



**DEPARTMENT OF THE AIR FORCE
AIR COMBAT COMMAND
LANGLEY AFB, VA**

30 January 2022

**MEMORANDUM FOR SENATOR TAMMY DUCKWORTH,
SENATOR GARY PETERS,
REPRESENTATIVE SEAN CASTEN,
MEMBERS OF THE HOMELAND SECURITY,
GOVERNMENTAL AFFAIRS COMMITTEE, AND
COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY
AND EFFICIENCY**

FROM: Lt Col Ryan Sweazey, Flight Operations Division, Air Combat Command, Joint Base Langley-Eustis, VA

SUBJECT: Systemic Failures in the Defense Intelligence Agency's Office of the Inspector General

Dear esteemed members of Congress and CIGIE,

Thank you for your engagement thus far on rooting out systemic shortcomings within the Department of Defense's Inspector General (IG) system. In July 2021, I authored a report entitled "Toxicity in the Defense Attaché System", which was a summation of over 30 witness testimonials citing issues spanning from reprisal, fraud/waste/abuse, gross mismanagement, and violations of E.O. 12333 and the Privacy Act. Aside from the rampant leadership and cultural issues raised in that report, members also highlighted a disconcerting trend within the Agency's IG office. Following the publication of the July 2021 report, subsequent witnesses have also come forward to bear further witness to failures within the DIA/IG office. Of the witnesses who provided statements for the report, over half stated they had contacted the DIA/IG for resolution and all of those reported that:

- Their case was never investigated, and/or,
- Their case was transferred to another authority (Equal Opportunity, e.g.) and not investigated, and/or,
- Their case is still presumably open (one reprisal case was reported as having been open since February 2020), but inquiries to DIA/IG regarding the case go unanswered, and/or,
- Their case was closed, but inadequately investigated.

The general consensus from respondents regarding DIA/IG was:

- Members of DIA do not have faith in the efficiency and integrity of the DIA/IG, and

- That the DIA/IG office arbitrarily picks and chooses cases to pursue, and
- That the *modus operandi* of the DIA/IG is to simply outwait complainants in the hopes that they will cease pursuing their case, and
- That DIA/IG is not held accountable and can therefore continue to brazenly act outside the bounds of their mandates.

The effects of these trends are significant. First and foremost, DIA members retain little to no faith in the IG system due to the perceived lack of efficiency and integrity. Secondly, the inefficacy of the DIA/IG fails to deter future would-be perpetrators which furthers the perception that the office exists solely to protect the institution. As further evidence, I submit the rebuttal to my DIA/IG investigation, which closed out in November 2021 (see Attachment 1).

Thank you for your engagement in this matter.

Respectfully,



Lt Col Ryan Sweazey, USAF
Deputy Division Chief, Flight Operations
Air Combat Command

Attachments

1. Response to IG ROI Case 20210504-071134-CASE-01, 5 December 2021



DEPARTMENT OF THE AIR FORCE
AIR COMBAT COMMAND
LANGLEY AFB, VA

5 December 2021

MEMORANDUM FOR HOUSE ARMED SERVICES COMMITTEE,
HOUSE PERMANENT SELECT COMMITTEE ON
INTELLIGENCE,
SENATOR TAMMY DUCKWORTH,
SENATOR GARY PETERS,
REPRESENTATIVE SEAN CASTEN

FROM: Lt Col Ryan Sweazey, Flight Operations Division, Air Combat Command, Joint Base Langley-Eustis, VA

SUBJECT: Response to Defense Intelligence Agency's Inspector General Notification of Results of Investigation, dated 10 November 2021

Dear esteemed members of Congress,

With the closure of my Defense Intelligence Agency (DIA) Inspector General (IG) investigation on 10 November 2021, it is now clear that my concerns, and those of dozens of my former DIA colleagues, were not misplaced and that one undeniable truth remains: **that DIA is incapable of self-regulation and that the Agency's IG has consistently failed to carry out its duties as an objective investigative arm, tasked with the timely and equitable vetting of members' concerns and complaints.** The resultant effect: **DIA members continue to suffer irreparable personal and career impacts without redress; toxic leadership in DIA continues their abusive and illegal practices unchecked; and, our national security is undermined.**

On 23 August 2020, I filed an Inspector General (IG) complaint citing 8 allegations of reprisal, fraud/waste/abuse, and abuse of authority. Three months thereafter, I filed an additional complaint citing an additional allegation of reprisal. I was concerned about my complaint not being vetted in a thorough and timely manner because there were reportedly at least 17 open IG complaints surrounding wrongdoings within the Defense Attaché Service's (DAS) Geographic Division 1 at the time. Consequently, I conveyed these concerns to Senator Duckworth on 3 October 2020 (Attachment 1).

The DIA/IG concluded its investigation of my complaint on 10 November 2021, 444 days after my initial complaint was filed. Aside from the exorbitant time the investigation took, the notification (Attachment 3) demonstrates the IG's failure to conduct thorough investigations in a timely and equitable manner. I submit this to you as definitive proof of the DIA and DoD IG's inability to ensure self-regulation in DIA and, for this reason, **I implore you to initiate an**

for the assignment likewise advanced a legitimate Government interest and likely would have occurred whether or not you had made protected communications.”

It is clear that the IG failed to perform an adequate investigation in that they failed to gather all pertinent facts, failed to apply the facts to the law, and instead hypothesized how and why the facts and law didn't matter.

The DIA/IG establishes, and the DoDIG solidifies via their approval of the report, a precedent with this approach in that it 1) does not deny there was a retributive act constituting reprisal and 2) justifies that act with the rationalization that the end result benefited the U.S. Government. Even more disconcerting is that, established by this precedent, an IG can arbitrarily determine what benefits the USG, regardless of the facts at-hand and that this unilateral and capricious opinion can then be used to justify an act of reprisal. This is outside the mandate and authorities of any Inspector General and, beyond the dangerous and reckless precedent set, provides a disturbing insight into the mindset of the DIA/IG and Agency at-large.

DIA/IG failed to adequately assess unfavorable personnel actions.

The DoDIG Guide to Investigating Reprisal Complaints outlines one element of reprisal being an unfavorable personnel action. In the notification of report, the DIA/IG states: “It is also not clear of a less stellar evaluation is an unfavorable action” meaning they failed to vet one key element of the reprisal committed by [REDACTED]. However, witness documents and statements attested to that very fact: that my September 2020 annual performance report was a marked regression in performance, placed me in the bottom quartile of officers, and eliminated me from promotion and advancement potential. This omission by the IG brazenly conveys that the office picks and chooses facts and testimonies depending on whether it supports a foregone conclusion, such as was the case with the investigation.

DIA/IG failed properly assess “causation.”

The DoDIG Guide to Investigating Reprisal Complaints states:
“Element 4, Causation: Would the same personnel action(s) have been taken, withheld, or threatened absent the protected communication(s)? To determine the answer to the “causation” question, we must analyze what bearing, if any, the protected communication had on the decision to take, threaten, or withhold the personnel action. For each personnel action, we analyze the following factors and then weigh them together to determine whether the PA would have been taken absent the PC...If the Responsible Management Official (RMO) stated that he or she took an action based on the complainant's poor duty performance but a preponderance of evidence indicated that the complainant was a good performer, the RMO's stated reason has not been proven.”

In the case of [REDACTED], she had recommended me for a follow-on assignment on 20 November 2019 and then reneged only 6 weeks later for no other reason than I raised issues of dereliction of duty by two officers to her. She, verbatim, admitted herself to the reprisal when she said to me on 8 January [REDACTED] “I can't send you to [REDACTED] after this.”

DIA/IG failed to apply the “preponderance of the evidence” standard; instead relying on speculation of future events.

The DoDIG’s Guide to Investigating Reprisal Complaints, states that the standard of proof is preponderance of the evidence. The DIA/IG, in the case of [REDACTED]’s reprisal, instead applied conjecture of future events, purporting to be able to predict the future outcome of my performance report one year after my rater had been changed:

“Given your initial performance counseling from your new rater {conducted in September 2019}, it also appears likely that you would have received the same rating {as assessed in the annual performance report September 2020} whether or not you had made protected communications.”

This conveys yet another dangerous precedent established within DIA/IG: that they purport to predict future events and can use that speculation as the basis for substantiating or not substantiating allegations.

DIA/IG failed to carry out the investigation with due diligence, ignoring and/or not vetting applicable facts/regulations.

AFI 36-2406 states that the performance indicators sections on the initial feedback are N/A, meaning that the initial feedback is meant only for the rater to convey expectations of their subordinate. However, in the DIA/IG report, they acknowledge that there was performance feedback given which shows the pre-existing bias due to the contentious relationship which existed. This was the key element to the first reprisal allegation (committed by [REDACTED]); an element which the IG summarily ignored.

DIA/IG failed to vet all non-reprisal allegations.

None of the 19 witnesses listed in the 4 allegations of gross mismanagement/abuse of authority were interviewed by the DIA/IG in the course of their 444-day investigation.

Lack of Independence

So long as Inspectors General are subordinate to the commander within their agency of responsibility, they will rarely be able to execute their role of independent “watch dogs” that our system touts them to have. We need not look further than the Defense Intelligence Agency Inspector General for a multitude of examples, to include this case, to see that most IGs serve only to protect their own organization and/or themselves. As I wrote to Senator Duckworth in my 23 August 2021 letter:

Ma’am, it is time to have a frank conversation about the inefficacy of the DoD Inspector General system, especially as it pertains to the laws that govern Whistleblower Reprisal Investigations (WRIs), as well as the advocacy, protections, and recompense Whistleblowers should be afforded. If the government purports to place importance on Whistleblowers, then it needs to reform in order to enable and protect them.

Thank you all for your engagement in this endeavor.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Ryan Sweazey', written in a cursive style.

Lt Col Ryan Sweazey, USAF
Air Combat Command Flight Operations

Attachments:

1. Letter to Senator Duckworth re: DIA/IG Concerns, 3 October 2020
2. Letter to Senator Duckworth re: DIA/IG Complaint Status, 22 November 2020
3. Letter to Senator Duckworth re: Reformation of the DODIG system, 23 August 2021
4. Defense Intelligence Agency Notification of Results of Investigation, Case 2021-000004-OI, 10 November 2021



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR COMBAT COMMAND
JOINT BASE LANGLEY-EUSTIS VA

3 October 2020

From: Lieutenant Colonel Ryan Sweazey
Flight Operations Deputy Division Chief
Air Combat Command, U.S. Air Force
Langley AFB, VA 23665

To: The Honorable Tammy Duckworth
524 Hart Senate Office Building
Washington, DC 20510

Dear Senator Duckworth,

I am Lieutenant Colonel Ryan Sweazey, an active duty officer in the U.S. Air Force and a proud Illinois native. I am writing you today to respectfully request your assistance with an Inspector General complaint I filed in August 2020 which included multiple allegations of reprisal, fraud/waste/abuse and gross mismanagement within the Defense Intelligence Agency.

In the accompanying documents, you will find the details of that complaint which I submitted to the Inspector General of the Office of the Director of National Intelligence on 20 August 2020. I also forwarded the complaint to the Inspector General of the Defense Intelligence Agency for their awareness. Since then, neither entity has begun an investigation into the matters which I contend pose threats to national security.

Throughout my 21 years of military service, to include one assignment as an Inspector General, I have always held the faith in the efficacy of our Inspector General system, both within the Department of Defense and within the U.S. government as a whole. However, in light of recent events, and in addition to my own personal experience with the aforementioned complaint, I am beginning to question whether that faith was misplaced. I fear that my complaint is perhaps being intentionally delayed and/or dismissed prior to being investigated.

I would respectfully request your intervention in this matter, specifically with ensuring that the complaints I have filed are expeditiously and fairly investigated.

Thank you in advance for your assistance in this matter.

Respectfully,

A handwritten signature in blue ink, appearing to read "Ryan J. Sweazey".

Ryan J. Sweazey, Lieutenant Colonel
U.S. Air Force

Attached: Office of the Director of
National Intelligence IG Complaint (17 pages)



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR COMBAT COMMAND
JOINT BASE LANGLEY-EUSTIS VA

22 November 2020

From: Lieutenant Colonel Ryan Sweazey
Flight Operations Deputy Division Chief
Air Combat Command, U.S. Air Force
Langley AFB, VA 23665

To: The Honorable Tammy Duckworth
524 Hart Senate Office Building
Washington, DC 20510

Dear Senator Duckworth,

I am Lieutenant Colonel Ryan Sweazey, an active duty officer in the U.S. Air Force and a proud Illinois native. In September, I wrote to you and your staff to respectfully request your assistance with an Inspector General complaint I filed in August 2020 which included multiple allegations of reprisal, fraud/waste/abuse and gross mismanagement within the Defense Intelligence Agency. Since then, I have been extremely impressed with your staff's professionalism, engagement and vigor in assisting me with my case. I believe, however, that the culture within DIA poses a significant threat to national security; a threat which potentially may exist even after the IG complaint has been vetted.

In short, the Defense Attaché System (DAS), a subordinate division within DIA, is seriously afflicted by a culture in which leaders and managers prioritize subjugation of its personnel far above mission accomplishment, promoting a system which places not "rocking the boat" well over job performance. At the same time, the DAS openly and actively commits retribution and reprisal of whistleblowers such as me. The consequence is an organization anchored in malaise and lack of focus with an askew value system, resulting in our nation continuing to lose the competitive advantage over our adversaries whose intelligence agencies are not maligned by those same cancers. In my 3-year assignment as Air Attaché to [REDACTED] and [REDACTED], I personally witnessed the edge we routinely forfeited because of inept leadership, lack of moral courage displayed by leaders, and managers more concerned about job security than mission effectiveness. In fact, the [REDACTED] would even routinely profess the DIA standard of performance by saying "no one ever got sent home for *not* writing."

My request of you and your staff would be twofold: continue to engage the ICIG in order to assure that my complaint is investigated in a thorough, proper, and timely manner; and, more critically: engage DIA leadership to begin a dialogue in order to make much-needed cultural changes in the DAS. As I conveyed to the [REDACTED] in October: there is incredible potential within the attaché system, but it will continue to be squandered if the culture of the organization does not change...and change is necessary: the defense of the nation depends on it!

Thank you in advance for your assistance in this matter.

Respectfully,

Ryan J. Sweazey, Lieutenant Colonel
U.S. Air Force



DEPARTMENT OF THE AIR FORCE
AIR COMBAT COMMAND
LANGLEY AFB, VA

23 August 2021

MEMORANDUM FOR SENATOR TAMMY DUCKWORTH

FROM: Lt Col Ryan Sweazey, Deputy Chief, Flight Operations Division, Air Combat Command, Joint Base Langley-Eustis, VA

SUBJECT: Reformation of the DoD Inspector General System

Dear Senator Duckworth,

Today, 23 August, commemorates the one-year mark of the IG complaint I filed with the Defense Intelligence Agency citing 8 allegations of reprisal, abuse of authority, and fraud/waste/abuse. On 3 October 2020, I wrote to you expressing my concerns about the IG's ability to fairly and equitably investigate the complaint in a timely manner. It is fair to say at this point, having yet to see the investigation conclude, that my concerns were not unfounded and the October letter to you prophetic.

You recently touted the importance of the role of Whistleblowers in government, however, the DoD Inspector General system, in its current construct, offers little to no protection, advocacy or recompense for those who fall victim to reprisal primarily because:

1. Whistleblower Reprisal Investigations (WRIs) are too burdensome, both in time and effort required,
2. The verbiage of 10 USC 1034 is too narrowly defined,
3. The inordinate amount of time required to close out a WRI investigations results in perpetrators not being held accountable and, more importantly, no substantive recompense afforded to victims, and,
4. The Armed Services offer no advocacy/counsel for Whistleblowers.

Ma'am, it is time to have a frank conversation about the inefficacy of the DoD Inspector General system, especially as it pertains to the laws that govern WRIs, as well as the advocacy, protections, and recompense Whistleblowers should be afforded. If the government purports to place importance on Whistleblowers, then it needs to reform in order to enable and protect them.

Respectfully,

A handwritten signature in blue ink, appearing to read "Ryan Sweazey", is positioned below the "Respectfully," text.

RYAN J. SWEAZEY, Lt Col, USAF
Deputy Division Chief, Flight Operations



DEFENSE INTELLIGENCE AGENCY

WASHINGTON, DC 20340-5100



U-21-4013/OIG

November 10, 2021

Lt Col Ryan J. Sweazey
49 Spruce Street, PSC Box 1000
Joint Base Langley-Eustis, Virginia 23665

Dear Lt Col Sweazey,

This memorandum is in response to your claim that you were a victim of reprisal when you were not selected for a back-to-back assignment with DIA (personnel action) after making protected communications about systemic leadership failures and toxic work environment. Additionally, you claimed that you were a victim of reprisal when your rater was changed to another rater, resulting in a "subpar" officer performance report (OPR), all after making protected communications about systemic leadership failures and toxic work environment. Further and unrelated to the claims of reprisal, you alleged acts of abuse of authority; gross mismanagement; obstruction of justice; witness intimidation; and fraud, waste, and abuse.

We completed our investigation and determined there was insufficient evidence to conclude responsible management officials engaged in the prohibited personnel practice of reprisal against you in violation of title 10, United States Code, section 1034 (10 U.S.C. §1034), "Protected Communication: Prohibition of Retaliatory Actions." Under 10 U.S.C. § 1034, a complaint of reprisal must meet the following three conditions: (1) Was there a protected communication or disclosure; (2) Did the responsible management official have knowledge of the protected communication/disclosure Or did the responsible management official(s) believe a specific individual made a protected communication/disclosure, even if they did not; (3) Was an unfavorable action taken (or, under some statutes, threatened), or was a positive action withheld (or, under some statutes, threatened to be withheld). When these elements are satisfied, there is a finding of reprisal unless, in the case of servicemembers, there is by a preponderance of the evidence that the unfavorable action taken advanced a legitimate governmental interest and would have likely occurred whether or not a protected communication was made.

In your case, the evidence shows that your rater was changed to comport with pre-existing DO guidance. Having an Assistant Air Attaché be rated by the Air Attaché advances a regular, legitimate Agency interest. While you complained that your rater did not stratify your performance, you were one of one Attachés that he rated. Your rater noted a significant achievement -- that you exceeded production requirements by 300%. It is also not clear that a less stellar evaluation report is an unfavorable action within the meaning of the statute. Given your initial performance counseling from your new rater, it also appears likely that you would have received the same rating whether or not you made protected communications.

The Counsel to the Inspector General carefully reviewed the supporting documents and concluded there was insufficient evidence to find that you were a victim of retaliation because of a protected communication or protected activity. Additionally, there is insufficient evidence to support the additional allegations of abuse of authority; gross mismanagement; obstruction of justice; witness intimidation; and fraud, waste, and abuse.

On November 2, 2021, the DoD Office of the Inspector General (DoD IG) completed an oversight review of our investigation and concurred with our conclusions and recommendations not to substantiate your complaint. The DoD IG tracking number for our case is 20210504-071134-CASE-01.

You may request a copy of our Report of Investigation, redacted to exclude information exempt from release under the Freedom of Information Act (FOIA) and Privacy Act. To obtain a redacted copy of the report, you must submit a FOIA or Privacy Act request to the DIA FOIA office; contact information can be found at www.dia.mil. Regarding your evaluation report, you may be able to also seek relief from the Air Force Board for the Correction of Military Records. Information to do so is readily available on line.

A courtesy copy of this letter will be furnished to DoD IG for their situational awareness. If you decide to file a FOIA or Privacy Act request, our investigative case number is 2021-000004-OI. Should you have any questions or require additional information, please contact the undersigned, available at (202) 231-1044, or Special Agent Bruce L. Simon, available at (202) 231-1029.

Sincerely,



Elton L. Howell
Deputy Assistant Inspector General
for Investigations

cc:
DoD IG Whistleblower Reprisal Investigations