24 the door was normally kept open?

25 **A Yes, sir.**

1 Q So did the--and you said that when they would go into the
2 workout facility, which is right across the hall from you,
3 the door was closed. The door was normally closed; right?

4 **A Right.**

5 Q Now, starting with the workout facility, when they would
6 work out, would they lock the door?

7 **A No.**

8 Q Can you--can you lock the door to the--to the exercise
9 room?

10 **A I believe you could.**

11 Q But would they lock it? Or would other people be able to
12 come and go as they pleased?

13 **A No. You--anybody could go in there.**

14 Q Okay. And then when they would be in her office, her door
15 would be open as well?

16 **A Yes, sir.**

17 Q So there was--what I'm--do you believe that there was any
18 attempt by them to hide what they were doing?

19 **A That was the problem. They weren't hiding it. It was too
20 open.**

21 Q It was in the open. Let's say you would have wanted to go
22 in there and eat breakfast with them. Do you think you
23 could have even if you didn't agree with what they were
24 doing?

25 **A No.**

1 Q Would they have stopped you from going in there and eating
2 breakfast with them?

3 A **Probably.**

4 Q Okay. Would other people come in to the office and leave
5 the office and conduct business while Colonel Golnick was
6 in there?

7 A **The ones that weren't intimidated, yes.**

8 Q So who--and do you remember who were those that were not
9 intimidated? Maybe just one or two names?

10 A **That were not intimidated? Stevie Miller (phonetic).**

11 Q And what was his job?

12 A **Wage leader.**

13 Q Steve Miller--First Sergeant Steve Miller?

14 A **Yes, sir.**

15 Q Okay. So even though--and even though in your words there
16 were challenges to getting work done in the MATES because
17 of this alleged inappropriate relationship between the
18 Colonel and Mrs. Reed, work was still getting done?

19 A **Yeah.**

20 Q And as far as you know, no inspections were failed or
21 anything like that? There was no hindrance to the mission
22 that you know of?

23 A **I wouldn't say that, no, because if you couldn't get in
24 there and get your--the paperwork to give to the employees
25 to do their job, then there was hindrance.**

1 Q You mentioned something about--that you burned a lot of
2 time off because you were--

3 A I did off and on. At--at one point, I got so tired of
4 hearing them tee-hee-ing and ha-ha-ing in their office, I
5 slammed my door and cranked my radio up as far as I could.
6 And you would have thought they would have got the
7 message, but they didn't.

8 Q But that's not taking leave though, ma'am. That's just
9 closing the door--

10 A No. I was just telling--

11 Q How much leave--

12 A --you--

13 Q How much leave would you say you took in this--in the span
14 of, what, two-plus years?

15 A Over the years, I don't know, probably a couple weeks,
16 more than I normally would.

17 Q So 80 hours?

18 A More than--more than I normally would, yes, sir.

19 Q Okay. And who was your leave approval authority?

20 A Colonel McNamara.

21 Q And would you tell Colonel McNamara why you were taking
22 leave?

23 A Yes.

24 Q You would tell him it was because you couldn't stand what
25 was going on next-door?

1 **A** **Yeah, I couldn't take it anymore.**

2 Q Okay. If I'm--if I'm hearing this correctly, were the only
3 ones that were goofing off or, you know, pardon my French,
4 playing around or, you know, tee-hee-ing at the MATES
5 facility, was it restricted to just Colonel Golnick and
6 Mrs. Reed? I'm talking were any--are any other employees
7 prone to play grab ass, for the lack of a better word, you
8 know? Maybe--

9 **A** **Probably.**

10 Q --talk about the football game, you know, did you go
11 fishing this weekend--

12 **A** **Everybody--everybody in that shop might talk about fishing**
13 **or hunting or, you know, joke around--**

14 Q Tell jokes?

15 **A** **Sure.**

16 Q Call each other names like Princess and King and stuff
17 like that?

18 **A** **Oh, yeah.**

19 Q So basically what I'm trying to get at, ma'am, is other
20 than the rank disparity that the--that Colonel Golnick is
21 a Colonel and Sergeant Reed is an NCO on the military
22 side, because you do have to keep in mind that even though
23 they wear the uniform every day, they are Federal
24 employees, and they're civilian. They're considered
25 civilians for the purposes of the law. Okay?

1 **A** **You still have to go by--**

2 Q Follow my question here. I'm saying were they the only
3 ones that were prone to this lackadaisical, informal
4 manner of interaction? If Sergeant Reed would have been
5 male and Colonel Golnick would have been in there BS-ing
6 about the Lions game or, you know--

7 **A** **That still would have been wrong.**

8 Q And how so?

9 **A** **If he was in there every day, seven and one-half hours**
10 **every day, whether it's male or female, it's--that is**
11 **inappropriate.**

12 Q And how would it be inappropriate if the mission is
13 getting done?

14 **A** **Because he's the shop superintendent. He's supposed to**
15 **tend to the--everybody. You don't just take care of one of**
16 **your employees. You take care of all your employees. And**
17 **he was only taking care of one.**

18 Q Concerning the QSI's, did you ever receive a QSI? You
19 testified that you did.

20 **A** **I said I did, yeah, after my--**

21 Q Right after the--

22 **A** **I came back from deployment.**

23 Q Okay. So you were the top time off award recipient in the
24 shop. You had your own office. And you were also awarded a
25 QSI at least once. But there was nothing inappropriate

1 going on between you and anybody in supervision; is that
2 correct?

3 **A That's correct.**

4 Q Mrs. Reed, which--by the way she was the eighth recipient
5 of time off awards in the shop over the same period as
6 you, okay, she also received a QSI, and she had her own
7 office. So just on those three points--

8 **A And comp time--how much comp--**

9 Q --that are--we're not talking about comp time yet. I'm
10 talking about those three points. You guys are equal--and
11 not really equal, because you have over 48 hours more than
12 she does in the span of seven years, yet you're not having
13 an inappropriate relationship with anybody, at least
14 nobody's alleging that you are. You're not currying favor.
15 You're receiving all these things because of your
16 qualifications and your job performance. However, she's
17 not?

18 **A Right.**

19 Q Can you explain the difference? Is it just merely because
20 Colonel Golnick was in her office every day?

21 **A No. There was more going on. I mean, it wasn't just at the
22 shop that they hung out. They hung out outside of the
23 shop.**

24 Q Okay. But that's after duty hours.

25 **A It's--I believe it says right in the supervisor's handbook**

1 you don't receive gifts from employees as a supervisor or
2 a superintendent. You don't basically associate with them
3 outside of work. I mean, it's--I can't state it
4 word-for-word, but that--you don't do that. It is
5 inappropriate.

6 Q What gifts did Ms. Reed receive?

7 A I know she got money from him one time or she was offered
8 money from him from--what do I want to say--a football
9 pool.

10 Q Is this in your sworn testimony?

11 A No, it isn't, but you asked me about it so I'm talking
12 about it.

13 Q Right.

14 A If it's something--

15 Q From a football pool?

16 A Yeah. But if it's something that we shouldn't--

17 Q No, no.

18 A --if it's not in here and you don't want me to--

19 Q Well, let's explore that.

20 A --talk about it, then I won't, sir.

21 Q Well, now I'm glad you brought up the football pool. So
22 was Ms. Reed the only one that bought squares in the
23 football pool?

24 A No, no. We all did.

25 Q Okay. So if you would have won the football pool, then you

1 would have received money?

2 **A I did win some. I did.**

3 Q So you received money from Colonel Golnick as well?

4 **A No, no. It wasn't Colonel Golnick's. It was somebody**
5 **else's, and I'm not going to mention the name, sir.**

6 Q Okay. So I'm trying to follow what you said. You said that
7 she received gifts and she received money from Colonel
8 Golnick because she won a football pool and that you were
9 a part of same football pool?

10 **A No, not because she won. Because she didn't win, and he**
11 **won. She said, "Well, I didn't win anything." And he says,**
12 **"Well, here, you can have half of mine."**

13 Q All right.

14 **A And I heard that in the conversation.**

15 Q When you say associate after hours, were Colonel Golnick
16 and Ms. Reed the only ones that would associate like going
17 to the Two Track like you said or maybe even going to her
18 business?

19 **A No.**

20 Q So who else would be around when they were hanging out?

21 **A All her normal friends, Joe--**

22 Q Her husband, Chief Reed?

23 **A No. From what I gathered, he spent all his time at Gray**
24 **Rock.**

25 Q Okay. But--but I mean, were you there?

1 **A** **No.**

2 Q So it would be Colonel Golnick--

3 **A** **But there's somebody I know that waitresses there and said**
4 **that's where he spent a lot of his time.**

5 Q So Colonel Golnick, Sergeant Smock, and Mrs. Reed would be
6 the only three that would be hanging out, for example, at
7 the Two Track?

8 **A** **I can't say that it was just those three.**

9 Q Okay. I'll ask it a different way. Was Ms. Reed and
10 Colonel Golnick the only ones that would socialize outside
11 of work? Or would she--or would they socialize with other
12 people as well?

13 **A** **They socialized with other people I'm sure.**

14 Q In addition to Mr. Smock?

15 **A** **Yeah, because there's other people that go to the bar too.**

16 Q Okay. And are they also employees of the Michigan National
17 Guard, some of them?

18 **A** **Sure.**

19 Q And are they all of all manner and rank, whether they're
20 NCO's or officers or warrant officers?

21 **A** **Are they what?**

22 Q Are they of all different types of ranks, whether they're
23 warrant officers, commissioned officers, or--

24 **A** **Probably.**

25 Q --noncommissioned officers?

1 **A** **Probably.**

2 Q Okay. So it wasn't just Mrs. Reed and Colonel Golnick
3 going all over town painting the town red?

4 **A** **Well, I never said they did--went all over town and**
5 **painted it red.**

6 Q Have you ever painted your office on comp time weekends
7 recently?

8 **A** **No, no.**

9 Q Have you ever painted your office at all?

10 **A** **Sure.**

11 Q Recently?

12 **A** **A couple offices.**

13 Q Okay. The fact that she--that her office was painted on a
14 comp time weekend, why is that such a big deal? How does
15 that strike of an inappropriate relationship in your
16 own--in your own words?

17 **A** **You're earning comp time to do the job. You're not earning**
18 **comp time to paint your office pretty.**

19 Q Was she the only one that was out there? Or were her and
20 Colonel Golnick the only two employees of the Michigan
21 National Guard that were out--

22 **A** **I couldn't tell you that.**

23 Q --at the MATES--let me finish--

24 **A** **No.**

25 Q --on a comp time weekend doing--

- 1 **A** **No. There were other--there was some mechanics because**
2 **that's how I learned that she did it on comp time.**
- 3 **Q** Okay. And what were the mechanics doing?
- 4 **A** **Probably not doing their job if they were**
5 **watching--obviously if they were watching that happen,**
6 **they weren't doing their job.**
- 7 **Q** So your testimony is that you didn't actually physically
8 see them paint the office on a comp time weekend, you just
9 heard it?
- 10 **A** **And when I came in Monday morning, it was painted a**
11 **different color.**
- 12 **Q** Are you sure it didn't happen on Friday? Because you
13 testified before that you don't work on Fridays.
- 14 **A** **Well, I can't prove it didn't happen on Friday. They could**
15 **have started it Friday and finished it on comp time**
16 **weekend.**
- 17 **Q** And that's what I'm trying to establish.
- 18 **A** **Yeah.**
- 19 **Q** You merely heard that this took place on a comp time
20 weekend?
- 21 **A** **I just know it was painted a different color when I came**
22 **in on Monday morning.**
- 23 **Q** But--but as you're saying today, it could have very well
24 have taken place on Friday when you're not at work?
- 25 **A** **I don't believe it was all done on Friday.**

1 Q Is it possible?

2 A **It's possible.**

3 Q In your testimony--in your sworn statement, you talk about
4 this summer--and it's pretty far down in your first
5 paragraph, "This summer while sitting in my office, I
6 overheard her say"--and I'm assuming "her" is Mrs.
7 Reed--" 'Lieutenant Colonel Golnick, are you going to my
8 mother's to finish the deck? She's expecting you, so if
9 you're not, you need to call her.' Within the hour,
10 Colonel Golnick was gone to her mother's"--

11 A **Yes, sir.**

12 Q --"at 5430 Northwood Drive, Grayling, Michigan." How is it
13 that you come to know Mrs. Reed's mother's address?

14 A **Because Joe Smock told me he--they had bought Rodney
15 Silk's house and that that's where it was.**

16 Q And you knew--you knew it--

17 A **And he's my union steward, so I believed him.**

18 Q So your testimony is that Joe Smock--and you've attributed
19 a lot of your testimony today here to Joe Smock.

20 A **Is there a question, sir?**

21 Q I'm asking, you have attributed a lot of your testimony
22 here today--

23 A **I just--**

24 Q --to Joe Smock?

25 A **Whatever--because that's where I heard it from.**

1 Q Okay. And you do know that Joe Smock was terminated,
2 right, for theft?

3 A **I believe so.**

4 Q But you consider his testimony--or what he told you, you
5 consider it reliable?

6 A **You represented him. I don't know, sir.**

7 Q I'm asking you, do you consider Joe Smock to be a reliable
8 individual?

9 A **I guess.**

10 Q Okay. Did you physically witness Colonel Golnick
11 staining--I'm sorry. What was it? Finishing her deck?

12 A **No, because I was at work. I couldn't go. But I just know
13 that he made a beeline out the door and was gone after she
14 made that comment.**

15 Q And you heard this through the ceiling?

16 A **No. I happened to be walking by the office when I heard
17 it.**

18 Q Okay. You were walking by the office. Let's see.

19 HEARING EXAMINER: Let me make sure I'm clear
20 on that one, because the testimony was you overheard
21 Sergeant Reed say to Colonel Golnick, "Aren't you going to
22 my mother's to finish the deck. She's expecting you and so
23 if you're not"--"so if you're not, you need to call her."
24 "Within an hour, Colonel Golnick was gone to her mother's
25 at" and then the address. Are you saying now you don't

1 know that that's where he went? Or are you saying you
2 heard from somebody else that that's where he went?

3 THE WITNESS: No. That's what I heard, the
4 conversation in her office.

5 HEARING EXAMINER: You heard her ask him--

6 THE WITNESS: Him.

7 HEARING EXAMINER: --him if he was--

8 THE WITNESS: Colonel Golnick.

9 HEARING EXAMINER: --going to go--

10 THE WITNESS: Yes, sir.

11 HEARING EXAMINER: Otherwise he needed--he
12 needed to call her mother--

13 THE WITNESS: He needed to call her and say he
14 wasn't coming, yes, sir.

15 HEARING EXAMINER: Did you hear him call her
16 and say he wasn't coming? The next thing you know--

17 THE WITNESS: No.

18 HEARING EXAMINER: --he leaves?

19 THE WITNESS: Right. Like I say, I know he was
20 leaving out of her office--

21 HEARING EXAMINER: Right.

22 THE WITNESS: --because we almost bumped into
23 each other. And he was gone for the day.

24 HEARING EXAMINER: Okay. You know that for a
25 fact?

1 THE WITNESS: Yes, I know that for a fact.

2 HEARING EXAMINER: Do you know for a fact that
3 he--

4 THE WITNESS: But where he went, no, sir.

5 HEARING EXAMINER: Okay. You don't know that
6 by direct experience, nor do you know--nobody else said
7 that either? You've never heard anybody else say that's
8 where he went for that time period?

9 THE WITNESS: No, sir.

10 HEARING EXAMINER: Okay. Thank you.

11 BY MR. BANCHS:

12 Q Well, I was going to ask her before the Hearing Examiner
13 asked his question--was that you're saying that you were
14 in the hallway and you saw--you heard the conversation
15 from the hallway?

16 A **Yes, sir.**

17 Q Okay. So that would be different than what you put in here
18 where you said "This summer while sitting in my office I
19 overheard Lieutenant Colonel Golnick say that he was going
20 to Renee's mother's house"?

21 A **Okay.**

22 Q Well, there is--there is a distinction because you're in
23 the hallway versus your office. You know, in the hallway
24 you can physically see inside there and you--

25 A **No, no, no. There's a space--that space, remember?**

1 Q Yeah.

2 A **That other little--**

3 Q Right.

4 A **So in--**

5 Q The broom closet.

6 A **--between that space, my office and her office--**

7 Q We're almost--well, we might not be finished. Let's see.

8 Concerning the GSA, you said that Lieutenant Colonel

9 Golnick would sign NTVs out for one month at a time?

10 A **Yes, sir.**

11 Q And that Colonel McNamara--McNamara told you that she

12 would drive to drill with that--

13 A **NTV.**

14 Q --NTV that was signed up--signed out for a month's time.

15 But you also said that--well, before we go--do you recall

16 maybe a time when Colonel McNamara actually told you that?

17 A **Do I recall the time when--**

18 Q Yeah. When did he tell you that?

19 A **I couldn't tell you the exact date. I think it was**

20 **probably one of the times I was complaining to him about**

21 **the relationship.**

22 Q Before the investigation?

23 A **Yes.**

24 Q Okay. Now, you also testified that you said you never saw

25 it but that you heard other people say that as well in

1 addition to Colonel McNamara?

2 **A** **Uh-huh.**

3 **Q** Now, you also said that Colonel Golnick did not keep a log

4 of the fuel card?

5 **A** **No, he didn't.**

6 **Q** And that you collect the receipts for the fuel card?

7 **A** **Right.**

8 **Q** And that you have to match them up with what you get from

9 Lansing; right?

10 **A** **Yes, sir.**

11 **Q** But then you also speculated that it made it easy--it made

12 it easy for Colonel Golnick to give Ms. Reed the car so

13 she could go to drill?

14 **A** **That--that it made it easy, right, because he didn't**

15 **have--he kept the log book in his office so nobody--he**

16 **kept control of the log book and the fuel card. He was**

17 **supposed to actually--if you took that fuel card, you were**

18 **supposed to sign a log and read a statement of**

19 **understanding about how you could use that card and how**

20 **you couldn't. And that wasn't happening.**

21 **Q** Okay. But--

22 **A** **But how do you tell the big boss that he's wrong?**

23 **Q** But again, so aside from the allegation that Colonel

24 Golnick was misusing his fuel card, you're--

25 **A** **I didn't say he was misusing it. I just said he wasn't**

1 **doing the proper paperwork.**

2 Q But so he wasn't properly following procedures for the
3 fuel card?

4 **A Exactly.**

5 Q Okay. But your statement that it made it--it made it easy
6 for him to give her the card, that's merely speculation;
7 correct? I mean, because you already testified--

8 **A Well--**

9 Q --that you never saw him actually let her borrow the car?

10 **A It's speculation but I guess if we went through all the
11 fuel receipts, we'd--probably could match them up.**

12 Q But isn't that your job is to go through the fuel
13 receipts?

14 **A To match it up to the report I get from Lansing, not--he's
15 supposed to have a log with the name, where they went, and
16 how much fuel was spent.**

17 Q But again, I--

18 **A But he didn't have it so there's--I could not match my
19 fuel receipts up to that because I didn't have them.**

20 Q I just want to make clear that you said--you said that you
21 never actually saw him let her use the car--

22 **A No.**

23 Q --and made--and that your statement that it made it easy
24 for him to let her borrow the car in those month time
25 periods--you never saw that either; correct?

1 **A** **No.**

2 Q Okay. Concerning the Department of the Army photo, did

3 you--you never went up there with her; right?

4 **A** **No.**

5 Q Not once, twice, three--

6 **A** **No.**

7 Q --four, five times? So this is just merely going off of

8 what other people told you?

9 **A** **Uh-huh.**

10 Q Okay. And you're not--it could be three times, it

11 could--really it could be one time; right? You were not

12 physically there. And did you actually observe Mrs. Reed

13 go up there and take a picture one, two, three, four, five

14 times?

15 **A** **No.**

16 Q Have you ever seen Mrs. Reed's DA photo?

17 **A** **No.**

18 Q You testified that you--that you talked to Renee--and I do

19 want to correct myself because you did say it in your

20 written statement but you merely mentioned--you merely

21 stated that, "yes, I mentioned it to Master Sergeant Reed

22 and it was no big deal to her." Do you recall when that

23 conversation took place?

24 **A** **No, I couldn't tell you.**

25 Q Was it before, during or after the investigation?

1 **A** **Before.**

2 Q Can you recall how the conversation actually went?

3 **A** **No, I cannot.**

4 Q So was it just in passing?

5 **A** **No, no. I would--I guess I can't--**

6 Q So let me get this straight.

7 **A** **--really--**

8 Q If I remember your testimony correctly, you said that you

9 spoke--and I mean, I don't know if "in depth" is the

10 proper word. But you had more than just a mention--a

11 passing-by conversation with Fitzpatrick, with McNamara,

12 and with Smock concerning Mrs. Reed's relationship or

13 alleged relationship with Colonel Golnick?

14 **A** **Right. And it's not--**

15 Q And in fact--

16 **A** **It's not just those three. There's a lot of them. I could**

17 **probably name half the shop--**

18 Q So at least--

19 **A** **--that has discussed it.**

20 Q So you discussed it to a degree more than just, "hey,

21 what's going on"?

22 **A** **Right, right.**

23 Q And you're saying half the shop, so we're looking at

24 upwards of 25 to 30 people?

25 **A** **At least, yeah.**

1 Q But that you merely mention it to Mrs. Reed? Is there a
2 reason you didn't have that same in-depth conversation
3 with Mrs. Reed?

4 **A Probably because I guess that as a Master Sergeant she**
5 **knows what she--what's right and what's wrong.**

6 Q Okay. But, you know, you guys are--you guys are definitely
7 enlisted and she's a Master Sergeant.

8 **A Yeah.**

9 Q And so are you?

10 **A Uh-huh.**

11 Q So you guys are equal. It's not like she's higher than you
12 or lower than you.

13 **A Exactly.**

14 Q And you guys are the same Federal job. You guys are both
15 GS production controllers, so you guys are equal at all
16 levels.

17 **A That doesn't mean anything. It doesn't.**

18 Q Okay. And now we're definitely almost wrapping up.
19 Concerning the intimidation and going back to this--and
20 again, you're saying that before the investigation and the
21 firings took place, MATES was--you couldn't do your job,
22 productivity was down, and now that it's more efficient
23 and that--I'm sorry--I forgot what--Major Austhof, is that
24 his rank?

25 **A Yes, sir.**

1 Q Major Austhof is interim, and you guys have a new
2 superintendent coming. But you guys do have a new number
3 two; correct?

4 **A A new number two? You mean--**

5 Q Who took Colonel McNamara's spot?

6 **A Oh, Chief Miller.**

7 Q Chief Miller. CW4 Miller?

8 **A Yes, sir.**

9 Q Yes, okay. Do you remember at the beginning of the
10 question when I was rudely interrupted by the Captain when
11 I told you that would it surprise you that there are
12 people that have made statements that would completely go
13 against what you have made in your statements? And I
14 asked--

15 **A Now, are you saying--**

16 Q --you if would be surprised--

17 **A --Chief Miller has--**

18 Q I'm about to say, yes, that Chief Miller completely
19 contradicts all the statements that you've made.

20 **A Most of the statements, I believe are for her character.**
21 **There's nobody in any of these statements that says, yes,**
22 **there was a relationship going on or, no, there wasn't a**
23 **relationship with Colonel Golnick. There's nothing. It all**
24 **relates to her character. What about--**

25 CAPTAIN BEDELLS: Master Sergeant, let him ask

1 the question.

2 THE WITNESS: Sorry.

3 BY MR. BANCHS:

4 Q Let's take it by the numbers. And the reason that I like
5 to highlight Chief Miller, other than I really think that
6 he's a top troop--and obviously your state think so as
7 well to promote him to the second position in the--at the
8 MATES facility really to fix the MATES. So I consider his
9 testimony--

10 A **He does a good job and he likes everybody.**

11 Q Yes, absolutely. So you consider him to be a good leader?

12 A **Yeah.**

13 Q And did you think he deserves to be the number two?

14 A **Yes, sir.**

15 Q Okay. So let me turn your attention to his statement
16 that's in our rebuttal that--

17 A **Okay. What--**

18 Q --we provided on behalf of Ms.--let me help you out. I'm
19 having a hard time finding it.

20 HEARING EXAMINER: Do you have that one?

21 MR. BANCHS: Yeah, but I want to give her the
22 one that's officially in the record so Captain Bedells
23 doesn't fuss at me.

24 BY MR. BANCHS:

25 Q Go ahead and read Sergeant Miller's statement. And mind

1 you, it's not a sworn statement.

2 **A Okay.**

3 Q What do you feel about Chief Miller's character statement
4 on behalf of Mrs. Reed? Do you find it accurate?

5 **A That's his opinion.**

6 Q Okay. Now, that certainly is his opinion and it's not a
7 sworn statement. But I did promise you a statement that
8 would contradict the allegations that you've made at least
9 on the inappropriate relationship. If you don't mind
10 turning to the--

11 **A But he's a supervisor, and a supervisor isn't going to**
12 **turn another supervisor in.**

13 Q Well, ma'am, you have to keep in mind that these
14 statements were made during the course of the
15 investigation, not afterwards. Okay? So can you--can you
16 turn her to the Chief's sworn statement? Chief Miller?
17 It's got to be right there. It's going to be 1 Alpha. And
18 the regular text is just the questions. The bold is the
19 Chief's reply. And I'll read it out loud just--and the
20 Chief's reply to the question of whether there were any
21 real or perceived inappropriate relationships at MATES, he
22 says:

23 "As I have previously stated when questioned
24 on this topic, I have no personal knowledge of any
25 inappropriate relationships of myself or coworkers.

1 I understand that there may be people who perceive
2 an inappropriate relationship between Chris Golnick
3 and Renee Reed, but I am not one of those people. I
4 do have personal knowledge of the fact that they
5 meet several times a day and during the occasions on
6 which I have heard them, at one of those meetings,
7 the topics were business or casual day-to-day
8 conversations. I have never personally overheard any
9 inappropriate discussions or witness any acts I felt
10 were inappropriate."

11 **A I can tell you that Chief Miller used to hunt and fish**
12 **with Colonel Golnick. So, no, he isn't going to make a**
13 **statement that's going to hurt him or Master Sergeant**
14 **Reed.**

15 Q Is there any reason for--

16 **A They--they are good buds. So, no, he is--**

17 Q Okay. Is there any reason--and Chief Miller will testify
18 later on today. Is there any reason that Chief Miller
19 would change that statement between the time the
20 investigation was going on and now?

21 **A That he would change it?**

22 Q Yes, ma'am.

23 **A No, he wouldn't change it.**

24 Q In a sense, you work for Chief Miller; correct?

25 **A Uh-huh.**

1 Q So your current boss disagrees with you. How does--

2 **A What do you mean my current boss disagrees--**

3 Q Your current boss did not see the relationship between
4 Colonel Golnick and Mrs. Reed in the same light--

5 **A He saw it but he didn't want to create waves, and he**
6 **didn't want to get in the middle of it. And I've heard**
7 **that from more than one person.**

8 Q Okay. Fair enough. Let's see. Did you hear that from him
9 directly or just other people are telling you this?

10 **A What, that he didn't see it?**

11 Q Did the Chief at any point in time tell you that the
12 reason that he made these statements is because he didn't
13 want to make waves?

14 **A No, he did not come out and say that. I mean, especially**
15 **when he wrote something like this. Do you really think he**
16 **would say that?**

17 Q So who have you heard it from? Because you just said that
18 other people had said that the reason he made this
19 statement was not to create waves?

20 **A That there's--that Dean--**

21 Q Yes, ma'am.

22 HEARING EXAMINER: I think she testified that
23 that was her opinion.

24 BY MR. BANCHS:

25 Q No, sir. She did say that other people told her that he

1 had--

2 **A No, that other people have said there was an inappropriate**
3 **relationship. But they didn't have the guts to speak up**
4 **and say something.**

5 Q Okay. But I was just--I was just speaking specifically
6 about the Chief.

7 **A Like I said, he's a good guy. He likes to see the good in**
8 **everybody. And they were buddies, and I--no, he's not**
9 **going to say something and get him in trouble.**

10 Q You can verify this as fact, but I will tell you--and it's
11 in the records--that there--there were 37 individuals that
12 provided character references or rebuttal statements in
13 support of Ms. Reed in her reply. Okay? 37.

14 **A They're all character.**

15 Q They're also rebuttal. And I'm about--I'm about to share
16 some of those with you.

17 **A Okay.**

18 Q And to include her husband. Okay? Of course he might be a
19 little biased, but concerning the use of GSAs--if you
20 don't mind--if you want to--if you don't mind, ma'am, just
21 start right here. And the first one is going to be Casey
22 Ellis, who provided a sworn statement.

23 CAPTAIN BEDELLS: Am I--from your inflection,
24 am I to surmise that it's actually a sworn statement in
25 this case? Okay.

1 BY MR. BANCHS:
2 Q Well, it was provided on the A-428-23 so--
3 A **It doesn't say what type of vehicle he saw her other than**
4 **a POV. It could be--I mean, he could have thought the NTV**
5 **was a POV.**
6 Q I'm sorry. Say that again.
7 A **It does not state what type of vehicle he saw her in other**
8 **than a POV. My POV could be mistaken as an NTV.**
9 Q Okay. Now--
10 A **Your POV could, sir.**
11 Q --is Ellis a technician?
12 A **I don't know. I don't even know who he is, sir.**
13 Q Well, but along the same lines, that somebody else could
14 certainly mistake an NTV for a POV--
15 A **Right.**
16 Q --isn't the reverse also possible that somebody could
17 mistake a POV for an NTV?
18 A **Sure. Anything is possible.**
19 Q Right; exactly. So there's at least one witness that has
20 provided sworn testimony that Mrs. Reed did not drive NTVs
21 to drill, at least not every time.
22 A **Okay.**
23 Q Fair enough?
24 A **And like I--yeah.**
25 Q Okay. If you want to turn--if you would turn the page and

1 go to Captain at the time, now Major Ruby, and read his
2 statement.

3 CAPTAIN BEDELLS: There's two of them; right?

4 MR. BANCHS: Well, one's a character
5 reference.

6 CAPTAIN BEDELLS: Okay. And we're on the sworn
7 statement then?

8 MR. BANCHS: Yeah. We're at the back.

9 THE WITNESS: Okay.

10 BY MR. BANCHS:

11 Q Okay?

12 A **Yeah.**

13 Q So now--so now I've provided you two witnesses who rebut
14 to a certain extent, you know, your--I don't want to say
15 allegation but, you know, your--

16 A **My comments.**

17 Q --your recollection, your comments, that Ms. Reed--

18 A **--didn't use an NTV?**

19 Q Inappropriately--that she used NTVs inappropriately.

20 A **Okay.**

21 Q So is it possible that she did drive NTVs to drill at the
22 request of--

23 A **Yes, it's possible that she drove an NTV to work--to
24 drill.**

25 Q But is it possible that she did have authorization to use

1 those NTVs to drill when you were under the impression
2 that she didn't?

3 **A But her--I didn't say she wasn't authorized because**
4 **Colonel Golnick had it dispatched. All's he had to do is**
5 **say, "Here you go. Take this to work."**

6 Q Oh, no. Hold on to that--

7 **A "Take this to drill."**

8 Q Okay.

9 HEARING EXAMINER: Sergeant Fouts has
10 testified that she's only speculated. All she knows for a
11 fact is that Colonel Golnick signed the vehicle out once a
12 month. She's testified that she speculates whether she
13 actually took--

14 MR. BANCHS: Right.

15 HEARING EXAMINER: --the vehicle anytime.

16 MR. BANCHS: I don't think she--I don't think
17 she said that she knows for a fact. I think she was--well,
18 is there any facts in evidence?

19 CAPTAIN BEDELLS: I don't think she's
20 testified she observed it even either.

21 HEARING EXAMINER: Well, she did testify she
22 could only speculate that Sergeant Reed took the vehicle--

23 BY MR. BANCHS:

24 Q Right?

25 **A Right.**

1 Q So you never physically saw her; right?

2 A **I said that. No, no, sir.**

3 Q Right. But you heard this from other people?

4 A **Yes, sir.**

5 Q And that's the point I was trying to make, that--that what
6 she related as having heard from other people, there was a
7 possible explanation for that.

8 HEARING EXAMINER: If they were the same--if
9 they were the same incident.

10 MR. BANCHS: Well, but that's the thing.
11 That's the thing, you know. This is all--you know, there
12 is no specific times or dates that these folks are
13 providing. And we have specific times and dates in these
14 statements.

15 HEARING EXAMINER: Right, right.

16 BY MR. BANCHS:

17 Q So it is possible that she did have authorization to use
18 those vehicles? Would you say that?

19 A **Yes, sir. I said--**

20 Q Thank you.

21 A **--it is possible. Like I said, all Colonel Golnick had to
22 do was hand her the logbook and say, "Here you go. Go to
23 drill."**

24 Q All I'm asking you is was it possible.

25 A **Yes, sir. I said it was possible.**

1 Q All right. Let me ask you this, Master Sergeant Fouts. If
2 by some--if it is deemed that Ms. Reed should be
3 reinstated, and assuming that she goes back to her old
4 position and she's working in close proximity with you,
5 how would you feel about that?

6 A I was already told that won't happen.

7 Q Oh, really? By who?

8 A No; that she would not come back to the shop, not that she
9 would not get her job back--

10 Q Oh, okay. Well--

11 A --but she would not come back to the shop.

12 Q You had me worried there for a second.

13 A No, no, no, no. You mistook the--

14 CAPTAIN BEDELLS: You had me worried too.

15 HEARING EXAMINER: Me too.

16 THE WITNESS: No, no, no, no, no.

17 CAPTAIN BEDELLS: HRO, were you worried?

18 LIEUTENANT COLONEL NIEDERGALL: No. I knew
19 exactly what--

20 THE WITNESS: It was just that she would not
21 come back to the shop.

22 BY MR. BANCHS:

23 Q Okay. Well, how would you feel--

24 A Because--

25 Q --about having her back in the Michigan National Guard,

1 period?

2 **A She is in the Michigan National Guard.**

3 Q As a technician, as a full-time employee?

4 **A If that's the outcome comes, then so be it.**

5 Q Do you think she should have been fired?

6 **A That's not my--**

7 Q And I know it's not your decision, ma'am. But--and here's
8 why I ask. And actually I know it's not your decision but
9 you do realize that your statement had a lot to do with
10 her termination. And I'm not saying it's your fault but
11 I'm--

12 **A It's--**

13 Q --just saying that--

14 **A It was more than just my statement--**

15 Q I understand, yes, ma'am.

16 **A --that got it to where it is today, sir.**

17 Q But I will tell you that your statement was--had a lot of
18 influence on this--on the ultimate decision that was made.
19 I'm just--I'm just asking you frankly. You can say "yes"
20 or "no," and it's not going to--

21 CAPTAIN BEDELLS: I'm going to object. Sir,
22 I'm really going to object to the characterization. We
23 had--we had Lieutenant Colonel Meyers this morning and
24 Colonel Durkac really were--who decided whether she--one
25 recommended and the other decided she'd be terminated.

1 MR. BANCHS: Absolutely.

2 CAPTAIN BEDELLS: Neither of whom testified
3 today that Master Sergeant Fouts was the principal or
4 primary reason why Master Sergeant Reed was terminated. So
5 the characterization that she was--

6 HEARING EXAMINER: Well, and there was a
7 three-month 15-6. And there's voluminous--

8 MR. BANCHS: Well, Master Sergeant Fouts is
9 one of only two people that are referenced as witnesses
10 for both charges, for both the inappropriate--

11 HEARING EXAMINER: Right.

12 MR. BANCHS: --relationship and the GSA.

13 BY MR. BANCHS:

14 Q All I'm asking her is what her opinion is as to whether
15 Renee Reed should have been fired or not.

16 A **You cannot--I'm not--no, my statement did not get her
17 where she's at today.**

18 Q I'm sorry. I'll--

19 A **And I would not--**

20 Q I'll retract that, ma'am. I'm just asking for your
21 opinion.

22 A **My opinion is my statement did not get her where she's at
23 today. She got where she's at today because she got where
24 she's at today.**

25 Q Do you believe she should have been fired? You can say

1 "yes" or "no".

2 **A I'm not a--I'm not going to answer that question.**

3 MR. BANCHS: Okay. Fair enough. I don't have
4 any more questions.

5 HEARING EXAMINER: Redirect?

6 CAPTAIN BEDELLS: No, sir.

7 HEARING EXAMINER: I don't have any questions
8 either. Master Sergeant Fouts, I'll remind you that you
9 remain under oath and that you are subject to recall to
10 this hearing until such time that it has been adjourned.
11 Again, I will remind you not to discuss your testimony
12 with anyone.

13 THE WITNESS: Yes, sir.

14 HEARING EXAMINER: Thank you. Thanks for your
15 time.

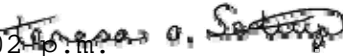
16 THE WITNESS: Thank you.

17 (At 4:02 p.m., witness excused)

18 HEARING EXAMINER: We can go off the record

19 COURT REPORTER: We're going off the record

20 The time is 4:02 p.m.



21 (Off the record)

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