



U.S. OFFICE OF SPECIAL COUNSEL
1730 M Street, N.W., Suite 300
Washington, D.C. 20036-4505

The Special Counsel

January 11, 2023

The President
The White House
Washington, D.C. 20500

Re: OSC File No. DI-20-000404

Dear Mr. President:

I am forwarding to you reports transmitted to the Office of Special Counsel (OSC) by the Department of the Air Force (Air Force), in response to the Special Counsel's referral of disclosures of wrongdoing at the Niagara Falls Air Reserve Station, 914 Air Refueling Wing (914 ARW) Niagara Falls Air Reserve Station Fire Department (NFARSFD), Niagara Falls, New York. The whistleblower, [REDACTED], consented to the release of his name. I have reviewed the disclosure, agency reports, and whistleblower comments, and, in accordance with 5 U.S.C. § 1213(e), have determined that the reports contain the information required by statute and the findings appear reasonable.¹ The following is a summary of those findings and comments.

The Allegations

[REDACTED], a former NFARSFD firefighter and inspector, alleged that Fire Department officials falsified training records to reflect employees had completed training when they had not. As a result, those employees might not have the training or qualifications needed to perform duties safely or obtain credentials. He also alleged leadership failed to address the issue. The agency ultimately identified and investigated seven allegations that involved training from 2017–2019 and five subject officials: Fire Chief [REDACTED], Assistant Chief of Operations [REDACTED], then-Assistant Chief of Training [REDACTED], Assistant Chief of Fire Prevention [REDACTED], and Lead Firefighter [REDACTED].

The investigation substantiated six allegations but did not substantiate that leadership was aware of fraudulent prerequisite training entries that led to fraudulent certifications and resulted in a substantial and specific danger to public safety.

¹ OSC referred the allegations to former Secretary of the Air Force Barbara M. Barrett for investigation pursuant to 5 U.S.C. § 1213(c) and (d). The Air Force Inspector General Office investigated the allegations. The authority to review and sign the agency report was delegated to Principal Deputy Assistant Secretary for Manpower & Reserve Affairs John A. Fedrigo.

The Findings

NFARSFD uses the Automated Time and Attendance Production System (ATAAPS) to maintain employee Time and Attendance (T/A) records. ATAAPS can produce T/A Reports and all OPM Form 71s, *Request for Leave or Approved Absence* (Leave Requests). NFARSFD previously used the Automated Civil Engineering System (ACES) to track training. ACES can generate Fire Protection Training Reports to track many datapoints—including training date, instructor, location, objectives, who attended, instructor approvals, and a verifying assistant chief.

The investigation analyzed T/A Reports that spanned 2017–2019 and the corresponding Leave Requests. The investigation also evaluated Fire Protection Training Reports for training classes held in 2017–2019 for all assigned NFARSFD personnel. The investigation compared data from the Fire Protection Training Reports to data contained in the T/A Reports and Leave Requests. The comparison found a multitude of training inconsistencies.

A. Between 2017 and 2019, over 120 NFARSDF Employees Received Credit for Training They Did Not Attend, 41 Instructors Submitted False Training Documents, and Six Employees Improperly Verified False Training Documents.

According to the reports, the evidence showed that in 2017, 2018, and 2019 many NFARSFD employees (both students and instructors) were on leave during the reported training courses and could not have reasonably taken or taught the courses. The evidence also showed that students received credit for multiple training courses that overlapped. Different courses were taught by different instructors on the same date and at the same time, and students received credit for both courses even though they could not have simultaneously taken them. The reports explained that NFARSFD instructors did not regularly use sign-in sheets for training courses. Nevertheless, the names of NFARSFD personnel appeared on training entries, even though they were not confirmed as present and did not attend the training. NFARSFD leadership also improperly delegated training validation tasks to administrative and other staff and used training validation processes that lacked internal controls.

The investigation found that instructors allegedly taught courses while they were in a leave status at the time of instruction, and taught multiple courses on the same day, at the same time. The evidence also showed that multiple courses incorrectly listed identical start and end times and listed instructors as students in courses on the same date and time that they were listed as instructors in another course at the same location. Also, two instructors self-verified courses they taught in their capacity as Assistant Chiefs but received credit for the courses as students.

In summary, the evidence showed that from 2017–2019, over 120 NFARSDF employees received credit for training they did not attend, 41 instructors submitted false training documents for validation, and 6 NFARSDF employees improperly verified false training documents.

B. Fire Chief [REDACTED] and then-Assistant Chief of Training [REDACTED] Abused Their Authority While Running the Training Program.

The investigation concluded that Messrs. [REDACTED] and [REDACTED] abused their authority regarding the training program because they stood to gain professional recognition from the fraudulent training records, which showed the department having better training compliance and more training accomplishments. The reports also stated that management's failure to investigate the training fraud resulted in personal gain to certain students because it allowed students who did not complete training to receive training credit—which further supported finding an abuse of authority.

C. Messrs. [REDACTED], [REDACTED], and Assistant Chief of Operations [REDACTED] Engaged in Conduct Constituting Gross Mismanagement.

The investigation further concluded that Messrs. [REDACTED], [REDACTED], and [REDACTED]'s, conduct constituted gross mismanagement because untrained emergency personnel responded to incidents which could have placed the responders at risk and compromised public safety. The reports stated these officials failed to ensure proper internal controls or standard operating procedures to monitor and verify training reports. For example, the training reports were not validated by Assistant Chiefs as required, and thus, failed to ensure all employees received the training reported in ACES. Consequently, management's decisions regarding which personnel to dispatch to emergencies were based on unreliable training records which resulted in a substantial risk of a significant adverse impact upon the agency's ability to accomplish its mission.

D. The Investigation Did Not Substantiate that Messrs. [REDACTED], [REDACTED], and [REDACTED] Failed to Ensure that Assistant Chief of Fire Prevention [REDACTED] Had the Appropriate Prerequisite Training for a Certification.

The investigation did not substantiate that Messrs. [REDACTED], [REDACTED], or [REDACTED] failed to ensure that Ms. [REDACTED] had the appropriate prerequisite training for a certification in violation of Department of Defense Manual 6055.06, *Fire and Emergency Services Certification Program*. The evidence showed that when Ms. [REDACTED] registered for a specific certification course, she did not have the mandatory prerequisite training. However, Ms. [REDACTED] notified leadership and obtained the prerequisite training before she attended the course for the new certification.

E. The Agency Took Corrective Actions to Improve Oversight and Draft Standard Operating Procedures.

Given the reports' conclusions, in 2021, ARW base command realigned NFARSFD to report directly to the 914 ARW Mission Support Group Commander (914 MSG/CC), which will improve oversight of NFARSFD and provide clear, concise communication through a direct chain of command. The 914 MSG/CC implemented a revised training schedule to complete make-up training, which addressed training gaps except for Aircraft Rescue and Fire Fighter training because the NFARSFD live-fire pit was condemned in 2021. Thus, a training deviation letter was drafted because not all personnel completed both sessions of their live-fire training. Senior leadership is also assessing where to complete this training until a new fire pit is complete.

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The 914 MSG/CC is also drafting a standard operating procedure that will locally codify and reinforce agencywide training standards and record keeping procedures. In the meantime, the command implemented Interim Guidance Memorandum 22-1, which directed NFARSFD to use the Fire and Emergency Services–Information Management System to document all training, and restricted training validation to the Fire Chief, Deputy Chief, Assistant Chiefs, and system administrator. The interim guidance directed the Assistant Chief of Training to verify training attendance and record keeping in monthly, quarterly, and annual audits. NFARSFD received training on the interim guidance, and 914 MSG/CC is monitoring the training audits, which have found and corrected anomalies. 914 MSG/CC leadership also meets with NFARSFD leadership monthly to discuss training matters.

The Whistleblower's Comments

Mr. [REDACTED] disputed the report's findings on the unsubstantiated allegation and faulted the report for not holding additional NFARSFD officials responsible for an abuse of authority and gross mismanagement. Mr. [REDACTED] also criticized leadership's management of NFARSFD.

I thank Mr. [REDACTED] for bringing these important safety allegations to OSC's attention. As required by 5 U.S.C. § 1213(e)(3), I have sent copies of this letter, agency reports and whistleblower comments to the Chairman and Ranking Member of the Senate Committee on Armed Services and the Chair and Ranking Member of the House Armed Services Committee. I have also filed redacted copies of these documents and the redacted referral letter in our public file, which is available online at www.osc.gov. This matter is now closed.

Respectfully,

A handwritten signature in black ink, appearing to read "Henry J. Kerner", with a stylized flourish at the end.

Henry J. Kerner
Special Counsel

Enclosures