

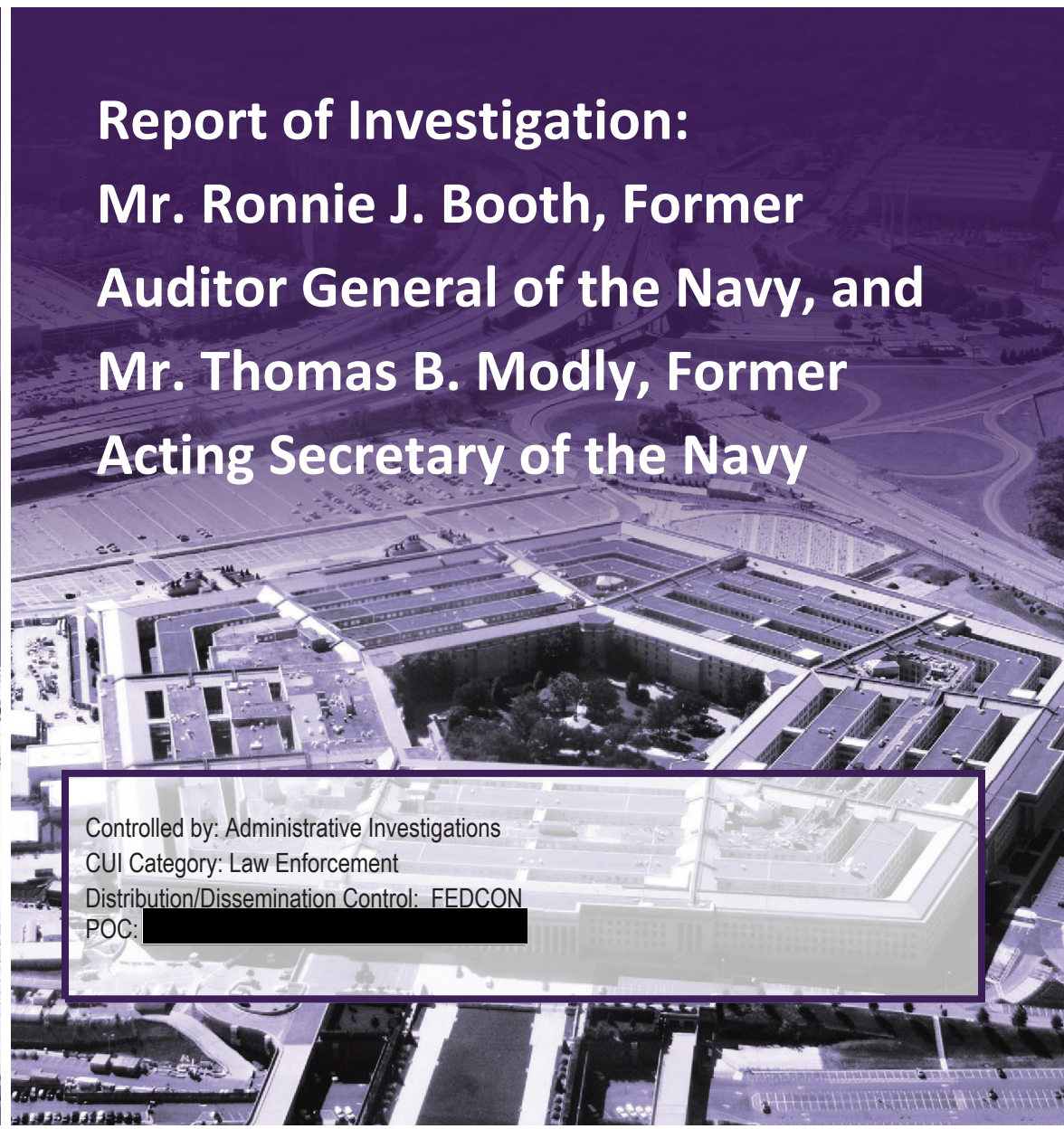


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INSPECTOR GENERAL

U.S. Department of Defense

March 24, 2021



Report of Investigation: Mr. Ronnie J. Booth, Former Auditor General of the Navy, and Mr. Thomas B. Modly, Former Acting Secretary of the Navy

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**REPORT OF INVESTIGATION:
MR. RONNIE J. BOOTH
MR. THOMAS B. MODLY**

I. INTRODUCTION AND SUMMARY

Complaint Origin and Allegations

This report presents the results of a DoD Office of Inspector General (DoD OIG) investigation into allegations that Mr. Ronnie J. Booth, the former Auditor General of the Navy, sexually harassed female employees, and that Mr. Thomas B. Modly, the former Acting Secretary of the Navy, failed to comply with DoD and Navy policies when informed of sexual harassment allegations against Mr. Booth.¹ If substantiated, these allegations could violate the standards summarized throughout this report. We present the applicable standards in full in Appendix A of this report.

The DoD OIG received a referral on January 10, 2019, that contained extracts of anonymous comments employees made about Mr. Booth's alleged sexual harassment in response to the Naval Audit Service's October 2018 Defense Organizational Climate Survey (henceforth referred to as climate survey). The DoD OIG received supplemental information on January 31, 2019, that in 2011 the then-Auditor General of the Navy "cautioned" Mr. Booth after an auditor reported that Mr. Booth placed the auditor in an "uncomfortable position."

From February 27 through July 1, 2019, the DoD OIG received 10 anonymous complaints alleging sexual harassment or waste of Government funds by Mr. Booth. Five of these anonymous complaints also asserted that Mr. Modly was aware of sexual harassment allegations against Mr. Booth before Mr. Modly selected Mr. Booth as the Auditor General of the Navy. The anonymous complaints identified 11 women who were potential victims of Mr. Booth's alleged sexual harassment.

Representative Jackie Speier sent a letter to the Acting Secretary of Defense Richard Spencer and Mr. Modly on July 16, 2019, expressing concern that the Department of the Navy (DON) had not taken any action after becoming aware of "highly credible allegations of repeated, rampant sexual harassment and other troubling behaviors perpetrated by" Mr. Booth.² Representative Speier wrote that she was aware of six women Mr. Booth sexually harassed. She stated that at least three of the women reported their experience through formal channels. Representative Speier indicated in her letter that according to these women, Mr. Booth's behavior toward them followed a similar pattern in which Mr. Booth offered to mentor them, suggested he meet with them outside of work hours, and subsequently made "inappropriate advances."

On July 25, 2019, Representative Speier's staff forwarded a December 18, 2018 e-mail to the DoD OIG from a Naval Audit Service employee to Mr. Spencer with a courtesy copy to Mr. Modly and his chief of staff. The employee's e-mail expressed concern about Mr. Booth's selection as the Auditor General of the Navy. The employee alleged that Mr. Booth engaged in sexual harassment

¹ Former Acting Secretary of the Navy Modly was the Under Secretary of the Navy during the events addressed in this report. We refer to him as Mr. Modly throughout this report.

² Former Acting Secretary of Defense Spencer was the Secretary of the Navy during the events addressed in this report. We refer to him as Mr. Spencer throughout this report.

in 2007. Additionally, Representative Speier's staff sent a separate e-mail that contained the names of 14 individuals listed as potential victims of Mr. Booth's sexual harassment.

On July 26, 2019, we initiated an investigation into allegations that Mr. Booth sexually harassed subordinates and wasted Government funds.

On September 3, 2019, Mr. Modly temporarily reassigned Mr. Booth as his special assistant pending Mr. Booth's retirement. Mr. Booth retired from Government service on September 30, 2019.

On March 4, 2020, the DoD OIG received an anonymous complaint that asserted Mr. Modly was aware of the complaints concerning Mr. Booth's alleged sexual harassment, yet did not vet Mr. Booth before he selected him as the Auditor General of the Navy.

On March 18, 2020, we added Mr. Modly as a subject in the investigation, based on additional information gathered during the investigation that indicated he might have failed to comply with DoD and Navy policies when informed of sexual harassment allegations against Mr. Booth. Mr. Modly resigned from his position on April 7, 2020.

On April 10, 2020, the DoD OIG received another anonymous complaint that alleged Mr. Modly was aware of complaints concerning Mr. Booth's alleged sexual harassment, yet did not vet Mr. Booth before selecting him as the Auditor General of the Navy.

Although Mr. Modly and Mr. Booth left Government service during this investigation, we completed our investigation consistent with our standard practice.

Scope and Methodology of the Investigation

We interviewed Mr. Booth, Mr. Modly, and 64 current or former Navy Pentagon staff and Naval Audit Service employees identified to us as potentially having information relevant to our investigation. Of the 56 current or former Naval Audit Service employees we interviewed, 3 were previously Mr. Booth's immediate supervisors and 40 worked for Mr. Booth before he became the Auditor General. Additionally, various sources identified 27 of the 56 to us as potential victims of Mr. Booth's alleged sexual harassment and included 12 of the 14 women Representative Speier's staff identified in the e-mail as potential victims. We contacted all 14 women that Representative Speier's staff identified; however, 2 of the women were no longer Government employees and did not want to be interviewed. Many of the witnesses we interviewed told us that the passage of time, anywhere from 1 to more than 20 years, hampered their recollections of the alleged incidents, events, and interactions with Mr. Booth.

Additionally, we reviewed Naval Audit Service IG and Human Resources records, DoD Hotline records, and Naval IG records regarding complaints made against Mr. Booth. We reviewed Mr. Booth's Government mobile phone records, more than 12,000 files located on Mr. Booth's Government laptop and shared drives, and more than 480,000 official e-mails Mr. Booth and several current and former Naval Audit Service employees sent or received. Finally, we reviewed the climate survey results, documents concerning the hiring process in which Mr. Modly selected Mr. Booth as Auditor General, the Navy's actions concerning complaints against Mr. Booth, and applicable standards. However, due to the passage of time and records retention policies, several Navy e-mail accounts we asked for were no longer available.

Two of the complaints we received alleged that Mr. Booth wasted Government funds. Based on our review of witness statements, e-mails, and documents, we determined that there was no evidence that Mr. Booth wasted Government funds as alleged. Accordingly, we did not address this allegation in Section III of this report. The table in Appendix D lists the alleged wasted funds and how each was resolved with no violation of an applicable standard.

Conclusions

We substantiated the allegation that Mr. Booth sexually harassed female employees. We did not substantiate the allegation that Mr. Booth wasted Government funds.

We did not substantiate the allegation that Mr. Modly may have failed to comply with DoD and Navy policies when informed of sexual harassment allegations against Mr. Booth.

We recommend that the Acting Secretary of the Navy review this report and take appropriate action.

We summarize our conclusions for Mr. Booth and Mr. Modly in this Introduction and Summary, and provide the facts and analysis underlying these conclusions in Section III.³

Conclusions for Mr. Booth

We substantiated the allegation that Mr. Booth sexually harassed 12 female Naval Audit Service employees. We determined that over the course of more than 20 years, Mr. Booth engaged in a pervasive pattern of sexual harassment and quid pro quo sexual propositions when interacting with female subordinates at the Naval Audit Service. He propositioned five female employees—four of which propositions were clear examples of quid pro quo, requesting sexual favors in exchange for career advancement, all under the guise of professional career “mentoring” that the employees expected from a senior leader. He engaged in a sporadic long-term sexual relationship with one of his female subordinate employees, who believed initially that the relationship was consensual but later realized that Mr. Booth’s conduct throughout her career in establishing a sexual relationship with her, a subordinate, and holding career advancements over her, fit the definition of sexual harassment under DoD standards. Mr. Booth’s propositions and frequent inappropriate interactions with women created an intimidating, hostile, and offensive work environment. His conduct made 12 female employees uncomfortable or caused them distress and 7 of them either left the Naval Audit Service or asked to move from his directorate because of his behavior. Accordingly, we concluded that Mr. Booth engaged in a pervasive and egregious pattern of sexual harassment toward multiple female employees over a period spanning more than 20 years.

Mr. Booth’s Response to our Tentative Conclusions Letter

We provided Mr. Booth our Tentative Conclusions Letter containing our preliminary conclusions and gave him the opportunity to comment on the results of our investigation before finalizing our report. Mr. Booth left us a voice message on March 2, 2021, stating, “The comments that I gave during my interview I stand by those. Again, I don’t know where these accusations are coming from as I stated in my comments. So I will be not sending any written comments.”

³ We discuss the allegation that Mr. Booth wasted Government funds in Appendix D of this report.

Conclusion for Mr. Modly

We did not substantiate the allegation that Mr. Modly failed to comply with DoD and Navy policies when informed of sexual harassment allegations against Mr. Booth. We determined that Mr. Modly requested and followed the guidance from senior leadership at both the Office of the Assistant Secretary of the Navy (Manpower and Reserves Affairs) and the Office of the General Counsel of the Navy when selecting Mr. Booth as the Auditor General. These officials knew of the December 18, 2018 e-mail that alleged Mr. Booth sexually harassed an employee in 2007, were responsible for reviewing the climate survey results, and were responsible for ensuring that the vetting and selection process for the Auditor General position followed applicable human resources and legal standards. These officials advised Mr. Modly that there was no current adverse information, and that nothing stood in the way of appointing Mr. Booth as the Auditor General. Therefore, we determined that Mr. Modly complied with DoD and Navy standards when he was informed of the sexual harassment allegations against Mr. Booth by having his staff and advisors, including legal advisors, vet Mr. Booth before making a selection. Based on the facts of this case, we conclude that his reliance on his staff and advisors was reasonable. Furthermore, he followed Navy selection process standards when selecting Mr. Booth as the Auditor General. Accordingly, we did not substantiate the allegation against Mr. Modly.

The following sections of this report provide the detailed results of our investigation. We first provide background information for Mr. Booth, the Naval Audit Service, and Mr. Modly. Second, we present a chronology of significant events. Next, we discuss the allegation that Mr. Booth sexually harassed female employees. Then we discuss the allegation that Mr. Modly failed to comply with DoD and Navy policies when informed of sexual harassment allegations against Mr. Booth. Finally, we present our overall conclusions and recommendations.⁴

II. BACKGROUND

Mr. Ronnie J. Booth

On February 3, 2019, Mr. Modly selected Mr. Booth as the Auditor General of the Navy. In this role, Mr. Booth served as the principal advisor on all audit-related matters to the Secretary of the Navy, the Chief of Naval Operations, and the Commandant of the Marine Corps. Beginning his career as an auditor trainee in 1982, Mr. Booth had more than 30 years of experience with the Naval Audit Service, where he served in various positions of increasing responsibility. As a General Schedule (GS) employee, Mr. Booth served as an auditor, audit manager, and audit director. In 2004, Mr. Booth began a Limited Term Senior Executive Service (SES) appointment as the Special Assistant to the Auditor General of the Navy for Base Realignment and Closure.⁵ From 2005 until assuming duties as the Auditor General in 2019, Mr. Booth served consecutive assignments as an Assistant Auditor General (AAG) for 1) Plans, Policy, and Resources Management; 2) Manpower and Reserve Affairs Audits; 3) Installation and Environment Audits; and 4) Energy, Installations, and Environment Audits (EIE).

On August 19, 2019, during this investigation, Mr. Booth submitted his intent to retire from Government service. On September 3, 2019, Mr. Modly reassigned Mr. Booth as a special assistant to his office until Mr. Booth retired from Government service on September 30, 2019.

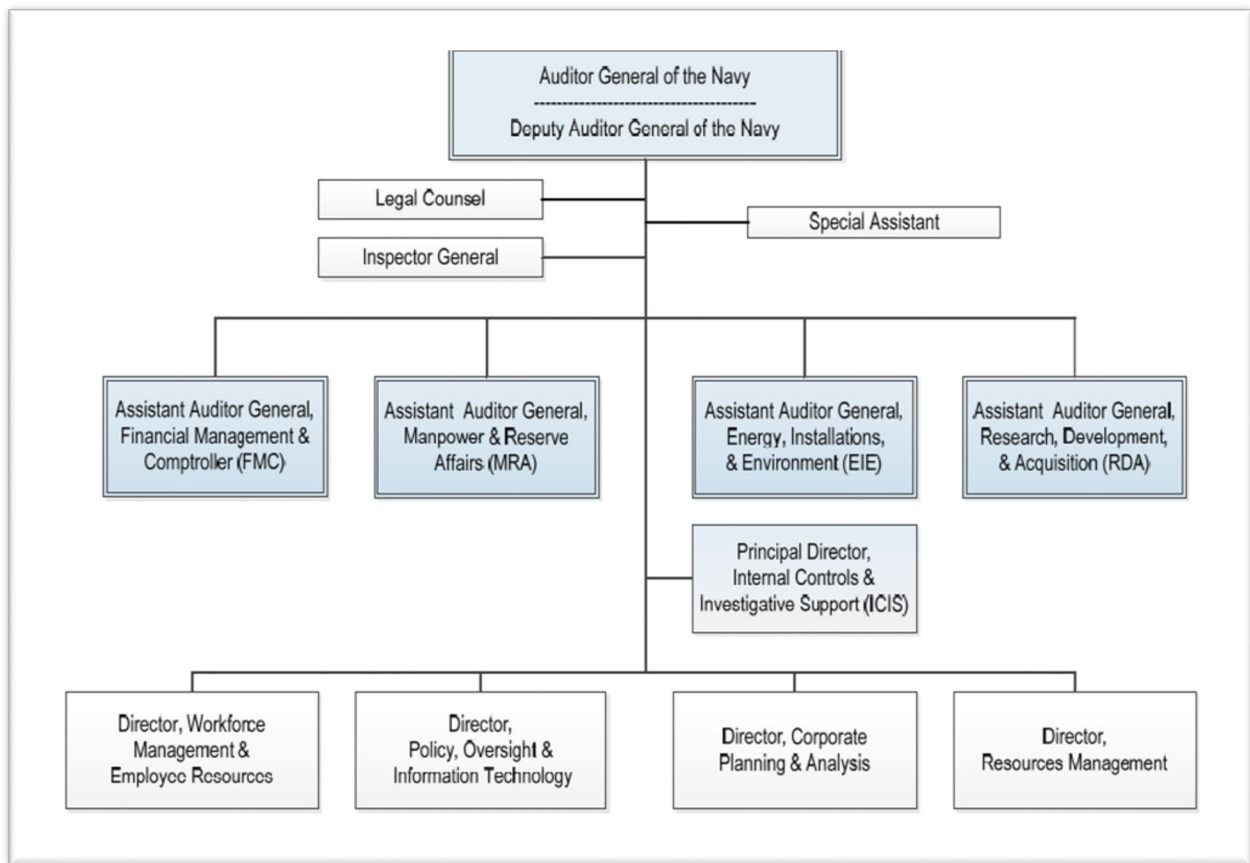
⁴ We based our conclusions on a preponderance of the evidence, consistent with our normal process in administrative investigations.

⁵ Limited Term SES appointments are short-term roles lasting no more than 3 years.

Naval Audit Service

According to the Naval Audit Service “Strategic Plan Fiscal Years 2017-2021,” the agency’s mission is to provide audit services and products to help DON leadership assess risk to improve efficiency, accountability, and program effectiveness. The Naval Audit Service’s core values include a commitment to accountability, excellence, integrity, and trust as the foundation of success. Regarding the core values, the plan also states, “We treat all with respect, dignity, and fairness, and highly value teamwork and open communication.” The Naval Audit Service is led by the Auditor General of the Navy, has more than 330 employees, is headquartered at the Washington Navy Yard in Washington, D.C., and has field offices in Norfolk, Virginia, and San Diego, California. The Auditor General of the Navy reports directly to the Under Secretary of the Navy. A Deputy Auditor General, four Assistant Auditors General, and one principal Director assist the Auditor General, as shown in the Naval Audit Service organizational structure depicted in the following figure.

Figure. Naval Audit Service Organizational Structure



Mr. Thomas B. Modly

In September 2017, the President nominated Mr. Modly to be the Under Secretary of the Navy. The Senate confirmed this nomination in November 2017. Mr. Modly began serving as the Under Secretary of the Navy on December 4, 2017. When Mr. Spencer resigned on November 25, 2019, Mr. Modly assumed duties as the Acting Secretary of the Navy. Mr. Modly resigned from Government service on April 7, 2020.

III. ANALYSIS OF THE ALLEGATIONS

Chronology of Significant Events

Table 1 lists the timeline of events related to this investigation.

Table 1. Chronology of Significant Events, 1982-2020

Date	Event
March 1982	Mr. Booth begins as an audit intern at the Naval Audit Service.
March 2000	Mr. Booth receives a promotion to GS-15.
May 2004	Mr. Booth receives an appointment as a Limited Term SES.
July 2006	Mr. Booth receives an SES Career Appointment.
August 2006	Mr. Booth assumes duties as the AAG EIE.
December 4, 2017	Mr. Modly assumes duties as the Under Secretary of the Navy.
January 10, 2019	The DoD OIG receives a referral of allegations concerning Mr. Booth.
February 3, 2019	Mr. Booth assumes duties as the Auditor General of the Navy.
February 27– July 1, 2019	The DoD OIG receives 10 anonymous complaints that allege Mr. Booth sexually harassed women or wasted Government funds. Seven of the complaints also assert that Mr. Modly was aware of the sexual harassment before he selected Mr. Booth as the Auditor General.
July 26, 2019	The DoD OIG initiates the investigation of Mr. Booth.
September 3, 2019	Mr. Booth becomes the special assistant to Mr. Modly.
September 30, 2019	Mr. Booth retires from Government service.
November 25, 2019	Mr. Modly assumes duties as the Acting Secretary of the Navy.
March 4, 2020	The DoD OIG receives an anonymous complaint that alleges Mr. Modly was aware of the complaints concerning Mr. Booth's alleged sexual harassment yet did not vet Mr. Booth before selecting him as the Auditor General of the Navy.
March 18, 2020	The DoD OIG adds Mr. Modly as an additional subject of the investigation.
April 7, 2020	Mr. Modly resigns from Government service.
April 10, 2020	The DoD OIG receives a second anonymous complaint that alleges Mr. Modly was aware of the complaints concerning Mr. Booth's alleged sexual harassment yet did not vet Mr. Booth before selecting him as the Auditor General of the Navy.

Referral and Anonymous Complaints

The January 10, 2019 referral included excerpts of 10 comments that employees made in the 2018 climate survey, which, according to the referral, suggested Mr. Booth engaged in misconduct. We reviewed the 2018 climate survey and found four comments that identified Mr. Booth by name or by the position he held at the time the Naval Audit Service employees took the climate survey. Additionally, the climate survey contained 14 comments that asserted Naval Audit Service "senior leaders," "supervisors," or "selecting officials" engaged in sexual harassment or other inappropriate behaviors. These comments did not identify any individual by name or position.

We received 12 anonymous complaints from February 27, 2019, through April 10, 2020, concerning Mr. Booth's alleged sexual harassment or waste of Government funds. Seven of these anonymous complaints asserted that Mr. Modly was aware of sexual harassment allegations against Mr. Booth before selecting Mr. Booth as the Auditor General of the Navy. We present a summary of the 12 anonymous complaints in Appendix B of this report.

A. MR. BOOTH'S ALLEGED SEXUAL HARASSMENT OF FEMALE EMPLOYEES

According to the January 10, 2019 referral, 11 of the 12 anonymous complaints, and Representative Speier's letter, Mr. Booth allegedly had a history of sexually harassing Naval Audit Service female employees. The complaints asserted that Mr. Booth "preyed" on "young female" employees by offering to mentor them and then promising them promotions and career advancement in exchange for sexual favors.

We interviewed 56 current or former Naval Audit Service employees, of whom 38 were women. Based on the complaints we reviewed and the witnesses we interviewed, we identified 27 of these 38 female employees as potential victims of Mr. Booth's alleged sexual harassment. These interviews and our review of DoD Hotline, Naval Inspector General (IG), Naval Audit Service IG, and human resources records revealed that over the course of more than 20 years, Mr. Booth exhibited a pattern of pervasive quid pro quo sexual harassment when interacting with Naval Audit Service employees.

In this section, we discuss the pattern of conduct witnesses told us Mr. Booth used to sexually harass Naval Audit Service female employees. First, we describe employee observations of Mr. Booth's interactions with female employees. Next, we present the interactions that 12 female employees had with Mr. Booth that made them uncomfortable or caused them distress. Of these 12 female employees, 5 told us that Mr. Booth propositioned them for sex. One of the propositioned women stated that she and Mr. Booth engaged in a "sporadic" long-term relationship. We then present interactions Mr. Booth had with three other female employees.⁶ Finally, we present Naval Audit Service employee perceptions of their agency's handling of previous complaints concerning Mr. Booth's behavior toward women.

Of the 56 current or former Naval Audit Service employees we interviewed, 40 worked for Mr. Booth before he became the Auditor General in February 2019. Of these 40 employees, 11 considered Mr. Booth their mentor. Witnesses told us that Mr. Booth made his "rounds" nearly every morning by visiting employees at their desk, and sometimes he would sit and talk to employees during lunch. Most witnesses told us that Mr. Booth's interactions with them were professional, or at least initially were professional. One witness told us that Mr. Booth was a "little friendlier" with the women than he was with the men. The witness explained that Mr. Booth had a "more friendly relationship" with "young auditors ... mostly the female auditors" because Mr. Booth "only spoke with them every day" in his office. The witness never observed anything inappropriate with those sessions.

⁶ We present a [REDACTED] of Mr. Booth's alleged conduct with 15 female employees (Employees 1-12, and 3 others) in Appendix C of this report.

Employee Observations of Mr. Booth's Behavior toward Female Employees

Of the 56 witnesses, 19 characterized Mr. Booth's interactions as professional. These witnesses told us that Mr. Booth was polite, smart, respectful, a "go to" person, or "very good" at his job. Of the 56 witnesses, 14 told us that Mr. Booth had a reputation as "a womanizer," "going after subordinates," or "friendly to the young ladies." For example, witnesses told us the following.

- Mr. Booth was attracted to women who were young, ambitious, intelligent, and attractive.
- Mr. Booth "like[d] young women," and if they became his "favorite," he gave them things such as a grade increase.
- There were "rumors that he [Mr. Booth] ran a pretty loose ship" and that there was always something going on with women. "There was always this smoke about [Mr. Booth] hitting on female staff and not necessarily him, but him allowing it in his office and not discouraging it. And it was just something that followed him throughout his whole career"

Three witnesses (two female and one male) characterized Mr. Booth as a "predator" or said that he would "prey" on women. One witness told us that she used the word "predator" because over the years, she heard conversations or "hearsay" about Mr. Booth "preying on young women," and one of her employees had "negative" interactions with Mr. Booth. The witness told us that Mr. Booth would "prey on people because they were young, they were brand new," and they did not know "how it should or shouldn't work. ... he could manipulate being in the position he was in." The second witness told us that based on what he heard about Mr. Booth wanting to have "mentoring sessions" with at least four female employees, "it sounded like Mr. Booth was somewhat of a predator." The witness stated that "mentoring session" meant "sexual encounter." The third witness told us that Mr. Booth:

seems to prey on young women, black, white, or indifferent, that are naïve, that are looking to advance their careers, that are looking for status that he feels like he can manipulate. ... that he can use to his advantage.

Four female employees told us that colleagues warned them to be careful around Mr. Booth. The first woman told us that her supervisor warned that Mr. Booth was "targeting her." The woman thought that she "fit the mold of being a young female. The only issue was I wasn't naïve, and I wasn't interested." A second woman told us that a colleague said, "[J]ust watch him, because he has a tendency to ... stare at and check out all the young ladies in the office." A third woman told us that a colleague advised her to be careful around Mr. Booth because he has a "way with the ladies." A fourth woman told us that several colleagues said to be careful with Mr. Booth and not let him think that she was "available." One of these colleagues also told her that Mr. Booth was "good if he doesn't sexually harass you."

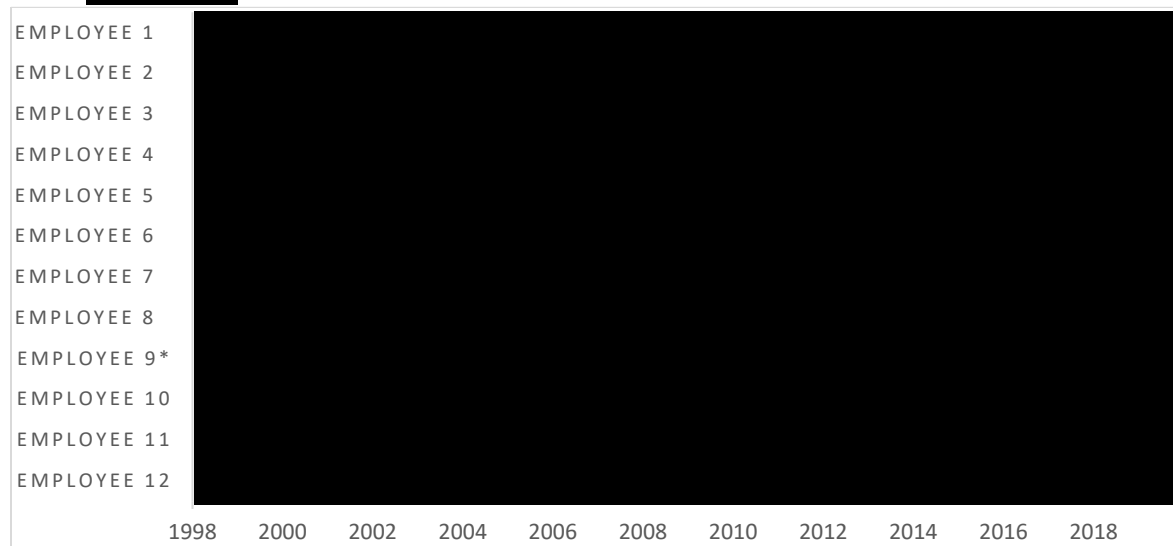
Mr. Booth's Interactions with 12 Female Employees

Twelve female employees, denoted as Employees 1 through 12, described interactions with Mr. Booth that made them uncomfortable and caused them distress. We present the details of their interactions with Mr. Booth [REDACTED] by employee. Of the 12 employees, 5 (Employees 1, 2, 6, 7, and 8) accepted Mr. Booth's invitations to meet him at various bars,

restaurants, or his brother’s apartment or house, or to transport them to a party. These five women expected to attend a mentoring session or a team event of some kind. However, Mr. Booth propositioned these five for sex when he met with them outside of work. One of the five (Employee 1) engaged in a “sporadic” long-term sexual relationship with Mr. Booth. Of the 12 employees, 4 (Employees 4, 9, 10, and 11) declined Mr. Booth’s offers to meet outside of work. Mr. Booth told 2 of the 12 (Employees 5 and 12) that they needed to go to a conference with him but they could not tell anyone about it, including their supervisors. Lastly, 5 of the 12 (Employees 2, 3, 6, 8, and 11) asked to be moved from Mr. Booth’s directorate and 2 (Employees 5 and 7) moved of their own accord when opportunities arose.

The following chart presents a graphical [REDACTED] of Mr. Booth’s interactions with each of the 12 female employees who told us Mr. Booth made them uncomfortable in his presence.

Chart. [REDACTED] Mr. Booth’s Interactions with Employees 1–12



* We do not have a specific time range for Mr. Booth’s interactions with Employee 9. However, we estimate that these interactions might have occurred in or before [REDACTED].

Of the 12 female employees whom Mr. Booth made uncomfortable, 5 told us that Mr. Booth’s initial interactions with them were professional. Employee 1 told us that during their initial interactions Mr. Booth was a “real mentor.” Employee 1 stated, “[E]verything we discussed was about my career; where I wanted to go with my career; how I was doing; giving me tips.” Employee 7 told us that Mr. Booth advised her on training to take and audit team assignments to advance her career. She stated, “He’s telling me what I need to do. I’m looking at him almost as if he’s a mentor.” Employee 5 told us that Mr. Booth was professional and “very” involved in their audit work. She stated that Mr. Booth would “randomly” stop by her desk after everyone was gone and ask “random questions about the audit.” She added that Mr. Booth’s visits “started getting a little bit uncomfortable to the point where [she] started leaving early.” Employee 6 told us that Mr. Booth was “completely” professional concerning projects or casual conversation, and nothing inappropriate ever happened during their initial interactions. Employee 6 stated, “And then ... a marked shift in the conversation. Questions started getting a little more familiar, and Mr. Booth kind of seemed like he was taking an interest in me as in a mentor type of a role. Again, still professional but more friendly.”

Employee 2 told us that her initial interactions with Mr. Booth were much like every other coworker. She stated that after a while, "He would say things that felt kind of strange that I didn't find appropriate to tell to a coworker," such as "drop the boyfriend" or "leave" the boyfriend. She told us that when her coworkers were around, Mr. Booth would "keep his distance," but when no one else was around, "he would get too close." She explained that he would not provide "personal space" when walking through the office hallway. Employee 2 stated that Mr. Booth would "bump into you and either do a giggle or a sorry or excuse me." She added, "I don't know if he knew how to limit himself." She told us, "[T]he moment I would see him, I would just turn around, go somewhere else."

Mr. Booth told us that he had an open door policy for mentoring, in which he would talk to anyone who walked into his office and asked for mentoring. He said he mentored both men and women. He told us that every day he walked around the office and talked to his employees about mentoring. He stated that he was "big" on mentoring and there was "no difference" between how he mentored men and women.

Employee 1

Employee 1 told us that Mr. Booth "would always talk about being there for me, supporting me, saying that he ... heard that I was a good worker, and he could make great things happen for me." She stated, "I always expressed my ambitions to him because at that time he was a 'real mentor.'" He would talk to her in his office about her career and about promotions. At some point, Mr. Booth's interactions with her changed. She said, "Mr. Booth convinced me that he could help me up my career and he invited me out ... [to] talk about it." The stated purpose of the invitations was always to discuss her career. Mr. Booth called them "offsite meetings," where they met at a restaurant for lunch or late lunch, and alcoholic drinks. Afterwards they went to an apartment or a house allegedly owned by Mr. Booth's brother or to a Government hotel room Mr. Booth obtained at personal expense on Joint Base Anacostia-Bolling for more drinks and sex.

Employee 1 described her more than [REDACTED]-year [REDACTED] sexual relationship with Mr. Booth as "sporadic." She stated that she could "remember some things," but could not remember exactly when things occurred. She explained that she knew Mr. Booth for more than [REDACTED] years. She thought their sexual interactions might have started before [REDACTED] when she was "really, really young," possibly a GS-9, 11, or 12 employee. Employee 1 estimated that she met Mr. Booth on 10 to 12 occasions in which the two of them engaged in sexual intercourse, from the start of their sexual relationship until it ended in [REDACTED]. She thought that most instances of sexual intercourse occurred when she worked for Mr. Booth. She based her estimate of 10 to 12 occasions on her recollection that she and Mr. Booth had engaged in sexual intercourse during:

- Mr. Booth's golf trip to North Carolina;
- two or three visits to Mr. Booth's brother's apartment;
- two or three visits to Mr. Booth's brother's house;
- at least two visits to a hotel room Mr. Booth obtained with personal funds for personal use at Joint Base Anacostia-Bolling in Washington, D.C.;
- a visit to Mr. Booth's Government lodging during two separate Temporary Duty assignments to [REDACTED]; and
- a Temporary Duty assignment to the [REDACTED].

Employee 1 told us that from [REDACTED] through [REDACTED], she and Mr. Booth were “solidifying” their sexual relationship when she flew to North Carolina and stayed with him in his hotel room for a few days while he was on a golf trip with “his buddies.” Mr. Booth did not “expose” her to his “buddies” because at least two of them were Naval Audit Service employees [REDACTED]. She did not see them because she and Mr. Booth did not stay at the same resort as his friends. She told us that although she bought her ticket and flew to North Carolina, she rode back to the Washington, D.C., area with Mr. Booth. When asked how she went from a mentoring relationship to buying an airline ticket to go spend a couple of days with Mr. Booth, she responded:

I was naïve in believing that he had my best interest at heart when it came to career because we would talk about my career and promotion ... I was more stuck on that and I just think ... in that time I just got lost in that how we switch from that to I don't know. I'll just say he's good because I can't tell you what it switched over or what led it there. It was a very smooth and transparent and I don't recall. Nothing stands out in the transition.

When recalling their sexual encounters in the Washington, D.C., area, Employee 1 told us that she always met Mr. Booth before the end of the workday. Mr. Booth would tell her to say that she had a meeting outside the office. Employee 1 said that in some of the encounters with Mr. Booth, she left work to meet Mr. Booth for lunch around 1:30 or 2:00 p.m. at a restaurant. She told us that the purpose of going to lunch with Mr. Booth was “always centered on [her] career.” She stated, “It was always about something to do with a job ... how he was going to help me get [promoted] ... and we're going to have discussions about it, or he knew somebody and they're going to have a position. He want[ed] to give me heads up about the position.”

Employee 1 stated that when she would meet Mr. Booth at restaurants, they would eat, have a couple of drinks, and then separately drive to Mr. Booth's brother's apartment or house, or to the hotel room Mr. Booth obtained on Joint Base Anacostia-Bolling. At these locations, they would have more drinks and engage in sexual intercourse. She could not recall how they would get from “drinks to naked in bed.” She thought she was drunk and that was why she “would most of the time fall asleep and take a nap before going home.”

Employee 1 told us that she met Mr. Booth at his brother's apartment or his brother's house, each on two to three occasions in which they engaged in sexual intercourse. When trying to remember the details and time period of these visits, Employee 1 stated, “I don't remember time frames. Again I just remember scenes.” She described the brother's apartment as a two-bedroom unit in Suitland, Maryland. She stated that the apartment was across the street from a cemetery and near the U.S. Census building. She recalled that one of the interior walls of the apartment was brick. She thought Mr. Booth told her that he bought the brother a house so the brother could move out of the apartment. She described the brother's house as located on a corner lot with a long driveway in Forestville, Maryland. A review of the brother's address history revealed two addresses with several similarities to Employee 1's description of the brother's apartment and house.⁷

Employee 1 also told us that she met Mr. Booth at least twice at a hotel room Mr. Booth obtained with personal funds on Joint Base Anacostia-Bolling, where they engaged in sexual

⁷ After reviewing maps, photographs, and the apartment complex website regarding dwellings associated with the brother's address history, Employee 1 told us these items looked “familiar.”

intercourse. She thought it was at least twice because she remembered Mr. Booth saying that “he wasn’t going to keep paying for a room.”

Employee 1 also described Mr. Booth “pursuing” her while on at least five official trips. During three of these trips, she said that she and Mr. Booth engaged in sexual intercourse. Employee 1 told us that she and Mr. Booth engaged in sexual intercourse on at least two trips to [REDACTED], and during one trip to [REDACTED], in [REDACTED]. However, she rejected Mr. Booth’s advances during a trip to [REDACTED] and a trip to [REDACTED].

She could not remember the dates of the trips to [REDACTED], when she and Mr. Booth engaged in sexual intercourse, because “several times” Mr. Booth arranged meetings so that the two of them needed to travel there. She “specifically” remembered having sexual intercourse with Mr. Booth on two official trips to [REDACTED]. She described one of these encounters as occurring at Mr. Booth’s Government hotel room and the other encounter occurring at a house [REDACTED] for executives that Mr. Booth obtained. She stated, “I don’t remember the span of time because ... I always felt guilty ... it bothered me. ... I know I told him once how it bothered me. ... But somehow, I got suckered up again. And it’ll happen again and then there’s a time break.”

Employee 1 was able to remember dates concerning official travel to [REDACTED]; [REDACTED]; and [REDACTED]. She told us that during official travel to [REDACTED], Mr. Booth approached her at the hotel bar and told her to come to his room. She stated that Mr. Booth was “quite bold ... because it was a group of us traveling” together and they were “all at the bar ... having drinks.” She stated that she remembered ignoring Mr. Booth and “nothing sexual occurred” during the trip.

Employee 1 told us that she and Mr. Booth also engaged in sexual intercourse while on official travel to [REDACTED]. She thought Mr. Booth was “forcing” her to make official travel “fit him.” She recalled the trip because she was “pulling away” from Mr. Booth at that time and she thought “that was the last time” they engaged in sexual intercourse. She stated:

[T]he main reason that I can recall that is because I was ... really working on myself, and he was an annoyance from that point on. So, I didn’t look at him the same as I did before, and I also started feeling ashamed because I was lied to because everything was him that could help me with my career and I would need him to move up And I think it took me that long to realize that he wasn’t helping me and that I was being used. So I really started pushing away at that time.

Employee 1 stated that “everything was always centered on” her career and how to get promoted. She stated, “There were times where ... he left me alone or I was stronger at that point, to points where I fell back in the same thing.” She described her pulling away from Mr. Booth as not “a permanent thing. I pulled away, and then get suckered back in.” She stated that Mr. Booth always “drew” her back in by telling her, “You can’t go nowhere [sic] without me. You’re going to need me. I know people.” Mr. Booth always took credit for everything positive that happened in her career, telling her it happened because of him. For example:

- Good performance reviews: Mr. Booth would tell her, “You wouldn’t have got [sic] that without me. That’s why you need me.”
- Praise from a command: Mr. Booth would tell her, “That’s why I gave you this job, that audit to do. You see I look out for you. You’re going to need me.”

Employee 1 told us that Mr. Booth directed her to schedule the official travel to [REDACTED] [REDACTED] so that he could attend and be with her before the [REDACTED]. She stated, "I remember this one so well because I was so upset that he came, really. Because I already know what his intentions were." At Mr. Booth's direction, the two of them arrived in [REDACTED]. She and Mr. Booth obtained rooms at the Government lodging location and Mr. Booth tried to get her to go to his room for sexual intercourse. She thought that Mr. Booth tried to reach her on her cell phone, which she did not answer, and he later caught her outside. She stated, "I don't remember exactly what I said. I said something that turned him off and he didn't bother me the rest of the day."

The next day, Employee 1 and Mr. Booth met with the client. Mr. Booth talked for about 5 minutes [REDACTED]. They were finished in less than 30 minutes. After the briefing, she remembered telling Mr. Booth that she was going to stay at the unit and prepare for [REDACTED]. However, Mr. Booth directed that she take him back to the Government lodging, where "he kept on pressing" her about coming to his room. She told us, "I refused. I spent the rest of the day trying to avoid him. And that's when he started contacting me saying that I needed to take him to the airport." She stated that Mr. Booth "got really upset" because [REDACTED] someone from [REDACTED] take Mr. Booth to the airport [REDACTED].

Employee 1 stated that by this time she was trying to distance herself from Mr. Booth, but he continued being "blatant" about their sexual relationship. Mr. Booth would walk by Employee 1 in the office hallway and make comments about her body, whispering that she had a "big butt." She once told him that she did not like him commenting on her body and he told her "that's what men like." She also told us that when she started pulling away from Mr. Booth "he would always try to touch" her legs when she was in his office. She explained that "he would call me around to the other side of the desk ... he'd give comments about my body, especially my butt, but he would just try to touch my legs." She said that Mr. Booth would invite her around to his side of the desk so that he could feel her legs. Mr. Booth told her, "Come here so I can feel your legs. Come here and let me touch your legs." She told us that Mr. Booth was her supervisor and she was always in and out of his office, so he said these things to her "several times a month for a couple of years." In the beginning, she responded to Mr. Booth by reminding him that someone could walk in. Later, she dealt with his comments by "pretending" she did not hear him because she was "numb to it." Finally, in early 2018, Employee 1 said to Mr. Booth, "hashtag me too," a reference to the social media movement for women to come forward with their experiences with sexual harassment. She stated, "I remember seeing his face. He shut up and didn't say another word. He looked like [he was] in shock. And I walked out."

Employee 1 told us that in the beginning she did not consider their sexual relationship as sexual harassment because she believed that it was "two people having an affair." She told us that every time she had sex with Mr. Booth it took her "a while to get over" because she felt guilty. She stated, "[I]nstead of looking at it from the standpoint of him being my boss, I was looking at it from the standpoint that [REDACTED] because he definitely reminded me that we were [REDACTED]."

When asked if she thought Mr. Booth had sexually harassed her, Employee 1 responded, "I know he did. I know he did. It just took me time to accept it and because I was harder on myself ... than I was on him." She added that it took her a while to accept that she was sexually harassed because she thought of herself as a "pretty strong woman" who had accomplished a lot and when she looked back, she was "ashamed." She stated, "[T]he more he started playing those games with

my mind, I didn't play them anymore." She explained that "playing those games" meant when Mr. Booth would tell her, "You know you can't do anything without me. You know you need me to get this done. You want your [promotion]? You know you need me." She stated:

[T]o look back and see the power that he had over me and the influence that he had over me and the fact that he communicated that he could make things happen for me, whether he did or not, that makes it sexual harassment, in my mind, when I look back.

Employee 1 told us that she "could easily have took [sic] the road of going through the channels" and reporting Mr. Booth's interactions with her but she was afraid. Employee 1 heard that Mr. Booth was called the "Teflon man" and she "always heard how he had gotten away with ... complaints or DoD OIG Hotline complaints, investigations." She added, "I just didn't want to take that route. I was looking out for my career."

When asked if she thought Mr. Booth treated other women the same as her, she responded, "I actually thought I was the only one. I really did." She clarified that she realized she was not the only one Mr. Booth had harassed because, right after Mr. Booth was promoted to Auditor General, another Naval Audit Service female employee told her that she did not know how Mr. Booth was promoted, and mentioned Mr. Booth's brother's house. Employee 1 stated that when she asked the other employee what she knew about the house, the woman replied, "[W]hat do you know about the house?" Employee 1 told us, "[The female employee] didn't take the conversation any further. We left it alone. But she knows about the house."

Mr. Booth told us that Employee 1 was a "very good" employee who had "been around a while." He denied ever propositioning or having sex with Employee 1. Mr. Booth also denied telling employees that he wanted to continue "mentoring" discussions with them at other private locations, such as hotel rooms, his brother's apartment, and his brother's house, for sex.

Employee 2

Employee 2 told us that during the [REDACTED], shortly after she began working at Naval Audit Service as a GS-5, Mr. Booth called and invited her to an impromptu team party at a Naval Audit Service GS-14 employee's home. She stated that Mr. Booth invited her to the party "under the pretense" that her supervisor and entire audit team would be there. When she told Mr. Booth that she did not have a way to get to the party, Mr. Booth offered to give her a ride. Mr. Booth picked her up at her home and drove her to what she believed would be a party.

Upon arriving at the party, she discovered that the only people present were two GS-14 supervisors, one of their girlfriends, and the girlfriend's child. However, no one from her team was there. She texted her coworkers to see where they were, but no one responded. She told us that "things felt weird" because no one from her team had arrived. After being there for about an hour and no one from her team arriving, her "instincts" were that something was "not right." Employee 2 told us, "I was young and a bit stupid, but I was not that stupid." She told Mr. Booth she wanted to go home because "this is not the kind of party for me." Mr. Booth offered and drove her back home but "that's when things turned ... inside out." She told us:

Because once I got into the car ... he started asking me about relationships ... he even told me that his father ... told him that he had a mistress or two and that he should do the same but to never tell his wife And then without

any hesitation, without any sugarcoating whatsoever, he said, "I want you to be my mistress." And I froze. I turned white as a ghost and I said, "Oh hell, no. No, no, no. ... And then he said, "What will happen if I tried to do this?" When he said that, he put one of his hands and was pretty much about to touch my thigh. I did not hesitate to unlock that door and pretty much open the door to jump out. He freaked out and said, "No, no it's okay. I'm not going to touch you. I'm not going to do anything."

But I'm swearing to you that if he would have put a finger on my skin, I don't care if the car was moving or not, I would have jumped out of it. I didn't care where I was. I didn't know where I was. But if I had to walk back to my place to whatever, I was not going to stay there. From that moment on, everything got quiet. He dropped me off at my apartment. I run [*sic*] like hell to my room, to my apartment, locked the doors, and cried my heart out because I could not believe what had just happened.

When Employee 2 went back to work, she asked her coworkers why they did not attend the team party and they all said that they did not know about a party. She stated that Mr. Booth thanked her for not saying anything. She told us, "I did say something; it's just that nobody really cared ... what happened to me." She also told us, "I was honestly afraid of saying anything else because I didn't know how close [Mr. Booth and her supervisor] were." Because Employee 2 was a new employee at the Naval Audit Service she did not know anyone, and she "felt totally unprotected, defenseless ... really corralled. [And she] didn't know where to go." After what happened with Mr. Booth, Employee 2 moved from apartment to apartment and never shared her phone number or address with anyone other than human resources. Additionally, she did whatever she could to get out of Mr. Booth's directorate and out of his "eyesight."

A Naval Audit Service supervisor stated that in [REDACTED], Employee 2 told him that Mr. Booth had asked her to be his mistress and she was "uncomfortable" working with Mr. Booth. Employee 2 asked the supervisor if she could move to his directorate to avoid Mr. Booth. The supervisor told his SES leader that Employee 2 was "uncomfortable" working with Mr. Booth and that the employee wanted to work for their directorate. The SES leader agreed and they moved Employee 2 to their directorate.

[REDACTED] to Mr. Richard Leach, former Auditor General, stated that Employee 2 told [REDACTED] that Mr. Booth invited her to "a party and she thought it was an office party," but when she arrived it was just Mr. Booth and two or three men. Employee 2 said that she felt "uncomfortable" because she was the only female and the men told her, "She was going to be the party." [REDACTED] "immediately" turned the matter over to Mr. Leach.

The Naval Audit Service IG conducted a preliminary inquiry in September 2004 concerning the [REDACTED] incident between Mr. Booth and Employee 2. The Naval Audit Service IG wrote that Mr. Booth allegedly told Employee 2 that he was looking for a "mistress" and allegedly asked the employee if she would date him, a married man. The Naval Audit Service IG interviewed Mr. Booth and Employee 2. The Naval Audit Service IG determined the allegation was "impossible to pursue" or "prove it true or untrue" and closed the case.⁸ The Naval Audit Service IG did not notify the Naval IG or the DoD OIG about the allegation against Mr. Booth, a senior official, or its preliminary inquiry.

⁸ We reviewed the case file, which included the transcripts of Mr. Booth's and Employee 2's interviews. We attempted to locate the former Naval Audit Service IG who conducted the preliminary inquiry, but he is deceased.

Employee 2 stated that when the Naval Audit Service IG interviewed her, he (the IG) told her that “if a friend of his was doing something wrong, he was just going to turn his blind eye on it. He was not going to do a thing.” She told us that when the Naval Audit Service IG said this to her, “pretty much the interview by then, to me, was over.” She stated, “I knew then that my case was dead. It was going to go nowhere. I was going to get no protection, no nothing.” She added, “[O]nce they tell you something like that ... what do you have?”

The Naval Audit Service supervisor told us that when Mr. Booth became the Assistant Auditor General (AAG) for EIE in 2006, Employee 2 once again asked for a transfer to another directorate because she was “uncomfortable” working with Mr. Booth. The supervisor told the SES leader of another directorate that Employee 2 was “uncomfortable” working with Mr. Booth and that the employee wanted to work for that directorate. The SES leader agreed and they moved Employee 2 to the other directorate.

Mr. Booth told us that he thought they had invited Employee 2 and others to that get-together and Employee 2 was not forced to go. Mr. Booth drove Employee 2 to the party because she did not have a vehicle. Mr. Booth stated, “As soon as she got there she didn’t see anybody else so I took her back and that was it.” Mr. Booth told us “the key” was that for any employee who was “uncomfortable” after arriving, “we drove them back.”

When asked about the drive back and allegedly asking Employee 2 if she was in a relationship or had a boyfriend, and telling her that his father had a mistress and that he wanted her to be his mistress, Mr. Booth responded, “no, nope, no.” Mr. Booth added, “[N]one of that happened that way. ... But, no, I did not state those things to [Employee 2].” Mr. Booth told us that he never propositioned Employee 2 for sexual favors. He also denied attempting to touch Employee 2, stating, “I didn’t touch, no, none of that.”

Employee 3

Employee 3 told us that she and Mr. Booth participated in a Naval Audit Service sporting event in which she won several prizes in [REDACTED]. After the sporting event ended, Mr. Booth told her that she needed help taking her prizes to her apartment and that he would “bring it upstairs for you.” Employee 3 told Mr. Booth that she did not need help. Employee 3 told us that when she got back to the office, colleagues asked her if she was one of “Ron’s girls.” She also stated that one of Mr. Booth’s subordinates told her that she needed to “play the game” to “get advanced quicker.” According to Employee 3, “playing the game” meant “going out” with Mr. Booth and “doing whatever Mr. Booth wants you to do.” Employee 3 did not want to be part of the “rumor mill” so she asked her supervisor to move her from Mr. Booth’s directorate.

The Naval Audit Service IG conducted an inquiry in 2003 concerning allegations that Mr. Booth sexually harassed female employees including Employee 3, who at the time was a GS-[REDACTED]. The IG interviewed Mr. Booth, Employee 3, and 14 other witnesses. The IG did not substantiate the allegations and closed the case.

The Naval Audit Service supervisor told us that Employee 3 was one of two women who came to him and asked for a transfer to another directorate when Mr. Booth became the AAG for EIE in 2006. The supervisor stated that Employee 3 was not “specific” but told him she was “uncomfortable” working with Mr. Booth. The transfer was approved and Employee 3 moved to another directorate.

Mr. Booth told us that “years and years ago” he saw Employee 3 at a sporting event “getting these trophies.” He told us that he rarely interacted with Employee 3 and denied propositioning her for sexual favors.

Employee 4

Employee 4 told us that Mr. Booth’s initial conversations with her were, “You got this job because of me. If you stick with me I can provide you training, and give you opportunities to excel, and prove yourself.” She told us that because she knew about Mr. Booth’s behavioral reputation, she tried to stay “clear” of him. Employee 4 told us that from 2007 through 2009, Mr. Booth would stand in her office doorway and speak in “sort of this whisper ... mumbly voice.” She stated that Mr. Booth told her, “I need to get your personal number so I can give you a location where to meet up.” When she told Mr. Booth she was not comfortable giving him her personal number, he said, “Well in order to get ahead you’ve got to play the game. And we need to talk offline about some opportunities that I’m aware of and I would like to get you involved in.”

Employee 4 told us that on at least two occasions, Mr. Booth told her, “We can meet at my brother’s house.” When Employee 4 asked Mr. Booth why they had to meet outside of the office, he said, “Well people around here talk. You don’t want everybody in your business.” She never understood why Mr. Booth needed to meet outside the office, but she knew that Mr. Booth’s “line worked” because some coworkers “have been convinced that if they meet him outside of the office they’ll get opportunities that they wouldn’t necessarily get if they spoke formally inside the office.” She told us she was always uneasy about Mr. Booth and that he gave her a “little eerie feeling.”

Mr. Booth denied ever propositioning Employee 4 for sexual favors.

Employee 5

Employee 5 stated that around 2008 or 2009, Mr. Booth told her that she had to attend a training that she could not tell anyone about, including her supervisor. Employee 5 told us that Mr. Booth gave her the impression he would be attending the training. She told us that Mr. Booth also said that she had to use annual leave to attend the training. Mr. Booth telling her this raised questions for her because she did not understand how she “would be required to take leave” to attend work-related training that she “was not supposed to tell anyone about it.” She described Mr. Booth’s conversations with her as “not very clear” and “he mumbles ... a lot of things he says are not very clear.” She stated, “[A] lot of the things that he said I didn’t respond back. ... I was almost afraid of him because he was the top level in my directorate.” She would avoid Mr. Booth for days and started leaving work early, just so she would not be “stuck in a situation” with no one around her when Mr. Booth was there. Mr. Booth’s action made Employee 5 “definitely uncomfortable” and caused her “distress.” She stated:

I recall being in my bedroom on a Sunday just crying because I didn’t want to go to work the next day because I didn’t know what to expect. And ... he is my boss’s boss’s boss. And so it’s like what do you do? Thankfully it never got to the point where the training or the conference or whatever was scheduled where I had to go. But just the fact that was thrown out there was definitely making me feel uncomfortable and in like distress.

Employee 5 told us that she never told her supervisor about Mr. Booth's interactions with her. She stated that at the time she heard rumors that Mr. Booth had been investigated previously concerning allegations of sexual harassing Employee 2 and that "nothing had come out of it." She stated that she wanted to "get out" of Mr. Booth's directorate and even the Naval Audit Service. She recalled applying to external jobs but stayed in the agency and transferred to another directorate.

Mr. Booth told us that he never invited Employee 5 for mentoring and that his interactions with her only consisted of greetings and audit discussions. He also stated that he never propositioned her for sexual favors.

When we told Mr. Booth that female employees said that he wanted them to go to a training or conference and they could not let anyone, including their supervisors, know that they were going, Mr. Booth responded, "No." He stated that the Naval Audit Service had an individual professional development program where employees set their own priorities and go through the process. When asked why someone would tell us that he wanted them to be secretive concerning going to a conference, Mr. Booth responded, "I would ask the same question. I don't know why ... 14 years there was nothing said about me doing these types of things. I become Auditor General and here we are today."

Employee 6

Employee 6 stated that in 2009, Mr. Booth, "under the guise of, 'hey, it's not really appropriate for me as an SES to talk about mentoring ... in the office with other people around,'" invited her out for drinks to discuss her career. Employee 6 thought it was odd that Mr. Booth wanted to meet after work for drinks, but Mr. Booth was able "to explain it away" by saying he did not want to have that type of conversation in the office where others could hear because "people might get jealous." Mr. Booth invited her to meet him at the Joint Base Anacostia-Bolling Officers' Club. She stated, "It kind of seems weird, but it had been professional up to that point, so it didn't even occur to me that anything different would happen."

When Employee 6 met Mr. Booth at the Anacostia-Bolling Officers' Club, the conversation "was casual at first and seemed normal." She told us:

We were talking about my job. He was happy with my performance, and he felt that I had a bright career ahead of me, which is something as an ambitious 30-year-old woman trying to make it in a largely male-dominated world, it's nice to be acknowledged. ... And then like a light switch, he said, "I don't know how you feel about this, but I have a room where we can go and be alone, but I wanted to see how you felt about that. If you were cool with it before taking it any further." ... I know that my chin had to have been on the floor, because I was flabbergasted that I was having this conversation with him. And truthfully, I don't even remember what I said to him. ... I was like, "Okay, I need to leave. I need to get out of here." Because ... I never experienced anything like that with any person who'd been a supervisor of mine ... up to that point, 11 years of working in a professional setting.

She stated, "To be clear, nothing physical had happened, but just the proposition itself was extremely upsetting to me." Mr. Booth did not "try to force himself" on her. He only asked a question and she got herself "out of the situation."

Employee 6 told us that when she returned to work, Mr. Booth came to her desk and “acted like nothing had happened, and [that she] felt very much the opposite of that.” Mr. Booth was “never inappropriate in the office” and he always talked about the audit project. Employee 6 was “trying to bury” herself in work and not make herself “available for chit-chatting.” She tried to avoid Mr. Booth as much as possible but it was “really hard” because he kept coming to her desk every day.

Employee 6 did not tell anyone about Mr. Booth’s proposition because she “was just so ashamed,” “embarrassed,” and “absolutely mortified that [she] had been that naïve and [she] didn’t tell anyone anything for a very long time.” She stated:

I had let myself be put in that position and not seen it coming. I pride myself on being intelligent ... and I was completely broadsided by it. ... I felt like nobody would believe me. It would have been my word against his anyways, and nothing happened, like physically I’m a GS-█. He’s an SES ... I didn’t feel like people would believe me that something happened, that he would do something like that, because at that point I didn’t have any indication that he had done that to anyone else.

Employee 6 told us that a couple of months after the encounter she, Mr. Booth, and a project manager went on official travel to █. Although she was supposed to stay on the other side of the base, Mr. Booth changed her lodging reservations so that their rooms were closer, to allow them to share rides in the rental cars and discuss work. Employee 6, Mr. Booth, and the project manager all had rooms in the same building on the same floor, which Employee 6 told us made her “a little uneasy.” However, she avoided Mr. Booth by going straight to her room after work and staying there to prepare for the next day’s work.

She stated that the first Thursday or Friday █ they were in █, Mr. Booth and the project manager wanted the three of them to meet for dinner. Employee 6 said she thought, “[T]here’s three of us. So what can happen?” They had a “nice dinner” and “everything was fine” until the project manager left to meet some friends. After the project manager left, Employee 6 was Mr. Booth’s only means of transportation back to the base. Mr. Booth asked Employee 6 to go with him for a walk █ and, because she was trying to delay going back to base, she thought it was the “logical thing to do.” Once they were alone █, Mr. Booth asked her, “Do you have a boyfriend?” When Employee 6 said “No,” Mr. Booth told her, “Oh, that’s a shame. ... You’re really attractive. You should be having lots of sex.” She stated:

I never wanted to get out of a situation more in my life. And so I took him back to the base, to lodging, and I made a bee-line for my room, and he asked me if I was sure I didn’t want to come over, and I said, “Yes,” and I was like, “I’m really tired. I’m going to bed.”

The next day Employee 6 decided that she was not “sticking around in this situation” for the weekend, so she drove to █, turned off her cell phone, and stayed in a hotel, which cost her \$225 a night. She wanted to make herself “invisible for the weekend and not have to deal with” Mr. Booth. When she returned to Washington, D.C., she was still working on the same audit project and Mr. Booth was still coming to her desk every day. Employee 6 said that she was “emotionally wrecked” and felt “trapped” because she “couldn’t get out of the situation.” She told us:

The [audit] project was really important to me and I didn’t want to leave the project. Also, it would have raised suspicions ... for whatever reason, I chose

not to say anything to HR [Human Resources] or to my own immediate supervisor, which is something that I regret ... I finally saw the opportunity to get out. ... it was a way for me to keep progressing and not be continuously subjected to the encounters. And so I took it [a transfer] ... I was free for a lack of a better word. ... And that was the end of it. And I never worked back in the D.C. office.

Mr. Booth told us that Employee 6 did not work directly for him and that the nature of his interactions with her were, "Good morning. How are you doing?" during the walks he would take around the office. He told us that Employee 6 was "a good auditor" and "did good work." Mr. Booth denied ever propositioning Employee 6 for sex.

Employee 7

Referring to notes in her 2009 Government Appointment Book, Employee 7 stated that on Monday, February 23, 2009, Mr. Booth told her that he was inviting "all of the up and coming young" employees from the directorate to meet for happy hour on Friday, February 27, 2009, at the National Harbor McCormick & Schmick's restaurant. Employee 7 arrived at McCormick & Schmick's about 20 minutes after the scheduled time and Mr. Booth was the only one there. When she asked Mr. Booth if everyone was running late, he responded that she was the only person he actually invited.

Employee 7 stated that Mr. Booth proceeded to tell her about the influence he had over the directorate. Mr. Booth said, "[I]f I play the game, I could be promoted up the chain faster." She told us that when she asked Mr. Booth what he meant, he stated:

[I]f I took care of him while his wife was away, I would be promoted. However, once I started to move up the chain and my peers would, if they potentially ask questions, he wouldn't be able to dispel any of the rumors. I would have to defend myself. He told me he thought I was the type of person that could be trusted and be in his inner circle similar to [a named female employee]. ... And, that by him bringing me out like this and exposing me to this information, it was a test. That if I shared any of this information he would make it hard for me to go anywhere else in the Navy or get promoted.

Employee 7 told us that when Mr. Booth was talking about the "exchange of sex for promotion," she was thinking:

He's not serious. There's no way he could be serious right now. But he's serious. Okay, how do I ... say this tactfully and just say, "no, that's not what I'm interested in," because I still have to go back to work. It's not like I can quit. ... The comment about, "Okay, I've let you into my circle. I've disclosed this to you. Make sure you don't tell anyone. This is kind of like a test of your loyalty to me." That was the pressure piece. Do I say something because I want to keep my job? Do I just go back to work and disclose all of this, or do I not say anything and just see how this plays out?

Employee 7 stated that Mr. Booth also told her that he was previously "accused of sexual harassment, but everything was swept under the rug because he knows how to play ball with the upper management." With the previous accusation, Mr. Booth told her that "the front office personally called him and told him it would blow over" and "he just needed to cool things down for a little bit." He also told her that "upper management" wanted to get rid of "the problem people,"

who he identified as a female employee who “filed a grievance,” Employee 1 who “didn’t play ball,” and one other female employee.

According to Employee 7, Mr. Booth told her that they could go to a hotel close to McCormick & Schmick’s and have “a few more drinks.” Employee 7 told Mr. Booth:

You’ve already told me if I take care of you while your wife’s out of town, I’m going to be promoted. I’m not going to have sex with you. That’s just not going to happen. So why would I be going to a hotel with you to have more drinks. There’s nothing else that we need to discuss.

Employee 7 told us that after they left the restaurant, Mr. Booth walked to the parking garage with her and told her she was in the “circle of trust” and this was “a test.” Mr. Booth told her that she “wasn’t supposed to say anything to anyone about [her] interaction that evening. She added, “[Mr. Booth said] he would be watching me to see if I was trustworthy or not, if I could keep this information.”

She stated that until this point she enjoyed her job, she got to travel, she was learning “a lot,” and she viewed Mr. Booth as a “mentor” and she wanted to “pick his brain” about professional readings and certifications. She added, “And for that to be tarnished ... was off-putting.”

Employee 7 told us that when she returned to the office that next week, Mr. Booth asked her to come to his office to talk and she avoided him because she felt uncomfortable. She did not tell anyone what happened, not even her supervisor. On April 29, 2009, her supervisor called and told her that employees were going to be interviewed regarding a rumor about Mr. Booth “targeting employees with quid pro quo.” Her supervisor said that he received a phone call from Mr. Booth in which Mr. Booth denied “any wrongdoing” and believed “older women” were “upset” because he was promoting “younger people.” Her supervisor also told her that she would potentially be interviewed and that she “should say nothing happened” because she was on a “fast track for ... a management position.” Her supervisor also told her “to be mindful” of what she said during the interview because Mr. Booth would find out “what was said and by whom.”

Employee 7 told us that a female employee filed an equal employment opportunity grievance against Mr. Booth. Employee 7 stated that in May 2009 someone called her (Employee 7’s) name over the building loudspeaker telling her to report to the front office. Employee 7 met with the Naval Audit Service general counsel who interviewed her concerning the other female employee’s grievance. When the general counsel asked Employee 7 if she thought “something potentially happened between” Mr. Booth and the woman who filed the grievance or if Mr. Booth said something to the woman “in a manner that was unbecoming,” she told the general counsel, “Yes.” Employee 7 also told the general counsel about what happened when she met Mr. Booth at McCormick & Schmick’s. Employee 7 also spoke to the human resources director and told her the same thing she told the general counsel regarding meeting Mr. Booth.

After talking to the general counsel and human resources director, Employee 7 did not see anything happen to Mr. Booth and “it was like business went on as usual.” When we asked how Mr. Booth interacted with her after she spoke to the general counsel and human resources, she stated that Mr. Booth’s “mentor relationship” with her “was no longer the same ... where he was trying to push [her] to ... go to this training ... go to this conference. Those types of things to try to help advance [her] career no longer happened.” She avoided Mr. Booth for approximately 6 months

until she was able to transfer to another directorate located in a different building. She added, "I never had to go back to the Navy Yard or really interact with him."

Mr. Booth told us that he did not remember Employee 7.

Employee 8

The first interaction Employee 8 remembered having with Mr. Booth was when she briefed him on an audit project in 2010. She was a GS-█ at the time and he was the SES AAG for EIE. During the briefing, Mr. Booth mentioned he was impressed with her knowledge of the topic area and briefing skills, and he was surprised that she had not been promoted. Later, Mr. Booth called her into his office and asked if she had a boyfriend. Employee 8 told us that it felt odd but he also talked about mentoring her. According to Employee 8, Mr. Booth told her:

I've mentored a lot of different people throughout my time here. ... I see a lot of potential in you, and usually when I mentor people, it's outside of the agency. Because obviously ... if you were doing it inside the agency, it's like rumors and different things like that. So, I will meet with people ... I'll call them when I'm in their area, so ... give me your number.

Employee 8 told us that she gave Mr. Booth her phone number, but she did not write her name next to the number. Mr. Booth called or texted Employee 8 "at least once or twice" and stopped by her desk and told her that he was still working on getting her promoted.

On April 8, 2011, Mr. Booth called Employee 8, and told her that he was in the area and wanted to have "a mentoring session" with her at a restaurant. When she arrived at the restaurant, she noticed that Mr. Booth had two bottles of wine at the table. One of the first things Mr. Booth told her was that he was impressed that she was "discreet." She stated that Mr. Booth said, "I was impressed that you knew what this was, as you didn't ... identify your name when you provided me your number." Employee 8 was "aghast," because she thought the meeting "was really a mentoring session." She stated:

I didn't ask any questions, I just waited for him to talk, because at that point, I felt somewhat uncomfortable ... I didn't really know where he was going ... he had mentioned that he had a hotel room in Baltimore and hence why he had the wine. ... And then he laid out, like if I were to agree to go with him, that I would need to be able to see him at night privately, and then be respectful and professional in the morning.

Employee 8 told us that she tried to remain calm and not cry because she was shocked at what was happening. She was trying not to react to what Mr. Booth was telling her and she was waiting for an opportunity to leave. Mr. Booth told her that "he was married, had kids, but his wife and kids were out of town or were not home ... for the night." Mr. Booth also told Employee 8 that there "have been times in [his] career that people wanted a little bit of chocolate, and [he] obliged." Employee 8 thought Mr. Booth meant he had sex with people to further his career. She declined by telling Mr. Booth, "I'm in a relationship, and I'm not that type of person." She told us:

The very last thing I remember about the conversation was that ... he mentioned ... “[your supervisor] hasn’t promoted you thus far, and you haven’t gotten promoted doing what you’re currently doing. So if that’s what you want.” ... I thought he meant that this would be a way for me to get promoted.

Employee 8 added that Mr. Booth did not talk about mentorship. She was “really nervous” when she left the restaurant. She drove around the Capital Beltway for 60 to 90 minutes while talking to her best friend, her mother, and her boyfriend because she did not know if Mr. Booth would try to follow her home. She told them she could not believe that Mr. Booth “propositioned [her] for sex” in return for “a promotion.”

Employee 8 stated that on or about April 11, 2011, she told three Naval Audit Service GS-15 employees what Mr. Booth did. The three GS-15 employees were “upset” or “angry” and one was “not surprised” because “it was an open secret” that Mr. Booth “engaged in inappropriate behavior.” She told us that one GS-15 recommended that she file an official complaint with the OIG.

We interviewed all three GS-15 employees, and present them in this report as GS-15 A, B, and C. GS-15 A stated that Employee 8 was “definitely scared,” “visibly upset,” and cried when she described Mr. Booth stalking her in the parking garage and wanting to stop by her home to talk. GS-15 A recommended that Employee 8 report that matter to the IG and human resources. GS-15 A stated that about 2 weeks later, during a weekly meeting, GS-15 B and GS-15 C acknowledged that Employee 8 had talked to them as well. GS-15 A stated that she did not ask the other two the details of what Employee 8 relayed to them, but that GS-15 B told her that he also recommended to Employee 8 to report the matter to the IG and human resources.

GS-15 B stated that Employee 8 told him that she “had some interaction” with Mr. Booth “regarding some discussion or training,” and Employee 8 “didn’t agree,” “didn’t feel comfortable,” and “ended the interaction” with Mr. Booth. GS-15 B stated that Employee 8 told him this “maybe” 3-5 years after the interaction with Mr. Booth. GS-15 B explained that Employee 8 told him “there was some contact that she didn’t feel was beneficial or appropriate ... and she ended the discussion and contact” with Mr. Booth.

GS-15 C stated that sometime in 2011 or 2012, Employee 8 told him that Mr. Booth “wanted to ‘mentor her’ and he took her out to dinner and propositioned her.” GS-15 C told us that Employee 8 told him that Mr. Booth said she had a “bright future” and he wanted to help her get promoted. Mr. Booth invited her out to dinner to discuss her career. However, as Employee 8 told GS-15C, Mr. Booth brought two bottles of wine and propositioned her by saying he had a hotel room if she wanted to go. He stated that Employee 8 “adamantly denied” Mr. Booth’s solicitation and left the dinner.

On April 12, 2011, Employee 8 contacted the GS-15 human resources director for Naval Audit Service to discuss “an uncomfortable situation.” Employee 8 stated that she met with and told the director that she had an “inappropriate experience” and “no longer wanted to be in the directorate.” The human resources director asked Employee 8 if she was referring to Mr. Booth and Employee 8 said yes. The human resources director then told her, “[Y]ou’re not the first person to come up to say this.” Employee 8 was “somewhat perplexed” that “this behavior had been going on for this long” and that the director “wasn’t surprised” that Mr. Booth had done something to make her feel uncomfortable. The human resources director asked Employee 8 if she wanted to file a formal complaint but did not ask for any details of what occurred with Mr. Booth to make her feel

uncomfortable. She told the director she did not want to go forward with an official complaint. Employee 8 told us that she was worried her complaint would not be addressed since the director “suspected it was Mr. Booth” and because during the dinner Employee 8 had with Mr. Booth, he “alluded” to his “strong political ties” across the Department of the Navy.

On April 13, 2011, Employee 8 submitted a complaint to the DoD Hotline that Mr. Booth “propositioned [her] for sex.” Employee 8 told the DoD Hotline investigator that Mr. Booth approached her about the SES mentorship program and that participation would require her to accompany Mr. Booth on projects and official travel. Mr. Booth then began calling her on her personal cell and home phones and these calls made her “feel uncomfortable.” Employee 8 stated that on April 8, 2011, Mr. Booth briefed her on their mentorship program responsibilities. She stated that Mr. Booth then asked inappropriate personal questions and probed for information about her personal life. Mr. Booth told her that to be successful in the program she would need to perform duties beyond her normal assigned responsibilities. These duties would include “engaging in activities that she did not like” but which “would help her advance in her career.” Employee 8 stated that upon reporting the incident to the Naval Audit Service human resources director without naming Mr. Booth, the human resources director asked her if it was Mr. Booth. She then learned from the human resources director that Mr. Booth had a pattern of misconduct regarding these same issues that agency leadership never addressed. Her conversation with the human resources director worried her because she felt the agency would not properly address her complaint.

On April 14, 2011, Employee 8 sent an e-mail to the human resources director asking to change directorates. Employee 8 wrote, “I no longer feel comfortable working in my current directorate ... I am not comfortable sitting in my current location.” The human resources director told us that Employee 8 told her that she felt uncomfortable when Mr. Booth sat in her cubicle and that was the reason Employee 8 wanted to transfer to another directorate. The human resources director stated that she spoke to Mr. Richard Leach, who was the Auditor General of the Navy at the time, about Employee 8’s request to transfer directorates. Employee 8 told us that the agency moved her to another directorate that week.

On April 21, 2011, Employee 8 contacted the DoD Hotline because she “decided not to pursue the complaint at this time because [Mr. Booth] has not contacted [her], since the original incident occurred.” The DoD Hotline closed the case.⁹

Mr. Leach stated that he wanted the human resources director to get assurance from Employee 8 that she was no longer “threatened or felt that she had been protected or felt safe.” The Deputy Auditor General of the Navy at that time, Mr. Luther Bragg, told us that he learned about the complaint from Mr. Leach’s [REDACTED]. Mr. Bragg’s overall conclusion was that the “interchange between [Mr. Booth and Employee 8] ... was a miscommunication or an overreaction either by her or by” [REDACTED]. [REDACTED] told us that [REDACTED] remembered an allegation that Mr. Booth was “stalking” Employee 8 before and after work by “waiting for her in the parking garage ... following her. He would come to work early and wait in his truck, and that it was intimidating to her.” [REDACTED] told us that Mr. Leach and Mr. Bragg both knew about the allegation because of conversations [REDACTED] had with them.

⁹ The DoD Hotline did not refer the complaint to the DoD OIG Investigations of Senior Officials directorate for review because the complainant withdrew the complaint.

Employee 8 stated that after she moved directorates she was “surprised” when [REDACTED] told her that the front office was “very interested to ... meet with [her] ... to hear what occurred” that caused her to move. She never met with Mr. Leach or Mr. Bragg concerning her interaction with Mr. Booth because she said, “I didn’t want it to affect my career.” When asked about complaints or concerns regarding Mr. Booth, Mr. Leach told us that Employee 8 “felt uncomfortable” with Mr. Booth walking through the parking lot with her. Mr. Leach stated he understood “there was no touching, no pressure for a date or anything” and the woman never spoke to him. Mr. Leach and Mr. Bragg told us that they never spoke to Employee 8 because she did not file a formal complaint.

In an undated memorandum for record, the human resources director stated that she was present for meetings between 1) Mr. Leach and Mr. Booth and 2) Mr. Booth and Employee 8. The memorandum documented the meeting between Mr. Leach and Mr. Booth but did not document the meeting between Mr. Booth and Employee 8. The human resources director wrote:

On 2 May 2011, Mr. Leach counseled Mr. Booth on the situation where an employee felt they were placed in an uncomfortable position. Mr. Leach emphasized to Mr. Booth that you cannot invade a person [*sic*] private space and admonished him that he has 2 young daughters that he wouldn’t want them to be placed in an uncomfortable/hostile environment within the workplace. Mr. Leach cautioned him not to put himself in a position of such. Mr. Booth agreed. Mr. Booth stated that he often go [*sic*] and visits with his employees in their cubicles/office and Mr. Leach advised Mr. Booth not to do that anymore that he should meet in an open space or in his office with his EA or AA present.

Additionally, Mr. Booth was advised by Mr. Leach to meet with [Employee 8] and let her know that she is commended for doing the right thing by coming to talk with Human Resources.

Employee 8 told us that on May 2, 2011, the human resources director called her to the director’s office. When she arrived at the office, she was “surprised” and “angry” that Mr. Booth was in the office with the human resources director. Employee 8 stated that the human resources director said that she brought Mr. Booth in because she told him that Employee 8 was transferring because of an uncomfortable situation that occurred. Mr. Booth told Employee 8, “I just wanted to apologize if you misinterpreted my mentorship, because I did not mean anything by that. You’re a good employee, and so it’s sad to see you go.” Employee 8 did not expect to be in a room with Mr. Booth while he was saying that she was “misinterpreting his mentorship.” She told us that she “didn’t want to see him again.”

Mr. Booth told us that his conversation with Employee 8 started one evening when he “went around talking to everybody about mentoring. According to Mr. Booth, “I said, ‘Well I can do mentoring. I can either do it here, or we can do it over dinner, or we can do it over lunch.’” Mr. Booth told us that he said, “Well, dinner is fine. Just tell me where to come to and I’ll do it.” Mr. Booth said that during the dinner they talked about mentoring and “things we want to do.” He did not remember bringing any wine to the restaurant but “might have ordered some.” He denied propositioning Employee 8 for sex or telling her that he had a hotel room where the two of them could go. When asked what happened during the mentoring that made Employee 8 feel uncomfortable, Mr. Booth responded, “I have no clue because all we talked about was auditing, how to be an auditor ... the normal things that I talk with my teams about.”

Mr. Booth stated that Mr. Leach mentioned to him, "You need to be careful when you're sitting in someone's cubicle" because "people take things different ways." Mr. Booth also stated that he met with the human resources director and Employee 8. He described the meeting:

[W]e all sat at the table, and [the human resources director] said, "[Employee 8] was uncomfortable with you mentoring that way." And immediately, again I apologized and said, "Well, didn't mean to make you uncomfortable." And the session ended.

Employee 9

Employee 9 told us that Mr. Booth invited her for drinks on at least two occasions. When Mr. Booth invited her out for drinks, she felt uncomfortable. As Employee 9 described it, "[It was] after hours, it wasn't in a group setting, and I know I didn't want to upset my home Me going out with my supervisor just didn't seem appropriate. So I would decline."

The Naval IG reviewed a June 2015 anonymous complaint alleging that Employee 9 received preferential treatment because she was "having an affair" with Mr. Booth. The Naval IG reviewed copies of awards, training records, and performance appraisals of all employees in Mr. Booth's directorate and found that Employee 9 did not receive preferential treatment. In December 2015, the Naval IG determined that the matter did not warrant further review and closed the case. Employee 9 told us that the allegation that she was having an affair with Mr. Booth was "absolutely ridiculous."

Mr. Booth told us that he did not have a personal relationship with Employee 9, and he denied propositioning or having sex with her.

Employee 10

Employee 10 told us that Mr. Booth would walk around the office in the evening and stop and talk to the employees who were still working. Mr. Booth would stop by her desk "as if he was trying to mentor," until one day in May 2015 when he wrote his cell phone number down in her notebook and told her that she needed to call him. Mr. Booth told her, "There are some things we should talk outside of work. I know you want to get this promotion So you need to use this number so we can talk." At the time she thought, "Why do I need to speak with you outside of the office when you have an office where we can discuss things from a mentoring standpoint?" She immediately shredded the phone number and never called Mr. Booth. Employee 10 told us that when Mr. Booth saw her a few times in the hallway, he told her, "You haven't called yet. You need to use that number." She never told Mr. Booth that she no longer had his number because she did not want him to give her the number again. She also stated that she never told anyone, other than maybe a college friend, about Mr. Booth's interactions with her.

Employee 11

Employee 11 told us that in 2016, Mr. Booth stopped by her cubicle and gave her his Government business card with his personal cell phone number written on the back. Mr. Booth told her to call him because he needed to talk to her about her future. She called Mr. Booth after work and he told her that he wanted to talk to her about her future and “he would love to meet” but “did not want to do it at the office because people talk.” Mr. Booth said he would like to meet her “outside of the office somewhere else where [they] wouldn’t run into people.” She described the conversation as “very suspicious” and “uncomfortable.” She did not understand why Mr. Booth could not meet in his office if it was work-related. Afterwards she “tried to stay away and avoid” Mr. Booth.

Employee 11 told us that when she wore a dress or a skirt in the workplace, Mr. Booth made comments to her about her appearance, such as, “[Y]ou look really nice today, and that’s what I want to see you wear more of.” She added that Mr. Booth also gave her “looks and stares that were uncomfortable.” She explained that Mr. Booth would “just look up and down” at her and comment on what she was wearing. Mr. Booth’s behavior made her “uncomfortable” and was “inappropriate” because she felt he was looking at her in a “sexual way.” She estimated that Mr. Booth looked or stared at her in an “inappropriate or sexual” manner at least ten times. She stated that she did not want to be “seen that way” so she asked to transfer to another directorate in January 2017.

Mr. Booth told us that on some occasions he shared his personal cell number with employees to contact him for mentoring or for emergency reasons. However, he did not think he ever provided his number to Employee 11 and denied ever inviting her to meet him outside the office for mentoring. When we told Mr. Booth that witnesses said that he gave his personal cell phone number to female employees by either writing his number in their notebook or giving them his business card with his personal number written on the back, Mr. Booth responded that he thought it was appropriate for mentoring and that he “would probably do that.”

Mr. Booth also denied ever telling female employees that they had to meet outside of the office to talk about their professional development because at the office everyone else could overhear. He stated, “I’m mentoring. I don’t care, wherever we’re talking about mentoring I’m going to mentor. It doesn’t matter who hears about it. I just mentor. So, no, I would not make that statement.”

Employee 12

Employee 12 told us that Mr. Booth “always would mumble, and like talk in code. And ... as long as you stayed away from him and just only [talked about] work, it was fine.” She stated that by “mumble” and “talk in code” she meant that Mr. Booth never used people’s names and would just use pronouns or point. She added that it was “almost like if he didn’t say names or didn’t exactly say what he meant, but you both know what you’re talking about, he couldn’t get in trouble for it.” She told us that Mr. Booth often told her “I’m testing you,” and he would tell her “something, to see if it got around.” She also told us that she and Mr. Booth exchanged phone numbers so that they could talk about what he could do to help her get promoted. She stated that when they spoke, she got a “weird vibe” and declined his help. She added that she declined his help because knowing Mr. Booth’s “reputation” of “liking” to be around female employees, “I wonder if he’s trying to hold something over my head and I don’t want anything to do with that.”

Employee 12 stated that in July 2017, Mr. Booth told her that she needed to take leadership training and that he would “find something” for her, but she could not tell her supervisor. She said that Mr. Booth saying this was “really alarming” because her supervisor would have to approve the training. Mr. Booth gave her a printout of a leadership conference, and told her, “You can go to this one. Can you make it then?” She stated:

So over the next couple of days, I’m like, what am I going to do to get out of this? Because I know what he’s doing, but I don’t want it to be awkward. I don’t want to get “blacklisted.” I don’t want to have to come out and say, “Mr. Booth, I know exactly what you’re doing, get away from me.”

Employee 12 told us that to get out of going to the conference with Mr. Booth, she planned to tell him that she would be on vacation. A couple of days later Mr. Booth asked if she was going to sign up for the conference, and again he said, “[D]on’t tell your supervisor,” which was a “big alarm.” She stated Mr. Booth was trying to get “time alone” with her outside of the office by meeting at the conference or after the conference. She did not want to get on Mr. Booth’s bad side so she responded to him by “playing dumb.” She asked Mr. Booth a series of questions about his participation and attendance at the conference, including “Are you going to be in there? Are you going to be presenting? Do you need help? What do I need to know? What are you going to present?” Mr. Booth told her that he was going to attend the conference but he would not be presenting. She then told Mr. Booth that she did not understand why she needed to attend the conference. She stated, “So at that point, I think he [Mr. Booth] got scared ... I was maybe onto him” and that he thought he had gone “too far.” She thought she “scared” Mr. Booth because he did not visit or interact with her for days or weeks afterwards.

Employee 12 stated that she never told anyone about her interactions with Mr. Booth because the interactions were “embarrassing” and “shameful.” She stated she knew Mr. Booth’s reputation and felt like an “idiot” because she “fell” for him saying that he wanted to help her career.

Mr. Booth characterized his conversations with Employee 12 as “cordial” and stated that he never invited or asked Employee 12 to meet outside of the office. As stated above referencing Employee 5, Mr. Booth responded “no” when asked about telling female employees that he wanted them to go to a training or conference and that they could not let anyone, including their supervisors, know they were going.

Mr. Booth’s Interactions with Three Other Female Employees

Three other female employees described unusual interactions with Mr. Booth that occurred outside of the office. Two female employees told us they met Mr. Booth at restaurants and a third told us that Mr. Booth picked her up at the airport. Additionally, a witness told us that Mr. Booth and the third employee both attended a homecoming event at Mr. Booth’s alma mater.

First Employee

The first female employee told us that at a Naval Audit Service barbeque in July 2017, Mr. Booth invited her to meet him and four of her female coworkers at the Old Town Inn after the barbeque. She stated that when she arrived at the restaurant, Mr. Booth was the only one there. She asked him where everyone else was and Mr. Booth responded that her coworkers were on their way to the restaurant. The female employee and Mr. Booth sat down and ordered food and a drink.

While they were talking about work, the female employee asked him again, "Where is everyone?" and Mr. Booth responded that the others were on their way. The female employee told us that not one of her coworkers showed up. The female employee told us that when she left the restaurant, Mr. Booth invited her to meet him and the four coworkers at the Joint Base Andrews club later that week. The employee stated that she told Mr. Booth she would be there but later told him she could not make it. She did not speak to the four coworkers about either event.

Second Employee

The second female employee told us that she and Mr. Booth met at the National Harbor McCormick & Schmick's for a mentoring session. The second employee told us it was a good session and Mr. Booth did not say anything that was unusual or personal in nature. She told us that she and Mr. Booth would have informal sessions at his office if she had questions or needed guidance.

Mr. Booth stated that he had mentored many employees at many locations such as the office, the Norfolk, Virginia, office, or a location outside of the office such as a restaurant or official conference. He asked employees where they wanted to meet and he would meet them at that location. Mr. Booth told us that he mentored the second employee.

Third Employee

The third female employee told us she asked Mr. Booth for a "favor" to pick her up at Reagan National Airport after she returned from leave on a Saturday sometime from October through December 2018. We interviewed the third female employee because a witness told us that they heard Mr. Booth was in a relationship with the third female employee and that when Mr. Booth picked the third employee up from the airport, the third employee told Mr. Booth that "she was in love with him." The third female employee denied telling Mr. Booth that she was in love with him. She told us that Mr. Booth was going to drive her to Woodbridge, Virginia, and then to Dale City, Virginia, but instead Mr. Booth dropped her off at the Springfield, Virginia, Metro Station. She said that she changed her mind so she could meet a coworker there.

A second witness told us that she saw both Mr. Booth and the third female employee at the same Virginia State University Homecoming event in October 2018. The witness said that Mr. Booth was an alumnus of the university but the third female employee was not. The witness told us that when walking through the tailgate area she recognized Mr. Booth and spoke to him. She said she was surprised to see him there and he caught her "off guard" when he hugged her. She told us that it was a quick exchange of greetings and then Mr. Booth was gone. She stated that while Mr. Booth was hugging her she first saw the third female employee who was standing 6-10 feet behind Mr. Booth. After Mr. Booth left, the witness walked up to the third female employee and exchanged greetings. The third female employee told the witness that she was attending the event with her neighbor. However, the witness stated that she never saw the neighbor and the third female employee's "story ... didn't make sense." The witness told us the "particular scenario ... was just weird" because the third female employee and Mr. Booth did not indicate that they were together but "they just happened to be in the same area at the same time." Additionally, neither Mr. Booth nor the third female employee mentioned seeing each other at the event.

The third female employee told us that she attended the event with her next-door neighbor who was an alumnus. She told us she was speaking to Mr. Booth when the witness came into the area. Mr. Booth walked over, greeted the witness, and hugged the witness. The third female

employee then spent some time with the witness before rejoining her neighbor. However, when we asked for information about the neighbor, the third female employee declined to give us her neighbor's name and would only say that he was not a DoD employee.

Employee Perceptions of the Naval Audit Service's Handling of Previous Complaints

Twenty witnesses told us what they knew about previous sexual harassment complaints and investigations concerning Mr. Booth. Four witnesses attributed what they told us directly to Mr. Booth. For example, these witnesses stated that Mr. Booth told them:

- he was previously “accused of sexual harassment, but everything was swept under the rug because he knows how to play ball with the upper management”;
- he was investigated “11 or 12 times and nothing ever came out of the investigation”;
- he was “investigated before ... and ... nothing ever happened to him. That he got out of it and that people just don't know how to take what he says. Everyone tries to turn around his words but he has good lawyers”; and
- “this is part of the job. You're going to get accused of things you don't do or not do. Your job is to let the truth come out and keep moving.”

Ten witnesses attributed their knowledge of previous complaints or allegations concerning Mr. Booth sexually harassing women to a complainant telling them that they made a complaint, to the witness participating in a case, or to the witness reviewing case results. Only a few witnesses knew the results of complaints made against Mr. Booth. Others speculated that nothing was done. A few witnesses, such as case complainants, legal advisors, Naval Audit Service IGs, and Mr. Booth's supervisors, actually knew the results of these previous complaints. For example, one witness, who knew of Employee 8's complaint as well as the results of two previous Naval Audit Service IG cases concerning Mr. Booth, told us “if anything happened to anybody, they would not come forward, because ... you knew it was happening, but nobody held him accountable, not even when there was a complaint about him. So it was kind of scary.”

Finally, six witnesses heard that Mr. Booth had been investigated previously, although they did not know by whom. A witness told us that she knew Mr. Booth had allegations of sexual harassment against him and that nothing came out of it. She also said that Mr. Booth made a “name for himself for just unacceptable behavior.”

Additionally, a few witnesses referred to Mr. Booth as “Teflon Don” or the “Teflon Man,” and one witness stated it was because “he can't be touched. So people just stopped fighting him.”

In addition to the 2003 Naval Audit Service IG case involving Employee 3, the 2004 Naval Audit Service IG case involving Employee 2, and the 2015 Naval IG case involving Employee 9, we reviewed a 2001 Naval Audit Service IG case concerning Mr. Booth's interactions with female employees. The Naval Audit Service IG received an anonymous complaint that alleged Mr. Booth and one other employee ran a “prostitution ring” and promised “fast promotions” to participants. The Naval Audit Service IG reviewed e-mails from the other employee and interviewed two Naval Audit Service female employees. The Naval Audit Service IG determined that the allegations did not warrant investigation and closed the case.

Mr. Bragg told us that Mr. Booth was “very professional” but that “sometimes women were uncomfortable around him. And I don’t know why that was.” He told us, “I never really had any complaints come directly to me about Ronnie’s behavior, and I never observed anything untoward in his behavior.”

Concerning previous complaints and allegations, Mr. Booth told us that neither the DoD OIG nor the Naval IG “formally investigated” or “notified” him about a “sexual harassment complaint” since he became an SES. He stated that “maybe there [were] angry people out there” because he became the Auditor General of the Navy. He told us that the Naval Audit Service human resources director called him because of Employee 8 and Mr. Leach told him to “be careful. A young lady was uncomfortable.” He also stated that the Naval Audit Service IG interviewed him regarding Employee 2. He told us that the Naval Audit Service IG did an “excellent job” and that “nothing did occur.” Mr. Booth told us:

Mr. Leach investigated cases internally [sic] to his organization. And these cases are vetted and documented in files. The question becomes if these cases were looked at and documented in files and resolution was brought, why is the information being brought back out?

Conclusions about Mr. Booth’s Alleged Sexual Harassment

We substantiated the allegation that Mr. Booth engaged in a 20-year pattern of misconduct in which he sexually harassed 12 female Naval Audit Service employees. Specifically, he tried to establish personal relationships by meeting female subordinates away from the office at restaurants or parties, offering them alcoholic drinks, or arranging to travel with them on Government business, all under the pretense that these actions were part of mentoring them in their careers. Instead of providing professional career mentorship, he propositioned five female employees for sex and propositioned four of the five specifically for sex in exchange for career advancements. His conduct made 12 female employees uncomfortable or caused them distress, and 7 of them transferred out of his directorate because of his behavior. Naval Audit Service employees had an unfavorable perception of how their agency handled previous complaints about Mr. Booth’s behavior toward women. Employees perceived that nothing would be done if they complained and this perception hindered many female employees from coming forward to report Mr. Booth’s interactions with them until this investigation.

DoD Directive 1440.1, “The DoD Civilian Equal Employment Opportunity (EEO) Program,” May 21, 1987 (Incorporating Through Change 3, April 17, 1992, Certified Current as of November 21, 2003), prohibits discrimination based on sex. This standard defines sexual harassment as a form of sex discrimination that involves unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of a person’s job, pay or career;
- submission to or rejection of such conduct by a person is used as a basis for career or employment decision affecting that person; or
- such conduct interferes with an individual’s performance or creates an intimidating, hostile, or offensive environment.

We determined that for more than 20 years, Mr. Booth engaged in a pervasive pattern of sexual harassment and quid pro quo sexual propositions when interacting with female subordinates at the Naval Audit Service. He propositioned five female employees, four of which propositions were clear examples of what the above standard describes as quid pro quo or requesting sexual favors in exchange for career advancement, all under the guise of professional career “mentoring” the employees expected from a senior leader. He engaged in a sporadic long-term sexual relationship with one of his female subordinate employees, who believed initially that the relationship was consensual but later realized that Mr. Booth’s conduct throughout her career in establishing a sexual relationship with her, a subordinate, and holding career advancements over her fit the definition of sexual harassment under DoD standards. Mr. Booth’s propositions and frequent inappropriate interactions with women created an intimidating, hostile, and offensive work environment. At least seven women either left the Naval Audit Service or asked to move from his directorate. Accordingly, we concluded that Mr. Booth engaged in a pervasive and egregious pattern of sexual harassment toward multiple female employees over a period of more than 20 years.

We also determined that Naval Audit Service employees, who did not know all of the relevant facts concerning final disposition of complaints, had an unfavorable perception of how their agency handled previous complaints about Mr. Booth. Some witnesses told us that this perception discouraged them from reporting Mr. Booth’s sexual harassment toward them. Additionally, we determined that Naval Audit Service leadership failed to report allegations of misconduct against Mr. Booth to the DoD OIG, separately from the DON policy of handling reported incidents of sexual harassment at the lowest appropriate level.

Mr. Booth’s Response to our Tentative Conclusions Letter

We provided Mr. Booth our Tentative Conclusions Letter containing our preliminary conclusions and gave him the opportunity to comment on the results of our investigation before finalizing our report. Mr. Booth left us a voice message on March 2, 2021, stating, “The comments that I gave during my interview I stand by those. Again, I don’t know where these accusations are coming from as I stated in my comments. So I will be not sending any written comments.”

B. MR. MODLY’S ACTIONS REGARDING SEXUAL HARASSMENT ALLEGATIONS AGAINST MR. BOOTH

Seven of the anonymous complaints, Representative Speier’s letter, and information from media articles asserted that Mr. Modly was aware of Mr. Booth allegedly sexually harassing Naval Audit Service employees before selecting Mr. Booth as the Auditor General of the Navy. The complaints asserted that Mr. Modly did not exercise due diligence to confirm Mr. Booth’s background and character before selecting him as the Auditor General. One of these complaints asserted that an unspecified person informed Mr. Modly about allegations of sexual harassment against Mr. Booth on December 4 and 18, 2018. Additionally, an eighth complaint asserted that many employees reported Mr. Booth’s alleged sexual harassment in the 2018 climate survey and that “senior leadership is aware” of Mr. Booth’s “pattern [of] sexual harassment.”

Chronology of Significant Events Related to Mr. Modly's Actions and Knowledge

Table 2 lists Mr. Modly's actions leading up to selecting Mr. Booth as the Auditor General.

Table 2. Significant Events Regarding Mr. Booth's Selection and Mr. Modly's Knowledge

Date	Event
February 14, 2018	Mr. Modly receives the 2017 talent management panel's recommendations for the Auditor General position.
March 13, 2018	Mr. Modly receives an anonymous letter describing complaints about the "poor leadership" of the Acting Auditor General, Ms. Donjette Gilmore.
July 6, 2018	Mr. Modly receives an e-mail from an employee detailing how the morale of the Naval Audit Service has suffered under Ms. Gilmore's leadership.
July 27, 2018	Mr. Modly receives the 2018 talent management panel's recommendations for the Auditor General position.
July- October 2018	Mr. Modly interviews three candidates for the Auditor General position.
October 3–19, 2018	Naval Audit Service employees participate in the climate survey.
October 23, 2018	Mr. Modly interviews Mr. Booth for the Auditor General position.
October 24, 2018	Ms. Gilmore receives the link to the climate survey results and forwards it to Mr. Modly and [REDACTED]. Mr. Modly does not see the comments concerning Mr. Booth and nothing is reported to the DoD OIG.
December 4, 2018	Mr. Modly informs Mr. Booth and Ms. Gilmore of his decision to select Mr. Booth as the Auditor General.
December 10, 2018	Ms. Gilmore e-mails Mr. Spencer and Mr. Modly about Mr. Booth's selection as the Auditor General.
December 12, 2018	Ms. Catherine Kessmeier, who at the time was the Assistant General Counsel (Manpower and Reserve Affairs), informs Ms. Anne Brennan, former Acting General Counsel of the Navy, that an EEO check revealed one complaint filed in 2007 against Mr. Booth, which the complainant voluntarily withdrew.
December 14, 2018	The DoD OIG Investigations of Senior Officials directorate issues a clean records check on Mr. Booth.
December 18, 2018	A Naval Audit Service employee e-mails Mr. Spencer, Mr. Spencer's chief of staff, and Mr. Modly expressing concern about Mr. Booth's selection as the Auditor General and alleging sexual harassment by Mr. Booth dating back to 2007.
January 24, 2019	Mr. Modly meets with Mr. Booth regarding his expectations of him as the incoming Auditor General.
February 3, 2019	Mr. Booth assumes duties as the Auditor General.
March 1, 2019	The DoD OIG Investigations of Senior Officials directorate issues an adverse information records check on Mr. Booth.
July 16, 2019	Representative Speier sends a letter to Mr. Spencer and Mr. Modly expressing concern that the DON did not take any action after becoming aware of "highly credible allegations" of sexual harassment by Mr. Booth.
July 19, 2019	The DON responds to Representative Speier that they were gathering information to provide a response.
August 1, 2019	At the request of Mr. Modly, the DON initiates an inquiry "to confirm that there is not a current or ongoing hostile work environment based on sexual harassment or reprisal."
August 10, 2019	The DON suspends its inquiry pending the results of the DoD OIG investigation.

Vetting and Interview Process

At Mr. Modly's request, Mr. Robert Woods, former Principal Deputy Assistant Secretary of the Navy (Manpower and Reserve Affairs), e-mailed Mr. Modly the 2017 talent management panel's list of candidates for the Auditor General position on February 14, 2018.¹⁰ From March through June 2018, Mr. Modly worked with Mr. Woods to understand the selection process and the methods by which Mr. Modly could select the next Auditor General. Mr. Woods informed Mr. Modly that the list contained individuals that a talent management panel reviewed and endorsed as qualified for the position. Mr. Modly or his staff could reach out to anyone on the list and ask if they were interested in the Auditor General position. Mr. Modly also could choose anyone from the list "with or without interviews." Mr. Modly also could broaden the search for candidates by requesting interest from DON SESs or by posting the vacancy on USAJOBS. Mr. Woods stated that the panel vetted everyone on the candidate list. On July 27, 2018, Mr. Woods e-mailed Mr. Modly the 2018 talent management panel's list of candidates for the Auditor General position.

From July through October 2018, Mr. Modly interviewed three candidates from the 2018 list. Mr. Modly told us that he interviewed three candidates because although he could "just pick any name" from the list, he wanted someone who had experience and worked at the Naval Audit Service. Mr. Modly interviewed Mr. Booth on October 23, 2018. Mr. Modly told us that all three candidates had strengths and weaknesses, but he selected Mr. Booth because he had the most experience in the Naval Audit Service.

Climate Survey

On March 13, 2018, Mr. Modly received an anonymous letter describing complaints about the "poor leadership" of the Acting Auditor General of the Navy, Ms. Donjette Gilmore. Mr. Modly's former chief of staff told us that the anonymous letter was just a "single data point" on Ms. Gilmore's leadership and that the Naval Audit Service was losing people at a much higher rate than normally expected.

An employee who was leaving the agency e-mailed Mr. Modly on July 6, 2018, detailing how the morale of the Naval Audit Service had suffered under Ms. Gilmore's leadership. Mr. Modly's former chief of staff told us, "[A]ll indications were there were serious leadership and morale issues ... centered around the leadership" of Ms. Gilmore. Mr. Modly told us he did not want to make a "knee jerk" reaction based on the letter and the e-mail because he did not know if these were from a person who was "just disgruntled or didn't like Ms. Gilmore." Mr. Modly requested a climate survey at the suggestion of his former chief of staff, Mr. Woods, and Ms. Anne Brennan, former Acting General Counsel of the Navy.

Naval Audit Service employees participated in the DoD Equal Opportunity Management Institute Organizational Climate Survey from October 3 through 19, 2018.¹¹ One hundred ninety respondents completed the survey.¹²

¹⁰ At the time, Mr. Woods was the Acting Assistant Secretary of the Navy (Manpower and Reserve Affairs).

¹¹ The climate survey measures 21 climate factors to help commanders assess how their unit feels about the policies, practices, and procedures that impact them the most. The survey focuses on three primary areas: organizational effectiveness; equal opportunity, equal employment opportunity, and fair treatment; and sexual assault prevention and response.

¹² Survey tampering was possible. The 190 respondents does not necessarily equate to 190 Naval Audit Service employees. Individuals given the link and passcode to the survey could complete the survey more than once.

Ms. Gilmore received the link to the climate survey results and forwarded that link to Mr. Modly and [REDACTED] on October 24, 2018. [REDACTED] told us that [REDACTED] downloaded, printed, and reviewed the survey results. [REDACTED] thought [REDACTED] told Mr. Modly that according to the results, “every SES was called out at least once ... [REDACTED].” [REDACTED] told Mr. Modly, “I don’t know if it’s actual favoritism but it’s the perception of favoritism. And for an organization that’s very, very difficult to get over.” [REDACTED] tabbed some of the negative climate survey comments that referenced Ms. Gilmore. [REDACTED] did not “key in on Mr. Booth ... it was Ms. Gilmore that really came out in the report ... [REDACTED] did not flag having significant concerns with Mr. Booth.” [REDACTED] provided the tabbed survey to Mr. Modly and he became concerned with finding a permanent Auditor General.

Mr. Modly told us that he did not read the entire climate survey results, which totaled 146 pages. He stated that he was “advised by the attorneys” that the results of the climate survey were given to the “head of the agency to take action on or to investigate claims.” Mr. Modly focused on the high-level metrics, specifically the red block areas that needed improvement. He relied on his staff, Mr. Woods, and Ms. Catherine Kessmeier, who at the time was the Assistant General Counsel (Manpower and Reserve Affairs), to read the survey details. [REDACTED]

The climate survey contained four responses that identified Mr. Booth by name or the position he held as the AAG for EIE at the time of the survey in October 2018. Table 3 lists these responses.

Table 3. Climate Survey Comments that Identified Mr. Booth

Section	Comments that Identified Mr. Booth by Name or by Position
Equal Opportunity/ Equal Employment Opportunity (EO/EEO)/Fair Treatment	I think the EIE directorate (Ronnie Booth [and two GS-15s]) likes to promote women instead of men. If you look at the Norfolk office structure, you will see a disparity between men and women who were promoted under their leadership.
Sexual Assault Prevention and Response	The Naval Audit Service has become a den of iniquity, especially the EI&E directorate. It has become extremely hostile due to the actions of the AAG. The EI&E directorate has become the AAG’s “house of ill repute.” The AAG practices favoritism and attempts to have intimate relationships with all females. To be successful in this directorate employees must kowtow [sic] to AAG or fear of being ostracized. The AAG intimate relationships influences [sic] promotions and job assignments. The AAG is very calculating and insidious. No evidence of “Quid Pro Quo” is known but invitations to meet after work in remote locations for drinks can and have led to rewards (promotions, assignments, bonuses, etc.). It is discrimination for a boss to display preferential treatment based on intimate relationship; this behavior violates DOD policy. This behavior is illegal has truly hurt the directorate the organization by damaging employee morale and diminishes confidence in Senior Leadership taking action.

Section	Comments that Identified Mr. Booth by Name or by Position
General Written Comment	<p>The EI&E AAG indiscretions continue to out way [sic] any and all accomplishments. Preferential treatment practiced by AAG's, AD's and PM's leads a list of types of misconduct observed by employees. Favoritism affects morale when employees observe that hard work and exceptional performance won't take them as far without having an intimate or personal relationship</p> <p>It haunts me that I could not find a way to hold him accountable for his actions. Her story is that she was asked by the SES to go to a conference that he was also attending. He took her out to dinner that evening. He spoke to her very positively about her career and seemed to strongly imply a quid pro quo. She spoke through her tears of being extremely uncomfortable by the tone of the conversation and where it seemed to be heading. She made sure to "keep her distance" afterwards and within a few months of this incident, she left the agency. This SES is currently head of EIE.</p>

When asked about the climate survey comments concerning the AAG EI&E or the EIE AAG, ██████████ told us that ██████████ interpreted the AAG to mean the Acting Auditor General. When we informed ██████████ that the acronym AAG meant Assistant Auditor General and that Mr. Booth was the AAG for EIE at the time of the survey, ██████████ stated that ██████████ had misinterpreted it to mean Acting Auditor General. ██████████ further stated, "I may have been biased because of all the other comments that were in there, so I may have exhibited some self-bias in the interpretation of the abbreviation." ██████████ was not sure if Mr. Modly flagged any survey comments concerning Mr. Booth because he did not say anything to ██████████.

During our interview, Mr. Modly reviewed the four survey responses that identify Mr. Booth by name or position. Mr. Modly told us that he thought it was the first time he had seen the comments that identified Mr. Booth by position. Mr. Modly did not remember his staff saying anything about Mr. Booth in the context of the climate survey results. He also told us that Ms. Gilmore saw the climate survey before he did and she never mentioned to him any problem with Mr. Booth and sexual harassment.

Hiring Selection and Allegations Regarding Mr. Booth

Mr. Modly told us that he did not have any indication from Ms. Gilmore or anyone else that he should not select Mr. Booth as the Auditor General. Mr. Modly told us that since assuming the position as the Under Secretary of the Navy, he routinely met with Ms. Gilmore. He normally saw her every day for his 15-20 minute stand-up meeting and met one-on-one with her every week or every other week. Ms. Gilmore was Mr. Booth's supervisor and she never expressed concerns to Mr. Modly about Mr. Booth's behavior. Mr. Modly told us that Mr. Booth's previous performance evaluations were all fives, the highest possible rating, and Ms. Gilmore rated Mr. Booth in the last two performance evaluations. Ms. Gilmore rated Mr. Booth the highest SES in the Naval Audit Service. Mr. Modly told us he would be "very surprised" if Ms. Gilmore had suspicions about Mr. Booth's behavior and still rated him so highly.

We reviewed Mr. Booth's performance evaluations for 2017 and 2018. Ms. Gilmore rated Mr. Booth as a Level 5, "Outstanding," on both of these evaluations. Ms. Gilmore completed the 2018 evaluation on October 12, 2018.

Mr. Modly informed Mr. Booth and Ms. Gilmore of his decision to select Mr. Booth as Auditor General on December 4, 2018. Ms. Gilmore told us that when Mr. Modly told her that he selected Mr. Booth, she told Mr. Modly that Mr. Booth had "numerous allegations of sexual harassment" and

climate survey responses mentioned them. She stated that Mr. Modly responded by saying that Mr. Booth did not say anything negative about her. Ms. Gilmore then told Mr. Modly, "I'm not saying anything negative. I'm telling you the truth. ... It's in the survey."

Mr. Modly told us that when he met with Ms. Gilmore on December 4, 2018, she said that Mr. Booth was a "sexual harasser" and that she had to counsel Mr. Booth for "cursing at the staff." When Ms. Gilmore said Mr. Booth was a "sexual harasser," Mr. Modly said he thought, "Well, you're the head of the agency. Why are you saying this to me now?" Mr. Modly told Ms. Gilmore that he was aware that she had to counsel Mr. Booth but he was not aware of the sexual harassment. He asked Ms. Gilmore if she had evidence or allegations, but Ms. Gilmore did not provide him any specifics.

On December 10, 2018, Ms. Gilmore e-mailed Mr. Spencer and courtesy-copied Mr. Modly expressing concern about Mr. Booth's selection as the Auditor General. Ms. Gilmore wrote that Mr. Booth's selection "could set the stage for me and others to endure an intimidating, hostile, and abusive work relationship and environment." Ms. Gilmore cited a May 17, 2018 staff meeting in which Mr. Booth used profanity. Ms. Gilmore also wrote that the May 2018 incident "coupled with [Mr. Booth's] history of similar conduct gives me great concern and pause for the future" of the Naval Audit Service. In the e-mail, Ms. Gilmore did not reference any alleged sexual harassment by Mr. Booth or anyone else in the agency, nor did she reference climate survey comments concerning Mr. Booth.

Mr. Modly told us he wanted an adverse background check to see if anything might prohibit him from placing Mr. Booth in the Auditor General position. Ms. Kessmeier told us that she had an EEO attorney check the complaint database. On December 12, 2018, Ms. Kessmeier informed Ms. Brennan that an EEO check revealed one complaint filed in 2007 against Mr. Booth. However, the complainant voluntarily withdrew the complaint.¹³ Mr. Modly stated that Mr. Woods, Ms. Kessmeier, and Ms. Brennan told him that nothing stood in the way of appointing Mr. Booth as Auditor General.

The Naval IG requested that the DoD OIG provide a records check on Mr. Booth. The DoD OIG Investigations of Senior Officials directorate found no adverse or reportable information on Mr. Booth in its system of records and issued a clean records check to the Naval IG on December 14, 2018.

Ms. Kessmeier told us that when Department of the Navy selecting officials had information that concerned them, the selecting official should use due diligence in checking candidates' credentials, but "there is not a definition of how you must do that." She stated, "The selecting official must feel comfortable that [they] are selecting the most highly qualified, appropriate individual for the position." She also stated that she was not aware of a "specific process" that required selecting officials to conduct a records check with the EEO, the IG, or other places.

December 18, 2018 Complaint

On December 18, 2018, a Naval Audit Service employee e-mailed Mr. Spencer and courtesy-copied Mr. Spencer's chief of staff and Mr. Modly expressing concern about Mr. Booth's selection as the Auditor General of the Navy. The employee asserted that Mr. Booth "is known as a person that takes advantage of female employees" and that he "has openly bragged that he has received over

¹³ The complainant was male and the case was non-selection based on race, age, and sex.

2 dozen complaints of harassment.” The employee alleged that Mr. Booth had engaged in sexual harassment dating back to 2007 when she was promoted to be a project manager. The employee asserted that at that time Mr. Booth:

- suggested that she owed him for her promotion;
- told her that she should “stick with him” and he would get her training and development to help advance her “career (fast track)”;
- “insisted” he could not discuss these opportunities with her at the office; and
- told her that they should meet at his brother’s house to talk about her future.

Ms. Kessmeier spoke to Ms. Brennan about the December 18, 2018 e-mail that alleged sexual harassment by Mr. Booth in 2007. She stated, “What we discerned from this e-mail was that [the employee] was aware of the ability to file a complaint and that she elected to not pursue it.” She recalled, “[T]his is a very, very old allegation such that there was nothing we could do about it from our perspective ... it’s stale from a legal perspective.” She stated that she told Ms. Brennan:

[O]ne of the concerns I had with how stale the allegations contained in the e-mail were and timing being aligned with [REDACTED], and the fact that we had no findings and that [the employee] was fully on notice of her rights and chose not to pursue them.

Mr. Modly told us that Mr. Spencer and his chief of staff called and told him they had the e-mail for action. Mr. Modly told us that it was his understanding that when Mr. Spencer and Mr. Spencer’s chief of staff received the employee’s e-mail, they immediately turned the matter over to the Naval IG to start investigating. He stated, “[A]t that point we waited for the Navy IG to do its work.” Mr. Modly stated that he worked closely with Mr. Woods, Ms. Kessmeier, and Ms. Brennan, and they told him there was “nothing standing in the way of appointing” Mr. Booth. Additionally, they said if the investigation yielded information on Mr. Booth’s behavior, then Mr. Modly could “take action and remove him, or suspend him.” Mr. Modly also told us, “All of them were aware of the process that I was going through. All of them advised me that I was doing things properly.”

Mr. Modly Appoints Mr. Booth Auditor General

On January 24, 2019, Mr. Modly met with Mr. Booth because he wanted Mr. Booth to “understand all of the implications in the climate survey.” Mr. Modly told us that he was very concerned about the culture at Naval Audit Services. He stated, “It seemed to me like an agency that was about to become dysfunctional, so that was my primary focus” when speaking to Mr. Booth. Mr. Modly stated:

[the meeting] was very business focused. It was very much about my expectations of him as a Director, what types of behaviors are tolerable, what’s not, that I wanted good morale, respectful environment, people who like coming to work ... I was very serious about him understanding ... that he needed to take action to address [the climate survey] ... and ... he said he understood, and he said he would do that.

Mr. Modly informed Naval Audit Service SESs on January 31, 2019, that he selected Mr. Booth as the Auditor General. On February 3, 2019, Mr. Booth assumed duties as the Auditor General.

Congressional and Department of Navy Inquiry

Representative Speier sent a letter to Mr. Spencer and Mr. Modly on July 16, 2019, expressing concern that the DON had not taken any action after becoming aware of “highly credible allegations of repeated, rampant sexual harassment and other troubling behaviors perpetrated by” Mr. Booth. The DON responded on July 19, 2019, informing Representative Speier that the matter required further review and that the DON was gathering information necessary to provide a response.

On July 24, 2019, a *Bloomberg* news article reported that Mr. Booth was accused of a “pattern of harassment, retaliation and hostility in the workplace” that had been “documented at length in multiple sources’ dating to 2007.”¹⁴ Mr. Modly spoke to Mr. Booth after the allegations “hit the media” and he asked Mr. Booth, “What is this all about?” Mr. Booth said, “Well, these are old—these are old allegations and it’s putting my family through hell” Mr. Modly told us that Mr. Booth assured him that “none of it was true.”

Mr. Gregory J. Slavonic, the Assistant Secretary of the Navy for Manpower and Reserve Affairs, initiated an inquiry on August 1, 2019, “to confirm that there is not a current or ongoing hostile work environment based on sexual harassment or reprisal.” Mr. Slavonic wrote in his appointment memorandum that Mr. Modly had referred the matter Representative Speier raised in her July 16, 2019 letter. Mr. Modly told us that he directed the “informal inquiry” because of the “media, the Congressional attention, the fact that [Mr. Booth’s] name was now out in the public, and without any substantiation.” Mr. Modly told us that he wanted to get “to the bottom” of the allegations and that “if any of this is true then [Mr. Booth] shouldn’t be running the agency.” Mr. Modly stated, “I just didn’t want to wait for the Navy IG to finish its work.”

The Navy suspended its inquiry pending the results of our investigation on August 10, 2019. Mr. Spencer informed Representative Speier on August 16, 2019, that because the Navy inquiry could impact the DoD OIG investigation, the Navy suspended its inquiry. Mr. Modly told us that as the Under Secretary of the Navy he could not conduct his own investigation, so he had to rely on the process and the “legal advice that I’m getting from the people who do HR [Human Resources] law, understand EEO, and everything else.” He told us:

So, that’s what I did. I tried to be as fair as possible in this entire thing without prejudicing anybody, without unfairly accusing anybody. I am very, very cognizant of if there’s an issue with this individual being a harasser and making—I was monitoring, I was having my staff monitor that agency as leadership very, very closely to make sure that none of that was going on while the investigations were running their course.

Representative Speier sent a letter to Mr. Spencer and Mr. Modly on August 21, 2019, expressing concerns about their actions following her July 2019 letter and their handling of allegations against Mr. Booth. Representative Speier asked for a response to why the Navy was conducting an investigation, given that the DoD OIG is responsible for senior leader investigations; why the timeline was compressed for the Navy investigator to complete the Navy’s investigation; and why the Navy investigator was “tasked with ‘confirming there is no hostile environment’ instead of investigating whether there is one.”

¹⁴ Anthony Capaccio, “Navy Should Probe Sexual-Harassment Claims Against Auditor, Lawmaker Says,” *Bloomberg*, July 24, 2019.

Mr. Spencer informed Representative Speier on August 29, 2019, that the concerns she raised suggested that DON was aware of a pattern of sexual harassment and reprisal by Mr. Booth. Mr. Spencer wrote, "At the time of Mr. Booth's selection, there was no documented, substantiated evidence of any such behavior." Mr. Spencer stated that on July 26, 2019, the DoD OIG notified the DON that it opened an investigation into the sexual harassment allegations against Mr. Booth. Mr. Spencer wrote:

Recognizing our Title VII obligation to promptly prevent and correct any potential workplace climate issues, which may relate but are distinct from the DoD IG's investigative responsibilities, the Under Secretary of the Navy directed a fact-finding into the allegations of hostile work climate and reprisal by leadership at the Naval Audit Service. On August 9, 2019, the DoD IG indicated that the DON fact-finding could affect their investigation and requested that we suspend our fact-finding.

Mr. Modly told us that it was his intention to ensure that the Naval Audit Service had the "best possible leadership" and that given his "limited choices," he made the "best choice" he could at the time. Mr. Modly stated:

I had no knowledge that it was anything prejudicial against Mr. Booth in terms of putting him in that job. Once information started coming to light we filed the proper procedures with respect to turning it over to lawyers, Inspector Generals [*sic*], and also eventually the DoD IG took over the investigation.

Conclusions about Mr. Modly's Actions

We did not substantiate the allegation that Mr. Modly failed to comply with DoD and Navy policies when informed of sexual harassment allegations against Mr. Booth.

DoD Directive 1440.1 requires that the Heads of DoD Components, or their designees, shall ensure fair, impartial, and timely investigation and resolution of complaints of discrimination in employment, including complaints of sexual harassment.

We reached our conclusion about Mr. Modly's actions based on the following:

- Mr. Modly relied on his staff, subject matter expert officials from Manpower and Reserve Affairs, and Ms. Gilmore to read and address the climate survey details. Only one survey comment identified Mr. Booth by name and Mr. Modly's staff misinterpreted the leader position acronyms mentioned in three other negative comments that did not mention Mr. Booth by name. This misinterpretation caused Mr. Modly's staff to associate those other three negative comments with Ms. Gilmore rather than Mr. Booth.
- According to Ms. Gilmore, she informed Mr. Modly about "numerous allegations of sexual harassment" mentioned in the climate survey results only after Mr. Modly told Ms. Gilmore about his decision to appoint Mr. Booth as the Auditor General. However, Ms. Gilmore did not identify to Mr. Modly any specific sexual harassment allegations about Mr. Booth during their December 4 meeting or in her December 10 e-mail. Therefore, we are unable to determine the timing and content of any such information from Ms. Gilmore to Mr. Modly.

- After Mr. Spencer and his chief of staff told Mr. Modly that they were taking action on the complaint against Mr. Booth, Mr. Modly understood that Mr. Spencer and Mr. Spencer's chief of staff "immediately" turned the matter over to the Naval IG to investigate.
- Ms. Gilmore never expressed to Mr. Modly any concerns about potential sexual harassment allegations concerning Mr. Booth before Mr. Modly selected Mr. Booth instead of her as Auditor General.
- Ms. Gilmore rated Mr. Booth consistently over time with the highest possible scores in his performance appraisals. These ratings contributed to Mr. Modly's staff and advisors not finding adverse information about Mr. Booth before they advised Mr. Modly that nothing stood in the way of appointing Mr. Booth as Auditor General.
- Mr. Modly requested and followed the guidance from senior leadership at both the Office of the Assistant Secretary of the Navy (Manpower and Reserves Affairs) and the Office of the General Counsel of the Navy when selecting Mr. Booth as the Auditor General. These officials knew of the December 18, 2018 e-mail that alleged Mr. Booth sexually harassed an employee in 2007. They were responsible for reviewing the climate survey results and for ensuring that the vetting and selection process for the Auditor General position followed applicable human resources and legal standards. These officials advised Mr. Modly that there was no current adverse information, and that nothing stood in the way of appointing Mr. Booth as the Auditor General.

Therefore, we determined that Mr. Modly complied with DoD and Navy standards when he was informed of the sexual harassment allegations against Mr. Booth by having his staff and advisors, including legal advisors, vet Mr. Booth and other candidates before making a selection. Based on the facts of this case, we conclude that his reliance on his staff and advisors was reasonable. Furthermore, he followed Navy selection process standards when selecting Mr. Booth as the Auditor General. Accordingly, we did not substantiate the allegation against Mr. Modly.

IV. OVERALL CONCLUSIONS

We substantiated the allegation that Mr. Booth engaged in a more than 20-year pattern of pervasive sexual harassment toward female Naval Audit Service employees.

We did not substantiate the allegation that Mr. Modly failed to comply with DoD and Navy policies when informed of sexual harassment allegations against Mr. Booth.

V. RECOMMENDATIONS

Mr. Booth retired from Government Service. Accordingly, we forward our report to the Acting Secretary of the Navy for inclusion in Mr. Booth's personnel file.

We make no recommendation regarding Mr. Modly.

The current Auditor General of the Navy should consider ways to improve Naval Audit Service employees' confidence in the agency's ability to handle sexual harassment complaints including providing refresher training concerning sexual harassment and reporting incidents of sexual harassment; and establishing a process to thoroughly investigate all allegations and record the results of those investigations in a system of records.

The DON should codify a system to vet candidates for placement and promotions in SES positions. Additionally, the DON, including the Naval Audit Service, should ensure that supervisors, human resources officials, legal advisors, and IG personnel understand that incidents of sexual harassment involving a senior official must be reported to the DoD OIG regardless of whether a formal or informal EEO complaint is filed.

Appendix A: Standards

DoD 5500.07-R, "Joint Ethics Regulation (JER)," August 30, 1993 (Incorporating 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 A, "General Provisions," Section 2635.101, "Basic obligation of public service," states:

- (5) Employees shall put forth honest effort in the performance of their duties.
- (8) Employees shall act impartially and not give preferential treatment to any private organization or individual.
- (9) Employees shall protect and conserve Federal property and shall not use it for other than authorized activities.
- (13) Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age, or handicap.
- (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, "Ethical Conduct," Section 4, "Ethical Values," states DoD employees should consider ethical values when making decisions as part of official duties. In that regard, the JER includes fairness, caring and respect.

- e. Fairness. Open-mindedness and impartiality are important aspects of fairness. DoD employees must be committed to justice in the performance of their official duties. Decisions must not be arbitrary, capricious or biased. Individuals must be treated equally and with tolerance.
- f. Caring. Compassion is an essential element of good government. Courtesy and kindness, both to those we serve and to those we work with, help to ensure that individuals are not treated solely as a means to an end. Caring for others is the counterbalance against the temptation to pursue the mission at any cost.
- g. Respect. To treat people with dignity, to honor privacy and to allow self-determination are critical in a government of diverse people. Lack of respect leads to a breakdown of loyalty and honesty within a government and brings chaos to the international community.

DoD Directive 1440.1, "The DoD Civilian Equal Employment Opportunity (EEO) Program," May 21, 1987 (Incorporating Through Change 3, April 17, 1992, Certified Current as of November 21, 2003)

Paragraph 5.2.7 requires that the Heads of DoD Components, or their designees, shall ensure fair, impartial, and timely investigation and resolution of complaints of discrimination in employment, including complaints of sexual harassment.

Enclosure 2, paragraph E2.1.10, defines sexual harassment as a form of sex discrimination that involves unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

E2.1.10.1. Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career; or

E2.1.10.2. Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person, or

E2.1.10.3. Such conduct interferes with an individual's performance or creates an intimidating, hostile, or offensive environment.

Any person in a supervisory or command position who uses or condones implicit or explicit sexual behavior to control, influence, or affect the career, pay, or job of a military member or civilian employee is engaging in sexual harassment. Similarly, any military member or civilian employee who makes deliberate or repeated unwelcomed verbal comments, gestures, or physical contact of a sexual nature is also engaging in sexual harassment.

Secretary of the Navy Instruction 5300.26D, "Department of the Navy (DON) Policy on Sexual Harassment," January 3, 2006¹⁵

Paragraph 5. Background.

a. The Navy-Marine Corps team must be composed of an optimally integrated group of men and women who are able to work together to accomplish the mission. Each member of the team is entitled to be treated fairly, with dignity and respect, and must be allowed to work in an environment free of unlawful discrimination. Additionally, each member is expected to abide by the DON Core Values of Honor, Courage and Commitment. Sailors, Marines and civilians who model the Core Values do not engage in negative behaviors such as sexual harassment, and do not condone those behaviors in others.

b. The economic costs of sexual harassment are significant. Even more harmful, however, are the negative effects on productivity and readiness, including increased absenteeism, greater personnel turnover, lower morale, decreased effectiveness, and a loss of personal, organizational, and public trust. While not easily quantified, these costs are real and seriously affect DON's ability to accomplish its mission.

¹⁵ Secretary of the Navy Instruction (SECNAVINST) 5300.26D cancelled SECNAVINST 5300.26C, which was in effect October 17, 1997, to January 3, 2006. However, the language is the same in both versions for the paragraphs cited for this report.

Paragraph 6, Policy. The DON is committed to maintaining a work environment free from unlawful discriminatory practices and inappropriate behavior. In support of this commitment, it is DON policy that:

- a. Sexual harassment is prohibited. All DON personnel, military and civilian, will be provided a work environment free from unlawful discrimination which includes sexual harassment. Off-duty or non-duty behaviors that affect the military workplace may also be considered to be sexual harassment.
- d. Individuals who believe they have been sexually harassed shall be provided the opportunity to seek resolution and redress. Commanders and those in supervisory positions shall ensure that notification of sexual harassment can be made in a command climate that does not tolerate acts of reprisal, intimidation, or further acts of harassment. All personnel shall be made aware of the avenues of resolution and redress that are available.
- e. All reported incidents of sexual harassment shall be investigated and resolved at the lowest appropriate level. The nature of the investigation will depend upon the particular facts and circumstances and may consist of an informal inquiry where that action is sufficient to resolve factual issues. All incidents shall be resolved promptly and with sensitivity. Confidentiality will be maintained to the extent possible. For civilian employees, confidentiality is guaranteed during the informal stage of a discrimination complaint, if requested.
- f. Counseling support or referral services will be made available for all personnel involved in incidents of sexual harassment.

Paragraph 7, Accountability. The rules in subparagraph 7a are regulatory orders and apply to all DON personnel individually and without further implementation.

- a. No individual in the DON shall:
 - (1) Commit sexual harassment, as defined in enclosure (1)
 - (2) Take reprisal action against a person who provides information on an incident of alleged sexual harassment;
 - (3) Knowingly make a false accusation of sexual harassment; or
 - (4) While in a supervisory or command position, condone or ignore sexual harassment of which he or she has knowledge or has reason to have knowledge.
- b. The appropriate action to resolve a substantiated incident of sexual harassment will depend upon the circumstances surrounding that incident. Incidents of sexual harassment cover a wide range of behaviors, from verbal comments to physical acts, and can be subtle or overt. Likewise, the full range of administrative and disciplinary actions is available to address sexual harassment. ... In the case of civilians, options include informal counseling, and disciplinary action including removal from the Federal Service.

Paragraph 8, Responsibility.

a. Leadership is the key to eliminating all forms of unlawful discrimination. Sound leadership must be the cornerstone of the effort to eliminate sexual harassment. It is not the intent of this instruction to impair commanders and supervisors in their ability to take appropriate actions to carry out leadership responsibilities. They must set the example in treating all people with dignity and respect, fostering a climate free of all forms of unlawful discrimination including sexual harassment. Such a climate is essential to maintain high morale, discipline, and readiness. Commanders and supervisors are responsible for and must be committed to preventing sexual harassment in their commands and work environments. They must not ignore or condone sexual harassment in any form, and they must take whatever action is required to ensure that a recipient of sexual harassment is not subsequently also the victim of reprisal or retaliation. Reprisals, as further described in enclosure (1) and references (e) and (h), are prohibited under this instruction whether they are originated by the command, the alleged perpetrator, or peers of the complainant. These responsibilities regarding sexual harassment are part of the broader responsibility of commanders and supervisors to foster a positive climate and take appropriate corrective action when conduct is disruptive, provoking, discriminatory, or otherwise unprofessional.

b. Individuals who believe they have been sexually harassed are encouraged to address their concerns or objections regarding the incident directly with the person demonstrating the harassing behavior. Persons who are subjected to or observe objectionable behavior should promptly notify the chain of command if:

- (1) the objectionable behavior does not stop; or
- (2) the situation is not resolved; or
- (3) addressing the objectionable behavior directly with the person concerned is not reasonable under the circumstances; or
- (4) the behavior is clearly criminal in nature.

If the person demonstrating the objectionable behavior is a direct superior in the chain of command or the chain of command condones the conduct or ignores a report, individuals who have been subjected to or who observe objectionable behavior are encouraged to promptly communicate the incident through other available means.

c. All personnel are responsible for treating others with dignity and respect. This means fully and faithfully complying with this instruction. All DON personnel are accountable for their actions.

Enclosure 1, Definitions.

3. Sexual Harassment. A form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career; or,

b. Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person; or,

c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile or offensive working environment. This definition emphasizes that workplace conduct, to be actionable as "abusive work environment" harassment, need not result in concrete psychological harm to the victim, but rather need only be so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the work environment as hostile or offensive. ("Workplace" is an expansive term for military members and may include conduct on or off duty, 24 hours a day.) Any person in a supervisory or command position who uses or condones any form of sexual behavior to control, influence, or affect the career, pay, or job of a military member or civilian employee is engaging in sexual harassment. Similarly, any military member or civilian employee who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature in the workplace is also engaging in sexual harassment.

Enclosure 2, Range of Behaviors which Constitute Sexual Harassment:

Paragraph 4. Range of Behaviors. There are a wide range of behaviors which can be unwelcome, sexual, and work-connected and can, therefore, constitute sexual harassment. Some behaviors may be unwelcome and work-connected, but not sexual (for example, performance counseling), and obviously do not constitute sexual harassment. To better explain the range of behaviors that may constitute sexual harassment, the traffic light illustration was developed, in which behaviors are divided into three zones, corresponding to the colors on a traffic light. Green on the traffic light means "go," and behavior in the green zone is acceptable. Green zone behavior is not sexual harassment. Yellow on the traffic light means "caution," and behavior in the yellow zone may be sexual harassment. Red on the traffic light means "stop." Red zone behaviors are sexual harassment. Just as with a traffic light, if in the yellow zone long enough, the light will turn red. If yellow zone behaviors occur repeatedly, especially after the person has been told it is unwelcome, it becomes red zone behavior - sexual harassment. The following examples illustrate these three types of behavior:

a. Green zone. These behaviors are not sexual harassment: touching which could not reasonably be perceived in a sexual way (such as shaking hands, or a friendly pat on the shoulder), counseling on military appearance, social interaction, showing concern or encouragement, a polite compliment, or friendly conversation.

b. Yellow zone. Many people would find these behaviors unacceptable and they could be sexual harassment: violating personal space, whistling, questions about personal life, lewd or sexually suggestive comments, suggestive posters or calendars, off-color jokes, leering, staring, repeated requests for dates, foul language, unwanted letters or poems, or sexually suggestive touching or gesturing.

c. Red zone. These behaviors are always considered sexual harassment: sexual favors in return for employment rewards, threats if sexual favors are not provided, sexually explicit pictures (including calendars or posters) or remarks, using status to request dates, or obscene letters or comments.

Appendix B: Anonymous Complaints

Table 4 lists the 12 anonymous complaints the DoD OIG received from February 27, 2019, through April 10, 2020, concerning Mr. Booth's alleged sexual harassment or waste of Government funds. Seven of these anonymous complaints asserted that Mr. Modly was aware of sexual harassment allegations against Mr. Booth before he selected him as the Auditor General of the Navy.

Table 4. List of Anonymous Complaints Concerning Mr. Modly and Mr. Booth

Date Received at DoD OIG	#	Brief Complaint Description
February 27, 2019	1	Mr. Booth has a "history of alleged sexual harassment," where complaints were "swept under the rug." Climate survey indicated "inappropriate offers" to a female employee.
February 27, 2019	2	Mr. Spencer and Mr. Modly did not vet Mr. Booth before selecting him as the Auditor General. Included a copy of December 18, 2018 e-mail sent to Mr. Spencer and courtesy-copied to Mr. Modly that alleged sexual harassment by Mr. Booth. Climate survey comments "referred to Mr. Booth's directorate as a 'den of iniquity.'"
March 7, 2019	3	Mr. Spencer and Mr. Modly "did not do their due diligence to investigate" Mr. Booth's background and character before placing him as the Auditor General. Also alleged that Mr. Booth is a "predator" and "targets young vulnerable females new to the agency."
April 2, 2019	4	Cited two comments contained in climate survey concerning sexual harassment: 1) Mr. Booth's directorate was a "den of iniquity"; and 2) a female employee was sexually harassed by an unnamed Naval Audit Service SES. Characterized Mr. Booth as a "predator" and alleged that "senior leadership" was aware of and covered up Mr. Booth's "pattern of sexual harassment."
April 11, 2019	5	Mr. Booth "preyed upon young female employees" at the Naval Audit Service and Mr. Spencer and Mr. Modly were informed but did not investigate.
April 11, 2019	6	Mr. Modly selected Mr. Booth as the Auditor General although he knew about Mr. Booth's history of sexual harassment. "Mr. Booth targets females and 'quid pro quo' he offers promotions, assignments, and bonuses for sexual favors."
June 3, 2019 July 1, 2019	7	Numerous complaints about Mr. Booth. Mr. Modly is aware and has done nothing to initiate an investigation.
June 15, 2019	8	Mr. Booth wastes Government funds by purchasing a table and bathroom fixtures for his office and by approving employees to attend a conference.
July 1, 2019	9	Mr. Booth has "discreet indiscrete inappropriate relationships" with "females and nothing is being done" and his "behavior over the years is an open secret."
July 1, 2019	10	Mr. Booth purchased a television, cable hookup, and new shower fixtures for his office. He "targets females telling them if they want to get ahead they need to play the game."
March 4, 2020	11	Mr. Modly was "disingenuous" and "lied to Congress" when he "claimed he did not know" Mr. Booth had sexually harassed Naval Audit Service females since 2007. Mr. Modly was told on December 4 and 18, 2018, about allegations of sexual harassment against Mr. Booth.
April 10, 2020	12	Mr. Modly did not vet Mr. Booth as Auditor General. Mr. Modly "lied" to Congress when he answered Representative Speier's questions during a budget hearing on February 27, 2020.

Appendix C: [REDACTED]

Table 5. [REDACTED] Mr. Booth's Alleged Conduct and Results

Year	Events	Results
[REDACTED]	Mr. Booth, as a GS-14 or below, possibly starts sexual interactions with Employee 1.	Employee 1 does not report the interactions.
[REDACTED]	Mr. Booth, as a GS-15, transports Employee 2 to an impromptu "team" party, asks her to be his mistress, and attempts to touch her leg.	Employee 2 is new to the agency and does not report the interaction until 2004.
2001–2002	The Naval Audit Service IG reviews an anonymous complaint that Mr. Booth ran a "prostitution ring" and promised "fast promotions" to participants.	The Naval Audit Service IG determines the allegations did not warrant investigation and closes the case.
[REDACTED]	Mr. Booth solidifies his sexual relationship with Employee 1 during a golf outing to North Carolina.	Employee 1 does not report the interactions.
[REDACTED]	Employee 3 participates in a Naval Audit Service sporting event in which Mr. Booth asked her, "You need help taking your stuff to your apartment? I can bring it upstairs for you." Employee 3 tells Mr. Booth that she does not need help.	Employee 3 asks her supervisor to move her from Mr. Booth's directorate.
2003	The Naval Audit Service IG conducts an inquiry into allegations that Mr. Booth sexually harassed Employee 3 and other female employees.	The Naval Audit Service IG does not substantiate the allegations and closes the case.
2004	Employee 2 tells the following individuals about the [REDACTED] incident with Mr. Booth (who is now a limited term SES): <ul style="list-style-type: none"> 1) a Naval Audit Service supervisor that Mr. Booth asked her to be his mistress and she requests to transfer to another directorate because she is "uncomfortable" working with Mr. Booth; 2) the Auditor General's executive assistant that Mr. Booth invited her to what she thought was an "office party" that "she was going to be the party"; and 3) a Naval Audit Service human resources employee that Mr. Booth invited her to a picnic where she felt she was "the main course." 	<ul style="list-style-type: none"> 1) The Naval Audit supervisor informs his SES and they move Employee 2. 2) The executive assistant informs the Auditor General. 3) The Naval Audit Service IG conducts a preliminary inquiry concerning the incident and determines the allegation is "impossible to pursue" or "prove it true or untrue," and closes the case.
[REDACTED]	Mr. Booth meets Employee 1 at restaurants for drinks and lunch, and then engages in sexual intercourse with her at his brother's apartment or house, or hotel rooms on Joint Base Anacostia-Bolling. He also engages in sexual intercourse with Employee 1 while on official travels to [REDACTED] (unknown dates).	Employee 1 does not report the interactions. In [REDACTED], Employee 1 tells a retired Naval Audit Service SES about her interactions with Mr. Booth.

Year	Events	Results
2006	Employees 2 and 3 tell their supervisor that they are “uncomfortable” working with Mr. Booth and request to transfer to another directorate when Mr. Booth becomes the AAG for EIE.	The supervisor tells the SES leader of another directorate, the SES leader agrees, and they move the two employees to the other SES leader’s directorate.
2007–2009	Mr. Booth takes credit for Employee 4’s promotion, says he needs to meet her outside the office, invites her to his brother’s house, and tells her that she needs to “play the game” to advance.	Employee 4 does not report the interactions.
█	Mr. Booth makes sexual advances to Employee 1 while on official travel to █, but Employee 1 rejects Mr. Booth’s advances.	Employee 1 does not report the interactions.
2008–2009	Mr. Booth tells Employee 5 that she has to attend training but must do so while on leave and that she cannot tell her supervisor about it.	Employee 5 does not report the interactions.
2009	<p>Mr. Booth meets Employee 6 for drinks to discuss her career at the Joint Base Anacostia-Bolling club and propositions her for sex. █ while on official travel to █, he tells Employee 6 that she is “really attractive” and she “should be having lots of sex.” He also invites her to his hotel room.</p> <p>Mr. Booth invites Employee 7 to and meets her at McCormick & Schmick’s restaurant, tells her he has invited “all of the up and coming young” directorate employees. When she shows up he admits that she was the only person he invited. He propositions her for sex in exchange for advancement. He tells her if she “plays the game” she will get advancement.</p>	<p>Employee 6 does not report the interactions.</p> <p>Employee 7 does not immediately report the interactions, but mentions it to the Naval Audit Service General Counsel and the Naval Audit Service Human Resources Director when asked about another employee’s grievance concerning non-selection. We found no record of Employee 7 informing the Naval Audit Service about Mr. Booth’s interactions with her.</p>
2011	Mr. Booth calls Employee 8 and invites her to a restaurant for “a mentoring session.” He has two bottles of wine at the table, and tells her he has a hotel room and propositions her for sex in exchange for advancement. Employee 8 tells the following individuals: 1) a GS-15 who advises her to report the interaction to the Naval Audit Service human resources and to the IG; and 2) the human resources director that Mr. Booth made her “uncomfortable” and requests transfer out of Mr. Booth’s directorate. She also files a complaint with the DoD Hotline saying that Mr. Booth propositioned her for sex in exchange for advancement.	<p>The Naval Audit Service transfers Employee 8 out of Mr. Booth’s directorate.</p> <p>Mr. Leach counsels Mr. Booth for putting an employee in an uncomfortable situation and tells Mr. Booth to apologize to the employee. Mr. Booth apologizes to Employee 8 for her “misinterpreting his mentorship.”</p> <p>Employee 8 withdraws her DoD Hotline complaint and the DoD Hotline closes the case.</p>
█	Mr. Booth makes sexual advances to Employee 1 while on official travel to █ and then to █. Mr. Booth engages in sexual intercourse with Employee 1 while in █. However, Employee 1 rejects Mr. Booth’s sexual advances in █.	Employee 1 does not report the interactions.

Year	Events	Results
2015	<p>The Naval Audit Service IG receives an anonymous complaint alleging that Employee 9 received preferential treatment because she was “having an affair” with Mr. Booth.</p> <p>Mr. Booth writes his cell phone number in Employee 10’s notebook and tells her that they need to talk outside of work, if she wants a promotion. He later tells her that she needs to use that number.</p>	<p>The Naval Audit Service IG refers the complaint to the Naval IG. The Naval IG determines that the matter does not warrant further review and closes the case.</p> <p>Employee 10 immediately shreds Mr. Booth’s phone number and never calls him.</p>
2016	<p>Mr. Booth gives Employee 11 his personal cell phone number and tells her he wants to talk to her about her future. Employee 11 calls him and he tells her, “he would love to meet” her “outside of the office” where they would not “run into people.”</p>	<p>Employee 11 avoids Mr. Booth and finally tells the Naval Audit Service IG about her interactions with Mr. Booth in June 2019.</p>
2017	<p>Mr. Booth visits Employee 12 at her desk and tells her that she needs to attend a conference and she cannot tell her supervisor about it.</p> <p>Mr. Booth invites the first female employee to meet him and four of her coworkers at the Old Town Inn. Although Mr. Booth tells her the four coworkers are en route, the coworkers do not show up. Mr. Booth then invites her to meet him and the same coworkers at Joint Base Andrews club later that week.</p>	<p>Employee 12 does not report the interactions.</p> <p>The first female employee does not know if her coworkers were actually invited because she does not talk to them about meeting Mr. Booth.</p>
2018	<p>Mr. Booth meets the second female employee at McCormick & Schmick’s restaurant for a mentoring session.</p> <p>The third female employee texts Mr. Booth to pick her up from the airport and transport her to Woodbridge or Dale City. Mr. Booth drops her at the Springfield Metro Station. Mr. Booth and the third female employee attend a Virginia State University Homecoming event. The third female employee says she attended the event with her next-door neighbor.</p>	<p>The second female employee characterizes her relationship with Mr. Booth as “strictly professional ... mentee/mentorship type of relationship.”</p>
Unknown	<p>Mr. Booth invites Employee 9 out for drinks on at least two occasions. Employee 9 declines Mr. Booth’s invitations.</p>	<p>Employee 9 does not report the interactions.</p>

Appendix D: Other Matters

Two of the anonymous complaints alleged that Mr. Booth, while serving as the Auditor General of the Navy, wasted Government funds. The complaints alleged that Mr. Booth purchased a table, television, and cable service for his office and a shower fixture for his private office bathroom. Additionally, the complaints alleged that Mr. Booth approved official travel for employees to attend a July 2019 Association of Government Accountants conference instead of having the employees attend virtually. Table 6 lists the alleged violations and our findings concerning each matter. We interviewed several witnesses who had direct knowledge of these purchases or approvals and we determined that 1) the purchases did not occur, or 2) the purchases or approvals did not violate a standard. Accordingly, we did not address these matters in Section III of this report.

Table 6. Alleged Waste Violations and DoD OIG Findings

Item	DoD OIG Findings
Table	Mr. Booth asked for a new table. However, one was never ordered or purchased. The request was canceled after Mr. Booth retired from Government service.
Television and Cable Service	No television was purchased. Mr. Booth relocated the television from his previous office in EIE to the Auditor General's office. Additionally, when Mr. Booth became the Auditor General, the Naval Audit Service already had cable service to a few training and conference rooms. Mr. Booth authorized cable service to existing televisions to provide SESs and employees the ability to monitor the news and congressional testimonies and hearings concerning DoD.
Shower Fixture	While on a service call to fix the clogged office bathroom sink, a Navy Yard building maintenance employee looked at the shower, which had not worked in several years. The employee determined the shower needed a replacement knob and later returned and fixed the shower.
Official Travel for a July 2019 Association of Government Accountants (AGA) Conference	Mr. Booth approved 17 Naval Audit Service employees to attend an AGA conference. Mr. Booth did not choose the conference destination. As the Auditor General, a Tier 3 SES, Mr. Booth had the authority to approve up to \$500,000 for his employees to attend this conference.

Whistleblower Protection

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