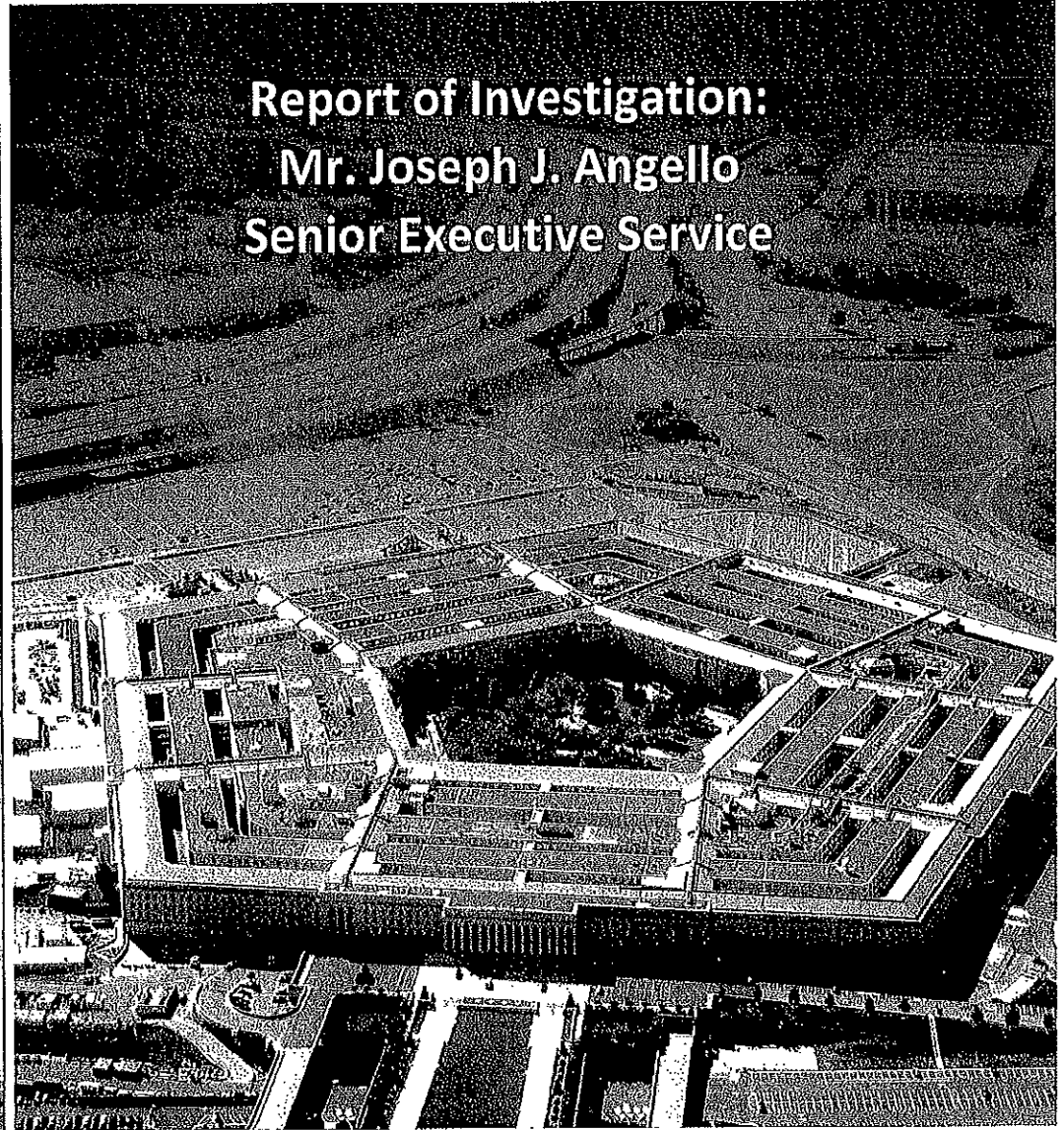
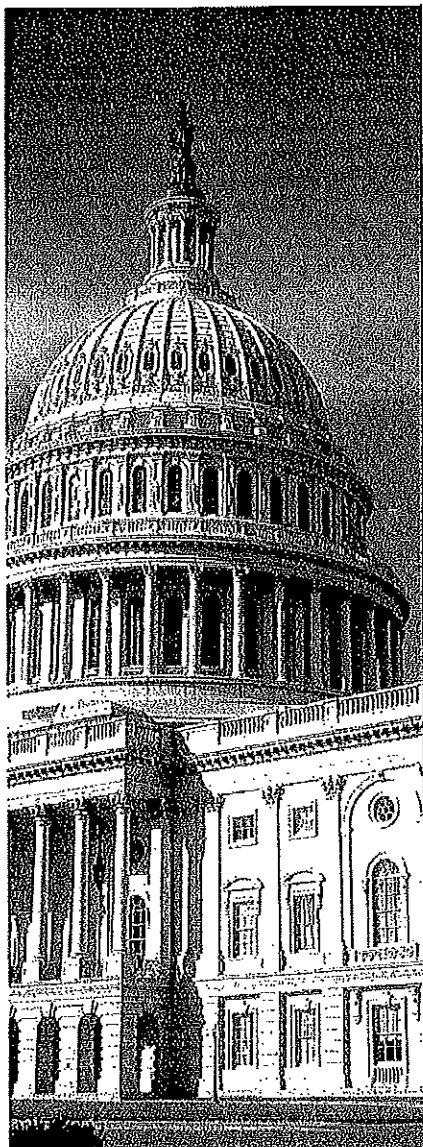


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# **INSPECTOR GENERAL**

*U.S. Department of Defense*

July 14, 2011



## **Report of Investigation:**

**Mr. Joseph J. Angello  
Senior Executive Service**

**INTEGRITY ★ EFFICIENCY ★ ACCOUNTABILITY ★ EXCELLENCE**

The document contains information that may be exempt from  
mandatory disclosure under the Freedom of Information Act.

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**REPORT OF INVESTIGATION:  
JOSEPH J. ANGELLO  
SENIOR EXECUTIVE SERVICE**

**I. INTRODUCTION AND SUMMARY**

We initiated this investigation to address allegations that Mr. Joseph J. Angello, Senior Executive Service (SES), Director, Directorate for Operational Readiness and Safety (OR&S), Office of the Under Secretary of Defense for Personnel & Readiness (USD(P&R)), mistreated subordinates, sexually harassed a subordinate, misused contractor personnel for personal services, and consumed and permitted others to consume alcohol in the Pentagon without authorization. If substantiated, Mr. Angello's conduct would violate DoD 5500.07-R, "Joint Ethics Regulation (JER)"; Title 29, Code of Federal Regulations (CFR), Section 1604-11 (29 CFR 1604-11), "Sexual Harassment"; DoD Directive 1350.2, "Department of Defense Military Equal Opportunity (MEO) Program"; the Federal Acquisition Regulation (FAR); and Title 32, CFR, Section 234.11 (32 CFR 234.11), "Alcoholic beverages and controlled substances."

We substantiated all the allegations. We conclude Mr. Angello mistreated subordinates. We found that Mr. Angello yelled and directed profanity at subordinates in the workplace in the presence of others. Witnesses testified that Mr. Angello routinely referred to subordinates and DoD personnel outside of OR&S as "[f--king] idiots" and "[f--king] stupid." Witnesses also testified that Mr. Angello made subordinates cry on several occasions and that his behavior and leadership style regularly caused subordinates to refrain from interacting with him. Other female witnesses testified that Mr. Angello made comments of a sexual nature to them or about them in public settings, which they found offensive and inappropriate. The JER requires DoD employees to treat subordinates with dignity and respect. We determined that Mr. Angello's use of profanity and name-calling, his sexual comments to female subordinates, and his belittling of subordinates did not afford others the dignity and respect to which they were entitled and were inconsistent with the expected comportment of a member of the SES.

We conclude Mr. Angello sexually harassed a subordinate. We found one instance when Mr. Angello touched a female (b) (6), (b) (7)(C) lower back and made an unwelcome comment of a sexual nature. We further found that Mr. Angello also made unwelcome comments of a sexual nature to her on multiple occasions about her physique, clothing, hair, and eyes. We found that the female subordinate Mr. Angello touched informed Mr. Angello's supervisor of the incident on the day it occurred.

Title 29 CFR 1604-11 and DoDD 1440.1 require a workplace free of sexual harassment, which includes verbal and physical conduct that creates an intimidating, hostile, or offensive working environment. We determined Mr. Angello's conduct was sufficiently severe that a reasonable person in the female (b) (6), (b) (7)(C) position would have judged his behavior as hostile or abusive, considering all the circumstances. We further determined that the female (b) (6), (b) (7)(C) perceived Mr. Angello's physical conduct and comments in the office as unwelcome and offensive.

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We conclude Mr. Angello misused contractor personnel for personal services. We found that during duty hours Mr. Angello routinely asked or allowed OR&S contractor employees to order and deliver his lunch to him and purchase soft drinks for him from a vending machine near the OR&S office. We also found that Mr. Angello had contractor employees schedule appointments for him at his (b)(6), (b)(7)(C). We further found that Mr. Angello permitted contractor employees to use his automobile during duty hours to travel to a nearby store to purchase alcoholic beverages for office "happy hours." The JER and the FAR require that DoD employees use the services of contractor personnel only for authorized purposes, including their contractual scope of work. We determined that Mr. Angello's use of contractor personnel to pick up lunch, bring soft drinks to him, arrange meetings at his (b)(6), (b)(7)(C), and purchase alcohol for consumption in the workplace was not for authorized purposes and was outside the scope of the employees' contractual duties to OR&S.

We conclude Mr. Angello consumed alcohol and allowed subordinates to consume alcohol in the Pentagon without proper authorization. The Director, Washington Headquarters Service (WHS), can authorize consumption of alcohol at specific events. Witnesses testified that Mr. Angello obtained authorization for employees to consume alcohol in the office for a few formal events. WHS had limited records of approved authorization requests by Mr. Angello and his supervisor for alcohol consumption in the OR&S suite. Each of these requests was limited to a specific date and a specific period. We found that Government contractor employees and Government employees consumed alcohol outside of specifically authorized events in the OR&S workspace during and after duty hours. We further found that Mr. Angello was aware of these unauthorized "happy hours" and occasionally consumed alcohol with his staff during them.

Title 2 CFR 234.11 prohibits the consumption of alcoholic beverages or the possession of an open container of an alcoholic beverage within the Pentagon Reservation unless authorized by the Director, Washington Headquarters Service, or another designated authorizing official. We determined Mr. Angello permitted employees to consume alcoholic beverages in the workplace and consumed alcohol in the workplace without proper authorization.

We offered Mr. Angello the opportunity to testify. On September 24, 2013, Mr. Angello, through counsel, refused to testify without first being compelled. On November 21, 2013, the Assistant Secretary of Defense for Readiness and Force Management provided Mr. Angello a Kalkines Notice and Warning compelling his testimony. Mr. Angello refused to submit for an interview before and since his retirement on November 30, 2013.

## **II. BACKGROUND**

Mr. Angello began serving as the Director of OR&S in 1995. As Director of OR&S, Mr. Angello reported to the Deputy Assistant Secretary of Defense for Readiness (DASD(R)).

OR&S employed approximately 20 civilians, contractors, and military personnel during the 2010-2013 timeframe. The OR&S workspace in the Pentagon consisted of approximately 1,750 square feet. Mr. Angello had a private office. His Executive Assistant (EA) sat at a desk outside his office. The remaining employees had cubicles in three cubicle clusters positioned next to each other. Each cubicle cluster consisted of six workstations.

In October 2012, the Defense Equal Opportunity Management Institute (DEOMI) published command climate survey results commissioned by DASD(R). The survey results for OR&S were well below both the DoD norm and the four other DASD(R) directorates. On November 19, 2012, the USD(P&R) directed a follow-on investigation to review the survey results concerning OR&S. On December 12, 2012, the investigation report confirmed the negative results of the DEOMI survey.<sup>1</sup>

On April 29, 2013, a female (b) (6), (b) (7)(C) employee reported to DASD(R) that Mr. Angello sexually harassed her earlier in the day. On June 10, 2013, USD(P&R) referred this incident and the negative survey results discussed above to DoD OIG for investigation.

### III. SCOPE

We investigated four allegations of misconduct against Mr. Angello that occurred between 2010 and 2013. We interviewed the complainant and 17 other witnesses. We reviewed information provided by the complainant, results of the October 2012 and July 2013 DEOMI climate surveys, the follow-on investigation, and additional documents provided by witnesses.

We offered Mr. Angello the opportunity to testify. On September 24, 2013, Mr. Angello, through counsel, refused to testify without first being compelled. On November 21, 2013, the Assistant Secretary of Defense for Readiness and Force Management provided Mr. Angello a Kalkines Notice and Warning compelling his testimony.<sup>2</sup> Mr. Angello refused to submit for an interview and retired from Federal service on November 30, 2013.

### IV. FINDINGS AND ANALYSIS

#### A. Did Mr. Angello mistreat subordinates?

##### Standards

**DoD 5500.07-R, "Joint Ethics Regulation," August 23, 1993, including changes 1-7 (November 17, 2011)**

The JER provides a single source of standards of ethical conduct and ethics guidance for DoD employees. Chapter 2 of the JER, "Standards of Ethical Conduct," incorporates 5 CFR Part 2635, "Standards of Ethical Conduct for Employees of the Executive Branch," in its entirety.

Subpart A, "General Provisions," Section 2635.101, "Basic obligation of public service," states in paragraph (b)(8) that employees shall act impartially and not give preferential treatment to any private organization or individual.

<sup>1</sup> A July 2013 DEOMI survey also confirmed the negative results of the October 2013 DEOMI survey.

<sup>2</sup> On August 30, 2013, we obtained a declination to prosecute from the U.S. Attorney's Office for the Eastern District of Virginia.

Chapter 12, "Ethical Conduct," states in Section 5, "Ethical Values," that ethics are standards by which one should act based on values. Values are core beliefs such as duty, honor, and integrity that motivate attitudes and actions. DoD employees should carefully consider ethical values when making decisions as part of official duties.

Chapter 12, Section 12-501, states that ethical values, including fairness, caring, and respect, should guide DoD employees in their interactions among each other.

Fairness involves open-mindedness and impartiality. DoD employees must commit to justice in the performance of their official duties. Decisions may not be arbitrary, capricious, or biased. Individuals must be treated equally and with tolerance.

Caring involves courtesy and kindness. Individuals are not to be treated solely as a means to an end. Compassion is an essential element of good government. Caring for others is a counterbalance against the temptation to pursue the mission at any cost.

Respect involves treating people with dignity. Lack of respect leads to a breakdown of loyalty and honesty in the Government.

#### Facts

The complaint alleged that Mr. Angello had a history of abusive behavior directed at subordinates, in particular the Government contractors in his immediate office. In evaluating the allegation, we considered Mr. Angello's leadership style, examples of language used by Mr. Angello in addressing subordinates, and specific behavior described by witnesses.

#### *Leadership Style*

Eight witnesses described Mr. Angello as a passionate leader. One witness described Mr. Angello as a passionate leader who "only crossed the line" two times. The witness described those times as Mr. Angello "hollering" at her in the open when "everybody was there." Another witness testified that Mr. Angello "crossed the line all the time."

Nine witnesses described Mr. Angello's leadership style as "abusive." One witness testified that Mr. Angello "ruled by fear and manipulation, threatening people with their jobs, especially contractors." Another witness described feeling forced to maneuver between Mr. Angello and other OR&S employees to diffuse situations that were spiraling out of control. He stated that his predecessor told him such maneuvering would be necessary in OR&S:

On occasion, when the boss gets grumpy, the uniforms [active duty officers] should maneuver in front, and [say] "Hey, let me help with that, sir," or just [have] a Big Brother type attitude ... because when I got here [June 2011] that was common knowledge ... he [Mr. Angello] can get grumpy, and he will yell at you and throw a brief on the floor.

Five witnesses described Mr. Angello as a "bipolar" leader. Several witnesses acknowledged that Mr. Angello would "go off the handle" and soon after doing so act as if nothing had happened. One witness described this phenomenon as "hot one moment, cold the next." Several witnesses stated they thought Mr. Angello had no control over his outbursts, and some even suggested that he did not recall his outbursts shortly after they occurred. One witness described Mr. Angello's "manic bipolar behavior" as "a roller coaster ride."

Seven witnesses recalled having routine office discussions among themselves to try to determine whether "Good Joe" or "Bad Joe" was in the office. Four witnesses also described Mr. Angello's EAs displaying a "Bad Joe" doll or chew toy on their desk on days when Mr. Angello was in a bad mood. Eight witnesses testified that they tried to avoid Mr. Angello on days when he was in a bad mood.

### *Language*

Fourteen witnesses testified that Mr. Angello routinely used the terms "[f--king] idiot" and "[f--king] stupid" to describe personnel in and outside of OR&S. Six witnesses also recalled Mr. Angello frequently referring to others as "[f--king d--ks]", "[d--kheads]", or "[d--ks]." One witness testified Mr. Angello routinely used the terms "moron" or "[dumba--]" to refer to employees. Witnesses described Mr. Angello directing such language to individuals and their work products. They also stated Mr. Angello used such language in and outside the presence of the recipients of his comments. One witness recalled Mr. Angello referring to a specific general officer as a "[f--king] idiot" after returning from a heated discussion with that officer.

### *Causing Subordinates to Cry*

Fourteen witnesses recalled at least one instance when Mr. Angello's behavior resulted in a subordinate crying. Witnesses identified four different subordinates who cried in the office because of Mr. Angello's treatment of them.

One witness described a crying incident when Mr. Angello was "berating" a subordinate and "pointing his finger at things" in a briefing book. The witness, who was in close proximity to Mr. Angello, elaborated:

It got to the point where I did step out [of the cubicle to] see the last bit of the exchange, her burst into tears and go back to her desk ... kind of head in her hands ... physical tears.

Nine witnesses recalled hearing of the incident in question. Four witnesses testified they observed Mr. Angello's subordinate crying after the exchange. Five witnesses testified that Mr. Angello directed terms like "[f--king] idiot" and "[f--king] stupid" to the subordinate. The subordinate in question testified she could not recall Mr. Angello's exact words during the incident because she tried to block his language out during the event. The witness recalled another similar incident when she cried after Mr. Angello "crossed over the line." Another witness described the second, similar, incident as "he [Mr. Angello] used the F-word and she went to the bathroom as a result, crying."

Four witnesses identified three additional subordinates who cried after interactions with Mr. Angello. One of the subordinates confirmed that she was reduced to tears on numerous occasions. She testified that she is still recovering from Mr. Angello's treatment. Another subordinate denied that Mr. Angello's alleged mistreatment made her cry. She stated that her crying resulted from her poor work product rather than from misconduct by Mr. Angello. A witness described the underlying incident differently, stating the subordinate had to go home because Mr. Angello "was an ass to her." Two witnesses testified that a third subordinate was in tears after an interaction with Mr. Angello.<sup>3</sup>

Nine witnesses testified that Mr. Angello's described treatment of subordinates and use of profanity was not an aberration. Witnesses described Mr. Angello variously as getting "red in the face" and "getting so mad he would spit" during his outbursts. When asked to compare the briefing book incident described above to the norm, one senior employee offered the following:

I would say for the holistic experience of the last 3 years ... that [behavior] I would say that's not outside the norm ... there tended to be good days, fairly, what I would consider normal ... and then days when there was no pleasing him. There was no -- you could not tell him anything. There was no working with him.

*Inappropriate comments of a sexual nature*

Female witnesses provided examples of Mr. Angello's inappropriate comments of a sexual nature. One young female witness testified that Mr. Angello repeatedly suggested that she go out with an older co-worker's son despite her reluctance and lack of interest, and even encouraged the co-worker's son to "hit on [her]." Another young female witness recounted an incident involving Mr. Angello at an out-of-office "happy hour" event. She stated she introduced her husband to Mr. Angello and that Mr. Angello's first words to her husband were, "Oh, yeah, she told me all about you, she told me your penis was very small." The witness added that both she and her husband were stunned by the comment and that she never said such a thing to Mr. Angello. The witness testified that Mr. Angello also told her she should worry about her husband being home alone with the witness' (b)(6), (b)(7)(C) because (b)(6), (b)(7)(C) was very attractive.

No one confronted Mr. Angello about these comments of a sexual nature. One female witness stated she allowed the behavior to continue because Mr. Angello was the "the boss of all bosses." While several of the young females confided in other OR&S personnel, no one confronted Mr. Angello or reported the behavior up the chain of command.

Two older male witnesses testified that the young female Government contractors described Mr. Angello as "creepy." One witness recounted the young females' reaction to Mr. Angello's comments as, "Who is this old creepy guy and why is he acting this way?" One of the male witnesses testified that Mr. Angello's comments made him feel uncomfortable given

<sup>3</sup> We did not interview the third subordinate witnesses described as being brought to tears.

the office venue and mixed gender audience. He compared Mr. Angello's banter to the type of dialogue he remembered occurring (b) (6), (b) (7)(C) during his active duty (b) (6), (b) (7)(C) career.

Two OR&S employees stated in their responses to the October 2012 DEOMI command climate survey that they were sexually harassed during the preceding 12 months while working in OR&S.<sup>4</sup> Each added that they did not report the incident to their organization. During an interview with our office, the DASD(R) discussed the survey results. The employees' reluctance to report the harassment was a major concern for the DASD(R). The DASD(R) testified:

I mean, as a woman it was sad but to be honest I would be reluctant to report for the same reasons, embarrassing, these cases are very difficult to prove. ... I didn't believe I had a sexual harassment issue at the time at all ... but I knew I had a bad work environment, toxic work environment type climate and I knew people weren't telling me stuff they probably ... should have reported because it was inappropriate.

### Discussion

We conclude Mr. Angello mistreated subordinates.

We found that Mr. Angello's mood swings and coarse treatment of others routinely offended OR&S employees and adversely affected the work environment. Mr. Angello yelled and directed profanity at subordinates in the workplace in the presence of others. Mr. Angello also used profanity when referring to DoD personnel outside of OR&S. Witnesses testified that Mr. Angello routinely referred to subordinates and DoD personnel outside of OR&S as "[f--king] idiots" and "[f--king] stupid." We further found that Mr. Angello made subordinates cry on several occasions and that his behavior and leadership style regularly caused subordinates to refrain from interacting with him.

We found that Mr. Angello made comments of a sexual nature to female subordinates or about them in public settings, which they found offensive and inappropriate. We also found that none of these female witnesses told Mr. Angello that they found his comments offensive. We further found that Mr. Angello's comments made both female contractors and senior male subordinate employees uncomfortable.

The JER mandates that all DoD employees treat others with courtesy, kindness, respect, and dignity.

We determined that Mr. Angello's leadership style violated the standards set forth in the JER. Mr. Angello was disrespectful to subordinates both in terms of how he treated them and in directing profanity toward them and other DoD personnel. We further determined that Mr. Angello's conduct, his offensive comments of a sexual nature, and his belittling treatment of

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<sup>4</sup> Additionally, three OR&S employees stated in their responses to the DEOMI command climate survey that they were discriminated against due to their gender during the preceding 12 months while working in OR&S. These three employees also did not report the incidents to their organization.



subordinates had a counterproductive and chilling effect on the employees and the workplace. Accordingly, we conclude Mr. Angello mistreated subordinates.

B. Did Mr. Angello sexually harass a subordinate?

Standards

The standards set forth in Paragraph A., above, are incorporated as if fully restated herein.

**Title 29, Code of Federal Regulations, Section 1604-11, "Sexual Harassment"**

Harassment based on sex is a violation of federal law. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

In determining whether alleged conduct constitutes sexual harassment, one must examine the record as a whole and the totality of the circumstances, such as the nature of the sexual advances and the context in which the alleged incidents occurred. The determination of the legality of a particular action will be made from the facts on a case-by-case basis. Further, in determining whether conduct is unwelcome, one must examine whether both the affected individual found the conduct unwelcome and a reasonable prudent person in the individual's circumstances also would have found the conduct unwelcome.<sup>5</sup>

**Department of Defense Directive 1440.1, "The DoD Civilian Equal Employment Opportunity (EEO) Program," November 21, 2003**

Sexual harassment is a form of sex discrimination that involves unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career; submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person; or such conduct interferes with an individual's performance or creates an intimidating, hostile, or offensive environment. Any person in a supervisory or command position who uses or condones implicit or explicit sexual behavior to control, influence, or affect the career, pay, or job of a military member or civilian employee is engaging in sexual harassment. Similarly, any military member or civilian employee who makes deliberate or repeated unwelcomed verbal comments, gestures, or physical contact of a sexual nature is also engaging in sexual harassment.

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<sup>5</sup> To be actionable, sexual harassment must be objectively hostile or abusive, and the victim must perceive it as such. The objective severity of harassment should be judged from the perspective of a reasonable person in the harassed person's position, considering all the circumstances. *Equal Employment Opportunity Commission v. Fairbrook Medical Clinic, P.A.*, 609 F.3d 320 (4th Cir., 2010)

Facts

The complaint alleged that Mr. Angello sexually harassed a subordinate when he slapped a young female (b) (6), (b) (7)(C) assigned to OR&S on her back with a rolled up piece of paper and whispered in her ear, "You're lucky that I missed," while (b) (6), (b) (7)(C) was standing at the office printer.

*Incident at the Printer*

(b) (6), (b) (7)(C) described an incident as occurring on April 29, 2013, as she stood scanning a memo alongside a printer outside of Mr. Angello's office. (b) (6), (b) (7)(C) testified:

I could kind of see in my peripheral vision that he [Mr. Angello] was walking out of his office behind me, and he had some sort of like pamphlet, booklet – something that was sort of rolled – and I was standing up and he kind of hit, like, the small of my back, like just kind of thumped it a little bit. It wasn't hard, but it was like a tap that I could clearly feel, and I kind of looked back and he kind of kept walking and so I saw him here [on her other side], and he kind of stopped right short of here and he whispered, "You're lucky that I missed," and, of course, I look around. No one sees anything.

(b) (6), (b) (7)(C) testified that Mr. Angello "kind of chuckled" after saying, "You're lucky that I missed," and kept on walking. She stated that she interpreted his comment to mean she was lucky that "he had missed [her] butt." (b) (6), (b) (7)(C) relayed that she was shocked by the behavior, but she did not say anything to Mr. Angello. (b) (6), (b) (7)(C) stated she reported the incident to Mr. Angello's supervisor that same day. After she delivered a product to Mr. Angello's supervisor, the supervisor asked, "How are you doing?" (b) (6), (b) (7)(C) replied, "You know, something just happened," and recounted the incident.<sup>6</sup>

Mr. Angello's supervisor confirmed the (b) (6), (b) (7)(C) depiction of events. She added that she reported the incident to her supervisor, the Assistant Secretary of Defense for Readiness and Force Management.

One witness recounted the (b) (6), (b) (7)(C) telling him about the incident and that, in general, Mr. Angello made her, (b) (6), (b) (7)(C), "skin crawl." Another witness who was aware of the incident stated she was not surprised by it. A third witness stated, "My assessment of [the relationship between Mr. Angello and (b) (6), (b) (7)(C)] was there was definitely something amiss."

(b) (6), (b) (7)(C) testified that she was surprised by the amount of attention Mr. Angello gave her, and she felt like his favorite. She described the relationship as:

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<sup>6</sup> The contractor went to the Government superior's office at approximately 6:00 p.m. on the day of the printer incident.

I was probably allotted more opportunity quicker ... and I hoped that it was because of good work, but ... I do not know what goes on in his [head]. I think he liked me personally.... Maybe he liked the fact that I was willing to do it [work projects] and I was, like this young woman who he could ... have total control over. I think it was a control thing.<sup>7</sup>

(b)(6), (b)(7)(C) added she thought it was "probably obvious" that there was a sexual component to Mr. Angello's attraction to her. She stated Mr. Angello would say, "You should wear like tighter clothes. You know, you should accentuate your features. Don't hide behind them. You know, it is okay to be a woman in this industry and use your looks to your advantage." (b)(6), (b)(7)(C) testified that Mr. Angello would put his hands in front of his chest when he told her to accentuate her features. She confirmed that the "features" he was referring to were her breasts. (b)(6), (b)(7)(C) also stated that Mr. Angello referred to her routinely as "red delicious," stated she was "forbidden fruit," and told her that she had "bedroom eyes."

Seven witnesses testified that they believed Mr. Angello afforded an inordinate amount of time and attention to (b)(6), (b)(7)(C). One witness thought Mr. Angello was infatuated with her. Another witness described their relationship as "creepy" and offered that Mr. Angello was sexually attracted to (b)(6), (b)(7)(C). Two witnesses stated that the attraction was not mutual. One witness stated it was "weird" that Mr. Angello viewed himself as (b)(6), (b)(7)(C) "personal mentor" and "wing person."<sup>8</sup> Another witness stated someone told her Mr. Angello fantasized about leaving his wife to "go off" with (b)(6), (b)(7)(C).

#### *OR&S Contractor Employees*

Ten witnesses testified there was a perception that Mr. Angello liked to have young, attractive female contractor employees working in OR&S. This perception was reinforced by Mr. Angello's insistence on interviewing all Government contractor applicants. One manager of the Government contractors hired to support OR&S testified that Mr. Angello used the interview process to see what the applicants looked like. The manager based his conclusion on his knowledge of which contractor employees Mr. Angello selected for employment and those he did not select. The witness elaborated:

[Mr. Angello] took a strong hand [in the hiring process]. He would be very clear about [whom] he wanted.... And the joke was, we would look at the applicants and say, "Well, he won't like him, him, and him."

<sup>7</sup> Two witnesses testified that Mr. Angello and (b)(6), (b)(7)(C) went to the gym and played racquetball. One witness stated that the frequency was "almost every night." The other witness stated the frequency was "not often."

<sup>8</sup> Mr. Angello did hire male contractors during his tenure. Evidence also suggests that the applicant pool for the contractor entry-level jobs that were available in Mr. Angello's organization were predominantly female. Although many witnesses had the perception that Mr. Angello liked to hire young female contractors, available evidence is inconclusive.

The witness added, "[Mr. Angello] kind of liked the fact that when he went somewhere and took people to a meeting or on a trip, that he would get the whole 'Charlie's Angels' thing." Another witness testified that Mr. Angello often mused openly about having a "new, young wife."

### Discussion

We conclude that Mr. Angello sexually harassed a subordinate, a female (b) (6), (b) (7)(C) employee. We found that Mr. Angello touched a female (b) (6), (b) (7)(C) lower back and made an unwelcome comment of a sexual nature to her. We further found Mr. Angello made other unwelcome comments of a sexual nature to her on numerous occasions about her physique, clothing, hair, and eyes.

The JER mandates that all DoD employees treat others with courtesy, kindness, respect, and dignity. Title 29 CFR 1604-11 prohibits verbal or physical conduct of a sexual nature that creates an intimidating, hostile, or offensive working environment. DoD policy requires an environment free from sexual harassment, including an intimidating, hostile, or offensive work environment, and deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature.

We determined that the female (b) (6), (b) (7)(C) found Mr. Angello's comments and actions as unwelcome and perceived them as hostile or abusive. We also determined that a reasonable prudent person in the (b) (6), (b) (7)(C) position would have viewed Mr. Angello's comments about her body, clothing, hair, and eyes, as well as the unwelcomed touching, to be hostile or abusive. Accordingly, we conclude Mr. Angello sexually harassed a female subordinate.

### C. Did Mr. Angello misuse contractor personnel for personal services?

### Standards

**DoD 5500.07-R, "Joint Ethics Regulation," August 23, 1993, including changes 1-7 (November 17, 2011)**

We incorporate the provisions set forth in Paragraph A., above, as if fully set forth herein.

Section 2635.704, "Use of government property," states an employee has a duty to protect and conserve Government property and shall not use such property, or allow its use, for other than authorized purposes. The JER defines "services of contractor personnel" as Government property for the purposes of this section. "Authorized purposes" is defined as a purpose in accordance with law or regulation.

### Facts

The complaint alleged Government contractors assigned to OR&S performed personal errands for Mr. Angello during duty hours, including ordering and picking up lunch for him and bringing him soft drinks from vending machines in the Pentagon.

*Contractor Support to Mr. Angello*

Executive Assistants (EA) supporting Mr. Angello performed typical administrative duties, including calendar scheduling, setting up meetings, and handling correspondence. Since 2009, three different contractor employees have worked as Mr. Angello's EA. During most of 2012, Mr. Angello had two EAs. Each EA had a desk directly outside of Mr. Angello's office.

*Types of Errands*

(b) (6), (b) (7)(C) testified that she regularly left the office to purchase and pick up lunch or Diet Cokes for Mr. Angello. (b) (6), (b) (7)(C) stated they called in lunch orders for Mr. Angello and picked the orders up from the Air Force executive dining facility. (b) (6), (b) (7)(C) stated they went to Subway for Mr. Angello. (b) (6), (b) (7)(C) also stated that sometimes Mr. Angello would ask her to purchase lunch or a Diet Coke and sometimes she would offer to pick up lunch or a Diet Coke for him. Mr. Angello always paid for his lunches and Diet Cokes. The vending machine was approximately 50 feet outside of the OR&S workspace.

(b) (6), (b) (7)(C) testified that the following description captures the particulars of her normal lunch errands for Mr. Angello:

From Subway, it was a six-inch tuna sandwich with American cheese, toasted, and tomatoes. From the Air Force executive dining facility, it was normally half a sandwich with a cup of soup, which was the daily soup for the day, and the half sandwich was either a tuna, a turkey club, a grilled cheese, somewhere along those lines.

Beginning in 2012, the frequency of personal errands for Mr. Angello increased. During the 2010-2011 timeframe, witnesses testified that Mr. Angello would have (b) (6), (b) (7)(C) purchase lunch or get him a Diet Coke a few times a month. In 2012, the frequency increased to several times a week for both lunch and afternoon soft drinks. No one testified that Mr. Angello was busier during 2012 as compared to previous years.<sup>9</sup>

(b) (6), (b) (7)(C) testified Mr. Angello asked them to call (b) (6), (b) (7)(C) to schedule an appointment for Mr. Angello with (b) (6), (b) (7)(C). They complied with the request. (b) (6), (b) (7)(C) testified she made an appointment for Mr. Angello with (b) (6), (b) (7)(C) about three or four times. (b) (6), (b) (7)(C) stated she made an appointment with (b) (6), (b) (7)(C) on two or three occasions.

Nine witnesses testified that Mr. Angello allowed Government contractors to use his automobile during duty hours to drive to a nearby gas station that sold alcoholic beverages.<sup>10</sup> Contractor employees drove Mr. Angello's car from the "5th corridor parking lot" at the

<sup>9</sup> To the contrary, numerous witnesses testified that Mr. Angello worked less and stayed in his personal office more during this time period.

<sup>10</sup> The gas station, within a few blocks of the Pentagon, was later torn down after the event described in this report.

Pentagon, where Mr. Angello had SES parking privileges, to the gas station, purchased the beverages, and returned. Witnesses testified that the contractors made trips to the gas station to buy alcoholic beverages approximately 15 times during the 2010-2012 timeframe. Witnesses described the purchases as being for OR&S office happy hours.

### Discussion

We conclude Mr. Angello misused Government contractors for personal services.

We found that Mr. Angello routinely asked or allowed OR&S contractor employees to order and deliver his lunch to him and purchase soft drinks for him from a vending machine near the OR&S office. We also found that Mr. Angello had contractor employees schedule appointments for him at his (b) (6), (b) (7)(C). We further found that Mr. Angello permitted contractor employees to use his automobile during duty hours to travel to a nearby store to purchase alcoholic beverages for office "happy hours." Finally, we found that all of this conduct occurred during duty hours and was outside the contractual scope of work.

The JER requires DoD employees to protect and conserve Government property and ensure that such property is not used for unauthorized purposes. The JER defines Government property to include "services of Government contractor." Authorized purposes are those provided for or contemplated by law or regulation, which does not include the provision of personal services to a Government employee by contractor personnel unless specifically authorized by law.

We determined that Mr. Angello failed to protect and conserve Government property by asking or permitting contractor employees to perform personal errands for him, make personal appointments for him during duty hours, and use his motor vehicle to leave the worksite and purchase alcoholic beverages for the office. We also determined that none of these actions had a nexus to an official government function. Accordingly, we conclude Mr. Angello failed to conserve Government resources by misusing Government contractors.

D. Did Mr. Angello consume alcoholic beverages and allow subordinates to consume alcoholic beverages in the Pentagon without proper authorization?

### Standards

#### **32 CFR 234.11, "Alcoholic beverages and controlled substances"**

The regulation prohibits the consumption of alcoholic beverages or the possession of an open container of an alcoholic beverage within the Pentagon Reservation unless authorized by the Director, Washington Headquarters Services, or his designee, the Installation Commander, or the Heads of the Military Departments, or their designees. Written notice of such authorizations shall be provided to the Pentagon Force Protection Agency.

## Facts

The complaint alleged Mr. Angello, while serving as the Director, OR&S, consumed alcohol and allowed subordinates to consume alcohol in the Pentagon without proper authorization.

### *Authorized Alcohol Consumption*

Seventeen witnesses testified that OR&S personnel consumed alcohol in the OR&S office suite, that Mr. Angello was aware of the alcohol consumption, and that Mr. Angello consumed alcohol in the suite. Most of these witnesses acknowledged that they also consumed alcohol in the suite. Several witnesses acknowledged that consuming alcohol in the Pentagon beyond the scope of an authorization was improper. Witnesses recalled seeing approved requests for authorization to consume alcohol in the Pentagon on occasional, specific occasions, such as an office Christmas party or an employee's retirement ceremony.

The majority of witnesses stated that beer was the most common beverage consumed in the office, although several witnesses also recalled tequila and other liquor. Witnesses described employees bringing beer into the Pentagon in a large briefcase. The alcoholic beverages were stored in a refrigerator and in a cabinet in the corner opposite of Mr. Angello's office in the OR&S suite.

WHS had limited records showing requests to consume alcohol in the OR&S suite from Mr. Angello and his supervisor. A WHS representative reviewed available files and informed us that authorization documents for 2010 and 2011 had been deleted. The representative provided copies of approved requests for the consumption of alcohol in the OR&S suite during the 2012-2013 timeframe. Each of the approved requests limited the authorized consumption of alcohol to a specific date and timeframe: May 9, 2012, 1300-1600; February 22, 2013, 1200-1700; and September 8, 2013, 1500-1700.

### *Happy Hours*

Nine witnesses stated that "leftovers" – excess alcoholic beverages from authorized events – were kept in the OR&S office suite. These beverages were used by OR&S staff for "happy hours" at the end of a normal workday. No witness testified that written authorization was obtained for these happy hours. None of the authorizations from WHS shows approval for alcohol consumption outside of a specific timeframe on an identified day.

Witnesses' recollections varied concerning the extent of Mr. Angello's participation in the consumption of alcohol during happy hours. Some witnesses stated Mr. Angello routinely drank alcoholic beverages in the office, while a few testified that he rarely drank in the office. Two witnesses testified that Mr. Angello drank beer almost exclusively, while another witness testified he preferred whiskey and even brought his own bottle into the office.

The frequency of happy hours fluctuated over time. From 2010 through the first 6 months of 2012, happy hours occurred on a weekly basis. Most witnesses stated that Friday was

the most popular day, but not the only day, for a happy hour. Alcohol consumption in the office began to decline during 2012 at Mr. Angello's direction. Some witnesses believed Mr. Angello was worried that the activity was getting out of hand, and he decided to curtail it to avoid unwanted attention from superiors.<sup>11</sup> The happy hours continued, albeit less frequently, until Mr. Angello left OR&S in June 2013.

### Discussion

We conclude Mr. Angello consumed alcohol and allowed subordinates to consume alcohol in the Pentagon without proper authorization.

We found that the Director, WHS, could authorize consumption of alcohol in the Pentagon for specific events. WHS records included approved requests from Mr. Angello and his supervisor authorizing consumption of alcoholic beverages in the OR&S suite. We also found that Government contractors and Government employees consumed alcohol outside of specifically authorized events in the OR&S workspace during and after duty hours. We further found that Mr. Angello was aware of the unauthorized happy hours and occasionally consumed alcohol with his staff during such events. Alcohol that was "leftover" from authorized events was stored in the OR&S office, and OR&S personnel consumed this alcohol during unauthorized happy hours. OR&S personnel also purchased alcoholic beverages for consumption in the office. Witnesses testified that these unauthorized happy hours occurred weekly during the 2010-2012 timeframe. The frequency declined in 2012 at Mr. Angello's direction, but happy hours continued until he left OR&S in June 2013.

The CFR prohibits the consumption and possession of alcoholic beverages in the Pentagon Reservation without written authorization. We determined Mr. Angello allowed the possession and consumption of alcoholic beverages in the OR&S office in the Pentagon during unauthorized happy hours. We also determine Mr. Angello possessed alcohol and consumed alcohol in the Pentagon during these unauthorized happy hours. Accordingly, we conclude Mr. Angello consumed alcohol and allowed subordinates to consume alcohol in the Pentagon without authorization.

## **V. CONCLUSIONS**

A. Mr. Angello mistreated subordinates.

B. Mr. Angello sexually harassed a subordinate.

C. Mr. Angello failed to conserve Government resources by misusing Government contractors.

D. Mr. Angello consumed alcohol and allowed subordinates to consume alcohol in the Pentagon without authorization.

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<sup>11</sup> There was a general consensus that the start time for the happy hours began to creep to earlier and earlier in the afternoon.