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INVESTIGATIONS OF SENIOR OFFICIALS

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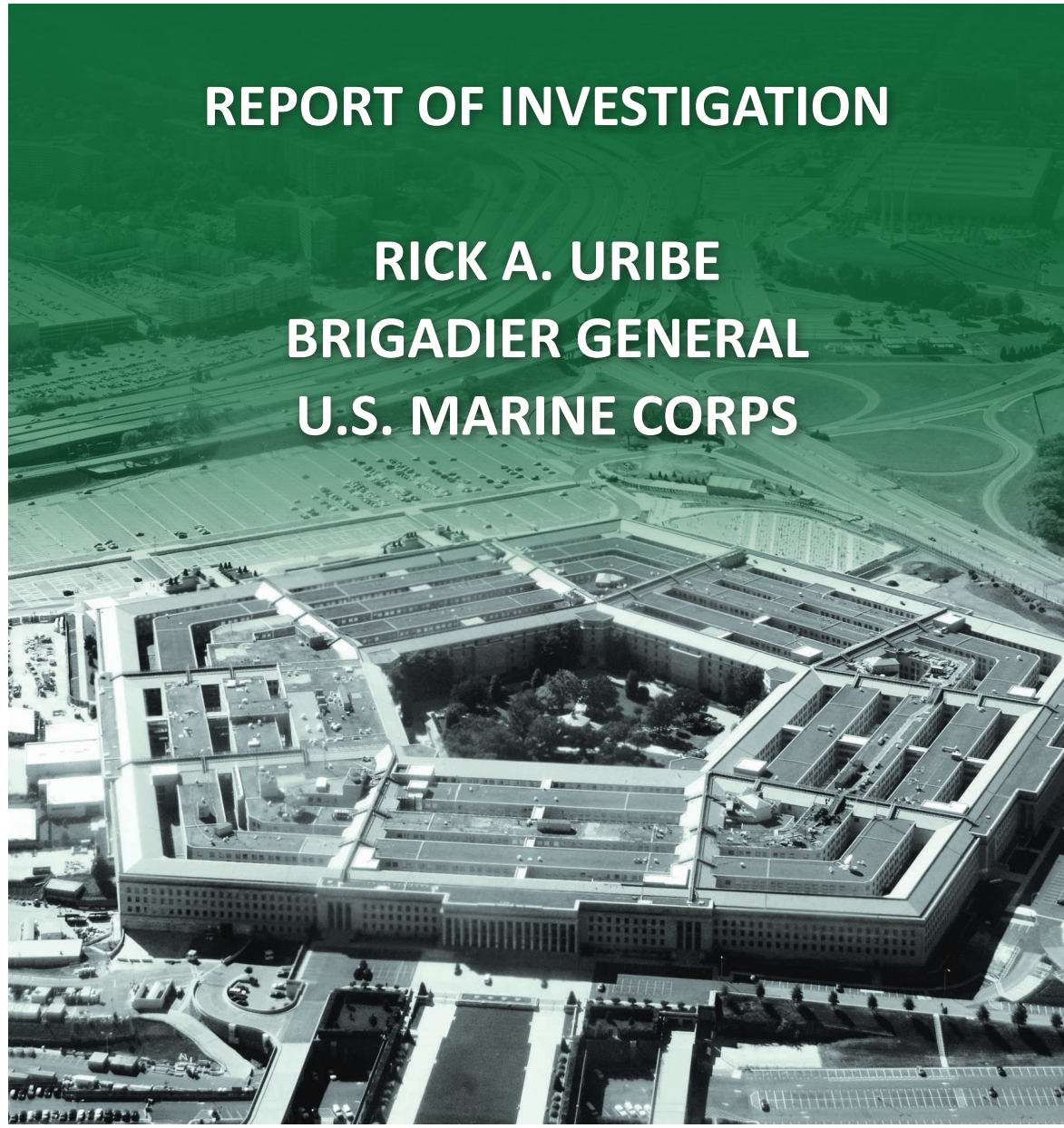
U.S. Department of Defense

JUNE 14, 2018



REPORT OF INVESTIGATION

RICK A. URIBE
BRIGADIER GENERAL
U.S. MARINE CORPS



INTEGRITY ★ INDEPENDENCE ★ EXCELLENCE

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**REPORT OF INVESTIGATION:
BRIGADIER GENERAL RICK A. URIBE,
U.S. MARINE CORPS**

I. INTRODUCTION AND SUMMARY

Complaint Origin and Allegations

On June 15, 2017, the DoD Hotline received a complaint alleging that Brigadier General (BGen) Rick A. Uribe, U.S. Marine Corps (USMC) while assigned as the Deputy Commanding General (DCG) for Operations-Baghdad, and Director, Combined Joint Operations Center (CJOC), Baghdad, Combined Joint Forces Land Component Command (CJFLCC), Iraq, permitted his officer to perform activities other than those required in the performance of official duties.¹ The complaint also alleged that BGen Uribe violated Marine Corps personnel weigh-in requirements.

On August 4, 2017, we initiated this investigation. During our investigation, we also identified two emerging allegations; that BGen Uribe solicited and accepted gifts from employees who received less pay than himself, and that he wore unauthorized awards. If substantiated, these allegations would violate standards summarized throughout this report. We present the applicable standards in full in Appendix A of this report.

Scope and Methodology of the Investigation

We conducted 23 interviews. Witnesses interviewed included BGen Uribe, his Aide, the Marine Corps Ethics Program subject matter expert (SME), the Staff Judge Advocate (SJA) to the Commandant of the Marine Corps (CMC), and several marines deployed with BGen Uribe and his Aide in Iraq. We also interviewed the SME for general officer awards, and Marine Corps personnel officers. We reviewed ethics presentations, receipts, returned checks, personnel records, official and unofficial correspondence, bank statements, and more than 4,700 official e-mails.

We found that DoD Instruction 1315.09, "Utilization of Enlisted Aides on Personal Staff of General and Flag Officers," dated March 6, 2015, only addresses enlisted aides and their permissible and non-permissible duties. Both the Secretary of the Navy (SECNAV) Instruction 1306.2D, "Utilization of Enlisted Aides on Personal Staffs," dated December 22, 2005, and Marine Corps Order 1306.18A, "Marine Aide Program," dated October 21, 2010, only address the duties and responsibilities of an enlisted aide. The U.S. Army published a handbook, "Officer/Enlisted Aide Handbook," in August 2011 that addresses both officer and enlisted aides. This handbook applies only to U.S. Army personnel and is used as a guide for the aide rather than for the general or flag officer who is assigned an aide. The guide states, "Use this booklet as a GUIDE ONLY [emphasis in original]. Your actual duties depend on the personality of the general for whom you work; he or she will be the one to provide you with the guidance necessary to get the job done." We reviewed these resources to inform our analysis of tasks and errands the military Services typically characterize as not related to official duties. We do not cite

¹ We refer to BGen Uribe's officer aide-de-camp throughout this report as the "Aide."

these various enlisted aide instructions or the Army's Officer/Enlisted Aide Handbook as applicable standards for a general or flag officer's use of an officer aide, but we present them in the Appendix to this report. In the absence of military Service-specific or DoD formal policies governing use of officer aides, we applied the Joint Ethics Regulation (JER) in evaluating BGen Uribe's use of his officer aide, as described in this report.²

On April 10, 2018, we provided BGen Uribe our Tentative Conclusions Letter (TCL) containing our preliminary conclusions for his review and comment before finalizing our report. On April 30, 2018, BGen Uribe provided us with his response to our preliminary conclusions. We carefully considered BGen Uribe's comments on our preliminary conclusions, re-examined our evidence, and include his comments, in part, throughout this report.³

Conclusions

We substantiated two of the four allegations. We summarize our findings in this Introduction and Summary, and then provide the facts and analysis underlying these conclusions in Section IV.

Substantiated Allegation - Use of Aide

We concluded that BGen Uribe violated the Joint Ethics Regulation (JER) when he requested or permitted his Aide to use official time to: (1) pick up BGen Uribe's laundry, (2) remove and turn in BGen Uribe's bedsheets for cleaning, (3) obtain BGen Uribe's meals, (4) provide BGen Uribe with personal items such as snacks, (5) send BGen Uribe's [REDACTED] customized t-shirts, (6) draft BGen Uribe's unofficial correspondence, (7) reserve gym equipment for BGen Uribe's use, (8) arrange delivery of BGen Uribe's prescription toothpaste to Iraq, and (9) collect financial and personal information about BGen Uribe's [REDACTED] to complete required military paperwork.

BGen Uribe showed a habitual pattern of requesting, or permitting, his Aide to use official time to perform tasks and errands for BGen Uribe other than those required in the performance of the Aide's official duties. BGen Uribe was responsible for the Aide's proper use of official time.

We also considered the circumstances of BGen Uribe's duties, which included reviewing and approving actions during combat operations. However, his predecessor – who also had these combat responsibilities – never requested or allowed his aide to use official time to perform unofficial duties for him. BGen Uribe routinely requested or permitted his Aide to do tasks or "errands" for him that had no connection to official Government business. Immediately before deploying to Iraq, BGen Uribe served as the Inspector General of the Marine Corps (IGMC). In that position, he had the responsibility to investigate ethical violations involving misuse of subordinates, and to set a personal example of

²The JER provides a single source of standards of ethical conduct and ethics guidance for DoD employees. Chapter 2, "Standards of Ethical Conduct," Section 1, "Office of Government Ethics Regulation," incorporates Title 5, C.F.R., Part 2635, "Standards of Ethical Conduct for Employees of the Executive Branch," in its entirety.

³ We recognized that summarizing BGen Uribe's response risked oversimplification and omission. Accordingly, we included BGen Uribe's comments throughout this report and provided his supervisor with a copy of BGen Uribe's full response to our TCL.

compliance with applicable standards. As one witness told us, he thought “he [BGen Uribe] would have known better” than to request or permit his Aide to use official time to perform tasks or errands for BGen Uribe that had no connection to official duties.

Substantiated Allegation - Gifts

We concluded that BGen Uribe violated the JER when he solicited and accepted gifts from employees who received less pay than himself. The gifts included: (1) cash loans from his Aide, (2) allowing his Aide to pay for his haircuts, (3) not reimbursing the Aide for personal Internet Wi-Fi access, (4) not reimbursing a subordinate for a farewell gift, and (5) receiving coffee and chocolates from a former subordinate.

BGen Uribe did not dispute any of these substantiated instances of gift acceptance from his subordinates. Concerning the coffee and chocolates, we found that BGen Uribe requested, and a lieutenant colonel [REDACTED] sent to him, \$150 in coffee and chocolates available [REDACTED]. The JER would allow a \$150 gift from the lieutenant colonel to BGen Uribe if there was evidence of a longstanding personal relationship and history of gift-giving that would justify the gift. The lieutenant colonel told us, “[BGen Uribe] doesn’t consider me anything other than a marine who worked for him.” The lieutenant colonel did not tell us he had any history of gift exchanges with BGen Uribe. The lieutenant colonel told us he had “very, very little contact with” BGen Uribe since 2014. Accordingly, we determined that the JER’s gift exception for longstanding personal friendships did not apply to this \$150 gift of coffee and chocolates.

Not Substantiated Allegation - Wearing of Unauthorized Awards

During the investigation, a witness told us that BGen Uribe was wearing unauthorized awards on his uniform. We expanded the scope of our investigation to include this allegation. We contacted Marine Corps awards personnel and found that BGen Uribe’s awards were in a routine award adjudication process. The Marine Corps awards personnel told us there are systemic problems with awards records for “95 percent” of newly selected Marine Corps brigadier generals due to older paper documentation that may be missing from, or entered inaccurately into, the newer digital records system. The routine award adjudication process made definitive determinations regarding BGen Uribe’s awards based on all available documentation. That process concluded on April 2, 2018. There were no Marine Corps standards that would have required BGen Uribe to stop wearing any of the awards in question until the award adjudication process was completed. BGen Uribe was not required to remove any awards until the adjudication process determined whether there was insufficient historical documentation to support specific awards. In that event, the Marine Corps would direct BGen Uribe to discontinue wear of those awards. Accordingly, we determined that BGen Uribe did not violate the applicable standards regarding the wearing of awards by continuing to wear awards while they were still under adjudication. After the award adjudication process concluded on April 2, 2018, we asked Marine Corps awards personnel to compare the awards shown on BGen Uribe’s uniform from an official photograph of May 30, 2018, with the results of the award adjudication. Marine Corps awards personnel told us that BGen Uribe’s awards shown on his uniform complied with the award adjudication.

Not Substantiated Allegation – Weigh-In

We concluded that BGen Uribe did not violate Marine Corps personnel weigh-in requirements. The complaint alleged that BGen Uribe ordered a marine he considered to be overweight to weigh-in before redeployment to the United States. The complaint also alleged that BGen Uribe ordered all marines he supervised to weigh-in prior to redeployment and that he did not properly weigh-in himself at the authorized location. BGen Uribe did not violate applicable standards because he acted in accordance with a Marine Corps Order (MCO) and direction from the Commander, Marine Corps Forces Central Command (MARCENT). BGen Uribe also consulted with the Deputy IGMCM before he ordered all marines he supervised to weigh-in. The Deputy Inspector General told him that as the senior-ranking marine in Iraq, “it is appropriate” for him to weigh-in any marine under his supervision. BGen Uribe’s decision to weigh-in in Iraq rather than the authorized location in Kuwait did not violate applicable standards. The Commander, MARCENT, ordered the weigh-in for only the one marine BGen Uribe considered overweight. There was no standard or order that required BGen Uribe, specifically, to weigh-in in Iraq or in Kuwait prior to returning to the United States.

BGen Uribe’s Response to our Tentative Conclusions Letter

In his response to our TCL, BGen Uribe wrote:

I chose [the Aide] . . . because [redacted] was smart, resourceful, motivated and mature. The substantiated allegations regarding my misuse of [redacted] as an aide are the result of my trust and confidence in [redacted] as an officer. I trusted [redacted] to know and to do [redacted] job. I had confidence that [redacted] would do what [redacted] was required and that [redacted] would tell me if we were doing something improper. I was a frocked brigadier general who had never had an aide and had not received any instruction or guidance beyond a few general slides about the use of aides. There is no Marine Corps regulation on this subject. [The Aide] had never been an aide and I allowed [redacted] to be misguided by what [redacted] believed [redacted] could do, for example convincing me that [redacted] could get my laundry and food. Incidentally, [redacted] also offered to clean my sleeping quarters, which like the one time changing of my linen I strictly prohibited [redacted] from doing. I also assumed that [redacted] would reach back to IGMCM staff, [redacted], in order to ensure what [redacted] did on my behalf was in accordance with appropriate policies and regulations. In retrospect, I should have been clearer with [redacted] about what [redacted] duties entailed and although I provided verbal guidance I should have put that guidance in writing. I am solely responsible for permitting [redacted] to perform duties outside of what [redacted] should do as an Aide-de-Camp.

BGen Uribe also wrote that he did not direct or ask the Aide to provide him with snacks, to make herself the point of contact for his [redacted] t-shirts, or to spend hours and enlist others to help acquire his prescription toothpaste. He wrote that while he knew he was using his Aide’s Internet access; he did not know that his Aide thought they would split the cost of the monthly bill. BGen Uribe wrote that he forgot about both the farewell gift and that he needed to reimburse his subordinate. BGen Uribe described the coffee and chocolates as gifts from someone he knew who asked how they could help him during his deployment in Iraq. He wrote that while he did keep the coffee and chocolates in his office, he did not claim sole ownership and that several others had access to the office and the items.

In concluding his response, BGen Uribe wrote:

Although I believe that some of the substantiated allegations are not justified, I realize that I improperly employed my aide and that I improperly accepted small convenience loans from my aide. Where I would never think to engage in these activities in garrison, in the fog of the combat zone, it seemed acceptable somehow. I have learned a great deal from this process and will be much more attentive to these issues in the future. At the end of the day as a Senior Leader, the only thing I am entitled to is to be held accountable for my actions.

We gave BGen Uribe's TCL response the broadest consideration and re-examined the facts concerning specific gifts and uses of his officer aide. We stand by our overall conclusions that he misused his officer aide and solicited and accepted gifts from employees who received less pay than himself. The following sections of this report present our findings and conclusions in more detail. We based our conclusions on a preponderance of the evidence.

II. BACKGROUND

BGen Uribe

BGen Uribe received his commission as a second lieutenant in 1989. In 1992, he was designated as a naval aviator. He served in various command positions until September 2015 when he assumed duties as the IGMCM. Prior to becoming the IGMCM, BGen Uribe completed two "longer-term deployments" to Iraq and several shorter deployments. On March 4, 2016, he was frocked to the rank of brigadier general.⁴ On May 30, 2016, BGen Uribe and his Aide deployed to Baghdad, Iraq. BGen Uribe served as the DCG for Operations, and Director, CJOC, CJFLCC. In this capacity, he also served as a primary Target Engagement Authority (TEA) [REDACTED]

[REDACTED] BGen Uribe was also the senior ranking marine officer in Iraq during his deployment. BGen Uribe redeployed to the United States on June 10, 2017. In August 2017, BGen Uribe assumed his current duties as DCG, I Marine Expeditionary Force, Marine Corps Base Camp Pendleton, California.

BGen Uribe's Ethics Training Related to Gifts and Misuse of Subordinates

We reviewed BGen Uribe's ethics training records and interviewed witnesses who provided BGen Uribe with ethics training. BGen Uribe attended two ethics training events in 2015 before this deployment in Iraq that addressed the use of officer aides: (1) the IGMCM Training Symposium; and (2) the Brigadier General Select Officer Course.⁵

⁴ An officer selected for promotion to the next higher grade may be authorized to wear the insignia for that next higher grade before the officer's promotion date; the officer is said to be "frocked" to that grade. Frocked officers do not assume any legal authority with that grade and are not paid at the higher rate of pay.

⁵ BGen Uribe also attended the September 2015 iteration of the General Officer Symposium. However, the 2015 iteration did not include a formal instruction block on ethics.

Inspector General of the Marine Corps Training Symposium, August 2015

The IGMCM held its annual training symposium at Quantico Marine Corps Base, Virginia, from August 4 to August 7, 2015. The intent of the symposium was to help CMC and USMC leadership sustain and preserve combat readiness. Day 1 of the symposium included keynote addresses from the then-Assistant CMC, the Acting IGMCM, the Navy IG, the DoD IG, and a group photograph of all attendees. Day 2 topics included specific classes on ethics, Assistance and Investigations, along with a breakout session. Day 3 topics included the inspection process and intelligence matters, and on Day 4, there was an IGMCM panel followed by the presentation of symposium certificates. All current and incoming inspectors general and their deputies were invited to attend the symposium. A total of 88 personnel, including incoming IGMCM BGen Uribe, attended the symposium.

On Day 2 of the symposium, the counsel to the IGMCM presented a class titled, "Ethics & Standards of Conduct." One of the slides, "Misuse of Position," instructed attendees that, "[a]n employer shall not encourage, direct, coerce, or request a subordinate to use official time to perform activities other than those required in the performance of official duties or authorized by other law or regulation." The presentation also provided a "gift analysis" discussion, which stated, "[a]n employee shall not directly or indirectly solicit or accept a gift" and provided situational exceptions to the standard. Further, the counsel told us that BGen Uribe attended the Symposium, and we reviewed the attendee group photograph taken on Day 1 and noted that BGen Uribe is in the photograph.

Brigadier General Select Officer Course, October 2015

During this course, the SJA to the Commandant, and the counsel for the Commandant, presented a slide, "Use of Aide-de-Camp" which showed "prohibited uses" such as "draft personal correspondence," "run personal errands," and "do personal shopping." The presentation also stated that "permitted uses" include "pick-up meal from official mess," and "personal services, if rare, minor, and truly voluntary." The SJA told us that he was "pretty sure" he was there to present the slide during the October 2015 course. The SJA told us that when he presents the "Use of Aide-de-Camp" slide he "generally" gave guidance to the participants that the rule on aides is they "can do things for you that allow you to focus on your duties . . . but it shouldn't become personal servitude."

The Deputy IGMCM told us that he presented a slide, "Senior Officer Vulnerability," which warned attendees, "Beware of zealous subordinates who 'make it happen' by ignoring regulations, laws, or policy." The Deputy Inspector General stated that he told his audience, "Perception is reality. Scuttlebutt and rumors travel . . . you've got to be careful of that, how you present yourself."

Navy and Marine Corps Standards and Informal Guidance Concerning Officer Aides

Through mandatory leadership ethics training and his experience as the Marine Corps Inspector General, BGen Uribe should be familiar with Navy and Marine Corps standards and informal guidance for ethical use of officer aides. Although not considered a standard, the Marine Corps Senior Leader Management Branch (SLMB) issued guidance for the use of Marine Corps officer aides in their "Senior Leader Handbook," dated March 31, 2008. The Senior Leader Handbook "was developed to serve as a quick reference on matters unique to general officers and senior executives." It states that, "The

longstanding practice of assigning aide-de-camps (aides) to general officers is one that is not fully understood.” It adds, “There are no Marine Corps directives that lay out the duties and responsibilities of an [officer] aide or the ‘do’s and don’ts’ of how to employ an [officer] aide properly.” Further, the “Responsibility for the supervision, direction, and performance of duty of Marine aides lies solely with the officer authorized the Marine aide services.”

The Senior Leader Handbook also stated that an aide “may be utilized to accomplish tasks that aid the [general] officer in the performance of his/her military official responsibilities, including performing errands for the [general] officer, providing security for the quarters, and providing administrative assistance.”

The Vice Chief of Naval Operations (VCNO) issued an “Annual Standards of Conduct Guidance,” for “all flag officers,” dated April 5, 2016.⁶ The Guidance included an enclosure on “flag aides” that stated:

Flag aides can be used for official or authorized government purposes only . . . aides are assigned to enable flag officers to perform their official duties more effectively. A flag aide may perform duties on behalf of a flag officer that the flag officer would otherwise be required to perform in the execution of his or her official duties. As a general rule, flag aides may not . . . perform unofficial personal tasks, even if doing so would give the flag officer more time to focus on official business.

The VCNO re-issued annual Guidance on March 10, 2017. The 2017 Guidance stated, in part, “Standards-based leaders apply good judgment where rules are ambiguous and demand compliance when they are clear.” The Guidance provided a supplement on aides, which stated that aides “may not provide personal services to flag officers or their families,” because “personal services are unofficial and therefore beyond the scope of the [aide’s] duties.” Examples of personal services included drafting personal correspondence and doing personal errands “such as picking-up dry cleaning . . . [and] personal shopping for flag officer or family.” Both the 2016 and 2017 VCNO Guidance stated that it is permissible for an officer aide to “pick-up meals from an official mess” for the general officer.

⁶ Even though the VCNO Guidance is addressed to “all flag officers,” and the U.S. Marine Corps is a U.S. Military Service under the Department of the Navy, the legal counsel to the VCNO told us the VCNO Guidance applied only to Navy admirals and not Marine Corps generals.

III. ANALYSIS OF THE ALLEGATIONS

Chronology of Significant Events

Table 1 lists the significant events related to this investigation.

Table 1. Chronology of Significant Events

Date	Event
May 20, 2015	Colonel (Col) Uribe selected for promotion to Brigadier General
September 10, 2015	Col Uribe became the Inspector General of the Marine Corps
March 4, 2016	Col Uribe frocked to Brigadier General
April 2016	BGen Uribe and his Aide conducted a 1-week pre-deployment site survey to Forward Operating Base (FOB) Union III, Baghdad, Iraq
May 28, 2016	BGen Uribe completed his assignment as IG of the Marine Corps
May 30, 2016	BGen Uribe and his Aide deployed to FOB Union III as the DCG for Operations and Director, CJOC, CJFLCC, Baghdad, Iraq
Mid–December 2016	BGen Uribe and his Aide spent 6 weeks in Erbil, Iraq
Mid–February 2017	BGen Uribe and his Aide returned to FOB Union III
May 31, 2017	BGen Uribe’s Aide returned to the United States
June 2, 2017	BGen Uribe promoted to Brigadier General
June 10, 2017	BGen Uribe returned to the United States
June 15, 2017	DoD Hotline received the complaint
August 2017	BGen Uribe assumed duties as DCG, I Marine Expeditionary Force, Marine Corps Base Camp Pendleton, California
August 4, 2017	The DoD Office of Inspector General (OIG) initiated this investigation
April 10, 2018	We provided BGen Uribe our TCL containing our preliminary conclusions for his review and comment
April 30, 2018	BGen Uribe provided us with his response to our TCL

A. USE OF AIDE

The DoD Hotline complaint stated that during the Aide’s 1-year deployment with BGen Uribe in Iraq, the Aide’s “entire existence as aide-de-camp centered on personal servitude” to BGen Uribe. The complaint stated that BGen Uribe routinely tasked his Aide to pick-up and return his laundry, pick-up and return his sheets, deliver meals to him, carry his personal items, and stand by gym equipment BGen Uribe wanted to use during his physical training, to ensure no one else used it. The complaint also stated that BGen Uribe told his Aide to sell and deliver customized t-shirts [REDACTED], draft his personal correspondence, collect financial and personal information about BGen Uribe’s [REDACTED] needed for military documents, and find and mail his prescription toothpaste from the United States to Iraq.

Because there are no formal Department of Defense or Marine Corps standards regarding the ethical use of officer aides, we applied the JER as the governing standard to this allegation. The JER states that “an employee shall not encourage, direct, coerce, or request a subordinate to use official time to perform activities other than those required in the performance of official duties or authorized

in accordance with law or regulation.” Further, the JER states that an employee shall not use or permit the use of his Government position or authority in a manner that is intended to coerce a subordinate to provide any benefit to himself, friends, or relatives. The JER also states that “because of the potential for significant cost to the Federal Government, and the potential for abuse,” military aides may not be used to support “the unofficial activity of another DoD employee.”

Pre-deployment Site Survey to Forward Operating Base Union III, April 2016

The Aide told us that she and BGen Uribe spent “about” 1 week in Baghdad in April 2016 conducting a pre-deployment site survey. The pre-deployment site survey allows an individual to become acclimated to the deployed environment and duties the individual will perform once deployed to Baghdad, Iraq. During their visit, they met with Major General (MajGen) William F. Mullen, III, USMC.⁷ BGen Uribe replaced MajGen Mullen in May 2016. BGen Uribe’s Aide told us that MajGen Mullen and his aide explained living conditions at the base, such as billeting, meals, and the post exchange. The Aide also told us that MajGen Mullen’s aide participated in the pre-deployment site survey.

MajGen Mullen’s aide told us that the purpose of the pre-deployment visit was to ensure that BGen Uribe and his Aide “wouldn’t just walk in blind” when they arrived at the base in May 2016. He told us that MajGen Mullen took BGen Uribe and his Aide on a tour of the base. He said they told BGen Uribe and his Aide, “When you come out here . . . this is the kind of stuff you’ll need to bring.” MajGen Mullen’s aide told us they discussed “what’s life like” at FOB Union III, such as accessing the Internet Wi-Fi for personal use, doing laundry, obtaining cash, and getting haircuts.⁸

The Aide told us that MajGen Mullen led BGen Uribe on a tour of the base, including showing BGen Uribe where MajGen Mullen dropped off his laundry. MajGen Mullen also led him to the dining facility and told BGen Uribe the hours of operation and how he (MajGen Mullen) obtained his own meals.

MajGen Mullen told us that he gave BGen Uribe’s pre-deployment site survey his “undivided attention” because it meant, “I was going home.” MajGen Mullen told us the purpose of the pre-deployment site survey was for BGen Uribe to “get the laydown and figure out what the duties were . . . and get an understanding of essentially the course of normal daily routine there.” He added that another purpose was to “help better prepare” BGen Uribe for his upcoming deployment to the base the following month.

BGen Uribe told us that the purpose of the April 2016 pre-deployment site survey was to learn from MajGen Mullen about his official duties because he would take over MajGen Mullen’s job once he deployed to Iraq in May 2016. BGen Uribe told us that MajGen Mullen did not give him any specifics

⁷ MajGen Mullen was promoted to major general on July 3, 2017. We refer to him by his current rank throughout this report.

⁸ “Wi-Fi” is not an acronym but a term used to certify the interoperability of wireless computer networking devices.

about how to do laundry, obtain cash, or connect to an Internet Wi-Fi for personal use. BGen Uribe told us that based on the pace of operations he observed during his pre-deployment site survey visit with MajGen Mullen compared to his own first 6 to 8 months in Iraq, "I firmly believe that I was more busy" than MajGen Mullen. He said his operations tempo was busier because "we were taking Fallujah . . . [and] because we were conducting concurrent operations [for] the first time at that point in Iraq's history."

BGen Uribe's Duties in Iraq, 2016 through 2017

BGen Uribe was responsible for all CJOC operations and, as a primary TEA, supported CJFLCC's effort to support Iraqi Security Forces (ISF) maneuvers throughout the area of operations by destroying enemy vehicle-borne improvised explosive devices, mortars, and other heavy weapons. He was personally involved in the development and execution of every ISF operation. He told us that his typical duty day was from 6 a.m. until midnight, but sometimes he could depart at 10 p.m. He told us that when he arrived in Iraq, "we were in the throes of Fallujah."⁹ He added that "as soon as I arrived" in Iraq, "we were simultaneously planning the attacks for [several locations] . . . so I had a full day every day."

MajGen Mullen's Duties in Iraq, 2015 through 2016

MajGen Mullen told us his duties and responsibilities in Iraq were "exactly the same" as BGen Uribe. Further, MajGen Mullen's fitness report showed he had the same duty title as BGen Uribe when BGen Uribe replaced him.

In a performance review endorsement to the CMC, the Commander, MARCENT, stated that MajGen Mullen's duty in Iraq from 2015 through 2016 "[was] the single most demanding assignment any Marine Corps brigadier general has held during this period." He added that "the recent Iraqi Security Force successes, the retaking of Ramadi, and nearly every positive military outcome in Iraq in the past 6 months are the result of his efforts." The Commander, CJFLCC, Iraq, stated that "if not for his [MajGen Mullen's] tireless efforts [in Iraq], Ramadi would not be back in Iraqi hands and Bayji would have re-fallen . . ."

In his TCL response, BGen Uribe wrote to us that while he and MajGen Mullen had the same job description, "the operational demands and dynamics were very different at different times. . . . None of that is a defense for my mistakes but to simply quote my predecessor's opinion that my combat tempo was no different than his is irrelevant and impossible to determine."

Duties of MajGen Mullen's Aide

We asked MajGen Mullen's aide about his experiences with MajGen Mullen in Iraq. Table 2 summarizes the aide's responses.

⁹ Two open source media headlines in late June 2016 stated: "Iraqi, U.S. Aircraft Bomb Convoy of Islamic State Fighters Fleeing Fallujah with their families," and "Iraqi General: 'The battle for Falluja[h] is Over.'"

Table 2. Summary of MajGen Mullen's Aide Responses

Question	MajGen Mullen's Aide Responses
Did you share Internet connection with him?	Yes; MajGen Mullen paid me for half the cost
Did you ever drop-off or pick-up his laundry?	No to both; MajGen Mullen "made a point to always pick-up and drop-off his own laundry."
Did he ever ask you to drop-off or pick-up his laundry?	No; MajGen Mullen said, "I pick-up my own laundry."
Did you ever offer to pick-up his meals?	Yes; "And [MajGen Mullen's response] was always 'no.'"
Did he ever ask you to pick-up a meal?	No; "I would be surprised if he ever did."
Did you bring him coffee, water or snacks?	No; MajGen Mullen "always carried his own stuff"
In your opinion, should an aide pick-up laundry or meals for his general?	No; "Am I a leader of marines or am I a valet?"

Laundry

The Aide told us, "I only did personal matters" for BGen Uribe in Iraq. She stated that "on a number of occasions, I picked-up [clean] laundry for BGen Uribe, from the laundry service" and delivered the clean laundry to his living quarters. The Aide told us that during a discussion with BGen Uribe she told him, "I'm doing a lot more stuff like your personal type of items. Like, that's not my job as an Aide." She said that his only response was, "Understood." She said that the "majority of his time in Iraq," BGen Uribe dropped off his own dirty laundry and she would pick-up clean laundry and return it to his room about 75 percent of the time. However, she told us that she dropped-off and picked-up his laundry the entire time during the 6-week period she and BGen Uribe were temporarily located in Erbil, Iraq.

A marine who worked with BGen Uribe and the Aide told us that he observed the Aide take care of BGen Uribe's laundry "more than the occasional." He added that he thought it was an "odd and uncomfortable" task for the Aide to do.

We interviewed three other marines who worked with BGen Uribe and the Aide. One said he observed the Aide do "laundry runs" for BGen Uribe "multiple times . . . every 3, 4 days maybe." He added that he observed the Aide pick-up BGen Uribe's clean uniform "15 to 20 times." The second marine told us that the Aide told him she picked-up or delivered BGen Uribe's laundry "weekly." The third marine told us that he recalled observing the Aide "on a couple of occasions" pick-up and deliver BGen Uribe's laundry.

BGen Uribe's predecessor, MajGen Mullen, and MajGen Mullen's aide both told us that his aide had nothing to do with getting his laundry clean. MajGen Mullen said even if his aide was going to pick-up his own laundry, he did not allow his aide to also pick-up his [MajGen Mullen's] laundry. MajGen Mullen also told us that, in his opinion, asking an aide to pick-up and deliver laundry is "personal servitude."

The SJA to the CMC told us that “the idea sending an aide after my dry cleaning, I think you can probably do that, but that's just something that I don't recommend that they do unless there are circumstances.” However, the SJA told us that the Marine Corps Ethics Program SME is “the source of all information on standards of conduct and ethics.” Further, on behalf of the SJA to the CMC, the Marine Corps Ethics Program SME responds to ethical questions posed by Marine Corps general officers.

We interviewed the Marine Corps Ethics Program SME regarding the matters under investigation. The SME has 38 years' experience with military law and 20 years' experience in ethics law and the proper use of enlisted and officer aides. The Marine Corps Ethics Program SME told us that BGen Uribe asking the Aide to get his laundry was “wrong.” He added, “The problem is the Secretary of Defense, a retired marine general officer, he's known right now for going to go get his own laundry here [in the Pentagon, Arlington, Virginia], period.”

The Aide told us that she showed BGen Uribe the Senior Leader Handbook and told him she could assist him with “errands when the operational demands didn't allow him to accomplish tasks himself.” She added, “My intent was to be supportive to BGen Uribe; however, assisting with errands here and there is one thing. Completing errands for him on a daily basis is another.”

BGen Uribe told us that in early June 2016, his Aide saw that “I was having a hard time getting my laundry” and so she told him, “I can get your laundry.” He told us he replied, “That doesn't sound right . . . show me where it says that you're allowed to do that and make sure that you talk to appropriate personnel.” BGen Uribe told us that his Aide returned days later and said, “I think I can go get your laundry.” She cited the Senior Leader Handbook which stated “Marine aides may be utilized to accomplish tasks that aid the [general] officer in the performance of his/her military and official responsibilities, including performing errands for the [general] officer, providing security for the quarters, and providing administrative assistance.” He told us his Aide interpreted “errands” to include helping him with his laundry. He told us that after she “volunteered” to assist him with his laundry, he told her his guidance was “Pick mine up at that time. Not another time. Don't go over there [to the laundry facility] just to make a special trip on my behalf.”

BGen Uribe told us that his official duties conducting strikes against the enemy prevented him from taking care of his own laundry. He said he did not recall the laundry service's specific hours of operation; however, he said “it was not [open] 24 hours [a day].” He added that as a TEA, non-combatants could be harmed if he did not maintain situational awareness.

BGen Uribe told us that by January 2017 he had more free time and “never asked [his Aide] to do [his laundry] again.” He also told us that he delivered and picked-up his own laundry during their 6-week period together in Erbil because he had a colonel there who assisted him with his official duties. Further, he said that once he returned to the base in Baghdad in mid-February 2017 he continued to deliver and pick-up his own laundry through the remainder of his deployment “because I had time then.” He added that he picked-up laundry for others because, “We all helped each other out whenever we could.”

In his TCL response, BGen Uribe wrote that his Aide “never” told him, “I'm doing a lot more stuff like your personal stuff type items.” BGen Uribe also wrote that the statement from the marine who told us he observed the Aide do “laundry runs” for BGen Uribe “multiple times . . . every 3, 4, days

maybe," is "an exaggeration" because "there were times that I wore the same uniform two to three weeks in a row."

Sheets

BGen Uribe's Aide told us that on at least four occasions, she removed BGen Uribe's sheets from his bed and took them to the laundry. She told us that the first time she returned with clean sheets she made his bed, too, but that he told her not to make his bed again. She said that for the remainder of their 1-year deployment BGen Uribe removed his own sheets from his bed but left them in his room and he asked her to take the sheets to the laundry and return clean sheets to his room.

The Aide added that on one occasion, BGen Uribe was ill and "sweated through his sheets . . . just disgusting." She told us that BGen Uribe told her, "I don't have time to [change them]." The Aide said she told him his sheets were damp with sweat, "which he confirmed," but he said nothing more. The Aide told us, "At the end of the day . . . I'm going to do what I'm asked to do."

MajGen Mullen – BGen Uribe's predecessor – told us that he never had anyone deliver his dirty sheets or pick-up clean sheets for him. His aide also told us he had no involvement in keeping MajGen Mullen's sheets clean.

The Marine Corps Ethics Program SME told us that even if BGen Uribe was ill, he was not entitled to have his Aide change his sheets. The SME added that changing sheets "sounds personal to me."

BGen Uribe told us that he slept on top of a blanket and "rarely washed his sheets" and delivered and picked-up his own sheets from the laundry "the majority" of time he was in Iraq. He also told us that he asked his Aide "once" to deliver dirty sheets and pick-up clean sheets.

BGen Uribe told us that his Aide made his bed "the first time [in Iraq]," but he told her "don't do that again." He also told us he recalled being ill but did not recall asking anybody to change his sheets.

Meals

BGen Uribe's Aide told us that she would pick-up BGen Uribe's meals "like once or twice a week" while in Baghdad together. She added that during their 6 weeks together in Erbil, Iraq, she brought him every meal, every day. She told us the operational tempo in Erbil was much less than in Baghdad, and that BGen Uribe "could have stepped away [from his job] anytime" to get his own meals.

MajGen Mullen and his aide both told us that MajGen Mullen never asked his aide to get him a meal. MajGen Mullen said he told his aide, "I don't like anything that smacks of personal servitude." We asked MajGen Mullen if he considered that it would have been reasonable for his aide to get him meals so that he could focus on his job, given his demanding responsibilities in Iraq. He replied, "That sounds to me like the personal opinion that some people might have, and me personally, it's not appropriate. I don't like it. That's not what [aides] are there for."

██████████ told us that he saw the Aide get BGen Uribe's meals "quite a few times" because BGen Uribe "didn't want to go down to the chow hall." He added, "I just didn't observe

anything going on . . . that would have kept him that busy . . . there was nothing going on, nothing really precluding [BGen Uribe getting his own meals].”¹⁰

We interviewed three marines who observed the Aide’s daily activity. The first marine told us that he observed the Aide get meals for BGen Uribe “just when he couldn’t get away from his desk . . . it would be more the exception to the norm.” He added that whenever he observed the Aide get BGen Uribe a meal, it was because BGen Uribe “was always engaged in some kind of official duties.”

The second marine told us that it “was common” for the Aide to bring BGen Uribe his meals. We asked him if it was official duties or inconvenience that precluded BGen Uribe from getting his own meals. The marine replied, “I don’t know. I could see it being both.”

The third marine told us that he observed the Aide get BGen Uribe his meals “almost maybe once a day, maybe.” He added that “it was completely reasonable” for the Aide to get him his meals because BGen Uribe was “busy” as the “singular decision-maker.”

The SJA to the CMC told us, “I know general officers who ask their aides to go get them lunch here in the Pentagon. I don’t think probably it’s a technical violation or anything, but I think that’s out on the edge.”

The Marine Corps Ethics Program SME told us that it is not permissible for a general officer to task his aide with personal errands even if by so doing it gave the general officer more time to conduct official business. We asked the SME if a general officer tasked his aide to bring him his meals while serving in a combat zone would change the permissible nature of the errand. He replied, “If it became a habit I would say absolutely not.”

BGen Uribe told us that his Aide “offered” to get him meals and he agreed “only if she was going to go” and pick-up a meal for herself. On those occasions, he told her, “Just get me whatever you’re getting . . . don’t make a special trip.” He added that she brought him meals in Baghdad on a “frequent” but not daily basis and that it was common practice among deployed personnel to offer to go to the dining facility and bring food for those who could not get away from their duties. He told us “I think it was just everybody helping everybody else out. Team effort.” He told us that during their 6-week period in Erbil a marine officer assisted him with his official duties “every once in a while;” but, his Aide brought him meals on a “regular” basis because he could not break away from his official duties. BGen Uribe said:

There was nothing more than [sic] I wanted to do than . . . get some food and go sit down and relax. Sometimes you just couldn’t. So you’ve got to look at what we’re doing in Erbil. Again, we were up to 140 something strikes per day and cleaning up East Mosul . . . I mean I was literally eating standing up and grabbing whatever I could, and then, you know, approving the strike.

In his TCL response, BGen Uribe wrote that the deputy’s statement to us that he “didn’t want to go down to the chow hall” “is simply an untrue statement.” BGen Uribe said, “There was nothing more

¹⁰ The duty title of this marine was [REDACTED] We refer to him as [REDACTED] throughout this report.

that I wanted to do than to go to the chow hall. Being able to sit down and enjoy a meal in relative peace was an event that I looked forward to when I could get away from the CJOC.”

Personal Items

BGen Uribe’s Aide told us that [REDACTED] brought BGen Uribe snacks the entire time they were in Iraq. [REDACTED] told us, “He would have me bring him snacks and coffee into meetings . . . at one point at, every day at 3 p.m. he wanted tea.” [REDACTED] told us that when the Aide traveled with BGen Uribe [REDACTED] would carry a “huge backpack.” [REDACTED] asked [REDACTED] on one occasion, “What war are you going off to fight? You’re going to be back in 4 hours.” He stated the Aide told him, “I have to have his [BGen Uribe’s] jacket. I have to have his sweatshirt. I have to have his snacks.” [REDACTED] told us, “[REDACTED] had chewing gum for him. [REDACTED] carried a toothbrush, dental floss, I mean, just like an overnight kit plus his cold-weather gear. . . . I thought that was strange.” He added, “I can 100 percent tell you that there were times I thought [the Aide] was his servant.”

MajGen Mullen told us he did not ask his aide to carry personal items for him in Iraq. On this topic, he said he follows the example set by the Commandant of the Marine Corps. “He carries his own bags . . . he makes a point of it.”

BGen Uribe told us that his Aide asked him if [REDACTED] could carry personal items for him, such as his jacket and snacks, and he permitted [REDACTED] to do so. He said that [REDACTED] carried his jacket when they flew on helicopters, “due to limited spaces . . . so we brought one bag between us.” Further, “the snacks were [REDACTED] idea and I rarely ate them.” He also said, “it’s probably wrong,” but [REDACTED] sometimes brought him coffee or tea.

T-shirts for BGen Uribe’s [REDACTED]

The Aide told us that she volunteered to arrange with a private vendor to have specialty logo t-shirts to sell to members of the CJOC. [REDACTED] and two other witnesses told us that [REDACTED] used her own funds to purchase the t-shirts from the private vendor and that each t-shirt cost \$20. [REDACTED] told us that BGen Uribe told [REDACTED] that his [REDACTED] in Los Angeles, California, wanted some of the t-shirts for [REDACTED] self and his friends. [REDACTED] stated that BGen Uribe told [REDACTED] to “work this out” with his [REDACTED] and to get [REDACTED] the t-shirts. The Aide told us that [REDACTED] told BGen Uribe, “I shouldn’t be doing this. . . . This is money, like between you and your [REDACTED]” and he replied, “Just get it done.” [REDACTED] added that BGen Uribe also told [REDACTED] that he “didn’t want to get in the middle of it.”

The Aide told us that BGen Uribe’s [REDACTED] told [REDACTED] [REDACTED] wanted nine specialty t-shirts for \$20 each, for a total of \$180. A PayPal statement showed that on May 1, 2017, BGen Uribe’s [REDACTED] paid the Aide \$180. The Aide told us, and a U.S. Postal Service receipt showed, that on May 3, 2017, the Aide mailed the t-shirts to the [REDACTED] and [REDACTED] paid \$13.30 in postage.¹¹ We confirmed with the Aide, and the U.S. postal receipts showed, that [REDACTED] mailed the t-shirts only after his [REDACTED] paid for them. [REDACTED] also told us BGen Uribe did not reimburse [REDACTED] the \$13.30 postage for sending the shirts to his [REDACTED].

We asked the Aide what would have happened had [REDACTED] declined to arrange collecting money from BGen Uribe’s [REDACTED] for t-shirts and later shipping them to him. [REDACTED] replied, “I would have been

¹¹ We discuss the \$13.30 postage cost in Allegation B, “Solicitation or Acceptance of Gifts.”

screwed.” When we asked the Aide what [REDACTED] meant, [REDACTED] told us, “my [fitness report] would have been dinged. . . . I have no other way of putting it, but he was just – he will treat you like you’re nothing.”

The Marine Corps Ethics Program SME told us that BGen Uribe’s tasking his Aide to arrange the payment and shipment of the t-shirts to his [REDACTED] was a personal errand not related to official business. He added, “It’s the [REDACTED], for crying out loud. . . . You ain’t got time to get the [PayPal] information from [REDACTED]?”

BGen Uribe told us that the purpose of the specialty logo t-shirt was to provide CJOC “unit cohesion.” He said that [REDACTED] saw a similar t-shirt BGen Uribe had previously purchased, and asked him, “Where did you get those?” BGen Uribe stated that after [REDACTED] showed interest in the t-shirt, BGen Uribe told his Aide that “[REDACTED] might be interested.” He stated that [REDACTED] replied, “We’ve got some available.” He told us he offered to pay [REDACTED] for the t-shirts [REDACTED] wanted, but [REDACTED] said it was easier for her to contact [REDACTED] and have him pay her directly. He then told [REDACTED] to “work it out on your own” because “this is a transaction between you . . . and everybody that [is] buying t-shirts.” He added, “[REDACTED] is an adult. And they both agreed to do whatever that they did. That’s why once [REDACTED] said, ‘I don’t want you to pay,’ I said, ‘Okay. I’m going to stay out of it.’”

BGen Uribe told us that he was not aware his Aide mailed the t-shirts to [REDACTED]. He said that he “assumed that [the t-shirts] were going to get shipped directly [by the private vendor] to [REDACTED]. . . . I would have paid for the postage, but I was not made aware of that.” We asked him to respond to the Aide’s account that [REDACTED] could not decline making arrangements for [REDACTED] to get the t-shirts. He responded that he “did not press for this at all. . . . This is an adult . . . doing a transaction with another adult.”

Drafting Personal Correspondence

The Aide told us that BGen Uribe asked [REDACTED] to draft “personal” correspondence for him. Our search of Government e-mail and her testimony showed that she drafted correspondence for BGen Uribe during the deployment.

Table 3 identifies the correspondence the Aide drafted for BGen Uribe.

Table 3. Correspondence

Requestor	Purpose
Mr. [REDACTED], Civilian (not Government employee)	Two letters of recommendation (LORs) for Air Force Academy cadet admission application
Lieutenant Colonel (LtCol) [REDACTED], USMC	Three LORs for commercial airline pilot applications*
Capt [REDACTED], USMC	LOR for Marine Corps promotion board
Capt [REDACTED], USMC	LOR for Marine Corps duty assignment
Capt [REDACTED], USMC	LOR for Marine Corps duty assignment
Sergeant [REDACTED], USMC	LOR for retention in the Marine Corps

*The Aide drafted these three LORs in May 2017 and LtCol [REDACTED] retired from active duty service on August 1, 2017.

E-mail and the signed LORs recommended Mr. [REDACTED] for acceptance at the United States Air Force Academy. BGen Uribe did not indicate in the letters that he was writing in his official capacity or that his recommendations related to his responsibilities in Iraq or as a senior Marine Corps officer. One of the draft LORs for Mr. [REDACTED] was on one-star official letterhead. The other draft LOR for Mr. [REDACTED] was on official DoD letterhead. The Aide told us that [REDACTED] spent about 5 hours writing and coordinating the LORs for Mr. [REDACTED].

The Aide told us that the signed LORs for LtCol [REDACTED] for his commercial airline pilot application were not on official letterhead. The Aide told us that [REDACTED] spent less than 5 hours writing and coordinating LORs for LtCol [REDACTED].

We asked BGen Uribe's [REDACTED] if [REDACTED] drafted any correspondence for BGen Uribe. [REDACTED] told us, "The opportunities for me to correspond on his behalf has [sic] been limited" because their time together has been limited. [REDACTED] stated [REDACTED] had "assisted him in writing" two LORs and that both "were for friends of his family and were young men who were candidates of a commissioning program." We reviewed the two LORs. They both were memorandums written on DoD letterhead. One of the two LORs was unsigned by BGen Uribe and pertained again to Mr. [REDACTED].

BGen Uribe told us that Mr. [REDACTED] played soccer with [REDACTED]. We presented BGen Uribe with copies of the LORs prepared for Mr. [REDACTED] and LtCol [REDACTED]. We also showed him a slide from the Brigadier General Select Officer Course that stated "prohibited uses" for aides included "draft personal correspondence." After viewing these items, BGen Uribe told us he was "Guilty as charged."

Reserving Gym Equipment

The Aide told us, "on a number of occasions, BGen Uribe would have me stand next to gym equipment to reserve his spot, while he left to conduct official business." [REDACTED] told us that when BGen Uribe was at the gym and his immediate presence was needed in the CJOC, [REDACTED] would go to the gym and inform him. [REDACTED] told us that "multiple times a week if not daily," BGen Uribe "would have me wait by whatever equipment he was on until he came back . . . most maybe 35, 40 minutes" later. [REDACTED] told us [REDACTED] purpose in waiting for him at the gym was to ensure no one else used that piece of equipment until he came back.

[REDACTED] told us, "usually I was on the other end [of the phone] trying to find" BGen Uribe so that he could authorize something. When we asked [REDACTED] if BGen Uribe asked his Aide to wait at the gym and reserve his equipment for his personal use, [REDACTED] replied, "I can't tell you how many times. But . . . that is a true statement." [REDACTED] told us that BGen Uribe asking the Aide to reserve the equipment was "messed up" because "it blocks that equipment from being used from somebody else who might have a very limited time." He added, "It's a statement that his time is more valuable than anybody else's time."

BGen Uribe told us that his Aide would be at the gym with him only "by happenstance" and he did not require [REDACTED] to be present with him. He said that "more often than not" he asked his Aide to stand by the gym equipment and make sure no one else used it until he returned, 5 to 6 minutes later. We asked him what purpose his Aide served by ensuring no one used his gym equipment until he returned. He replied. "Nothing."

Prescription Toothpaste

We found an e-mail the aide sent to the Pentagon's medical clinic on June 30, 2016, to "whom it may concern," stating, "BGen Uribe is in need of . . . [prescription] toothpaste . . . [it] was given to him through the dental clinic." The Aide told us that "I needed to get toothpaste . . . I needed it because BGen Uribe didn't have enough. He didn't bring enough on deployment." ■■■ said the Pentagon's medical clinic did not immediately reply and since "BGen Uribe wanted to know where his toothpaste was," ■■■ contacted a Government civilian on July 4, 2016, who worked near the Pentagon and asked him if he could "go to the . . . dental clinic and pick-up some . . . toothpaste for BGen Uribe." The Government civilian went to the Pentagon and obtained BGen Uribe's toothpaste. The Government civilian sent the following e-mail to the Aide on July 11, 2016, "I had to ask [BGen Uribe's dentist] to approve/write a prescription . . . in the mail today."

When asked why ■■■ asked the Government civilian to assist ■■■, the Aide told us, "I needed to get toothpaste . . . I needed it because BGen Uribe didn't have enough. He didn't bring enough on deployment. . . . So "I went to [the Government civilian] since he's close to the Pentagon." ■■■ told us ■■■ informed BGen Uribe that the Government civilian was assisting her in getting his toothpaste.

The Government civilian told us that he made a special trip to the Pentagon and spent approximately 2 hours of his time to get the toothpaste. He said the toothpaste required a prescription, which he did not have, but he located a nurse who "walked around the clinic to figure it out." The Government civilian told us that the nurse authorized him to get six tubes of toothpaste for BGen Uribe. The Government civilian told us that he paid approximately \$20 in postage and mailed the toothpaste to the Aide.¹² He told us that he never asked BGen Uribe or his Aide for reimbursement, nor did he receive reimbursement. The Government civilian stated that he was "very ticked off" that BGen Uribe had asked his Aide to get him toothpaste because "BGen Uribe knows better . . . I think as the [former] IG he would have known better than that. It's not what aides do."

BGen Uribe told us that he used a prescription toothpaste and requested a 1 year supply prior to his deployment. He said the clinic was not able to provide the toothpaste before his deployment. He told us that while in Iraq he "was having a hard time contacting the medical clinic," so he asked his Aide if ■■■ would contact the clinic, give them his address, and "get [the toothpaste] sent out to me." He told us that he eventually got the toothpaste but had no idea how his Aide obtained it. He said that not until our interview was he aware of the Government civilian's involvement or the postage fees he paid. He told us, "I will pay him back . . . because that should not have happened."

Collect Financial and Personal Information About Brigadier General Uribe's ■■■

On September 14, 2016, the Marine Corps Senior Leader Help Desk (Help Desk) sent an e-mail to BGen Uribe and his Aide which stated, "you or your General Officer is identified as having a dependent the age of 21 or older." The e-mail added that a "Dependency Statement – Full Time Student 21-22 Years of Age" (DD Form 137-6) must be completed in order for BGen Uribe to be eligible for

¹² We discuss the \$20 postage cost in Allegation B, "Solicitation or Acceptance of Gifts."

transportation allowances during a permanent change of station (PCS) move involving his dependent son.¹³ In September 2016, BGen Uribe and his Aide were in Iraq and [REDACTED] was in the United States.

The Help Desk also stated that the DD Form 137-6 must be “completely filled out and notarized” and “can take some time to get together, depending on the individual circumstances.” A completed form required BGen Uribe to disclose his own household expenses, such as:

- mortgage, tax, insurance, utilities, and home maintenance
- food expenses
- clothing, laundry, and medical expenses

The form also required BGen Uribe to list and show proof of his dependent [REDACTED] school expenses, such as tuition, books, fees, and rent (room and board). BGen Uribe was required to identify all sources of income his dependent [REDACTED] received, including wages, interest, contributions from other persons, and scholarships. Finally, BGen Uribe was required to show evidence of his own monthly financial contribution to his dependent [REDACTED] for each of the previous 12 months, such as copies of bills and receipts paid on behalf of the dependent.

The September 14, 2016, Help Desk e-mail also stated that if BGen Uribe decided he did not want to complete the form, the Marine Corps would not allow BGen Uribe to claim PCS transportation allowances for [REDACTED].

The Aide stated that BGen Uribe told [REDACTED] to coordinate with [REDACTED] to gather the necessary documents and information to complete the form. [REDACTED] said that BGen Uribe told [REDACTED] he did not “want to be brought into this . . . you have permission to contact [REDACTED] to pull the information that you need to get this done.” [REDACTED] told us [REDACTED] then got the documents and information from [REDACTED] and assisted [REDACTED] in filling out part of the form. [REDACTED] added that because [REDACTED] did not know BGen Uribe’s personal financial information, BGen Uribe also filled-out a portion of the form.

E-mails showed that the Aide collected the following documents from BGen Uribe’s [REDACTED]: college enrollment academic records, college financial statements, vehicle insurance statements, and a student lease agreement.

On November 6, 2016, the Aide sent BGen Uribe’s completed form and documents [REDACTED] collected to the Help Desk. However, the Help Desk replied that they needed additional documents that showed the specific types and amounts of financial support BGen Uribe provided [REDACTED], such as cell phone, insurance, and rental expense receipts.

The Aide told us BGen Uribe did not want to provide the additional documents and decided to allow the Marine Corps to remove [REDACTED] as a dependent for PCS allowance purposes. On November 16, 2016, the Aide notified the Help Desk that BGen Uribe decided not to complete the form.

¹³ The DD form 137-6 should not be confused with a DD form 1173 (dependent ID card). Dependents 21-23 year old, who are also full-time students, may be eligible to receive a dependent ID card. The dependent ID card provides medical, dental, commissary, and other benefits for the dependent and are not related to PCS transportation allowance benefits paid to the Service member when he moves his dependent child.

The Aide told us that completing BGen Uribe's form was "probably one of the hardest things" [REDACTED] did for BGen Uribe. [REDACTED] estimated [REDACTED] spent about 4 hours every day for 75 days working on the task. [REDACTED] told us, "I'm not an admin marine . . . a lot of my time was understanding the process and what actually needed to be done." [REDACTED] added that [REDACTED] spent time helping [REDACTED] gather his personal documents the form required, and that "I was actually extremely pissed off that I was watched as holding [REDACTED] [REDACTED] hand" to help [REDACTED] get his personal documents. [REDACTED] told us, "everything I did with . . . [REDACTED] it was something a father does."

[REDACTED] told us that the Aide was "increasingly frustrated" with completing the form because "BGen Uribe wouldn't do the paperwork himself or even pressure [REDACTED] to respond to [REDACTED]."

We interviewed the SME at the Help Desk who coordinated with the Aide on filling out BGen Uribe's form. The SME told us that from her experience, gathering the dependent [REDACTED] supporting documents comprises the majority of time spent in completing the form. She told us that typically an aide is involved assisting a general officer to complete the form. However, because the form and supporting documents include private financial and other personal information about the dependent, "it is my opinion that the general officer should be the one retrieving that information from his dependent."

BGen Uribe told us that his Aide initiated his response to the Help Desk by telling him, "I'll take care of this for you." He added, "in retrospect, that probably should not have [happened]. . . . So, guilty as charged." Later in the interview he told us, "I should not have had [REDACTED] do that. That was my fault."

BGen Uribe's [REDACTED]

We asked BGen Uribe's [REDACTED] about his experiences with BGen Uribe.

Table 4 summarizes his responses.

Table 4. Summary of Responses – [REDACTED]

Question	BGen Uribe's [REDACTED]
Do you ever drop-off or pick-up his laundry?	No. "In fact I offered to go and order a patch for him and he told me not to because he considers that to be 'personal servitude.'"
Does he ever ask you to pick-up a meal?	No.
Do you bring him coffee or water?	No.
Do you consider your duties as his aide to be what an aide should be doing?	Yes, "absolutely. I've never had any kind of interaction with him where I was like that feels a little bit outside of the wheelhouse of what I should be doing."

We interviewed a staff officer assigned to the same unit as BGen Uribe [REDACTED]. The staff officer told us he has "almost innumerable" interactions with BGen Uribe's [REDACTED]. The staff officer confirmed [REDACTED] responses as shown in Table 4.

BGen Uribe told us, “You’ve got to look at the timeline. It was – and again in that retrospect I probably should not have done it and I – it was just in the duties of the Target Engagement Authority is what took my time.” BGen Uribe told us, “Everything that [my Aide] did for me was justified by [REDACTED] to me based on the [Senior Leader Handbook].” He added,

I did not dictate that [my Aide] do certain things and may have asked a few times, but [REDACTED] would tell me [REDACTED] was taking care of stuff. . . . [REDACTED] is a go-getter and get-it-done type of marine. . . . I felt that the administrative burden that [my Aide] took away from me along with some of the errands [REDACTED] ran for me greatly and significantly assisted me in doing my primary jobs of . . . concentrating on killing and the annihilation of ISIS/ISIL from Iraq. . . . I could not have done my job without [REDACTED].

BGen Uribe’s Tentative Conclusion Letter Response Regarding Use of Aide

BGen Uribe wrote that he “trusted” the Aide to “know and do [REDACTED] job” and that he had “confidence” that the Aide would “do what [REDACTED] was required” and tell him if “we were doing something improper.” He wrote that he had never had an aide before and that he did not receive any “instruction or guidance beyond a few general slides about the use of aides.” He wrote that there was no regulation on the use of aides and that he allowed the Aide to be “misguided” on what [REDACTED] could do. He wrote that the Aide offered to clean his sleeping area and changed his sheets once; however, he “strictly prohibited” [REDACTED] from doing so in the future. He wrote that he “assumed” the Aide would coordinate with the IGM staff to ensure [REDACTED] actions on his behalf were in accordance with established policies and regulations. Further, BGen Uribe wrote, “In retrospect, I should have been clearer with [the Aide] about what [REDACTED] duties entailed and although I provided verbal guidance I should have put that in writing. I am solely responsible for permitting [REDACTED] to perform duties outside of what [REDACTED] should do as an Aide-de-Camp.”

BGen Uribe wrote that “It is unfair to include quotes from people not associated with the incidents” of our investigation and that we included opinions from the Staff Judge Advocate to the Commandant of the Marine Corps and the opinions of the Marine Corps Ethics Program subject matter expert. He said that quotes from these two individuals were “mere opinions of my conduct based on the limited information that was provided to them.”

BGen Uribe also wrote:

It is unfair to include comments about my previous billet as the Inspector General for the Marine Corps. That previous assignment is irrelevant to the facts and circumstances being investigated. Furthermore, the inference that “I should have known better” because I was the IG fails because I was the IG for less than a year, I purposely recused myself from numerous senior leader investigations and delegated them to my deputy, I concentrated on the inspection program and the oversight program, and a substantial amount of my time was spent preparing for the deployment to Iraq.

Finally, BGen Uribe wrote that “two factors” need to be considered more realistically in our report of investigation: (1) training, and (2) the operational environment. He wrote that “I made many

mistakes regarding the employment of my aide. This is partly a result of the lack of training for the proper use of aides and the lack of training on how to be an aide – which is strictly my responsibility.” Further, he wrote, “This deployment was very challenging and the operational tempo demanded that I be in certain places, usually the CJOC for long periods of time.” He added that, “I lost focus and allowed my aide to do things that were personal in nature and more of a convenience.”

Conclusion on Use of Aide

We recognized that the Marine Corps Ethics Program SME and the SJA to the Commandant were not eyewitnesses to the events we investigated. However, in our effort to be thorough in the absence of any formal officer aide use standards among the military Services and Joint Staff, we determined that their opinions were relevant to our analysis of traditional uses of officer aides in the Marine Corps and ethics training provided to USMC general officers concerning proper use of enlisted or officer aides. We applied the JER in evaluating BGen Uribe’s use of his officer aide, as described in this report, and stood by our conclusion that BGen Uribe violated the applicable standards.

We concluded that BGen Uribe violated the Joint Ethics Regulation (JER) when he requested or permitted his Aide in Iraq to use official time to: (1) pick up BGen Uribe’s laundry, (2) remove and turn in BGen Uribe’s bedsheets for cleaning, (3) obtain BGen Uribe’s meals, (4) provide BGen Uribe with personal items such as snacks, (5) send BGen Uribe’s [REDACTED] customized t-shirts, (6) draft BGen Uribe’s unofficial correspondence, (7) reserve gym equipment for BGen Uribe’s use, (8) arrange delivery of BGen Uribe’s prescription toothpaste to Iraq, and (9) collect financial and personal information about BGen Uribe’s [REDACTED] to complete required military paperwork.

We agree with BGen Uribe that he “should have been clearer” with his aide regarding [REDACTED] official duties and responsibilities. We recognize that without any formal written policy on the employment of officer aides, that BGen Uribe had a particular responsibility to ensure that he employed his aide to tasks directly related to his official duties and not for purposes that seemed to emulate a personal valet. In this regard, BGen Uribe showed a habitual pattern of requesting, or permitting, his Aide in Iraq to use official time to perform tasks and errands for him other than those required in the performance of the Aide’s official duties. Under the JER, BGen Uribe was responsible for the Aide’s proper use of official time.

We also considered the circumstances of BGen Uribe’s duties, which included reviewing and approving actions during combat operations. However, his predecessor – who also had these combat responsibilities – never requested or allowed his aide to use official time to perform unofficial duties for him. BGen Uribe routinely requested or permitted his Aide to do tasks or “errands” for him that had no connection to official Government business. Immediately before deploying to Iraq, BGen Uribe served as the Inspector General of the Marine Corps. In that position, he had the responsibility to investigate ethical violations involving misuse of subordinates, and to set a personal example of compliance with applicable standards. As one witness told us, he thought “he [BGen Uribe] would have known better” than to request or permit his Aide in Iraq to use official time to perform tasks or errands for BGen Uribe that had no connection to official duties.

B. GIFTS

The Aide told us that BGen Uribe frequently asked [REDACTED] to loan him money and used [REDACTED] Internet Wi-Fi connection without paying for it. During our review of documents, we found an e-mail that indicated BGen Uribe solicited a gift from a subordinate. Additionally, a witness told us that BGen Uribe owed him money for a farewell gift.

The JER defines a gift as “any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value.” The JER also states that an employee may not, directly or indirectly, solicit or accept a gift to be given because of the employee’s official position.

The JER prohibits an employee from directly or indirectly accepting a gift from an employee receiving less pay than himself. However, the JER allows gifts between two employees not in a “subordinate-official superior relationship,” and if “there is a personal relationship between the two employees that would justify the gift.” The JER states that “on an occasional basis” an employee may accept a gift from an employee who receives less pay than himself if the aggregate market value of the gift is \$10 or less per occasion.

Types of Gifts

Cash Loan

BGen Uribe’s Aide told us that during [REDACTED] entire 12-month deployment, BGen Uribe never established a petty cash account that the Aide could draw from to pay for BGen Uribe’s incidental expenses. When we asked the Aide how [REDACTED] paid for incidental expenses BGen Uribe incurred, [REDACTED] replied, “My personal finances were the petty cash account.” [REDACTED] added that because BGen Uribe “didn’t have money I knew we couldn’t have a . . . petty cash account.” [REDACTED] added, “So, I couldn’t have had that conversation with him . . . because it would have been my money no matter how you would have done it.”

MajGen Mullen, BGen Uribe’s predecessor, told us that the process to get cash during his deployment was “very simple.” He said he could not understand how getting cash would be a problem because “things are pretty sophisticated there.” He added that having a lot of cash was not a priority because “what did we have to spend it on? I mean the only place that I ever used cash was occasionally the [post exchange] to buy toiletries, and at the barbershop.”

The Aide told us that “around” their first week together in Iraq in early June 2016, BGen Uribe asked [REDACTED] for money for incidental expenses.¹⁴ [REDACTED] told us, “I did want to say ‘no.’ . . . I mean, what am I going to do, [say] ‘no, sir’?” [REDACTED] told us BGen Uribe considered \$200 sufficient for incidental expenses, so [REDACTED] went to an automated teller machine (ATM) and withdrew \$200 of [REDACTED] personal funds and “gave it to him directly” along with the remaining \$24 cash [REDACTED] already had in [REDACTED] wallet. The Aide told us that BGen Uribe’s spouse reimbursed [REDACTED] by sending a personal check to [REDACTED]. The Aide also told us that it took “a few weeks” for BGen Uribe’s spouse to send the check. The reimbursement showed that it was a personal check from BGen Uribe’s checking account made out to [REDACTED],

¹⁴ As presented in full in Appendix A, the JER defines “any” loan as a gift.

hand-dated July 10, 2016, for \$224. The back of the check showed handwriting that stated, in part, "money to pay for haircuts."

The SJA to the CMC told us that for BGen Uribe to borrow money from his Aide was "at a minimum, bad form." He added that borrowing money from his Aide was "a leadership issue less than an ethics violation."

The Marine Corps Ethics Program SME told us, "it's wrong" to have an arrangement where the general uses the Aide's personal funds to purchase goods and services on the general's behalf because the general "should be paying for things with his own money . . . he's got more money than [the aide] does." He also told us that it is "never" appropriate for a Marine Corps general to borrow money from his aide.

BGen Uribe told us that he brought \$20 cash with him to Iraq. He added, "I fully admit I should have brought more cash but I didn't." We asked six other marines who deployed to the same base in Iraq how much cash they brought with them to the deployment. Answers varied from a low of \$200 to a high of \$1,000.

BGen Uribe told us that he needed money for toiletries and haircuts and he anticipated being able to withdraw cash from an ATM once he arrived in Iraq. However, within the first few days in Iraq he discovered that after "multiple tries" his credit card did not work with the ATM available to him. He told us that his Aide offered to loan him money but he did not recall the amount. We showed BGen Uribe a copy of the personal check from his checking account, made out to [REDACTED], hand-dated July 10, 2016, for \$224. He told us, "I don't recall [the loan] being that much, but maybe it was." He told us that his "intent was to pay [REDACTED] back as soon as possible" but said he did not know why the check was dated July 10, 2016, more than 1 month after he borrowed the money. He also told us that he did not know why [REDACTED] deposited the check on August 22, 2016, about 11 weeks after he borrowed the money.

We asked BGen Uribe if he thought the \$224 loan could be characterized as a gift. He responded, "If that's what the JER says, then yes."

Haircuts

The Aide told us that [REDACTED] paid a barber for three haircuts for BGen Uribe for a total of \$30. [REDACTED] said it took "awhile," but he did reimburse [REDACTED] for two of them. The Aide told us that if BGen Uribe "was getting a haircut . . . and he didn't have cash on hand I would [give] him money."

MajGen Mullen and his aide both told us that MajGen Mullen paid for his haircuts every time with his own money.

[REDACTED] stated that he recalled the Aide told him that BGen Uribe borrowed cash from the Aide to pay for two or three haircuts at \$10 each.

The SJA to the CMC told us, "We learn this in [The] Basic School . . . you learn pretty quick that if you have any financial dealings . . . with subordinates you never get to the point where they have any complaint whatsoever. You just absolutely avoid it."

The Marine Corps Ethics Program SME told us, “if you’re a general officer and you want to be above it all then you pay for all this stuff no matter what. Period, end of story. It’s my haircut . . . I pay for it. I’m earning more than you.”

BGen Uribe told us that when he arrived in Iraq he had enough cash for three haircuts, which he said were \$6 each. He also told us he did not know how many haircuts his Aide paid for but “I would like to think that I would’ve paid with my own if I had the money.” He later told us that if his Aide “let me borrow money for my first three haircuts, then I must not have had any cash” when he arrived in Iraq. We asked BGen Uribe if asking an aide to pay for a haircut could be considered a gift and he replied, “I guess.”

Personal Internet Wi-Fi Access

On March 31, 2016, 2-months before their deployment to Iraq, the Aide e-mailed BGen Uribe a “CJOC Deployment Gouge Sheet.”¹⁵ The “Gouge Sheet” stated, in part, “T-Mobile is the U.S. carrier that has data and voice service in Kuwait and Iraq. Internet is available in your room for about \$60 a month.” The Aide told us when they arrived in Iraq, ■■■ “set up the Internet modem for us . . . he knew it was \$60.” We asked ■■■ how BGen Uribe “knew” about the monthly cost. ■■■ told us, “He knew I was paying for it, absolutely, because I told him.” ■■■ told us that after they arrived in Baghdad, ■■■ told BGen Uribe, “Sir, the Internet is split, \$60 a month.” E-mail also showed that the Aide told BGen Uribe on May 30, 2016 – the day they arrived in Baghdad – how to access the Internet Wi-Fi for personal use.

The Aide told us that the total amount BGen Uribe owed ■■■ for his shared Internet access throughout the deployment was \$330. ■■■ also told us that ■■■ never asked him to repay the \$330 because, “I was just fed up. Like I was tired of opening doors, I was tired of freaking doing the laundry, I was tired of getting food, I was tired of being like talked to like I was a freaking dumbass.” ■■■ added ■■■ did not discuss the \$330 because “this was an incredibly uncomfortable conversation to have with a senior officer.”

The Aide’s personal bank account statement showed that while ■■■ was in Iraq ■■■ paid a monthly \$60 fee to “U.S. Wicom.” An Internet search showed that U.S. Wicom is a “personal Internet service” and adds, “AFTER you purchase service you must LOGIN on the login server to activate your service” (emphasis in original). The Aide told us, “there was no reason for him to login” because ■■■ “logged in one time” and “you’re just using the Wi-Fi . . . it’s like your house if you just log onto all your electronics on your house.”

We asked five marines who were deployed to the same base in Iraq during the same period as the Aide and BGen Uribe how they accessed the Internet for personal use. All five marines said they purchased Wi-Fi service from U.S. Wicom and split the cost with a fellow deployer. Two of the five marines told us that during their deployment the Aide told them that BGen Uribe had not paid ■■■ for his shared Internet service. The other three marines had no knowledge of the payment arrangements between the Aide and BGen Uribe.

¹⁵ “Gouge” is a common military slang term which means, “Informal information channel; the grapevine; the straight dope; inside information.”

MajGen Mullen told us that he could not recall specifically what he told BGen Uribe about Internet Wi-Fi access during the April 2016 pre-deployment site survey, however he told us he was "pretty sure" he told BGen Uribe that "Here's what we [MajGen Mullen and his aide] did . . . we split the cost right down the middle . . . it's up to you guys what you do." MajGen Mullen's aide told us that he [the aide] was responsible for and paid the Wi-Fi bill. He stated that he did not remember specifics, but he told us that MajGen Mullen paid his half of the bill in "cash right then and there" when the bill was due.

██████ told us, "I found it shocking that [BGen Uribe] was not reimbursing his Aide on a regular basis" for his Wi-Fi Internet access. He added, "I just can't imagine thinking that you have free Wi-Fi." Another marine told us, "I think it would be an improper assumption that Wi-Fi . . . is free." Another marine told us, "it was common knowledge that you had to pay to access [Wi-Fi Internet]."

The SJA to the CMC told us that in his own financial interactions with subordinates, he ensures that "nobody's in the hole other than me," because it's "crazy" and "bad form to be the senior guy and let the junior guy take the hit."

The Marine Corps Ethics Program SME told us, "I would say that [BGen Uribe] knows or should know that he owes [his Aide] \$30 a month for the Internet access . . . and so by him not paying █████, █████'s essentially gifted to him \$30 a month."

BGen Uribe told us that he did not have a need for a Wi-Fi connection and "did not request this service" when he was in Iraq. He told us that his Aide told him, "Hey, Sir, I'm going to get Wi-Fi because I want it. It connects automatically over there so if you want you can hook up to this." He replied, "Okay. That's fine." He told us that his Aide did not tell him █████ was paying \$60 a month for the Wi-Fi connection. He also said that he did use his Aide's Wi-Fi connection "every once in a while, but not that much."

BGen Uribe told us that he was "more focused on the combat operations" and not the fact that he was using -- even if only "once in a while" -- a Wi-Fi connection purchased by his Aide. He told us, "I mean I guess I wasn't thinking. So, guilty as charged. I don't know what else to tell you." He added that "even though I used [the Wi-Fi] minimally, I should owe █████ that money." He further stated,

I'm willing to pay. I just didn't know. . . . I should've asked more. But I did ask [my Aide] before █████ left [██████], "Hey, are we all settled. Did I pay you back everything that I borrowed from you?" And █████ said, "Yes, Sir." And you're right, difference in rank I should have known better. I should have pressed more. . . . I should have known that people were maybe not going to want to talk to me as a general officer.

Farewell Gift

██████ told us that BGen Uribe "was not overly prompt or consistent with paying back stuff." He told us that BGen Uribe asked him to purchase a \$45 farewell gift for the Commanding General, 101st Airborne Division (Air Assault), who was departing Iraq in November 2016. █████ stated that BGen Uribe "directed" that the deputy, another officer, and BGen Uribe split the cost of the gift three ways, or \$15 each. █████ purchased the gift and he told us that the other officer

reimbursed him \$15 the same day. [REDACTED] then gave the gift to BGen Uribe to give to the commander and at the same time reminded BGen Uribe that he owed [the deputy] \$15. [REDACTED] said that BGen Uribe took the gift and presented it "in private" to the Commanding General yet never reimbursed him the \$15. When we asked BGen Uribe if [REDACTED] told him his (BGen Uribe's) portion of the \$45 gift was \$15, he replied, "I guess."

BGen Uribe told us that the Commanding General was his direct supervisor in Iraq. He said that he was willing to pay for the entire going-away gift but because "everybody had an affinity for" the Commanding General, "whoever wanted to volunteer to give some money" gave on a "strictly voluntary" basis. BGen Uribe told us that he did not know who purchased the gift "but I gave money for it." Later in the interview he told us that he "may not have" paid his \$15 share because "I typically didn't carry cash in my wallet." He said, "I didn't realize that I hadn't paid [REDACTED]. . . . I screwed up. I'm admitting it." He added, "I'm certain I owe him." BGen Uribe also told us that he understood how a subordinate could be upset that he had not been reimbursed for the farewell gift.

Coffee and Chocolates

On September 9, 2016, a United States Marine Corps lieutenant colonel [REDACTED] sent an e-mail to BGen Uribe. The e-mail stated, "Need anything?" BGen Uribe replied, "Since you asked . . . how about some of that good [REDACTED] coffee? That is something I cannot get in Iraq." The lieutenant colonel replied, "That would be no problem at all. . . . Easy!" On October 25, 2016, BGen Uribe e-mailed the lieutenant colonel, "[a] BIG box showed up today! . . . I will ensure that the other men and women deployed here with me get to enjoy all of the good stuff you sent" (emphasis in original).

The lieutenant colonel told us that BGen Uribe was his commander from [REDACTED] and he had "very, very little contact with him" since 2014. He also told us that his wife and children are not friends with BGen Uribe's wife and children. He added, "I would certainly think that [BGen Uribe] doesn't consider me anything other than a marine who worked for him." The lieutenant colonel told us that after BGen Uribe asked him for [REDACTED] coffee, he purchased about \$40 worth of "three or four of those little packages . . . of different varieties of [REDACTED] coffee" and "threw in some local kind of [REDACTED] chocolates." He said his wife then mailed the package to BGen Uribe from a local U.S. post office and he did not know how much she paid for postage. The lieutenant colonel told us that BGen Uribe later sent him a "thank you" card but did not ask him how much he spent for the coffee and postage, nor did he reimburse him.

Almost 2 months after we interviewed the lieutenant colonel, he sent us an e-mail stating:

I have since decided [since our interview] that I cannot be sure how [BGen Uribe] feels, but that I know how I feel. I, [REDACTED], would consider him both a mentor and, indeed, a friend. He has gone out of his way to keep in regular contact with me since we last worked together, and often inquired [REDACTED] in a way that makes me believe that he also would consider me a friend . . . it is clear to me that I consider him a friend.

The Aide told us that BGen Uribe "would hoard" [REDACTED] chocolates in "a corner of his office that was strictly his stash" and "gave us each one, one day." [REDACTED] told us that BGen Uribe would

“hoard” [REDACTED] coffee in his office and added, “I don’t think he ever shared that.” Another marine told us that BGen Uribe “set aside” the [REDACTED] coffee in his office and did not share it with his subordinate marines.

BGen Uribe told us that the lieutenant colonel sent him “probably \$100 at least” in coffee and chocolate. He added that the package was “heavy” and the postage cost was “\$50, I don’t know. \$60.” He also told us that the lieutenant colonel is “a friend” of his. We asked him to explain how he and the lieutenant colonel became friends. He told us that the lieutenant colonel was his subordinate from [REDACTED] and that while serving as his subordinate the lieutenant colonel “absolutely set me up for success. . . . So that’s why I consider him a friend.” He added, “we just kept in touch throughout the years” and exchanged Christmas cards but not birthday cards.

We asked BGen Uribe if he shared the coffee with other deployed marines in Iraq. He replied, “I shared some of it. Yes. Not all of it, but I did share some of it, yes.” He added, “I probably should not have kept any of it.” He also told us that he shared “almost all of the chocolates” with others.

Three weeks after our interview with BGen Uribe, he sent us an e-mail to clarify that he “left all but a couple of coffee bags in Baghdad.” He also wrote that he had dinner with the lieutenant colonel at his [BGen Uribe’s] home in November 2017.

In his TCL response, BGen Uribe wrote that “The coffee and chocolates were for the CJOC floor and were distributed throughout the deployment.” He added, “I was not hoarding the coffee and chocolates. The supply was in my office because it had a cypher lock on the door and the items could be kept there for safe-keeping.”

Table 5 shows information for each gift.

Table 5. Summary of Gifts

Nature of Gift	Gifter	Reimbursed	Amount of Gift
Cash loan	Aide	Yes	\$224.00
Haircuts	Aide	Partially	\$30.00
Personal Internet Wi-Fi access	Aide	No	\$330.00
Farewell Gift	Lieutenant colonel	No	\$15.00
Coffee and chocolates (and postage)	Lieutenant colonel	No	\$150.00
Postage to mail t-shirts to his son*	Aide	No	\$13.30
Postage for toothpaste*	Government civilian	No	\$20.00
Total			\$782.30

*The analysis for these two gifts were presented in the “Use of Aide” portion of this report.

Conclusion on Gifts

We concluded that BGen Uribe violated the JER when he solicited and accepted gifts from employees who received less pay than himself. The gifts included: (1) cash loans from his Aide, (2) allowing his Aide to pay for his haircuts, (3) not reimbursing the Aide for personal Internet Wi-Fi access,

(4) not reimbursing a subordinate for a farewell gift, and (5) receiving coffee and chocolates from a former subordinate.

BGen Uribe did not dispute any of these substantiated allegations of instances of gift acceptance from his subordinates. Concerning the coffee and chocolates, we found that BGen Uribe requested, and a lieutenant colonel [REDACTED] sent to him, \$150 in coffee and chocolates available [REDACTED]. The JER would allow a \$150 gift from the lieutenant colonel to BGen Uribe if there was evidence of a longstanding personal relationship and history of gift-giving that would justify the gift. The lieutenant colonel told us, "[BGen Uribe] doesn't consider me anything other than a marine who worked for him." The lieutenant colonel did not tell us he had any history of gift exchanges with BGen Uribe. The lieutenant colonel told us he had "very, very little contact with" BGen Uribe since 2014. Accordingly, we determined that the JER's gift exception for longstanding personal friendships did not apply to this \$150 gift of coffee and chocolates.

BGen Uribe's TCL Response Regarding Gifts

BGen Uribe wrote that he reimbursed everyone identified in the preliminary report as having given him the gifts described. We contacted those individuals and they told us that BGen Uribe sent each of them a personal check for the dollar amounts associated with the gifts we identified in the preliminary report.

However, BGen Uribe did not reimburse the lieutenant colonel who, at BGen Uribe's request, sent him \$150 in specialty [REDACTED] coffee and chocolates. Although BGen Uribe stated that he freely shared the coffee and chocolates with other marines, he told us he did not share "all of it" and that he stored the items in a cypher locked room rather than in a common area all personnel could access. The statements from three other marines that BGen Uribe did not share the coffee and chocolate added to BGen Uribe's own statements that he did not freely share the gift with other marines. As noted in this report, we determined there is no JER exception based on longstanding friendship that would exempt BGen Uribe from reimbursing the lieutenant colonel for the gift. Accordingly, we concluded that BGen Uribe violated the applicable standards and recommend that he reimburse the lieutenant colonel for the coffee and chocolates.

C. WEAR OF UNAUTHORIZED AWARDS

A witness told us that BGen Uribe wore awards he was not authorized to wear.¹⁶

The Uniform Code of Military Justice (UCMJ), Article 134 – "Wearing unauthorized insignia, decoration, badge, ribbon, device, or lapel button," prohibits military personnel to wear unauthorized ribbons or devices.

¹⁶ The Marine Corps defines the following terms relevant to this allegation: (1) "Award" is as an all-inclusive term covering any medal, ribbon bar, or attachment bestowed on an individual, (2) "Medal" consists of a medallion hanging from a suspension ribbon, (3) "Ribbon bar" is a portion of the suspension ribbon of a medal, worn in lieu of a medal (for the purposes of this report, we use the term "ribbon" in lieu of "ribbon bar"), and (4) "Attachment" is an appurtenance, such as a star, worn on a ribbon. An attachment on a ribbon typically represents bestowal of a second or subsequent award.

Title 18, United States Code, Section 704, “Military medals or decorations,” prohibits unauthorized wear of any award which has not been authorized by the Armed Forces.

Chronology of Significant Events

Table 6 shows significant events related to this allegation.

Table 6. Chronology of Significant Events – Alleged Wear of Unauthorized Awards

Date	Event
February 8, 2016	BGen Uribe sent an e-mail to the SLMB: “who is the officer in charge of ensuring that the ribbons I am wearing have the requisite records on file?”
February 26, 2016	The SLMB sent an e-mail to BGen Uribe’s executive assistant (EA) asking that he “provide documentation” to verify eight awards BGen Uribe wore at the time. The SLMB did not receive a response from BGen Uribe or the EA.
Late–March 2016	BGen Uribe’s EA and at least one other subordinate researched BGen Uribe’s official records for 3 weeks but could not verify eligibility for the eight awards.
April 5, 2017	The SLMB sent an e-mail to the Aide asking that BGen Uribe provide documents for the same eight awards they identified in February 2016. The SLMB did not receive a response from BGen Uribe or the Aide.
January 9, 2018	HQMC sent BGen Uribe another audit of his awards and requested documents for the same eight awards identified in February 2016.
April 2, 2018	The SLMB completed an award adjudication process for BGen Uribe.
May 30, 2018	The SLMB notified us that BGen Uribe’s awards were in compliance.

Government e-mail showed that on February 8, 2016, BGen Uribe asked the Head of the Senior Leader Management Branch (SLMB), “Who is the officer in charge of ensuring that the ribbons I am wearing have the requisite records on file?” The Head responded to BGen Uribe the same day, informing him that the SLMB “will conduct an audit of your military awards and decorations.” BGen Uribe replied the next day, “Copy. Standing by. Looping in my EA.” On February 26, 2016, the SLMB sent BGen Uribe’s EA an unsigned draft “awards line-up” of BGen Uribe’s awards. The line-up stated, “When unsigned . . . this document is considered a draft for coordination purposes only.” The SLMB asked BGen Uribe’s EA to “please provide any documentation” on eight awards because the SLMB awards audit, or “line-up,” showed BGen Uribe “failed to reveal his entitlement” to wear them based on their review of his official records and official photograph. On April 12, 2016, the SLMB sent another e-mail to BGen Uribe’s EA stating that they had not yet received a response to their February 26, 2016, e-mail.

We interviewed BGen Uribe’s EA. The EA told us that he served as a personnel officer in the Marine Corps and that he considered himself an SME on recordkeeping of Marine Corps awards. He stated that in response to the SLMB e-mails, he and his team of two marines conducted 3 weeks of “extensive research” into “every available record” that could possibly verify BGen Uribe’s entitlement

for the eight awards.¹⁷ The EA told us that they also contacted BGen Uribe's previous units associated with the awards but "we couldn't find anything" to verify BGen Uribe's entitlement for the awards.

The EA told us that he asked BGen Uribe, "do you have any of this information at your house . . . that would prove that you rated . . . these ribbons, because we don't have them and we can't find them [ribbons or attachments]." He said BGen Uribe asked him why the SLMB was "questioning" the awards. The EA told us that he told BGen Uribe, "Sir, we cannot find your ribbons, so it is better for you to just take those off and remove those" than "continue to wear them." He also told us that he continued to observe BGen Uribe wearing the awards "the whole time he was here." He said that he told BGen Uribe again, "I hate to recommend it to you, sir, but . . . you may want to take those things off." The EA told us that he observed that BGen Uribe continued to wear the eight awards so he recommended to BGen Uribe a third time, "You may want to consider just removing those." The EA told us that he did not respond to the SLMB awards audit because BGen Uribe is "a big boy" and he was "not taking this stuff off . . . so we just left it alone."

We interviewed a marine who assisted the EA in the awards record research effort. He told us that he had 11 years' experience as a Marine Corps personnel officer and stated that he was an SME for Marine Corps awards recordkeeping. He told us that he spent 2 to 3 weeks in an effort "to validate all the awards that [BGen Uribe] was claiming." He said that there were "a few awards that we couldn't find for one reason or another" and that he recommended to the EA that "obviously it's best not to wear ones that [BGen Uribe] can't prove" he was authorized to wear.

After BGen Uribe deployed to Iraq, the SLMB sent the same awards audit to his Aide on April 5, 2017. The SLMB asked the Aide to have BGen Uribe review the awards audit. The Aide told us that [REDACTED] attempted "a couple of times" to get BGen Uribe to respond to the SLMB awards audit request but BGen Uribe told [REDACTED] "It was already taken care of" by his EA when he served as the IGMCM. [REDACTED] told us that [REDACTED] contacted the EA and he told [REDACTED] "I tried to get the general to do it, and he won't do it."

In an e-mail, the SLMB told us that they did not receive a response from BGen Uribe, or his personal staff, on the SLMB e-mails dated February 26, 2016, April 12, 2016, and April 5, 2017, requesting documentation for the eight awards.

The SLMB's award line-up showed that BGen Uribe "failed to reveal his entitlement" for the following eight awards, as shown in Table 7.

¹⁷ We interviewed the two marines. One stated he was not involved and had no memory of this matter. Accordingly, we do not include him in our analysis.

Table 7. Summary of Awards Lacking Documentation -- All Worn as Ribbons Except as Noted

Awards
Presidential Unit Citation
Joint Meritorious Unit Commendation
Navy Unit Commendation, third award
Armed Forces Expeditionary Medal, third award
Southwest Asia Service Medal with Bronze Campaign Star
Afghanistan Campaign Medal
Korean Defense Service Medal
Rifle Expert Badge, third award (this award is not worn as a ribbon)

An official photograph of BGen Uribe accessed in October 2017 from the 1 Marine Expeditionary Force homepage showed he continued to wear all seven of the awards worn as ribbons or attachments that the SLMB identified as lacking documentation, as shown in Table 7. We interviewed BGen Uribe's [REDACTED]. He stated that he had no knowledge of the SLMB matter and that he has observed BGen Uribe only wears awards he is authorized to wear. Further, he told us that in September 2017 BGen Uribe was reviewing his awards in preparation for the Marine Corps Ball and asked [REDACTED], "I see that I'm supposed to have this [Defense Superior Service Medal (DSSM) award], but it hasn't presented in [my official records]." The [REDACTED] told us that BGen Uribe tasked him to confirm if he was entitled to wear the DSSM. The [REDACTED] told us that he coordinated with the SLMB, and e-mail showed that on October 2, 2017, the SLMB updated BGen Uribe's official records to show that he was authorized to wear the DSSM award. The [REDACTED] also told us that BGen Uribe "appears to me to be one that . . . follows the rules and would prefer to not be incorrect . . . with the orders or what he rates."

Award Adjudication

We interviewed the Marine Corps personnel SME responsible for all Marine Corps general officer award line-ups. The personnel SME told us that all marines can view their earned individual awards in a document called the "individual awards report," via "Marines Online," which is linked to the Marine Corps' official system of personnel records. He said that BGen Uribe had no control over the Marine Corps' system of personnel records or the information presented in his individual awards report.

The personnel SME told us that the Marine Corps decided in the late 1990s to migrate all award documentation from paper based to digital records. He told us that "I can probably say without a shadow of doubt about 95 percent of the initial line-ups that we do have some type of error." He attributed those errors to the Marine Corps' migration from paper to digital records and other clerical errors that occurred decades ago. He also said that when a marine colonel is selected to brigadier general, that is the "only time" that a personnel officer conducts an award adjudication to ensure the accuracy of "every record in – since day one that the general may have been in the Marine Corps."

We reviewed BGen Uribe's individual awards report, dated December 12, 2017, as shown in Marines Online. His individual awards report showed that he was entitled wear all of the awards worn as ribbons as shown in Table 7. Further, the personnel SME told us that it is fair for BGen Uribe to assume that what BGen Uribe views in his individual awards report is accurate because Marines Online

“is supposed to be our accurate system.” Yet, during our January 2018 interview with the personnel SME, he also told us that “there is a very high likelihood that the individual awards report will be definitely different than our [awards] line-up” and in BGen Uribe’s case, the same awards shown in Table 7 are in adjudication status at the time of this report and lack documentation from BGen Uribe.¹⁸ However, he said that while BGen Uribe’s awards are in adjudication with his office, there is no Marine Corps standard that requires him to remove any award while in adjudication status.

We reviewed BGen Uribe’s individual awards report, dated December 12, 2017. BGen Uribe told us that he has always and is currently wearing only those awards shown in his individual awards report as shown on Marines Online. The personnel SME told us that BGen Uribe could properly assume that his individual awards report is the most accurate Marine Corps record of his awards.

BGen Uribe told us that “years ago the Marine Corps went from a paper record . . . to the electronic record . . . my particular record has a bunch of stuff missing.” He said “it is my sense that a substantial amount of the paperwork which existed in the hard copies was lost or not scanned to include my record.” He added that as a general officer, “we’re held to a higher standard,” and that “if I can’t find my records, I may have to take some of these [awards] off because I now don’t have the documentation that [the SLMB] is requesting for this higher burden.”

BGen Uribe told us that before he deployed to Iraq and the Marine Corps frocked him to brigadier general, a fellow Marine Corps brigadier general told him, “Hey, you need to go get your awards line-up” because the SLMB reviews the awards of all new brigadier generals. So, on February 8, 2016, BGen Uribe sent an e-mail to the SLMB, asking “who is the officer in charge of ensuring that the ribbons I am wearing have the requisite records on file?” He also told us that he asked his EA, “I think I was told that I have to do an awards line-up. So can you please get that initiated with [the SLMB]?” On February 8, 2016, the SLMB sent an e-mail to BGen Uribe’s EA (and not to BGen Uribe) asking his EA to “provide documentation” to verify eight awards BGen Uribe wore at the time. BGen Uribe told us that he “never” saw these two SLMB e-mails sent to his EA.

BGen Uribe told us that his EA did not inform him the SLMB requested documentation on eight of his awards. He also told us, “I didn’t tell anybody to do any research. . . . I don’t know why [the EA] spent any amount of time doing anything” about the SLMB request for award documentation. However, prior to his deployment to Iraq, he said he asked his EA about his awards: “Am I good,” and his EA replied, “Yes, Sir. You’re good.” BGen Uribe told us, “I will swear on my mother’s grave” that his EA did not tell him not to wear any awards.

While in Iraq, BGen Uribe told us that his Aide asked him what he wanted to do in response to the April 5, 2017, SLMB e-mail. He told us that he did not have any of his records in Iraq, nor time in Iraq to research his records if he had them. He said that he told his Aide, “We can’t do anything about it now. We’ll deal with it when I get back from deployment.”

¹⁸ During our interview, the personnel SME was not able to confirm the status of the rifle expert badge, third award. We note this is not an award worn as a ribbon.

BGen Uribe told us he is “looking for the records to substantiate that I rate these awards.” He added that if he cannot find the award documentation he will notify the SLMB, “I can’t find the paperwork, so I’m going to take all those [awards] off. That’s the way forward.”

On January 9, 2018, the Manpower Management Branch, Headquarters Marine Corps, sent BGen Uribe a revised awards line-up for his review. The revised version updated awards from his recent assignments, yet showed that he still lacked documentation for the same eight awards identified in the February 2016 awards line-up, as shown in Table 7.

BGen Uribe’s individual awards report showed that he earned two Navy Unit Commendation awards, yet his official photograph accessed in October 2017 from his official unit homepage showed he wore three Navy Unit Commendation awards. We asked BGen Uribe to explain the discrepancy. He said, “That is a mistake . . . that I did not catch. . . . Again, I should have caught this – I will fix as I complete my awards line-up with HQMC and in the interim will have the official photo removed until this is resolved.” Both the February 2016 and January 2018 award line-ups which were the basis for the award adjudication process, stated that BGen Uribe’s official records “failed to reveal his entitlement to a third Navy Unit Commendation as indicated in his official photograph.”

On April 2, 2018, the USMC personnel SME advised us that the SLMB had completed BGen Uribe’s award adjudication process. Further, the Marine Corps Military Awards Branch stated that this award adjudication represented the final awards line-up for BGen Uribe and “serves as the basis for the Marine Corps response to any official request for information regarding awards entitlement for” BGen Uribe. After the award adjudication process concluded on April 2, 2018, we asked Marine Corps awards personnel to compare the awards shown on BGen Uribe’s uniform from an official photograph of May 30, 2018, with the results of the award adjudication. They told us that BGen Uribe’s awards shown on his uniform were in compliance with the award adjudication.

Conclusion on Alleged Wear of Unauthorized Awards

During the investigation, a witness told us that BGen Uribe was wearing unauthorized awards on his uniform. We expanded the scope of our investigation to include this allegation. We contacted Marine Corps awards personnel and found that BGen Uribe’s awards are currently in a routine award adjudication process. The Marine Corps awards personnel told us there are systemic problems with awards records for “95 percent” of newly selected Marine Corps brigadier generals due to older paper documentation that may be missing from, or entered inaccurately into, the newer digital records system.

On April 2, 2018, the award adjudication process made definitive determinations regarding BGen Uribe’s awards based on all available documentation. There were no Marine Corps standards that required BGen Uribe to stop wearing any of the awards until the adjudication process was completed. BGen Uribe was not required to remove any awards from his uniform until the adjudication process determined whether there was sufficient documentation to support specific awards. Accordingly, we concluded that BGen Uribe did not violate applicable standards regarding wear of awards when he continued to wear awards while they were under adjudication.

D. WEIGH-IN

The complaint alleged that BGen Uribe violated the Marine Corps personnel weigh-in process. The allegation consisted of three elements:

- (1) BGen Uribe improperly ordered a marine that he considered overweight to weigh-in;
- (2) BGen Uribe ordered all marines he supervised to weigh-in, regardless of their physical appearance; and
- (3) BGen Uribe did not properly weigh-in himself.

The "Marine Corps Body Composition and Military Appearance Program," Marine Corps Order (MCO) 6110.3A, states, in part, that "All Marines will be periodically evaluated for weight and military appearance . . . commanders/ [Officers-In-Charge] are authorized to conduct unit/individual weigh-ins . . . as often as deemed necessary." The MCO also requires that weigh-ins are conducted with standardized equipment, such as a "calibrated digital or balance beam scale."

E-mails showed that BGen Uribe consulted with the Marine Corps Deputy Inspector General for guidance before he took any action to weigh-in any marine. The Deputy Inspector General told us that BGen Uribe called him and asked, "What am I allowed to do?" with a marine who was not within weight standards. The Deputy Inspector General replied by e-mail, dated February 27, 2017: "Since all marines are required to [conduct height and weight measurements] every six months . . . it is appropriate to require all marines under your [cognizance] to weigh-in and not just the ones you think are out of standards." He also wrote, "If [administrative control] is maintained by MARCENT [Marine Corps Forces Central Command], the onus is on MARCENT to ensure all marines are in standards."

The MARCENT chief of staff told us that BGen Uribe expressed a concern to him that a marine officer's physical appearance in uniform required the marine to be weighed-in. The chief of staff told us he relayed BGen Uribe's concern to the Commander, MARCENT. The Commander concurred that the marine "whose physical appearance in uniform caused [*sic*] into question if the [Marine] was within Marine Corps body composition standards" should be weighed-in. The chief of staff relayed the Commander's direction to BGen Uribe.

BGen Uribe's [REDACTED] in Iraq told us that BGen Uribe, as the senior marine in country, "didn't want marines leaving country overweight." [REDACTED] told us that he communicated BGen Uribe's order by e-mail, sometime in late February 2017: "Heads up. All Marines, from this point on, you can expect to get weighed on your way back out of country to ensure that you stay within standards during the deployment."

The day after [REDACTED] sent the e-mail, a marine on BGen Uribe's staff complained to [REDACTED] that BGen Uribe did not have authority to order a weigh-in in accordance with the MCO. [REDACTED] told us that BGen Uribe considered that the marine who complained was "out-of-weight" standards and BGen Uribe told [REDACTED], "I think he's out-of-weight . . . I want him weighed." However, [REDACTED] also told us the marine had a "legitimate bitch" because the MCO did not give BGen Uribe authority to order the marine to weigh-in. Further, two Marine Corps personnel officers told us that BGen Uribe did not have authority to order weigh-ins in accordance with the MCO.

██████ told us that after the Commander, MARCENT, directed the weigh-in of the marine officer BGen Uribe considered to be overweight, BGen Uribe “at this point said he wanted everybody to [weigh-in] because . . . he didn’t want the [marine officer who he considered overweight] to be singled out” for a weigh-in in Kuwait. The marine officer who BGen Uribe considered overweight told us that he weighed-in prior to redeploying to the United States sometime in late March 2017 in Kuwait. Five other marines assigned to BGen Uribe told us that they, too, weighed-in in Kuwait prior to their redeployment.

Two marines told us that they could not conduct the weigh-in in Iraq because “the only place with a [Marine Corps] approved scale” was in Kuwait. A marine told us that it was an “inconvenience” to do the weigh-in in Kuwait because of the 2-hour roundtrip to the authorized weigh-in location. Another marine described the 2-hour drive in Kuwait on “dangerous highways and we almost got into two car accidents.” Another marine told us that the commute to the authorized weigh-in took 3 hours and was “an out-of-the-way thing to do.” Finally, another marine told us that he was “very cautious” during the commute to the weigh-in location in Kuwait and “I didn’t like the [commute] experience [in Kuwait].”

Two marines told us that the only authorized weigh-in scale was in Kuwait yet BGen Uribe chose to conduct his own weigh-in in Iraq when he redeployed to the United States. Both marines said BGen Uribe did not comply with the MCO and weigh-in in Kuwait because doing so was “inconvenient.” One marine added, “Well, it ain’t right. You don’t order your marines to do something you are not willing to do yourself.”

A marine who coordinated the authorized weigh-ins in Kuwait and assisted BGen Uribe when he redeployed to the United States said that “supposedly [BGen Uribe] didn’t know we were weighing people [in Kuwait], so he got weighed in [in Baghdad] by [a lieutenant colonel].” We asked the lieutenant colonel in Baghdad if he conducted the weigh-in for BGen Uribe. He told us, “I did not weigh-in BGen Uribe. Can’t recall who did.”

BGen Uribe told us that he had no authority to implement the MCO and so he took no action to implement it while in Iraq. He said he observed three marines “whom I thought were overweight,” and he consulted with the chief of staff, MARCENT, so that MARCENT personnel could take appropriate action in accordance with the MCO. He also told us he did not order all marines in Iraq to weigh-in prior to their redeployment.

BGen Uribe told us that he did his weigh-in in Iraq, rather than in Kuwait. We asked him if his weigh-in in Iraq was in accordance with the MCO. He replied, “I don’t know.”

Conclusion on Weigh-In

We concluded that BGen Uribe did not violate Marine Corps personnel weigh-in requirements. The complaint alleged that BGen Uribe ordered a marine he considered overweight to weigh-in before redeployment to the United States. The complaint also alleged that BGen Uribe ordered all marines he supervised to weigh-in prior to redeployment and that he did not properly weigh-in himself at the authorized location. BGen Uribe did not violate applicable standards because he acted in accordance with a Marine Corps Order (MCO) and direction from the Commander, Marine Corps Forces Central Command (MARCENT). BGen Uribe also consulted with the Deputy Inspector General of the Marine

Corps before he ordered all marines he supervised to weigh-in. The Deputy Inspector General told him that as the senior-ranking marine in Iraq, "it is appropriate" for him to weigh-in any marine under his supervision. BGen Uribe's decision to weigh-in in Iraq rather than the authorized location in Kuwait did not violate applicable standards. The Commander, MARCENT, ordered the weigh-in for only the one marine BGen Uribe considered overweight. There was no standard or order that required BGen Uribe, specifically, to weigh-in in Iraq or in Kuwait prior to returning to the United States.

IV. OVERALL CONCLUSIONS

BGen Uribe requested or permitted his Aide to use official time to perform tasks and errands for BGen Uribe other than those required in the performance of the Aide's official duties.

BGen Uribe solicited and accepted gifts from employees who received less pay than himself.

BGen Uribe did not violate applicable standards by continuing to wear awards under adjudication.

BGen Uribe did not violate Marine Corps personnel weigh-in requirements.

V. RECOMMENDATIONS

We recommend that BGen Uribe's supervisor take appropriate action regarding BGen Uribe.

We recommend that BGen Uribe reimburse the lieutenant colonel who gifted him \$150 in chocolate and coffee.

Although the DoD, the U.S. Navy, and the U.S. Marine Corps have published specific formal policies governing the use of enlisted aides, there are no formal policies among the military Services or the Joint Staff addressing the use of officer aides. Accordingly, we recommend that the Office of the Under Secretary of Defense, Personnel and Readiness, promulgate a formal policy to the military Services that governs the management and proper use of officer aides. We will close this recommendation when we confirm that the DoD has published a formal policy on the management and proper use of officer aides.

Appendix - Standards

Applicable Standards – Allegation A – Misuse of Subordinate

DoD 5500.07-R, "Joint Ethics Regulation (JER)," August 30, 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, "Standards of Ethical Conduct," Section 1, "Office of Government Ethics Regulation," incorporates Title 5, Code of Federal Regulations (CFR), Part 2635, "Standards of Ethical Conduct for Employees of the Executive Branch," in its entirety.

Subpart G, "Misuse of Position," Section 2635.702, "Use of public office for private gain"

Section 2635.702 states that an employee shall not use his public office for his own private gain, for the endorsement of any product, service or enterprise, or for the private gain of friends, relatives, or persons with whom the employee is affiliated in a nongovernmental capacity, including nonprofit organizations of which the employee is an officer or member, and persons with whom the employee has or seeks employment or business relations.

Subpart G, "Misuse of Position," Section 2635.702a, "Inducement or coercion of benefits"

Section 2635.702a states that an employee shall not use or permit the use of his Government position or title or any authority associated with his public office in a manner that is intended to coerce or induce another person, including a subordinate, to provide any benefit, financial or otherwise, to himself or to friends, relatives, or persons with whom the employee is affiliated in a nongovernmental capacity.

Subpart G, "Misuse of Position," Section 2635.705b, "Use of a subordinate's time"

Section 2635.705b states that an employee shall not encourage, direct, coerce, or request a subordinate to use official time to perform activities other than those required in the performance of official duties or authorized in accordance with law or regulation. The JER provides an example: An employee of the Department of Housing and Urban Development may not ask his secretary to type his personal correspondence during duty hours. Further, directing or coercing a subordinate to perform such activities during nonduty hours constitutes an improper use of public office for private gain in violation of Section 2635.702.

Chapter 3, "Activities with Non-Federal Entities"

Paragraph 3-303, "Use of Federal Government Resources"

Paragraph 3-303 states that "Because of the potential for significant cost to the Federal Government, and the potential for abuse, DoD employees, such as secretaries, clerks, and military aides, may not be used to support the unofficial activity of another DoD employee in support of non-Federal entities, nor for any other non-Federal purposes, except as provided in subsections 3-211 and 3-300.b. of this Regulation, above."

Chapter 12, "Ethical Conduct"

Section 401, "Primary Ethical Values"

Section 401d, "Accountability," states that DoD employees are required to accept responsibility for their decisions and the resulting consequences. This includes avoiding even the appearance of impropriety because appearances affect public confidence. Accountability promotes careful, well thought-out decision-making and limits thoughtless action.

Allegation A – Joint Staff, Army, and Air Force Informal Guidance Concerning Officer Aides

The Joint Staff issued a "Quick Reference Guide," dated June 2017, which addressed, in part, the use of officer aides. It stated that officer aides "are assigned to enable the [flag officer] to perform their official duties more effectively." It adds, "The governing ethics regulations prohibit Federal employees from *creating even the appearance* of using their public offices for private gain and of misusing Government resources" (emphasis in original).

The Army's General Officer Management Office issued an "Officer/Enlisted Aide Handbook," dated August 2011. The handbook applies only to U.S. Army personnel and is used as a guide for the aide rather than for the general or flag officer who is assigned an aide. The guide states, "Use this booklet as a GUIDE ONLY [emphasis in original]. Your actual duties depend on the personality of the general for whom you work; he or she will be the one to provide you with the guidance necessary to get the job done." The handbook stated that an officer aide is, in part, "an executive assistant, companion, diplomat, bartender, caterer, author, and map reader, as well as mind reader." It added that an officer aide's "office duties" may include "assistance in personal matters" for the general officer. Further, it stated that the Army officer aide should,

Never place the general officer in a position where his or her conduct can be questioned. Do not assume for yourself the prerogatives of the office. Be extremely careful that you do no direct actions in the general officer's name that will compromise his or her position. Remember, everyone is watching the general officer and by, extension, you. Read [the JER] and use common sense.

The Air Force General Officer Management Office issued a "General Officer Handbook," dated "2017," which stated that officer aide duties are "outlined in the Air Force Officer Classification Directory." The Directory, dated October 31, 2016, stated that an officer aide "performs duties as assigned."

Allegation B – Solicitation or Acceptance of a Gift

DoD 5500.07-R, "Joint Ethics Regulation (JER)," August 30, 1993, including changes 1-7 (November 17, 2011)

Chapter 2, "Standards of Ethical Conduct"

Subpart A, "General Provisions," Section 2635.101, "Basic obligation of public service"

Section 2635.101 states, in part, that employees shall not solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or non-performance of the employee's duties. It adds that employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards set forth in this part. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.

Subpart B, "Gifts from Outside Sources," Section 2635.201-204

Section 2635.201, "Overview," prohibits an employee from soliciting or accepting any gift from a prohibited source or given because of the employee's official position unless the item is excluded from the definition of a gift or falls within one of the exceptions set forth in this subpart.

Section 2635.202, "General standards," states that an employee shall not, directly or indirectly, solicit or accept a gift from a prohibited source or because of the employee's official position.

Section 2635.203, "Definitions," defines a gift as any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of training, transportation, local travel, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred. It does not include: 1) Modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as part of a meal. It does include anything for which market value is paid by the employee. Market value means the retail cost the employee would incur to purchase the gift.

Section 2635.203 further defines "prohibited source," in part, as any person who has interests that may be substantially affected by the performance or nonperformance of the employee's official duties.

Section 2635.203 states that a gift which is solicited or accepted indirectly includes a gift given with the employee's knowledge and acquiescence to his child or dependent relative because of that person's relationship to the employee.

Section 2635.204, "Exceptions," states that an employee may accept a gift given under circumstances which make it clear that the gift is motivated by a family relationship or personal friendship rather than the position of the employee. Relevant factors in making such a determination include the history of the relationship and whether the family member or friend personally pays for the gift.

Subpart C, "Gifts Between Employees," Section 2635.301-302, 304

Section 2635.301, "Overview," states that this subpart contains standards that prohibit an employee from giving, donating to, or soliciting contributions for, a gift to an official superior and from accepting a gift from an employee receiving less pay than himself, unless the item is excluded from the definition of a gift or falls within one of the exceptions set forth in this subpart.

Section 2635.302, "General standards," states an employee may not, except as provided in this subpart, (1) directly or indirectly, give a gift to or make a donation toward a gift for an official superior;

or (2) solicit a contribution from another employee for a gift to either his own or the other employee's official superior.

Section 2635.302 further states that an employee may not, directly or indirectly, accept a gift from an employee receiving less pay than himself unless: 1) The two employees are not in a subordinate-official superior relationship; and 2) There is a personal relationship between the two employees that would justify the gift. Notwithstanding any exception provided in this subpart, an official superior shall not coerce the offering of a gift from a subordinate.

Section 2635.303, "Definitions," provides the following definitions:

- "Official superior" means any other employee, including but not limited to an immediate supervisor, whose official responsibilities include directing or evaluating the performance of the employee's official duties or those of any other official superior of the employee. For purposes of this subpart, an employee is considered to be the subordinate of any of his official superiors.

- "Solicit" means to request contributions by personal communication or by general announcement.

Section 2635.304, "Exceptions," states that on an occasional basis, including any occasion on which gifts are traditionally given or exchanged, the following may be accepted from a subordinate receiving less pay if the item, other than cash, has an aggregate market value of \$10 or less per occasion. Further, a gift appropriate for a "special, infrequent occasion" may be given to an official superior or accepted from a subordinate or other employee receiving less pay upon occasions that terminate a subordinate-official superior relationship, such as retirement, resignation, or transfer. An employee may solicit voluntary contributions of nominal amounts from fellow employees for an appropriate gift to an official superior.

Section 2635.304 further states that an employee may solicit voluntary contributions of nominal amounts from fellow employees on an occasional basis, for items such as food and refreshments to be shared in the office among several employees. An employee may accept such gifts to which a subordinate or other employee receiving less pay than himself has contributed.

Chapter 12, "Ethical Conduct"

Section 401, "Primary Ethical Values"

Section 401d, "Accountability," states that DoD employees are required to accept responsibility for their decisions and the resulting consequences. This includes avoiding even the appearance of impropriety because appearances affect public confidence. Accountability promotes careful, well thought-out decision-making and limits thoughtless action.

Allegation C – Wear of Unauthorized Awards

Article 134, "Wearing unauthorized insignia, decoration, badge, ribbon, device, or lapel button," the Uniform Code of Military Justice, prohibits military personnel to wear unauthorized ribbons or devices.

Section 704, Title 18, United States Code, “Military medals or decorations,” prohibits unauthorized wear of any award which has not been authorized by the Armed Forces. In full context, this section reads: “Whoever knowingly wears, purchases, attempts to purchase, solicits for purchase, mails, ships, imports, exports, produces blank certificates or receipt for, manufactures, sells, attempts to sell, advertises for sale, trades, barter, or exchanges for anything of value any decoration or medal authorized by Congress for the armed forces of the United States, or any of the service medals or badges awarded to the members of such forces, or the ribbon, button, or rosette of any such badge, decoration or medal, or any colorable imitation thereof, except when authorized under regulations made pursuant to law, shall be fined under this title or imprisoned not more than six months, or both.”

Allegation D – Mandatory Weigh-in

“Marine Corps Body Composition and Military Appearance Program” (MCO) 6110.3A, dated December 15, 2016.

The MCO states, “Every Marine must comply with established body composition standards and present a suitable military appearance, regardless of age, grade, gender, or duty assignment.” It adds, “Marines who do not present a suitable military appearance will take all necessary action to improve their appearance within prescribed timelines.” Further, “Commanders/Officers-in-Charge possessing special courts-martial convening authority will enforce compliance with weight, body composition, and military appearance standards . . . and the contents of this Order. . .”

The MCO states, “All Marines will be periodically evaluated for weight and military appearance in accordance with the sequence described in [in the MCO]. However, commanders/OICs are authorized to conduct unit/individual weigh-ins, body composition program, or military appearance program assessments as often as deemed necessary. Weigh-in may be conducted on the same day as the physical fitness test / combat fitness test. Inspector General/Commanding Generals may also perform weigh-ins while conducting unannounced inspections.”

The MCO also states that “height will be measured utilizing a standard, non-stretching fiberglass tape measure affixed to a vertical surface or wall mounted stadiometer. The tape measure will be calibrated using a separate yardstick or metal ruler. Weight will be measure utilizing a calibrated digital or balance beam scale. Circumferences will be measure using a self-tensioning taping device (digital or non-digital) for those who require body fat estimation.”

DoD, Navy, and Marine Corps Enlisted Aide Standards

DoD Instruction 1315.09, “Utilization of Enlisted Aides on Personal Staffs of General and Flag Officers,” dated March 6, 2015, is the controlling DoD standard that identifies permissible and non-permissible enlisted aide duties. Nothing in the Navy and Marine Corps enlisted aide standards, as shown below, contradicted the DoD standard for enlisted aide use.

DoD Instruction 1315.09, “Utilization of Enlisted Aides on Personal Staffs of General and Flag Officers,” dated March 6, 2015.

Enlisted aides are authorized for the purpose of relieving General and Flag Officers (G/FOs) of those minor tasks and details which, if performed by the G/FOs, would be at the expense of the G/FOs’ primary military and other official duties and responsibilities. The duties of these enlisted personnel will

be tasks relating to the military and other official duties and responsibilities of the G/FOs, to include assisting G/FOs in discharging the DoD responsibilities associated with their assigned positions. The propriety of such duties is governed by the official purpose that they serve rather than the nature of the duties.

No G/FO may use an enlisted aide for duties that contribute only to the G/FO's personal benefit or have so substantive connection with the G/FO's official duties and responsibilities. An enlisted aide is assigned to and supports only an authorized G/FO, not a spouse, other family member, or staff of the G/FO unless there is a direct connection to the G/FO's official duties and responsibilities and that the enlisted aide's duties furthers the interest of the DoD, the Military Service, or the command.

Enlisted aide duties include the following examples:

a. Maintaining the care, cleanliness, and order of those areas of assigned military housing used for qualifying representational events, to include common areas that provide access to these spaces (such as stairways and hallways) or areas of the assigned housing that are used by enlisted aides in support of these events.

b. Maintaining the care of military uniforms, civilian attire worn for official representational events, and government-issued equipment of the assigned G/FO.

c. Receiving guests and visitors during qualifying representational events at the G/FO's assigned military housing and acting as a point of contact in the G/FO's assigned military housing on issues related to any official duties or responsibilities.

d. Planning, preparation, arrangement, and conduct of qualifying representational events, such as receptions, parties, and dinners.

e. Purchasing, preparing, and serving food and beverages in the G/FO's assigned military housing for a qualifying representational event.

f. Purchasing and preparing meals for the G/FO, and those immediate family members eating with the G/FO, during the enlisted aide's normal duty work schedule. Normal duty work schedules may not be extended solely to accommodate preparing three meals each day.

g. Assisting with permanent change of station moves, which may include packing/unpacking of official books, military uniforms, and government-issued equipment. The assistance does not include packing/unpacking the G/FO's personal items.

h. Performing general yard maintenance, to include lawn care, policing debris and litter, unless there is an existing lawn care contract. If there is an existing lawn care contract, minor general yard maintenance in preparation of qualifying representational events is authorized.

i. Accomplishing tasks that aid the G/FO in the performance of his or her military and other official duties and responsibilities, including performing errands for the G/FO, that have a substantive connection to the G/FO's official responsibilities and/or assist with the physical security of the G/FO's military housing.

1) Errands should not be of a personal nature for the G/FO or his or her dependents.

2) Local transportation costs for duties performed at the expense of the enlisted aide will be reimbursed consistent with Joint Travel Regulations.

3) Physical security includes, but is not limited to, securing the G/FO's military housing, adhering to basic antiterrorism and force protection measures as the environment dictates, and maintaining situational awareness.

G/FOs may **not** use an enlisted aide for duties that do not have a **substantive connection** with the G/FO's military or other official duties and responsibilities or that contribute solely to the personal benefit of individual G/FOs or their family members (emphasis in original).

Enlisted aides duties do not include the following examples:

a. Any form of pet care, including grooming, feeding, exercising, feces removal, and veterinary visits.

b. Any form of caregiving for family members or personal guests of the G/FO.

c. Operation, care, maintenance, licensing, inspection, or cleaning of any privately owned vehicle.

d. Maintenance of privately owned recreational or sporting equipment, except with the use of such equipment for official purposes.

e. Personal services performed solely for the benefit of family members or unofficial guests, including driving, shopping, running private errands, or laundry services.

f. Landscaping or grounds keeping (such as trimming trees or bushes, laying mulch, and planting flowers) in areas not commonly used for qualifying representational events.

g. Skilled trade services such as electrical, plumbing, personal computer or furnishing repairs, other than routine upkeep and maintenance.

h. Care or cleaning duties in military housing that contribute solely to the personal benefit of the G/FO or dependents; such as making beds, cleaning private areas, or organizing personal effects. This includes care and cleaning of any area after it has been used for a personal or unofficial event or spaces used exclusively by dependents.

Summary of DoD Instruction 1315.09, Permissible Enlisted Aide Duties

Duties	Permissible
Maintaining care of uniforms	Yes
Purchasing and preparing meals during enlisted aide normal duty hours	Yes
Performing errands that have a substantive connection to official duties of the flag officer	Yes
Performing errands of a personal nature for the flag officer or family members	No
Performing duties that contribute only the flag officer's personal benefit	No
Performing duties that have no substantive connection with the flag officer's official responsibilities	No
Making flag officer's bed	No
Services for the benefit of family members, such as shopping	No

SECNAV Instruction 1306.2D, "Utilization of Enlisted Aides on Personal Staffs," dated December 22, 2005.

Enlisted aides are authorized for the purpose of relieving G/FO of those minor tasks and details which if performed by the G/FO would be at expense of his primary military and official duties. Authorized enlisted aide duties are those that have a reasonable connection to the military and official responsibilities of those G/FO with enlisted aides assigned, including assistance in discharging official DoD social responsibilities that inhere in certain G/FO positions. The propriety of such duties is governed by the official purpose served rather than the nature of the duties.

Responsibility for the supervision, direction and performance of duty of an enlisted aide lies solely with the G/FO authorized the enlisted aide services. Such responsibility shall not be delegated in any way to dependents or other persons not directly in the officer's immediate command.

No G/FO may utilize an enlisted aide as a servant for duties which have no reasonable connection with the G/FO's official duties or which contribute solely to the personal benefit of individual G/FOs or their families. Examples of duties in this category include but are not limited to:

- a) Any form of pet care including feeding.
- b) Any form of infant or child care.
- c) Grounds keeping other than mowing, watering and general yard policing.
- d) Operation, care, maintenance or cleaning of any privately-owned vehicle.
- e) Maintaining of privately-owned recreational or sporting equipment, except in connection with the use of such equipment for official purposes.
- f) Any personal services solely for the benefit of or at the direction of dependents or unofficial guests including:

1) Any driving, shopping or private errands.

2) Laundry services.

Enlisted aides may be utilized to assist with the care, cleanliness and order of assigned quarters. Specific duties may include:

a) Purchasing, preparing and serving food and beverages.

b) Planning, preparation and conduct of official functions.

c) Maintenance of military uniforms and military personal equipment.

d) Performance of duties necessary to the upkeep and maintenance of assigned quarters.

e) Performance of duties necessary to the security of assigned quarters during extended absences of the officer, such as deployments or extended operations in the field.

f) Performance as point of contact in the officer's quarters, answering the telephone, maintaining telephone call records, making appointments and receiving guests and visitors.

g) Performance of tasks which aid the G/FO in performance of his military and official responsibilities, such as driving of official vehicles for official purposes, performing errands for the G/FO and providing administrative assistance.

Marine Corps Order 1306.18A, "Marine Aide Program," dated October 21, 2010.

Enlisted aides are authorized for the purpose of relieving G/FOs of those tasks and details which, if performed by the G/FO, would be at the expense of the G/FO's primary military and official duties. Authorized enlisted aide duties are those duties that relate to the military and official responsibilities of those G/FOs to whom the enlisted aides are assigned. These duties include assistance in discharging official DoD social responsibilities inherent in certain F/GO positions. The propriety of such duties is governed by the official purpose served rather than the nature of the duties.

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