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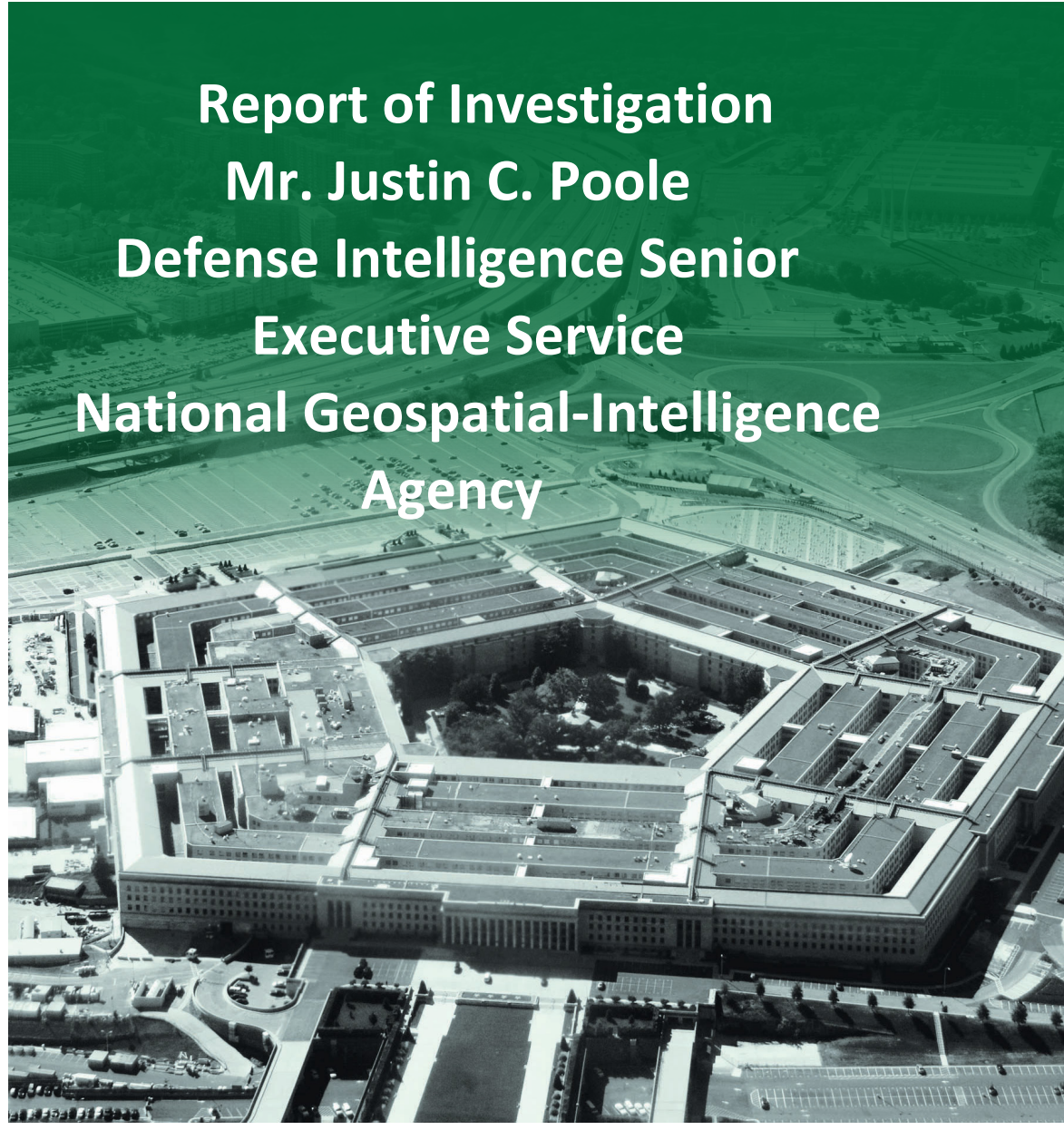
INVESTIGATION OF SENIOR OFFICIALS

INSPECTOR GENERAL

U.S. Department of Defense



February 8, 2019



**Report of Investigation
Mr. Justin C. Poole
Defense Intelligence Senior
Executive Service
National Geospatial-Intelligence
Agency**

INTEGRITY ★ INDEPENDENCE ★ EXCELLENCE

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**REPORT OF INVESTIGATION:
JUSTIN C. POOLE
DEFENSE INTELLIGENCE SENIOR EXECUTIVE SERVICE**

I. INTRODUCTION AND SUMMARY

Complaint Origin and Allegations

On September 21, 2018, the DoD Office of Inspector General (DoD OIG) received a complaint referred from the National Geospatial-Intelligence Agency (NGA) OIG against Mr. Justin C. Poole, NGA Deputy Director. On November 6, 2018, we initiated an investigation into the allegation that Mr. Poole engaged in an inappropriate and unprofessional relationship with a subordinate.

If substantiated, the allegation could violate the standards summarized in the Appendix.

Scope and Methodology of the Investigation

During our investigation, we interviewed (b)(6)&(7)(C) witnesses:

(b)(6)&(7)(C)

We also reviewed applicable standards, approximately 8,000 e-mails and instant messages, and several personnel documents.

On February 1, 2019, we provided Mr. Poole our tentative conclusions for his review and comment before we finalized the report. By e-mail on February 1, 2019, and again on February 4, 2019, Mr. Poole notified us that he had no comments to our conclusions.

Conclusions

The complainant alleged that Mr. Poole and (b)(6)&(7)(C) were engaged in an inappropriate and unprofessional relationship which the complainant suspected began during official travel and continued for months, including an uncomfortable incident in Mr. Poole's office at NGA headquarters.

We concluded that Mr. Poole and (b)(6)&(7)(C) engaged in an inappropriate and unprofessional relationship from July 2018 through November 2018. Both Mr. Poole and (b)(6)&(7)(C) acknowledged to us that they engaged in a sexual relationship, including sexual intercourse, from July 2018 through the date of our interview in November 2018.

Specifically, we found that Mr. Poole and (b)(6)&(7)(C) (b)(6), (b)(7)(C) engaged in sexual intercourse numerous times during official travel and numerous times in his office at NGA headquarters during the duty day. Mr. Poole's engagement in a sexual relationship with his subordinate in his office while on Government time violated the Joint Ethics Regulation (JER) and the NGA standards for personal relationships in the workplace.

After they began their sexual relationship, Mr. Poole approved two favorable personnel actions benefitting (b)(6)&(7)(C) instead of recusing himself from those personnel actions as required by NGA standards. By approving these two personnel actions for a subordinate with whom he was having a sexual relationship, Mr. Poole created the appearance of impropriety, in violation of the JER.

The following sections of this report present our findings and conclusions in more detail, and the evidence on which they are based.

II. BACKGROUND

Mr. Poole

Mr. Poole began his Government career in 1991 as a cartographer and geospatial analyst. He progressively held numerous positions of increased responsibility within the intelligence community and became a member of the Senior Executive Service in 2002. On August 10, 2017, Mr. Poole became the NGA Deputy Director, assisting the director in leading the agency and managing the day-to-day operations of NGA and the National System for Geospatial Intelligence.

(b)(6)&(7)(C)

National Geospatial-Intelligence Agency

The NGA delivers geospatial intelligence to policymakers, warfighters, intelligence professionals, and first responders. The NGA's headquarters is located in Springfield, Virginia. NGA employees also serve on support teams at U.S. military, diplomatic, and allied locations around the world.

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
Aug. 10, 2017	Mr. Poole becomes the NGA Deputy Director.
Oct. 15, 2017	(b)(6)&(7)(C)
Feb. 18, 2018	(b)(6)&(7)(C) receives a \$2,000.00 individual cash award.
Apr. 21 - 26, 2018	Mr. Poole (b)(6)&(7)(C) attend the Geospatial-Intelligence (GEOINT) Symposium in Tampa, Florida.
Jul. 28 - Aug 9, 2018	Mr. Poole, (b)(6)&(7)(C) travel to (b)(6), (b)(7)(C)
Sep. 2, 2018	(b)(6)&(7)(C) and receives a \$2,600.00 individual cash award.
Sep. 12, 2018	Witnesses observe (b)(6), (b)(7)(C) enter Mr. Poole's office and close the door. When (b)(6), (b)(7)(C) enters approximately 20 minutes later, (b)(6), (b)(7)(C) cannot locate Mr. Poole or (b)(6), (b)(7)(C)
Sep. 16, 2018	Complainant notifies the NGA Director of a suspected inappropriate and unprofessional relationship between Mr. Poole and (b)(6)&(7)(C)
Sep. 21, 2018	NGA OIG refers allegations to the DoD OIG.
Nov. 6, 2018	The DoD OIG formally initiates this investigation.

Complaint

The complainant told us that based on personal observations and observations of other witnesses, (b)(6)&(7)(C) suspected Mr. Poole and (b)(6)&(7)(C) were engaged in an inappropriate and unprofessional relationship.

The complainant told us that during a temporary duty (TDY) trip to the GEOINT Symposium¹ in April, 2018, (b)(6)&(7)(C) witnessed Mr. Poole and (b)(6)&(7)(C) going to dinner by themselves in the hotel restaurant, instead of joining a group of NGA personnel. In addition, both Mr. Poole and (b)(6)&(7)(C) did not attend a classified briefing on the final day of the symposium, but were both present on the commercial flight back to Washington, D.C.

The complainant stated that (b)(6), (b)(7)(C) accompanied Mr. Poole on the TDY trip to (b)(6), (b)(7)(C) in July 2018, and told (b)(6), (b)(7)(C) that both Mr. Poole and (b)(6), (b)(7)(C) did not participate in off-duty activities with other NGA personnel during the trip. (b)(6), (b)(7)(C) told (b)(6), (b)(7)(C) that Mr. Poole "was tired, didn't want to go out. (b)(6), (b)(7)(C) was tired. They both stayed back."

¹ The annual GEOINT Symposium is the nation's largest gathering of industry, academia, and government to include Defense, Intelligence and Homeland Security Communities as well as commercial, Federal/civil, state and local geospatial intelligence stakeholders.

The complainant also told us that on September 12, 2018, (b)(6)&(7)(C) watched (b)(6), (b)(7)(C) enter Mr. Poole’s office and shut the door. Approximately 20 minutes later, (b)(6), (b)(7)(C) needed to enter Mr. Poole’s office to deliver a document and (b)(6), (b)(7)(C) encouraged (b)(6), (b)(7)(C) to look through the peep hole in Mr. Poole’s front door. (b)(6), (b)(7)(C) commented to (b)(6), (b)(7)(C) that the peep hole was covered, blocking anyone from seeing inside Mr. Poole’s office. (b)(6), (b)(7)(C) told us, “That’s weird. Why would he cover up his peep hole? That makes no sense to me.” When (b)(6), (b)(7)(C) entered Mr. Poole’s office to bring him the document, (b)(6), (b)(7)(C) could not locate Mr. Poole or (b)(6), (b)(7)(C). The complainant told us, “The only other place they could be was in the bathroom [located within Mr. Poole’s office]. You can’t escape out of there. There’s no exit.” The complainant told us that (b)(6), (b)(7)(C) exited Mr. Poole’s office approximately 15 minutes later.

Instant Messages

We retrieved a chronicle of instant messages between Mr. Poole and (b)(6)&(7)(C) from November, 2017 through November, 2018. Table 2 reflects a sample of these instant messages.

Table 2. Sampling of Instant Messages between Mr. Poole and (b)(6)&(7)(C)

Date	Message
Aug. 14, 2018	(b)(6)&(7)(C)
Aug. 15, 2018	
Aug. 28, 2018	
Aug. 31, 2018	

Testimony on Relationship

(b)(6)&(7)(C)

(b)(6)&(7)(C)

(b)(6), (b)(7)(C) told us that (b)(6), (b)(7)(C) was not involved in a sexual relationship with Mr. Poole at the time of the GEOINT symposium and that Mr. Poole “chose not to go” to the classified briefing on the final day of the symposium. (b)(6), (b)(7)(C) said that the relationship with Mr. Poole became an intimate relationship during the first night of (b)(6), (b)(7)(C) TDY trip with Mr. Poole to (b)(6), (b)(7)(C) in July 2018. (b)(6), (b)(7)(C) stated they had sexual intercourse, “probably nightly,” during the (b)(6), (b)(7)(C) trip. (b)(6), (b)(7)(C) said that after their return, (b)(6), (b)(7)(C) had sexual relations with Mr. Poole in Mr. Poole’s office several times, including having sex in the bathroom of Mr. Poole’s office. (b)(6), (b)(7)(C) stated that they had sex during the duty day, “usually during break periods, like a lunch period.”

(b)(6), (b)(7)(C) told us the sexual relationship began mutually, and that, “Mr. Poole has not coerced me, behaved inappropriately, or used his position in any way to change the dynamic of our relationship. We have a professional relationship at work, and we have begun a personal relationship outside of work.”

Mr. Poole

Mr. Poole was absent from the classified briefing that took place on the final day of the GEOINT symposium. He told us, “I didn’t attend. I wasn’t feeling well, and just kind of wanted to get home. I had skipped those before, but I feel like I was accounted for. I told people I wasn’t going.” He denied the assertion that he missed the classified briefing because he was with (b)(6)&(7)(C). He stated, “I’ll be very clear, there was no sexual contact until (b)(6), (b)(7)(C) trips before (b)(6), (b)(7)(C) was there anything. Not even feelings yet.”

Mr. Poole told us, “Our personal relationship became what could be categorized as inappropriate [in the] late summer [of 2018].” He said their intimate relationship began during “the TDY trip to (b)(6)&(7)(C) and he believed the sexual intercourse began their first night (b)(6), (b)(7)(C).” He added, “We saw each other every day. I don’t know that we had sex every day, but it was regular. I think it happened in each country.” He acknowledged that after their return, he engaged in sexual intercourse with (b)(6), (b)(7)(C) several times in his office and in the bathroom of his office, during the duty day. Mr. Poole told us, “I want you to know that this was consensual ... so mutual, not planned, never meant to hurt anyone, hope not to hurt anyone else.”

(b)(6)&(7)(C)

(b)(6)&(7)(C)

(b)(6)&(7)(C) told us that (b)(6)&(7)(C) had “zero reason to think” that Mr. Poole engaged in an inappropriate relationship with a subordinate. (b)(6)&(7)(C) told us no one approached (b)(6)&(7)(C) with concerns about Mr. Poole’s relationship with (b)(6)&(7)(C) nor had (b)(6)&(7)(C) witnessed any behaviors or heard any communications that would indicate that a romantic or sexual relationship existed between Mr. Poole and (b)(6)&(7)(C).

(b)(6)&(7)(C) told us (b)(6)&(7)(C) had not received any special privileges from Mr. Poole and stated that Mr. Poole (b)(6)&(7)(C) exactly the same.” (b)(6)&(7)(C) characterized the morale (b)(6)&(7)(C) as “very good” and stated, “I have never seen the demeanor between any of us change because of anything. It has stayed static since I’ve been there.”

Regarding the peep hole in Mr. Poole's door, (b)(6)&(7)(C) "I don't recall that I've ever been able to see through the peep hole," and added, "it's his jacket, I'm 99 percent sure." (b)(6)&(7)(C) did not hesitate to interrupt when Mr. Poole was in the office alone with (b)(6)&(7)(C). (b)(6), (b)(7)(C) typically knocked on the door, opened the door, and gave them a greeting such as, "Guys, I've got to come in and talk to you about something." (b)(6)&(7)(C) described (b)(6)&(7)(C) actions of September 12, 2018, to us:

I went in. I don't know when this was. I went in and I wasn't sure if they were there or in the Director's office. So, I went in, opened the door. No one was there. So, I wasn't sure if they were in the Director's [office] because the Director was here also. So, I just shut the door and came back out.

(b)(6)&(7)(C) "assumed" they were in the director's office but also stated that Mr. Poole and (b)(6)&(7)(C) could have been "in the bathroom."

(b)(6)&(7)(C)

(b)(6)&(7)(C) told us that (b)(6)&(7)(C) did not witness anything unusual or inappropriate between Mr. Poole and (b)(6)&(7)(C). (b)(6)&(7)(C) did not witness Mr. Poole (b)(6)&(7)(C) disappear for any significant amount of time during the trip. (b)(6)&(7)(C) told us, (b)(6)&(7)(C) characterized the interactions between Mr. Poole and (b)(6)&(7)(C) as "normal" during the trip and further stated that their behavior before and after the trip was, "The same as we always were." (b)(6)&(7)(C) told us, "I didn't notice anything."

(b)(6)&(7)(C) had not heard any concerns or rumors about the relationship between Mr. Poole and (b)(6)&(7)(C). (b)(6)&(7)(C) told us, "I haven't seen anything that would make me think that [they were in an inappropriate relationship]."

(b)(6)&(7)(C)

(b)(6)&(7)(C) told us that no one approached (b)(6)&(7)(C) with concerns regarding (b)(6)&(7)(C) with Mr. Poole. (b)(6)&(7)(C) told us, "I have not observed any change in the morale of (b)(6)&(7)(C) told us that the only person (b)(6)&(7)(C) informed of (b)(6)&(7)(C) relationship with Mr. Poole was (b)(6), (b)(7)(C). (b)(6), (b)(7)(C). When we asked (b)(6), (b)(7)(C) was aware of their sexual relationship during the (b)(6), (b)(7)(C) told us, "To my knowledge, (b)(6), (b)(7)(C) was unaware."

Mr. Poole

Mr. Poole told us that the relationship had not affected (b)(6)&(7)(C) "as far as I know." Mr. Poole denied covering up the peep hole in his front door, saying "I didn't start covering it. I mean. I do hang my coat there." He also told us:

The bathroom incidents [involving sexual intercourse] were not planned, and were very stupid, and I regret it, and I wasn't thinking straight. I look back on it and I would never do it again. So, there was nothing to prevent anyone from coming in through either door. I mean, that's why this is so hard, and just a really dumb move on my part.

Mr. Poole told us that he had not informed anyone about his relationship with (b)(6)&(7)(C) and had received no indication that there was a perception that he and (b)(6)&(7)(C) were (b)(6)&(7)(C) in anything other than a professional relationship.

Preferential Treatment

(b)(6)&(7)(C) received three favorable personnel actions while under Mr. Poole's supervision:

- an individual cash award for \$2,000.00 on February 18, 2018;
- an individual cash award for \$2,600.00 on September 2, 2018; and
- modification of (b)(6)&(7)(C) work schedule (b)(6)&(7)(C) on September 2, 2018.

\$2,000.00 Individual Cash Award

On February 18, 2018, (b)(6)&(7)(C) received an individual cash award for \$2,000.00 for (b)(6)&(7)(C) enabling him to take on the duties of the office seamlessly."

We asked (b)(6)&(7)(C) whether (b)(6)&(7)(C) sexual relationship with Mr. Poole was the reason (b)(6)&(7)(C) received a cash award in February of 2018, and (b)(6)&(7)(C) told us, "I would say impossible in February because we had no relationship at that point." When we asked (b)(6)&(7)(C) about the cash award, (b)(6)&(7)(C) told us, "I (b)(6)&(7)(C)

Mr. Poole told us that (b)(6)&(7)(C) recommended the cash award for (b)(6)&(7)(C) and (b)(6)&(7)(C) for "getting what we call the (b)(6)&(7)(C) Team up and running quickly." When we asked (b)(6)&(7)(C) Mr. Poole if his sexual relationship with (b)(6)&(7)(C) had anything to do with (b)(6)&(7)(C) receiving the individual cash award, he stated, "It couldn't because there wasn't one."

We reviewed (b)(6)&(7)(C) individual cash award nomination. It contained the same support narrative as the award for (b)(6)&(7)(C) received the same amount -- \$2,000.00.

\$2,600.00 Individual Cash Award

On September 2, 2018, (b)(6)&(7)(C) received an individual cash award for \$2,600.00 for (b)(6)&(7)(C) (b)(6)&(7)(C)

I'm not the greatest supervisor, it's the only thing I have to worry about, but we -- there's a pot of money for each of the organizations and so we're getting towards the end of the fiscal year, and a lightbulb went off in my head and I said, "You know what? I appreciate everything (b)(6)&(7)(C) (b)(6)&(7)(C) do and I haven't rewarded them at all." So, I didn't even talk to Mr. Poole about it. I wrote (b)(6)&(7)(C) up based on my observations of what they deserved for a special act award. Gave them the same amount of money.

(b)(6)&(7)(C) also told us, "I submitted [the award nominations] to Mr. Poole. I gave him a heads up, 'it's in your queue.' His only comment to me was, 'How come you didn't – what about you? I'd like to put you in [for an award too].'"

Mr. Poole told us that (b)(6)&(7)(C) nominated (b)(6)&(7)(C) for the September individual cash awards as part of NGA's quarterly awards nominations process. He also submitted (b)(6)&(7)(C) for an individual cash award during the same quarterly awards nomination process. He stated that (b)(6)&(7)(C) received the same individual cash award amount.

Our review of the awards indicated that (b)(6)&(7)(C) received individual cash awards on September 2, 2018. (b)(6)&(7)(C) initiated the award nominations for both the (b)(6)&(7)(C) and Mr. Poole approved both awards for the same cash amount.

(b)(6)&(7)(C)

(b)(6)&(7)(C)

(b)(6)&(7)(C)

(b)(6)&(7)(C)

(b)(6)&(7)(C)

Conclusion

We concluded that Mr. Poole and (b)(6), (b)(7)(C) engaged in an inappropriate and unprofessional relationship, including sexual intercourse, from July 2018 through November 2018. We found that Mr. Poole and (b)(6), (b)(7)(C) engaged in sexual intercourse numerous times during official travel and numerous times in his office at NGA headquarters during the duty day. Despite their statements that no one was aware of their inappropriate and unprofessional relationship, we note that the complainant suspected the

inappropriate and unprofessional relationship and felt strongly enough to bring (b)(6)&(7)(C) suspicions to the attention of the NGA director.

Mr. Poole's engagement in a sexual relationship with (b)(6), (b)(7)(C) while on Government time violated the Joint Ethics Regulation (JER) and the NGA standards for personal relationships in the workplace.

In addition, after they began their sexual relationship, Mr. Poole approved two favorable personnel actions for the benefit of (b)(6)&(7)(C) Mr. Poole should have instead recused himself from those personnel actions as required by NGA standards. By approving these two personnel actions for a subordinate with whom he was having a sexual relationship, Mr. Poole created the appearance of impropriety, in violation of the JER.

IV. OVERALL CONCLUSIONS

Mr. Poole engaged in an inappropriate and unprofessional relationship with a subordinate, in his office while on Government time, in violation of the JER and NGA standards for personal relationships in the workplace.

Mr. Poole violated the JER by approving two personnel actions for a subordinate with whom he was having a sexual relationship, creating the appearance of impropriety.

V. RECOMMENDATION

We recommend that the NGA Director take appropriate action regarding Mr. Poole.

Appendix

NI 1000.7R, "NGA Instruction for Personal Relationships in the Workplace," dated January 5, 2004.

* * * * *

2. Purpose. Define professional and unprofessional relationships, establish guidelines for avoiding unprofessional relationships, discuss individual responsibility to maintain professional relationships, and outline the actions that will be taken in response to unprofessional relationships. This instruction supersedes NI 1000.7, same title, 2 December 2003.

3. Policy. Professional relationships are essential to the effective operation of all organizations and to the efficiency of the Agency. While personal relationships between NGA employees or between NGA employees and military members are normally matters of individual choice and judgment, they become matters of official concern when they violate existing law or impede the efficiency of the Agency. All NGA personnel are required to maintain professional work relationships at all times, to act impartially, to not give preferential treatment to any person, and to avoid the appearance of not being impartial or of giving preferential treatment.

* * * * *

6. Responsibilities.

* * * * *

c. Managers, supervisors, and official superiors

(1) Maintain professional work relationships and conduct themselves to avoid any real or perceived favoritism regarding their official duties.

(2) Notify and seek guidance from the OGC when engaging in a personal relationship with a subordinate to determine if such a relationship would raise a question regarding appearance or impartiality.

* * * * *

e. Employees. All NGA personnel (civilian and military) share the responsibility for maintaining professional relationships. However, official superiors, supervisors, and managers in personal relationships bear primary responsibility for maintaining the professionalism of that relationship. Official superiors, supervisors and managers are in leadership positions, which require the maturity and judgment to avoid relationships that impede the efficiency of the Agency or adversely affect mission performance. All NGA civilian and military personnel must comply with the Guidelines for Avoiding Unprofessional Relationships in Appendix 3.

7. Procedures. When unprofessional relationships impede the efficiency of the Agency or adversely affect mission performance, appropriate corrective action in accordance with NI 1455.1R2 (appendix 1, reference 7) or appropriate military service regulations is taken.

a. Official superiors, managers, and supervisors. Official superiors, managers, and supervisors will disqualify themselves from participation in employment matters that involve an employee with whom the official superior, manager, or supervisor has a personal relationship that undermines his or her authority and that results in, or creates the appearance of, favoritism or misuse of office or position and adversely affects the efficiency of NGA. Examples of employment matters include, but are not limited to the following:

- (1) Recruitment and hiring.
- (2) Work assignments and training opportunities.
- (3) Performance appraisals and performance pay.
- (4) Promotion and awards.
- (5) Disciplinary actions, grievances, or appeals.

Appendix 3 - Definitions

Relationships within organizations. Unduly familiar relationships between individuals in which one person exercises supervisory authority over the other can easily be or become unprofessional. The danger of abuse of authority and perception of favoritism is always present. The ability of an official superior, supervisor, manager, or team leader to influence, directly or indirectly, assignments, promotions, training opportunities, awards, and other employment opportunities places both the official superior, supervisor, manager, or team leader and the subordinate in a vulnerable position.

Dating and close friendships. Dating and courtship between an official superior, supervisor, manager, or team leader, and an employee under his or her supervision invariably raise the perception of favoritism, and are generally prohibited. Such relationships can adversely affect morale and impede the efficiency of the Agency.

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

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

Section 2635.101, "Basic obligation of public service," states in paragraph (b)(14), 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.

Chapter 12, paragraph 12-401 (b) "Integrity" states, being faithful to one's convictions is part of integrity. Following principles, acting with honor, maintaining independent judgment and performing duties with impartiality help to maintain integrity and avoid conflicts of interest and hypocrisy.

Chapter 12, paragraph 12-401 (d) "Accountability" states, 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 thoughtout decision-making and limits thoughtless action.

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