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**The Inspector  
General  
of the Air Force**

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**Report of Investigation (S8262P)**

(DOD IG #20160628-038396-CASE-01)

**Colonel Devin R. Wooden**

February 2017

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# REPORT OF INVESTIGATION (Case S8262P)

CONCERNING

COLONEL DEVIN R. WOODEN

PREPARED BY

(b) (6), (b) (7)(C)

February 2017

## I. INTRODUCTION

This investigation was directed in response to a complaint filed with the Air Force Special Operations Command (AFSOC) Inspector General (IG) and forwarded to the Secretary of the Air Force IG for action. The anonymous complainant alleged that Col Devin R. Wooden, Commander, 137th Special Operations Wing (137 SOW), Oklahoma Air National Guard, (OKANG), Will Rogers ANG Base, OK, is a toxic leader who fostered an environment of fear and intimidation; favored select personnel through preferential treatment; favored personnel by not adequately punishing them for misconduct; and submitted fraudulent manning documents to AFSOC and the National Guard Bureau (NGB). (Ex 1)

The Investigating Officer (IO) prepared an Investigative Plan (IP) and presented the IP to the Director, IGS on 29 Sep 16. The IO interviewed 18 witnesses, and contacted 20 additional witnesses, between 16 Sep 16 and 14 Dec 16. The IO traveled to Will Rogers ANG Base and interviewed Col Wooden on 20 Dec 16 with his legal counsel present, Maj Chris Kannady, OKANG. The investigator treated Col Wooden as a suspect and Col Wooden was provided a rights advisement.

## II. SCOPE AND AUTHORITY

The Secretary of the Air Force has sole responsibility for the function of The Inspector General of the Air Force.<sup>1</sup> When directed by the Secretary of the Air Force or the Chief of Staff of the Air Force, The Inspector General has the authority to inquire into and report on the discipline, efficiency, and economy of the Air Force and perform any other duties prescribed by the Secretary or the Chief of Staff.<sup>2</sup> The Inspector General must cooperate fully with The Inspector General of the Department of Defense.<sup>3</sup> Pursuant to Air Force Instruction (AFI) 90-301, *Inspector General Complaints Resolution*, 27 Aug 15, paragraph 1.13.4, The Inspector

<sup>1</sup> Title 10, United States Code, Section 8014

<sup>2</sup> These authorities are outlined in Title 10, United States Code, Section 8020

<sup>3</sup> Title 10, United States Code, Section 8020(d)

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General has oversight authority over all IG investigations conducted at the level of the Secretary of the Air Force. (Ex 43:19)

Pursuant to AFI 90-301, paragraph 1.13.3.1, the Director, Senior Official Inquiries Directorate (SAF/IGS), is responsible for performing special investigations directed by the Secretary, the Chief of Staff, or The Inspector General and all investigations of senior officials (Ex 43:19) AFI 90-301 defines senior official as any active or retired Regular Air Force, Air Force Reserve, or Air National Guard military officer in grades O-7 (brigadier general) and above, and Air National Guard Colonels with a Certificate of Eligibility (COE). Current or former members of the Senior Executive Service (SES) or equivalent and current and former Air Force civilian Presidential appointees are also considered senior officials. (Ex 43:164)

One of several missions of The Inspector General of the Air Force is to maintain a credible inspector general system by ensuring the existence of responsive complaint investigations characterized by objectivity, integrity, and impartiality. The Inspector General ensures the concerns of all complainants and subjects, along with the best interests of the Air Force, are addressed through objective fact-finding.

On or about 14 Jun 16, the Deputy Inspector General approved a recommendation that SAF/IGS conduct an investigation into an allegation of misconduct by Col Wooden. The case was assigned to (b) (6), (b) (7)(C), who holds a SAF/IG appointment letter dated 4 May 16, and the investigation started on 15 Sep 16. In a letter dated 8 Dec 16, Col Wooden was notified of the specific allegation included in this investigation. (Ex 4)

### III. BACKGROUND

The 137th Special Operations Wing (137 SOW) is an Air Force flying wing aligned under the Air National Guard (ANG) that provides manned intelligence, surveillance and reconnaissance (ISR) support for AFSOC. (Ex 2) The 137 SOW consists of three groups with more than 1,200 personnel and an operating budget of \$59 million. (Ex 2) The wing is located at Will Rogers ANGB, Oklahoma City, OK.

At the time of this investigation, the 137 SOW was still in the process of completing its mission conversion from flying KC135 aerial refueling aircraft to the MC12 ISR aircraft. Col Wooden testified they had 11 of the 13 authorized MC12 aircraft assigned to the wing at the time of his interview. (Ex 6:15) The 137 SOW received its first MC12 in Jul 15, held a ribbon cutting ceremony on 1 Aug 15, and an official re-designation ceremony to commemorate the wing's realignment to AFSOC on 3 Dec 16. (Ex 5)

The mission conversion resulted in the MC12 aircraft being hangared at Will Rogers ANGB, whereas the previous mission aircraft, the KC135s, were hangared at Tinker AFB, 17 miles across town. When the wing was flying the KC135s, their maintenance and operations functions were also located at Tinker AFB. (Ex 6:14)





Issues (1) and (2) are analyzed below, but did not result in a formal allegation.

Issue (3), whether Col Wooden failed to hold favored subordinates accountable for misconduct, resulted in the formal allegation analyzed later in this report.

### ***Toxic Leadership***

The anonymous complaint document stated, “Col Wooden fosters an environment of fear and intimidation” throughout the base. (Ex 1:1) The anonymous complaint also stated, “Since converting to the new MC12 mission, Colonel Wooden has made life in the squadron so unbearable that the majority of the original cadre hired for the mission have quit.” (Ex 1:2)

Twenty-one witnesses were asked about Col Wooden’s leadership style and whether he was a toxic leader. Their comments are summarized in the pages that follow.

One witness, (b) (6), (b) (7)(C), submitted a written document to support (b) (6), (b) (7)(C) testimony during the investigation. (b) (6), (b) (7)(C) wrote, “If you look at the definition of toxic leadership you will have an accurate picture of the issues at the 137th.” (Ex 25:1) When asked for (b) (6), (b) (7)(C) definition of “toxic leadership” (b) (6), (b) (7)(C) testified “almost narcissistic ... [Col Wooden] believed in a leadership style of carrying a big bat ... it was flat out his way. If you disagreed with him it was public shaming ... condescending at times...” (Ex 12:3) (b) (6), (b) (7)(C) then went on to describe examples of behavior to support (b) (6), (b) (7)(C) assertion that Col Wooden was a toxic leader, primarily a long discussion about an extra-marital affair between two officers in the wing and (b) (6), (b) (7)(C) then transitioned into comments about the “good ‘ol boy system.” (Ex 12:4-7, 10-17, 27-29) (b) (6), (b) (7)(C) also said (b) (6), (b) (7)(C) found it “frustrating” that Col Wooden addressed subordinate personnel, such as O-5s and commanders, as “minions.”<sup>4</sup> (Ex 12:37) The IO determined that the majority of (b) (6), (b) (7)(C) examples were, in fact, allegations that Col Wooden favored certain officers by not addressing misconduct, which is analyzed under the formal allegation later in this report. (b) (6), (b) (7)(C) was unable to provide any example of public shaming or condescending treatment of personnel by Col Wooden.

(b) (6), (b) (7)(C) also testified that Col Wooden’s approach to the MC12 mission conversion was an example of “toxic leadership” because Col Wooden was “pulling back on the reigns” and not meeting AFSOC’s expectations. (Ex 12:34-35) (b) (6), (b) (7)(C) said Col Wooden was a “road block” to the mission conversion and (b) (6), (b) (7)(C) described Col Wooden’s leadership style as follows: “if it’s not his idea ... it’s wrong.” (Ex 12:35)

(b) (6), (b) (7)(C) testified that Col Wooden’s leadership style was one of fear and intimidation. (Ex 12:35) According to (b) (6), (b) (7)(C) Col Wooden threatened to take jobs away from two different majors during a meeting at which Col Wooden chewed them out in

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<sup>4</sup> Merriam-Webster definitions of minions: (1) a servile dependent, follower, or underling. (2) one highly favored. (3) a subordinate or petty official.

Mar-Apr 15 due to some inappropriate photographs taken at (b) (6), (b) (7)(C) retirement party. (Ex 12:36) The IO noted that (b) (6), (b) (7)(C) admitted the photographs were (b) (6), (b) (7)(C) fault. (Ex 12:36) The IO did not investigate further due to (b) (6), (b) (7)(C) admission that the photos were inappropriate and the incident was (b) (6), (b) (7)(C) fault. The IO did not find this example from (b) (6), (b) (7)(C) as credible evidence of toxic leadership.

(b) (6), (b) (7)(C) was the (b) (6), (b) (7)(C), prior to mission conversion to MC12. (b) (6), (b) (7)(C) testified that Col Wooden's leadership style is "authoritative." (Ex 8:19) Despite (b) (6), (b) (7)(C) claim that Col Wooden does not treat people fairly or with respect, (b) (6), (b) (7)(C) could not provide an example to support (b) (6), (b) (7)(C) perception, nor could (b) (6), (b) (7)(C) provide an example of Col Wooden berating or belittling someone. (Ex 8:19-20) (b) (6), (b) (7)(C) said a better way to describe it is to say that Col Wooden uses "aggressive direct communication" and engages in one-way conversations. (Ex 8:20, 21)

(b) (6), (b) (7)(C) is the (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) of the OKANG. (b) (6), (b) (7)(C) testified (b) (6), (b) (7)(C) heard second/third-hand from (b) (6), (b) (7)(C) (not officers in the OKANG) that Col Wooden's leadership style did not encourage comments, opinions, and/or concerns from his personnel. According to (b) (6), (b) (7)(C) the AOs said they felt like "second class citizens." (Ex 10:8) (b) (6), (b) (7)(C) could not provide a list of witnesses to corroborate what (b) (6), (b) (7)(C) had heard from the (b) (6), (b) (7)(C). (Ex 10:8-9) (b) (6), (b) (7)(C) testified that based on (b) (6), (b) (7)(C) personal experience with Col Wooden, (b) (6), (b) (7)(C) was "very professional" and (b) (6), (b) (7)(C) had nothing negative to say. (Ex 10:12)

(b) (6), (b) (7)(C) was formerly the (b) (6), (b) (7)(C), and is now the (b) (6), (b) (7)(C) to (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) said Col Wooden is "the most toxic SOB I've ever met in my life," and he is "probably the most toxic guy I've ever run across." (Ex 27:3) The IO asked for specific examples to support (b) (6), (b) (7)(C) perception. (b) (6), (b) (7)(C) said Col Wooden would pick on font size on briefing charts and, in general, it was "his way or the high-way." (Ex 27:3) Although (b) (6), (b) (7)(C) said Col Wooden would berate or belittle people, the only example (b) (6), (b) (7)(C) offered was when Col Wooden called-out (b) (6), (b) (7)(C) at a meeting in the presence of other wing leadership and made light of (b) (6), (b) (7)(C) ability to pass (b) (6), (b) (7)(C) fitness test despite his size. (Ex 27:3) (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) felt Col Wooden "threw a spear" at (b) (6), (b) (7)(C) because of (b) (6), (b) (7)(C) size. (Ex 27:3)

(b) (6), (b) (7)(C) is a (b) (6), (b) (7)(C) who was (b) (6), (b) (7)(C) as part of the (b) (6), (b) (7)(C) to stand up the MC12 mission. (Ex 13:2) (b) (6), (b) (7)(C) left the OKANG in (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) because (b) (6), (b) (7)(C) lost confidence in the leadership team's ability to accomplish the mission. (Ex 13:5) (b) (6), (b) (7)(C) testified Col Wooden "can be very personable and pleasant to work with ... [it is] one of his best skills," he is very good with people, and he's a very good speaker when he wants to talk about things and get up in front of groups. (Ex 13:9) (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) saw Col Wooden berate someone in public only one time—(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) testified that Col Wooden did not mention (b) (6), (b) (7)(C) by name, but everyone knew (b) (6), (b) (7)(C) had been fired hours earlier. (Ex 13:9) (b) (6), (b) (7)(C) further recalled that at the same meeting where Col Wooden singled out (b) (6), (b) (7)(C) he also commented on the results



of the climate survey, which were not entirely favorable to Col Wooden. (b) (6), (b) (7)(C) said a lot of people felt Col Wooden was attempting to identify individuals that submitted negative feedback and was “visibly angry” at that meeting. (Ex 13:10-11)

(b) (6), (b) (7)(C) said Col Wooden’s leadership style was “mixed signals” and “not genuine, not caring.” (b) (6), (b) (7)(C) said Col Wooden was egotistical, but (b) (6), (b) (7)(C) never had a bad relationship with him. (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) could think of nothing negative, but could see the climate change when Col Wooden took command. (b) (6), (b) (7)(C) related that (b) (6), (b) (7)(C) not people oriented; (b) (6), (b) (7)(C) mission driven. (Ex 27:27)

(b) (6), (b) (7)(C) is the (b) (6), (b) (7)(C) and joined OKANG in (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) said Col Wooden is not the best, but is doing his best, giving his best effort, and he cares about the people. (b) (6), (b) (7)(C) said Col Wooden annoys (b) (6), (b) (7)(C) sometimes, but (b) (6), (b) (7)(C) has not witnessed anything inappropriate. (Ex 27:39)

(b) (6), (b) (7)(C) said Col Wooden’s leadership style is good for the base and the mission conversion. (b) (6), (b) (7)(C) said Col Wooden surrounds himself with puppets who are yes men. (Ex 27:46)

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) testified that Col Wooden is very intelligent and he has done a lot of good things for the base. (b) (6), (b) (7)(C) said either you are in Col Wooden’s circle or you are not. (Ex 15:25) When asked how people get into Col Wooden’s circle, (b) (6), (b) (7)(C) said, “that’s kind of your job ... that’s the way the military chain of command works.” (Ex 15:25) When asked if Col Wooden treated people with dignity and respect or berated/belittled anyone, (b) (6), (b) (7)(C) testified that Col Wooden behaves in a professional manner in public. (Ex 15:26)

(b) (6), (b) (7)(C) was the (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) testified that people in the 137 SOW left the wing because they did not like what was going on there. (b) (6), (b) (7)(C) said there was fear of retribution and personnel felt prohibited from furthering the mission. (Ex 17:7) Regarding the mission conversion to MC12, (b) (6), (b) (7)(C) testified that personnel were told to stand down and not to lean forward because Col Wooden was “very risk averse.” (Ex 17:8) (b) (6), (b) (7)(C) read the IO an AFSOC definition of toxic leadership and asserted that Col Wooden demonstrated those traits, but (b) (6), (b) (7)(C) did not provide any specific examples to support (b) (6), (b) (7)(C) assertion. (Ex 17:12)

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) at the time of the interview) testified that Col Wooden presents as a “brilliant” leader who “says all the right things and ... [is] really good at community involvement,” but in (b) (6), (b) (7)(C) opinion, Col Wooden’s actions are “self-serving.” (Ex 18:21) According to (b) (6), (b) (7)(C) Col Wooden is “very manipulative and vindictive” and surrounds himself with yes men. (Ex 18:21) (b) (6), (b) (7)(C) testified that if Col Wooden did not understand or did not like what (b) (6), (b) (7)(C) was saying, he would say, “I think the hair dye got a little to your brain or you know a lot of feminist kind of things or against my femininity.” (Ex 18:22) (b) (6), (b) (7)(C) recalled that Col Wooden “ripped apart” (b) (6), (b) (7)(C) in a staff meeting. (b) (6), (b) (7)(C)

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said (b) (6), (b) (7)(C) was grateful when (b) (6), (b) (7)(C) was at meetings because it meant (b) (6), (b) (7)(C) would not be the target. (Ex 18:22) (b) (6), (b) (7)(C) testified Col Wooden would berate, embarrass, and cut off (b) (6), (b) (7)(C) and treated (b) (6), (b) (7)(C) rudely and with disrespect for no reason. (Ex 18:22)

(b) (6), (b) (7)(C) currently the (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), gave second-hand information regarding the perception that Col Wooden is a toxic leader. (Ex 20:3) (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) “knows” Col Wooden’s standard “modus operandi” is to berate, belittle, curse, and yell, but (b) (6), (b) (7)(C) could not provide any examples. (Ex 20:4)

(b) (6), (b) (7)(C) was an (b) (6), (b) (7)(C), part of the initial cadre to complete the mission conversion. When asked why members had left the wing, (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) heard, second-hand, that they were frustrated with the lack of support from leadership with the very slow conversion process. (b) (6), (b) (7)(C) said most of those that left had personal reasons. (Ex 27:35) (b) (6), (b) (7)(C) said when (b) (6), (b) (7)(C) first met Col Wooden, (b) (6), (b) (7)(C) heard Col Wooden ruled by “fear and ridicule.” (Ex 27:35-36) (b) (6), (b) (7)(C) said Col Wooden never yelled at (b) (6), (b) (7)(C) personally, but Col Wooden definitely ridiculed in group settings. (Ex 27:35-36) (b) (6), (b) (7)(C) did not provide any specific examples of Col Wooden’s conduct to support (b) (6), (b) (7)(C) assertion that Col Wooden ridiculed people in group settings.

(b) (6), (b) (7)(C) was a (b) (6), (b) (7)(C), part of the initial cadre to complete the mission conversion, who left the OKANG for (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) said Col Wooden is “not a bad guy, but he’s arrogant.” (Ex 27:24)

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) testified (b) (6), (b) (7)(C) admires Col Wooden and Col Wooden is a strong leader in a lot of ways, he’s been very good for the base, and he’s done a fair job. (Ex 22:20) (b) (6), (b) (7)(C) testified that Col Wooden treats people fairly and with respect, dignity, and honor. (Ex 22:22)

(b) (6), (b) (7)(C) is a (b) (6), (b) (7)(C), now (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) in the AF Reserve. At the time (b) (6), (b) (7)(C) left the 137 ARW, (b) (6), (b) (7)(C) on the wing staff. (b) (6), (b) (7)(C) said Col Wooden was smart, direct, and it was not always easy to read his body language. (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) did not witness Col Wooden yelling, berating, or belittling anyone, and (b) (6), (b) (7)(C) did not hear of any complaints as such. (b) (6), (b) (7)(C) said it is not Col Wooden’s style to raise his voice. (Ex 27:13)

(b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) heard no allegations or discussion of toxic leadership, berating, or belittling in the wing. (Ex 27:8)

(b) (6), (b) (7)(C) testified (b) (6), (b) (7)(C) very much enjoyed working for Col Wooden as (b) (6), (b) (7)(C) executive officer, it was very busy, Col Wooden challenged (b) (6), (b) (7)(C), and (b) (6), (b) (7)(C) learned a lot. (Ex 23:6) (b) (6), (b) (7)(C) testified that, based on (b) (6), (b) (7)(C) observations, Col Wooden treated people fairly, with dignity and respect. (Ex 23:21)

(b) (6), (b) (7)(C)(C) said (b) (6), (b) (7)(C) impression of Col Wooden is that he has his own agenda and does not listen to advice from others in the wing; Col Wooden thinks he knows better himself, but it's a difference of opinion and Col Wooden's prerogative. (b) (6), (b) (7)(C) said Col Wooden has an "air of arrogance that most people misconstrue." (Ex 27:17)

(b) (6), (b) (7)(C)(C), now the (b) (6), (b) (7)(C), testified that working for Col Wooden was enjoyable. (Ex 24:6) (b) (6), (b) (7)(C) said Col Wooden mentored (b) (6), (b) (7)(C) and tried to do his best for the unit. (Ex 24:6) When asked if Col Wooden treated people with respect, dignity, honor (b) (6), (b) (7)(C) testified "sometimes maybe no." (Ex 24:7) (b) (6), (b) (7)(C) testified that Col Wooden did not say anything disparaging to people, but people who did not have their act together, or were unprepared, would know [how Col Wooden felt]. (b) (6), (b) (7)(C) said Col Wooden did not yell, curse, or make long strings of overbearing sentences. (Ex 24:8)

(b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) did not witness anyone being treated badly or belittled. (b) (6), (b) (7)(C) said some people just like to vent (i.e., complain) when the wing leadership calls them to task if they failed to deliver or failed to meet expectations, and some people just don't like being held accountable. (Ex 27:11)

In summary, the IO found that of the 21 witnesses who commented on Col Wooden's leadership style, 12 had no negative comments. Of the nine witnesses who either perceived or asserted Col Wooden's leadership style was, or might be, toxic in some way, through belittling, berating, condescending tone, or treating personnel without dignity, respect or honor, three were able to provide a specific example to support their perception.

The IO found (b) (6), (b) (7)(C) allegation that Col Wooden was "the most toxic SOB" (b) (6), (b) (7)(C) ever met in (b) (6), (b) (7)(C) life lacked credibility when (b) (6), (b) (7)(C) two examples of behavior to support (b) (6), (b) (7)(C) allegation included Col Wooden being critical of font size on slides and Col Wooden making an inappropriate joke related to (b) (6), (b) (7)(C) large body size and success in passing the AF fitness test.

The IO found (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) both testified that (b) (6), (b) (7)(C) was berated in public, but (b) (6), (b) (7)(C) did not complain about being berated. The IO found that one incident affecting (b) (6), (b) (7)(C) was more relevant to the allegation analyzed later in this report, when (b) (6), (b) (7)(C) status as the (b) (6), (b) (7)(C) was addressed publically after a weekend drill.

The IO found that although Col Wooden allegedly made insensitive comments to (b) (6), (b) (7)(C) and such comments are inappropriate, if they were made as (b) (6), (b) (7)(C) testified, they do not support a conclusion that Col Wooden's leadership style is toxic.

In summary, the IO did not find credible evidence that Col Wooden's leadership style was toxic. Statements from 21 witnesses did not support the allegation that Col Wooden fostered

an environment of fear and intimidation or made life unbearable in the wing. Therefore, this issue was not investigated further and was dismissed in accordance with AFI 90-301, Table 3.12, Rule 1.

### ***Whether Col Wooden Filed Fraudulent Manning Documents with AFSOC or NGB***

As stated in the Background, at the time of this report, the 137 SOW was completing a mission conversion from KC135 aerial refueling to MC12 ISR aircraft. As such, the wing was undergoing changes that affected planned, programmed, and funded manpower.

The anonymous complaint stated Col Wooden “continues to file fraudulent manning documents” with the NGB. (Ex 1:2) The anonymous complaint stated Col Wooden put names of pilots on manning documents when he knew the person named was not going to remain in the wing for the conversion. (Ex 1:2) The implication within the complaint was that Col Wooden reported false manning information in order to mask leadership shortfalls during the MC12 mission conversion.

Being an anonymous complaint, the IO was not provided a reference to any specific type of manning/manpower document or data system to investigate whether there was fraudulent reporting. The IO contacted various subject matter experts at AFSOC and NGB who were aware of, or involved in, the MC12 mission conversion and manning/manpower relevant to the 137 SOW. The IO also contacted readiness reporting experts in the 137 SOW to determine if there was any credibility to this allegation.

One form of manpower this investigation focused on was Active Guard Reserve (AGR) billets. Testimony from multiple witnesses indicated the NGB allocated 13 new AGR billets to the 137 SOW, specifically for MC12 operations, and some witnesses believed or perceived Col Wooden mismanaged these billets.

(b) (6), (b) (7)(C) was the (b) (6), (b) (7)(C). When asked if (b) (6), (b) (7)(C) had any knowledge or concern that the 137 SOW reported false, inaccurate or fraudulent manning documents, (b) (6), (b) (7)(C) said, “No, not to my knowledge.” (Ex 27:37) (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) had concerns about whether the NGB had programmed enough manpower for the wing to reach full operational capability (FOC). (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) believed the NGB programmed enough manpower for initial operational capability (IOC), but not FOC, and AFSOC was working that issue at the time. (Ex 27:37) (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) did not see any anomalies in 137 SOW unit manning documents (UMDs) and heard no complaints about the utilization or management of the 13 AGR billets. (Ex 27:37)

(b) (6), (b) (7)(C) works for (b) (6), (b) (7)(C) and has been working the MC12 program for four years. (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) was not aware and had no information that led (b) (6), (b) (7)(C) to believe the OKANG submitted any false, fraudulent, or inaccurate manning documents. (Ex 27:43) (b) (6), (b) (7)(C) also said (b) (6), (b) (7)(C) did not know how it would be possible for the wing to file false or

fraudulent manning documents such as a UMD because all the UMDs come from NGB HQ. (Ex 27:43) (b) (6), (b) (7)(C) did not have specific information relevant to the 13 AGR billets.

(b) (6), (b) (7)(C) is an (b) (6), (b) (7)(C) who was serving as the (b) (6), (b) (7)(C). As someone familiar with the MC12 mission conversion, (b) (6), (b) (7)(C) testified (b) (6), (b) (7)(C) did not have any evidence that indicated Col Wooden, or anyone in the 137 SOW, submitted fraudulent, incorrect, or inaccurate manning documents. (Ex 10:13)

(b) (6), (b) (7)(C) was (b) (6), (b) (7)(C) to the (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) said that from (b) (6), (b) (7)(C) perspective, at the time (b) (6), (b) (7)(C) was working in AFSOC, the MC12 conversion was a mess. (Ex 27:33) (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) did not know about manning numbers being falsified, but they were a moving target and disparity in the numbers was due to forecasting a healthier manning posture in the future than at the time of the report. (Ex 27:33)

(b) (6), (b) (7)(C) was the (b) (6), (b) (7)(C) at NGB headquarters. When asked if the 137 SOW or OKANG ever reported false manning documents or data to AFSOC or NGB, (b) (6), (b) (7)(C) testified, "I have to say yes." (Ex 21:4) (b) (6), (b) (7)(C) then went into a long discussion on the background of the MC12 program, the 13 AGR billets, the wing's UMD, the initial cadre of aircrew for the wing's in-house training, the arrival of the first aircraft, and so on, but did not provide specific information to support (b) (6), (b) (7)(C) "yes" answer. (Ex 21:4-6) (b) (6), (b) (7)(C) continued (b) (6), (b) (7)(C) attempt to support the "yes" by describing meetings and briefing charts that (b) (6), (b) (7)(C) believed first showed one set of numbers, then later showed something different. (Ex 21:8-10) The IO tasked (b) (6), (b) (7)(C) to provide the two sets of briefing charts that showed this manning discrepancy. The IO reviewed the slides (Ex 30:2-3; Ex 31), but was unable to find information or data to support (b) (6), (b) (7)(C) belief that the 137 SOW submitted false manning documents. The IO emailed (b) (6), (b) (7)(C) and informed (b) (6), (b) (7)(C) the IO was unable to see the false reporting in the slides. (Ex 30:1) (b) (6), (b) (7)(C) did not respond.

(b) (6), (b) (7)(C) testified (b) (6), (b) (7)(C) believed, in (b) (6), (b) (7)(C) opinion, the 137 SOW "misused" the control grades associated with the AGR billets that were allocated for the MC12 mission. (Ex 13:3) (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) believed the 137 SOW "ended up farming out" the AGR control grades within the wing to personnel already there, not for the MC12 mission, and as a result, the wing lost talented personnel with needed skill sets. (Ex 13:4)

Col Wooden testified he was very knowledgeable about the rumors surrounding the 13 AGR billets.<sup>5</sup> (Ex 6:18) He said there was a perception that the control grades were not utilized to support the MC12, but the perception stems from the fact the wing took an adverse action

<sup>5</sup> The IO found Col Wooden's testimony on the management of AGR control grades instructional and informative. Col Wooden said that while the wing may own an AGR billet, the control grades are managed at Joint Force Headquarters (JFHQ). (Ex 6:18) AGRs may be of various ranks, but the State, through the JFHQ, manages the limited number of O-4 (major) and O-5 (lieutenant colonel) control grades. Col Wooden testified that the JFHQ manages the control grades through a control grade board. (Ex 6:18) The IO found Col Wooden's testimony on this matter credible and consistent with information from other subject matter experts.

against a major in the LRS. (Ex 6:18) Col Wooden testified that once the major was removed, the O-4 control grade was “harvested” for someone else by following the JFHQ process which included the control grade board to allocate control grades across both wings in the OKANG (one wing at Will Rogers ANGB, Oklahoma City; another wing at Tulsa). (Ex 6:18-19) He said he heard feedback that someone in operations thought they should be the next person to be promoted into the control grade, but they did not understand the process. (Ex 6:19) Col Wooden acknowledged that the NGB provided 13 AGR billets for the MC12 mission, and he testified all 13 AGR billets were, and still are, in the operations group. (Ex 6:19-20)

The IO also contacted personnel in the 137 SOW to determine if the possible false manning reports were related to readiness reports emanating from the wing.

(b) (6), (b) (7)(C) is the (b) (6), (b) (7)(C), looked at manning documents from time to time, and noticed some personnel who left OKANG were still showing up on the documents. (Ex 27:17) (b) (6), (b) (7)(C) did not imply this was some form of misconduct and said there are times when the data is old or outdated, but it might affect readiness reporting. (Ex 27:17)

(b) (6), (b) (7)(C) is the (b) (6), (b) (7)(C) has been a (b) (6), (b) (7)(C), with 5 (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) said nobody has asked (b) (6), (b) (7)(C) or anyone else to report inaccurate readiness data/information. (Ex 27:38)

(b) (6), (b) (7)(C) was a (b) (6), (b) (7)(C) when contacted by the IO. (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) was not aware and had no information that the wing reported false manning information. (Ex 27:44) (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) had worked readiness reporting for several years and (b) (6), (b) (7)(C) years ago (b) (6), (b) (7)(C) scrubbed all of the wing’s Status of Resources and Training (SORTS) reporting. (Ex 27:44) During (b) (6), (b) (7)(C) SORTS program review (b) (6), (b) (7)(C) found some units in the wing were not reporting correctly, but (b) (6), (b) (7)(C) confirmed that no person ever asked (b) (6), (b) (7)(C) to report incorrect information. (Ex 27:44) (b) (6), (b) (7)(C) said Col Wooden was adamant about reporting accurate information and the readiness reports were not inflated to make the wing look good. (Ex 27:44-45)

In summary, IO did not find credible evidence that Col Wooden filed fraudulent manning documents with AFSOC or NGB. The IO contacted nine witnesses in an attempt to gather specific information which was lacking in the anonymous complaint. Only one witness made an allegation that the 137 SOW and/or Col Wooden reported false manning information, and no witness provided any specific information or evidence. This issue was not investigated further and was dismissed in accordance with AFI 90-301, Table 3.12, Rule 1.

#### IV. ALLEGATION, FINDINGS, STANDARD, ANALYSIS AND CONCLUSION

**ALLEGATION:** That between on or about January, 2011, and on or about June, 2016, Col Devin R. Wooden engaged in unprofessional relationships with subordinates that led to actual or perceived favoritism or preferential treatment, in violation of AFI 36-2909, *Professional and Unprofessional Relationships*, 1 May 1999.

##### FINDINGS OF FACT.

- May 05 to Oct 07: Col Wooden was the 185 ARS/CC. (Ex 2:2)
- Oct 07 to Jan 11: Col Wooden was the 137 OG/CC. (Ex 2:2)
- 1 May 10: Col Wooden began an AGR "Initial Tour" on Title 32 (T32) orders, with scheduled termination 30 Apr 15. (Ex 28:11)
- **Jan 11 to Dec 13: Col Wooden was 137 ARW/CV and Air Commander, full-time, T32 AGR status.** As Air Commander, Col Wooden was responsible for management and discipline of the full-time dual-status technicians and AGR personnel. (Ex 2:2; Ex 6:3, 5; Ex 28:8-9)
- 29 Jun 12: Date of AFOSI report of investigation into (b) (6), (b) (7)(C) receipt of excess travel funds (b) (6), (b) (7)(C) was overpaid). The report said "Referred for Action." Period of report was 30 Aug 11 to 19 Jun 12 (Ex 32)
- 20 Aug 12: (b) (6), (b) (7)(C) was issued a Letter of Reprimand (LOR) from (b) (6), (b) (7)(C), OKANG, for claiming and collecting per diem from 2005 through 2010. (Ex 33:1) The LOR indicated it was maintained in (b) (6), (b) (7)(C) personnel file for two years. (Ex 33:2)
- 2 Dec 12: (b) (6), (b) (7)(C) was counseled and "admonished" by (b) (6), (b) (7)(C) for an inappropriate relationship (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C), through a written Record of Individual Counseling (RIC). (Ex 35:1-2) During that drill weekend, (b) (6), (b) (7)(C) entered an (b) (6), (b) (7)(C). (Ex 11:4; Ex 19:5)
- 3 Dec 12: (b) (6), (b) (7)(C) was counseled and "admonished" by Col Wooden for an inappropriate relationship [with (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C)], through a written RIC. (Ex 35:3-4) Col Wooden signed as "Commander" although, according to his biography, he was not the military commander, he was the Wg/CV and the Air Commander with authority over the civilian work-force.

- 10 Mar 13 to 6 Aug 13: Col Wooden was on Title 10 (T10) orders, gained by Air Mobility Command, deployed to Al Udeid AB, Qatar, as the US Air Forces Central Deputy Director of Mobility Forces. (Ex 6:10; Ex 28:4)
- **Jan 14: Col Wooden became Commander of the 137 ARW, on T32 AGR status, and continued as the Air Commander** responsible for management and discipline of the full-time dual-status technicians and AGR personnel. (Ex 2:2; Ex 6:3, 11)
- 16 Aug 14: (b) (6), (b) (7)(C) was promoted to Lt Col. (Ex 29:13-14)
- 15 Sep 14: (b) (6), (b) (7)(C) notified (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C), that (b) (6), (b) (7)(C) was indebted to the US in the amount of \$148,605.98, as a result of \$138,424.20 in overpayments substantiated by the AFOSI report, and a waste of government funds of \$10,181.78, from 6 Jun 05 through 30 Sep 10. (Ex 33:4)
- 28 Oct 14: (b) (6), (b) (7)(C) acknowledged receipt of notification of indebtedness. (Ex 33:7)
- 25 Nov 14: (b) (6), (b) (7)(C) appealed the validity of (b) (6), (b) (7)(C) debt. (Ex 33:8)
- 1 Dec 14: (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), temporarily suspended debt of \$148,605.98 against (b) (6), (b) (7)(C) in response to (b) (6), (b) (7)(C) pending appeal. (Ex 33:6)
- 6-8 Mar 15: (b) (6), (b) (7)(C) received an LOR from (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) for failure to show good example of virtue, honor, patriotism and subordination, in response to a text message (b) (6), (b) (7)(C) sent to (b) (6), (b) (7)(C) on 6 Mar 15. (Ex 7:22; Ex 15:4, 6-7)
- 9 Mar 15: (b) (6), (b) (7)(C) was relieved of command of the OSF by (b) (6), (b) (7)(C) and Col Wooden. (b) (6), (b) (7)(C) made the decision (b) (6), (b) (7)(C) wanted to relieve (b) (6), (b) (7)(C) and discussed the matter with Col Wooden. Col Wooden informed (b) (6), (b) (7)(C) of his decision to move (b) (6), (b) (7)(C) to wing IG staff. (Ex 6:94, 95, 98; Ex 7:24, 26; Ex 15:9)
- 9 Mar 15: Col Wooden cancelled flying operations for the day and called a meeting to gather all the full-time employees in the operations group specifically to ensure they knew (b) (6), (b) (7)(C) was removed from command of the OSF. (Ex 6:95-96; Ex 7:24-25) (b) (6), (b) (7)(C) testified that (b) (6), (b) (7)(C) and Col Wooden explained to the audience that (b) (6), (b) (7)(C) was relieved of command due to a lack of good order and discipline. (Ex 7: 24)
- 18 Mar 15: Col Wooden initiated a Commander Directed Investigation (CDI) into allegations that (b) (6), (b) (7)(C) engaged in inappropriate relationships, sexual harassment, and abuse of authority, involving six female victims. (Ex 37:2)



- 14 Apr 15: Col Wooden approved the completed CDI on (b) (6), (b) (7)(C). The CDI resulted in substantiation of 24 allegations of misconduct by (b) (6), (b) (7)(C) (Ex 37:198-225, 226). The substantiated allegations were: Conduct Unbecoming an Officer and a Gentleman (x6); Adultery (x2); Sexual Harassment (x4); Unprofessional Relationship (x4); Conduct that is Service Discrediting and Prejudicial to Good Order and Discipline (x4); and Maltreatment of Another Subject to Orders (x4). (Ex 37:198-225)
- 1 May 15: Col Wooden's AGR "Continuation Tour" (T32) began as the 137 ARW/CC, with scheduled termination 1 Mar 19. (Ex 28:1)
- On/about 7 May 15 (prior and after, dates undetermined): (b) (6), (b) (7)(C) issued (b) (6), (b) (7)(C) Non-Judicial Punishment (NJP) under §3390 and §3391 of Oklahoma Statute 44. (Ex 6:38; Ex 14:6; Ex 38:1) (b) (6), (b) (7)(C) was reprimanded and forfeited 1/2 of one month's pay for one month.<sup>6</sup> (Ex 6:38; Ex 14:8; Ex 18:5) (b) (6), (b) (7)(C) AGR orders were curtailed. (Ex 6:38; Ex 18:10)
- 9 Jul 15: (b) (6), (b) (7)(C) was issued a referral OPR by his squadron commander. (Ex 38:2-3). The OPR stated (b) (6), (b) (7)(C) received NJP, the CDI substantiated 24 allegations, and (b) (6), (b) (7)(C) demonstrated lack of judgement and poor officership. (Ex 38:2)
- 19 Aug 15: Col Wooden signed (b) (6), (b) (7)(C) referral OPR as the reviewer (senior rater) and concurred with the assessment and comments by the rater and additional rater. (Ex 38:2)
- (Date Undetermined) Col Wooden initiated officer grade determination (OGD) on (b) (6), (b) (7)(C) retirement request. (Ex 6:38-40; Ex 14:9; Ex 18:5)
- 3 Dec 16: 137 ARW formally becomes the 137 SOW.<sup>7</sup> (Ex 5)

<sup>6</sup> The OKNG Staff Judge Advocate's office lacked records to determine specific dates, management/command officials who were involved, and corroborate that specific actions were taken. The IO relied on witness testimony to piece together what command actions were taken against (b) (6), (b) (7)(C) for (b) (6), (b) (7)(C) misconduct.

<sup>7</sup> According to the official ANG news story, the 137 SOW is assigned to AFSOC on 3 Dec 16. The IO was unable to find clear indication when the 137 ARW became the 137 SOW. The 3 Dec 16 ceremony appears to be the formal recognition of the 137 SOW. There are indications the wing called itself 137 SOW up to 6 months prior to the 3 Dec 16 ceremony.

## STANDARDS.

AFI 36-2909, *Professional and Unprofessional Relationships*, 1 May 99, states the following:

This instruction establishes command, supervisory and personal responsibilities for maintaining professional relationships between Air Force members, between Air Force members and members of other uniformed services, between Air Force members and civilian employees of the Department of Defense, to include Air Force civilian employee , and between Air Force members and government contractor employees. Unprofessional relationships are those interpersonal relationships that erode good order, discipline respect for authority, unit cohesion and, ultimately, mission accomplishment. It is the responsibility of commanders and supervisors at all levels to ensure compliance with this instruction. The policy set out in this instruction applies to all active duty members and to members of the United States Air Force Reserve (USAFR) and Air National Guard (ANG), except as provided in paragraph 3.8., below. (Ex 44:1)

1. General. Professional relationships are essential to the effective operation of all organizations, both military and civilian, but the nature of the military mission requires absolute confidence in command and an unhesitating adherence to orders that may result in inconvenience, hardships or, at times, injury or death. This distinction makes the maintenance of professional relationships in the military more critical than in civilian organizations. While personal relationships between Air Force members are normally matters of individual choice and judgment, they become matters of official concern when they adversely affect or have the reasonable potential to adversely affect the Air Force by eroding morale, good order, discipline, respect for authority, unit cohesion or mission accomplishment... (Ex 44:2)

2.2. Unprofessional Relationships **Relationships are unprofessional**, whether pursued on or off-duty, **when they detract from the authority of superiors or result in, or reasonably create the appearance of, favoritism, misuse of office or position, or the abandonment of organizational goals for personal interests...** (emphasis added) (Ex 44:2)

3. General Guidelines for All Military Personnel for Avoiding Unprofessional Relationships, Including Fraternalization. Military experience has shown that certain kinds of personal relationships present a high risk of becoming unprofessional. Personal relationships that are not initially unprofessional may become unprofessional when facts or circumstances change. For example, a close personal relationship between officers or between enlisted members can easily become unprofessional if one member becomes the commander, supervisor or rater of the other... **[T]he underlying standard is that Air Force members are expected to avoid those relationships that negatively affect morale, discipline, respect for authority and unit cohesion...** (emphasis added) (Ex 44:2-3)

3.1. Relationships Within an Organization. Familiar relationships between members in which one member exercises supervisory or command authority over the other can easily be or become unprofessional. Similarly, differences in grade increase the risk that a relationship will be, or will be perceived to be unprofessional, because senior members in military organizations normally exercise authority or some direct or indirect organizational influence over the duties and careers of more junior members. The danger for abuse of authority is always present. **The ability of the senior member to influence, directly or indirectly, assignments, promotion recommendations, duties, awards, and other privileges and benefits, places both the senior member and the junior member in vulnerable positions. Once established, such relationships do not go unnoticed by other members of a unit...** (emphasis added) (Ex 44:3)

3.4. Shared Activities. **Sharing ... off-duty interests on a frequent or recurring basis can be, or can reasonably be perceived to be, unprofessional... [D]aily or weekly activities could result at a minimum in the perception of an unprofessional relationship...** (emphasis added) (Ex 44:3-4)

6. Individual Responsibility To Maintain Professional Relationships All military members share the responsibility for maintaining professional relationships. However, the senior member (officer or enlisted) in a personal relationship bears primary responsibility for maintaining the professionalism of that relationship... (Ex 44:6)

## **ANALYSIS.**

The following analysis will establish whether Col Wooden engaged in other than professional relationships with subordinates, and then determine if through those relationships, Col Wooden favored certain persons and/or reasonably created a perception that he favored certain persons.

### **1. Relationships Involving Col Wooden**

As stated in AFI 36-2909, unprofessional relationships are those relationships that detract from the authority of superiors or result in, or reasonably create the appearance of, favoritism, misuse of office or position, or the abandonment of organizational goals for personal interests. (Ex 44:2)

From Jan 11 to the date of this report, while serving as the wing's military Vice Commander then military Commander, and concurrently serving as the Air Commander over the civilian technicians, Col Wooden was in a position to influence, directly and indirectly, assignments promotion recommendations, duties, awards, and other privileges and benefits of all members of the wing. Col Wooden had the authority and responsibility to manage and discipline the wing's civilian technician force since Jan 11. (Ex 2:2; Ex 6:3, 5; Ex 28:8-9) Col Wooden had the authority and responsibility to manage and discipline the military force since he became the Wing Commander in Jan 14. (Ex 2:2; Ex 6:3, 11)

Col Wooden was in a senior position in the wing, entrusted with responsibility to uphold standards of conduct and exercise ethical decision making, while being responsible for the perceptions created by his actions, decisions, and personal and professional relationships.

**A. Did Col Wooden Drink Alcohol with Subordinates on a Recurring Basis?**

During the investigation, the IO found multiple witnesses who believed Col Wooden drank alcohol with subordinates on a recurring basis, after duty hours in his office and at Col Wooden's lake house.

(b) (6), (b) (7)(C) testified, "there was a drinking group that would get together with the wing commander almost daily and it was their core bunch of guys which were almost untouchable." (Ex 12:4, 16) (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) saw it firsthand, being in the room "numerous times" drinking with Col Wooden and others. (Ex 12:17) (b) (6), (b) (7)(C) described the drinking as follows:

Oh, I witnessed it ... for many, many years.... [W]henver it was a drill weekend at five o'clock, normally a handful of guys would do down to [Col Wooden's] office, and it was ... part of the inner group, and that was (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) and a handful of other people and they'd sit in there uh close the doors and uh and just drink.... [I]t was the good ole boys club.... [T]he perception is everybody in that good ole boy club was uh was almost bulletproof. (Ex 12:16-17)

I was in it and then I uh, I decided ... that I'd uh I didn't like the uh the perception it showed the guys. So I uh I slowly over time bowed out of ... all the drinking ... and the inner workings of that group. (Ex 12:17)

(b) (6), (b) (7)(C) testified that during preparation for the ORI in 2011 or 2012, Col Wooden, (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) "spent a lot of time at night drinking and being buddies and they had their own little ... good ole boys" group. (Ex 18:7) (b) (6), (b) (7)(C) said based on the frequency of the drinking, people got the impression (b) (6), (b) (7)(C) was protected. (Ex 18:12) (b) (6), (b) (7)(C) also testified as follows:

Well Col Wooden has um, well I call them his good ole boys, his select few that um, you know, he will drink with after work or he'll invite them to his, he's got a cabin or something at a lake and go fishing and they do golf and all of that but it's, it's typically the same kind of group of people um, and I think that lends itself into looking the other way when those particular people do something wrong. (Ex 18:19)

(b) (6), (b) (7)(C) testified that Col Wooden "occasionally" met with O-6s in his office after hours to discuss "issues." (Ex 7:28) (b) (6), (b) (7)(C) testified that (b) (6), (b) (7)(C) attended "probably" two to three times as the (b) (6), (b) (7)(C). (Ex 7:28) The IO found (b) (6), (b) (7)(C) testimony changed as this line of questioning progressed. (b) (6), (b) (7)(C) responses went from "I've been to one, I think" to "I attended at least one" to "probably two or three as an (b) (6), (b) (7)(C)." (Ex 7:28) When asked if other people were in

attendance, (b) (6), (b) (7)(C) first testified “not really,” but later testified that (b) (6), (b) (7)(C) “probably was present.” (Ex 7:29) The IO then asked (b) (6), (b) (7)(C) if (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) or (b) (6), (b) (7)(C) attended meetings with Col Wooden. (b) (6), (b) (7)(C) testified, “Oh I’m sure they did, but ... I was never there.” (Ex 7:29-30) The IO found that (b) (6), (b) (7)(C) latter response was focused on a time period “a few years ago” and related to the Operational Readiness Inspection (ORI) in 2011 or 2012. (Ex 7:29)

(b) (6), (b) (7)(C) testified Col Wooden favors certain personnel and whether Col Wooden holds a subordinate accountable for misconduct depends on their personal status with Col Wooden. (Ex 8:16) (b) (6), (b) (7)(C) testified there is a “late night whiskey with the boss crowd that seems to live on a different status.” (Ex 8:16) (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) were definitely there. (Ex 8:16)

(b) (6), (b) (7)(C) was the (b) (6), (b) (7)(C) from Jan 11 to Dec 14. (b) (6), (b) (7)(C) testified Col Wooden would have meetings in his office with a kind of “boys club,” when he was the Vice Commander and as the Commander, and they would have alcohol. (Ex 23:8) (b) (6), (b) (7)(C) testified that the basis of the meetings was business, but it seemed like if you were not part of that “club” then “you didn’t have the same opportunities or the same rights.” (Ex 23:8) (b) (6), (b) (7)(C) was in the office on one occasion and saw (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) there. (Ex 23:8) (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) were part of the group. (Ex 23:9) (b) (6), (b) (7)(C) testified the drinking averaged once a week. (Ex 23:12) In addition, at the end of drill Col Wooden occasionally consumed alcohol with subordinates, beginning around 1600. (Ex 23:11-12)

During (b) (6), (b) (7)(C) interview, (b) (6), (b) (7)(C) presented (b) (6), (b) (7)(C) as someone who looked up to Col Wooden in a favorable light, admired him, and was reluctant to offer any criticism of his decisions or conduct. (Ex 23:6, 16, 27) Within that context, the IO found (b) (6), (b) (7)(C) following testimony about Col Wooden’s after-hours drinking with subordinate personnel credible and compelling:

**I felt like it was, um, inappropriate because I, I just look at him as the top leader of the base, which, which he was. And so I felt like, you know, everyone didn't have that opportunity to get to know him like these other people were... [I] mean, there's no way Col Wooden could have rotated everyone through his office like that, but I just felt like he had developed, um, an unprofessional relationship with these people who, who got to, uh, have that kind of experience with him. Um, you know, and, and like I said, it always was around business so, you know, they always had things to talk about. But anyone could've fit that bill. So I, I don't know why these certain people got to participate like that.** (emphasis added) (Ex 23:15)

The IO contacted (b) (6), (b) (7)(C) for (b) (6), (b) (7)(C) statement but (b) (6), (b) (7)(C) was not interviewed under oath. (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) could confirm that there was a good ole boys club, (b) (6), (b) (7)(C) was in Col Wooden's office drinking alcohol "numerous times," and (b) (6), (b) (7)(C) stopped attending (b) (6), (b) (7)(C) (Ex 26:1) Unprompted by the IO, (b) (6), (b) (7)(C) said the group drank Crown Royal<sup>9</sup> and discussed matters with the commander and other O-6s and O-5s. (Ex 26:1) (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) "absolutely" thought that drinking with Col Wooden and the others was wrong. (Ex 26:1) (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) never went to Col Wooden's lake house, but was invited two or three times. (Ex 26:1-2) (b) (6), (b) (7)(C) described the drinking as occurring once or twice per week, leading up to the ORI it was nightly, and the drinking would last anywhere from 30 minutes to a couple of hours. (Ex 26:2) (b) (6), (b) (7)(C) said other participants included (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), and (b) (6), (b) (7)(C) (Ex 26:2) (b) (6), (b) (7)(C) added that everyone wanted to be around Col Wooden, especially after he became the Wing Commander, and if you were in with him, you were good to go. (Ex 26:2)

### ***B. Col Wooden's Response to Questions about Relationships/Drinking with Subordinates***

During Col Wooden's interview, the IO asked Col Wooden if he had any relationships with subordinates in the wing. Specifically, the IO asked Col Wooden to describe his relationship with (b) (6), (b) (7)(C). At one point in Col Wooden's response, he testified, generally, that people come by his office and "sit around out here and visit and do things." (Ex 6:36)

When asked if he had a relationship with (b) (6), (b) (7)(C) Col Wooden testified "I didn't have one. Not one whatsoever." (Ex 6:51) When asked if he ever drank socially with (b) (6), (b) (7)(C) Col Wooden said "on our 136 acres, whether it's at our club that's open on a Saturday after drill ... most likely." (Ex 6:51)

The IO informed Col Wooden that testimony and evidence collected during the investigation supported a perception that (b) (6), (b) (7)(C) was one of the select officers who would drink with Col Wooden in his office. Col Wooden testified, "No, I would not characterize him as that at all." (Ex 6:86) Col Wooden denied the existence of a select group of people who got invited to drink with him. (Ex 6:86) Col Wooden testified there were occasions where he and (b) (6), (b) (7)(C) were in someone's office having a beer after work and chatting. (Ex 6:86)

When asked if people came by his office and drank with him after hours, Col Wooden testified, "on occasion" and it was not uncommon that on a Thursday after work the Command Chief, the Vice Commander, and group commanders would stop by his office and drink. (Ex 6:87)

<sup>8</sup> Recall that Col Wooden initiated a CDI on (b) (6), (b) (7)(C) on (b) (6), (b) (7)(C)

<sup>9</sup> The IO noted that (b) (6), (b) (7)(C) also unprompted, testified that Col Wooden's wife once asked if there was any Crown Royal in Col Wooden's office because he was coming home late so often during the week. (Ex 18:21)

The IO asked Col Wooden if he drank alcohol with subordinates. Col Wooden's response was brief:

Well if I engage in any uh, social behavior where we have a beer after work then by where I sit on this base then that would have to be yes, but. (Ex 6:88)

The IO then asked Col Wooden to clarify his statement and asked him if he had meetings, after hours or otherwise, where the attendees sat around and drank. Col Wooden provided another brief response:

Yeah, I don't have anything to add other than what I already testified earlier on the, regarding that topic. (Ex 6:88)

The IO again asked Col Wooden if there were times when he drank in his office with subordinates. Col Wooden gave a longer response that covered more than just the question about drinking in his office. Within his reply he testified, "I've had a drink in my office," and in the squadron sitting around a debrief table after flying, at the base activity center, at squadron functions, promotions, and retirements, once or twice a month at the end of a work week. (Ex 6:88) Col Wooden summarized at the end of his response:

[W]here it relates to uh, being seen supporting folks, making myself available uh, not being so serious all the time and, and being an approachable human being, yeah, I, I engage in those activities as it relates to this base. (Ex 6:89)

The IO then verbally provided Col Wooden a list of subordinate personnel that various witnesses named as common participants who allegedly drank with Col Wooden in his office, such as (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) and asked Col Wooden if that list was accurate. Col Wooden testified:

I don't remember all the names you just listed ... it's folks that I work with on an everyday basis ... my staff and the people I work with directly ... that's my work group, so that's what you just listed there. (Ex 6:89)

Col Wooden confirmed he has a house at Lake Eufala, OK, and has invited personnel to his lake house for social activities. He claimed, however, that the majority of those invited were peers, former peers, and retired members of OKANG. (Ex 6:89-90) Col Wooden testified that (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) had been to his lake house, but not (b) (6), (b) (7)(C) (Ex 6:89-90)

(b) (6), (b) (7)(C)

[REDACTED]

[REDACTED]

### *C. Interim Summary 1*

The preponderance of the evidence supports the finding that Col Wooden drank alcohol in his office with various personnel on a weekly basis, including (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) and that Col Wooden invited some personnel to his lake house on more than one occasion. The IO was unable to determine specific dates and who did or did not attend by date. However, for the purpose of this investigation, the IO determined it was not necessary to determine specific dates and attendees at each instance because the preponderance of the evidence indicated it occurred on a recurring basis, and therefore, constituted a pattern of behavior.

#### **2. Did Col Wooden's Relationships Result in, or Reasonably Create the Appearance of, Favoritism or the Abandonment of Organizational Goals for Personal Interests?**

Applying AFI 36-2909 paragraph 3.1. to Col Wooden's situation, his ability as Wing Commander, Vice Wing Commander, and Air Commander to influence, directly or indirectly, assignments, promotion recommendations, duties, awards, and other privileges and benefits, placed him in a vulnerable position with regard to personal relationships, both professional and unprofessional. As stated in AFI 36-2909, once established, such relationships do not go unnoticed by other members of his wing. (Ex 44:3)

AFI 36-2909 paragraph 3.1. also states that sharing "off-duty interests on a frequent or recurring basis can be, or can reasonably be perceived to be, unprofessional... [D]aily or weekly activities could result at a minimum in the perception of an unprofessional relationship." (Ex 44:3)

The following analysis addresses whether Col Wooden's relationships with various subordinate personnel either resulted in, or reasonably created the appearance of, favoritism or abandonment of organizational goals for personal interest. As part of this analysis, the IO looked into allegations that Col Wooden favored certain subordinate personnel with whom he drank alcohol on a recurring basis, and who also engaged in misconduct. The IO found this was a common theme among several witnesses.

(b) (6), (b) (7)(C)



***A. Did Col Wooden's Relationships Result in Favoritism or the Abandonment of Organizational Goals for Personal Interests?***

As established above in this report, the IO found that Col Wooden had relationships with subordinates that included social drinking of alcohol in his office after hours. Some of the participants were (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C). Each of these three officers had engaged in misconduct, or their misconduct came to light, during a time when Col Wooden was either the Air Commander or the Wing Commander.

**(b) (6), (b) (7)(C) \$138,000.00 Overpayment**

The anonymous complaint stated the following:

Colonel Wooden has put (b) (6), (b) (7)(C) up for promotion to Colonel even though (b) (6), (b) (7)(C) was accused and convicted of improperly receiving travel compensation for a residence in Florida when in reality (b) (6), (b) (7)(C) residence was Oklahoma. (b) (6), (b) (7)(C) currently owes many hundreds of thousands of dollars in repayment to the government.... (Ex 1:2)

(b) (6), (b) (7)(C) joined the OKANG in Mar 94 as a resident of Texas. (Ex 32:99) In May 00, (b) (6), (b) (7)(C) moved to Florida and remained a member of OKANG. (Ex 32:99) On 26 Jan 07, (b) (6), (b) (7)(C) purchased a home in Mustang, OK, 13 miles from Will Rogers ANGB, and lived there with (b) (6), (b) (7)(C) spouse. (Ex 32:5, 20) According to the AFOSI report, and the CDIs embedded therein, (b) (6), (b) (7)(C) served on various (40 or more) sets of Title 10 or Title 32 orders from 2005 to 2011, at times performing (b) (6), (b) (7)(C) temporary duty at Will Rogers ANGB. (Ex 32:6, 25-28, 99) (b) (6), (b) (7)(C) was promoted to (b) (6), (b) (7)(C) current rank (Lt Col) effective (b) (6), (b) (7)(C) (Ex 29:3)

On 9 Dec 07, (b) (6), (b) (7)(C) was appointed by (b) (6), (b) (7)(C) (at the time) to investigate whether (b) (6), (b) (7)(C) filed false travel claims. (Ex 32:88-89) On 28 May 08, (b) (6), (b) (7)(C) completed the CDI into an allegation that (b) (6), (b) (7)(C) filed travel vouchers claiming to be an out-of-state resident while actually residing within the local commuting distance of the 137 ARW, between Mar 03 and Sep 07, and wrongfully claimed and collected TDY expenses. (Ex 32:92) The allegation was not substantiated. (Ex 32:94)

On 5 Apr 10, (b) (6), (b) (7)(C) was again appointed by (b) (6), (b) (7)(C) to investigate whether (b) (6), (b) (7)(C) filed false travel claims. (Ex 32:97) On 25 May 10, (b) (6), (b) (7)(C) completed the CDI into the same allegation, but for different dates (between Feb 07 and Dec 09), and the result was the same—the allegation was not substantiated. (Ex 32:96-101)

On 26 Aug 11, (b) (6), (b) (7)(C), then the (b) (6), (b) (7)(C), signed a memo to the OKNG IG and alleged that (b) (6), (b) (7)(C) claimed to be a resident of Florida, lived in a house he bought 13 miles from Will Rogers ANGB, but improperly claimed and collected more than \$138,000.00

in per diem and lodging expenses. (Ex 32:19-20) (b) (6), (b) (7)(C) recommended AFOSI investigate further.

On 29 Jun 12, AFOSI referred their Report of Investigation to the OKNG for action.<sup>11</sup> (Ex 32:2) The AFOSI report stated that a review of (b) (6), (b) (7)(C) financial and travel records supported (b) (6), (b) (7)(C) findings. (Ex 32:5) The AFOSI report also stated (b) (6), (b) (7)(C) should have changed (b) (6), (b) (7)(C) "Place from which Called/Ordered to Active Duty (PLEAD)" to Oklahoma on 4 Dec 07, ceasing entitlement to per diem and lodging expenses. (Ex 32:5) The AFOSI report stated (b) (6), (b) (7)(C) was "overpaid \$138,424." (Ex 32:5)

On 30 Aug 12, (b) (6), (b) (7)(C) issued (b) (6), (b) (7)(C) an LOR for the following misconduct:

An investigation has disclosed that for a period of time from 2005 through 2010 the claiming and collection of per diem while on active duty orders in the Oklahoma City area had the appearance of wrongfulness. This accusation of questionable actions has been a distraction from your effectiveness as a leader in the unit. (Ex 33:1)

On 15 Sep 14, (b) (6), (b) (7)(C) initiated action to have (b) (6), (b) (7)(C) repay the debt. According to (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) had a debt to the US government of \$148,605.98, which included erroneous travel payments totaling \$138,424.20, plus a "waste of government funds" of \$10,181.78 for added lodging expense claimed. (Ex 33:4-5)

On 28 Oct 14, (b) (6), (b) (7)(C) the (b) (6), (b) (7)(C), issued a memo to (b) (6), (b) (7)(C) notifying (b) (6), (b) (7)(C) of the indebtedness. (Ex 33:7) On 25 Nov 14, (b) (6), (b) (7)(C) appealed the validity of the debt. (Ex 33:8) On 1 Dec 14, (b) (6), (b) (7)(C) established (b) (6), (b) (7)(C) debt of \$148,605.98 in the military pay system, but immediately suspended repayment/collection pending the result of (b) (6), (b) (7)(C) appeal.<sup>12</sup> (Ex 33:6)

As the Air Commander from Jan 11 to present, Col Wooden had authority to take disciplinary action if (b) (6), (b) (7)(C) was a federal technician. The IO determined, based on the AFOSI report (and attachments), that (b) (6), (b) (7)(C) was not a federal technician—(b) (6), (b) (7)(C) was on military orders when performing duty in the OKANG. As such, any disciplinary action against (b) (6), (b) (7)(C) would be up to (b) (6), (b) (7)(C) military commander. Col Wooden became the military commander in Jan 14. (Ex 2; Ex 6:3)

As detailed earlier, (b) (6), (b) (7)(C) received a military LOR from (b) (6), (b) (7)(C) on 30 Aug 12. At that time, Col Wooden was the Air Commander and the Vice Wing Commander; he was not the military Wing Commander. Therefore, the IO found Col

<sup>11</sup> Col Wooden was interviewed under oath as a witness in the AFOSI investigation. (Ex 32:47-50)

<sup>12</sup> According to DFAS, as of 25 Oct 16, (b) (6), (b) (7)(C) debt has been on (b) (6), (b) (7)(C) pay account since Dec 14, but no collection action has been taken. (Ex 34:4) However, when the IO attempted to determine the appeal status, DFAS indicated (b) (6), (b) (7)(C) would start repayment on 23 Nov 16. (Ex 34:1-2)

Wooden was not in a position of authority or responsibility to administer disciplinary action against (b) (6), (b) (7)(C) until Jan 14. By the time Col Wooden was in such a position, (b) (6), (b) (7)(C) was already disciplined for the overpayment.

Col Wooden testified he was not aware (b) (6), (b) (7)(C) received an LOR from (b) (6), (b) (7)(C). (Ex 6:28) Col Wooden also testified that it was not “inappropriate” that he (Col Wooden) would be unaware an officer in the wing received an LOR from a general officer at JFHQ, because at that time Col Wooden was the Air Commander over the civilian technician force, and (b) (6), (b) (7)(C) was a drill status Guardsman (i.e., not a technician). (Ex 6:30)

The anonymous complaint alleged Col Wooden “put up” (b) (6), (b) (7)(C) for promotion to colonel despite the fact that (b) (6), (b) (7)(C) was “convicted” and owed “many hundreds of thousands of dollars” to the US government. The IO found no indication (b) (6), (b) (7)(C) was “convicted” of a crime, and (b) (6), (b) (7)(C) does not owe hundreds of thousands of dollars. According to the Defense Finance Accounting Service (DFAS), (b) (6), (b) (7)(C) debt amount was \$148,605.98 and repayment was scheduled to begin on 23 Nov 16. Given the facts and circumstances found by the IO during this investigation, the IO did not investigate whether Col Wooden recommended (b) (6), (b) (7)(C) for promotion to the next higher grade.

In summary, a preponderance of the evidence supports the finding that Col Wooden was not in a position of authority or responsibility to administer disciplinary action against (b) (6), (b) (7)(C) for the overpayment of per diem and lodging while (b) (6), (b) (7)(C) was on orders with OKANG. In addition, (b) (6), (b) (7)(C) received an LOR from (b) (6), (b) (7)(C) after AFOSI investigated and referred the issue to command for action. The anonymous complaint was incorrect in asserting (b) (6), (b) (7)(C) was “convicted” and owed “many hundreds of thousands of dollars” to the US government.

#### The (b) (6), (b) (7)(C) Affair

In or around Nov 12 or Dec 12, (b) (6), (b) (7)(C) learned that (b) (6), (b) (7)(C) spouse, (b) (6), (b) (7)(C) was having an affair with (b) (6), (b) (7)(C). Specifically, while at a squadron retirement party, (b) (6), (b) (7)(C) discovered that (b) (6), (b) (7)(C) was “sexting” with (b) (6), (b) (7)(C). An altercation ensued. (Ex 6:53; Ex 11:3; Ex 12:14; Ex 19:6; Ex 25:3) Although not stated explicitly, the preponderance of the evidence indicated the nature of the (b) (6), (b) (7)(C) affair was more than just an emotional affair, and it involved intimate personal contact such that it was characterized as adultery by (b) (6), (b) (7)(C). (Ex 13:15-16; Ex 16:5; Ex 17:11; Ex 20:9, 12; Ex 25:3; Ex 27:16, 26, 35)

Col Wooden testified he did not know the sordid details of the affair, or the nature of their activities, but he believed it was an “intimate relationship.” (Ex 6:52) The IO asked Col Wooden how he knew it was an inappropriate relationship. Col Wooden testified, “because (b) (6), (b) (7)(C) self-disclosed that it was an inappropriate relationship and that (b) (6), (b) (7)(C) was having problems with (b) (6), (b) (7)(C) marriage.” (Ex 6:53)

On 3 Dec 12, Col Wooden issued (b) (6), (b) (7)(C) a Record of Individual Counseling (RIC) and “admonished” (b) (6), (b) (7)(C) for a “possible inappropriate relationship” with another officer in the wing and for (b) (6), (b) (7)(C).<sup>13</sup> (Ex 6:54; Ex 35:3) In the RIC, Col Wooden wrote that (b) (6), (b) (7)(C) “sullied the good order and discipline of the wing and violated the trust” of (b) (6), (b) (7)(C) peers and those (b) (6), (b) (7)(C) was expected to lead, and (b) (6), (b) (7)(C) displayed “lack of judgment and loss of military bearing.” (Ex 35:3) The IO noted Col Wooden signed the RIC on 3 Dec 12, with a signature block that indicated “Commander” at a time when Col Wooden was not the military commander (not the Wing Commander) but was the Air Commander with authority over the technicians.<sup>14</sup>

(b) (6), (b) (7)(C) received a RIC from (b) (6), (b) (7)(C), and was admonished for (b) (6), (b) (7)(C) conduct. (Ex 35:1-2) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C). (Ex 11:4; Ex 19:5)

The IO reviewed (b) (6), (b) (7)(C) OPRs for the rating periods 25 Oct 11 to 24 Oct 12 (b) (6), (b) (7)(C) OPR1), and 25 Oct 12 to 24 Oct 13 (b) (6), (b) (7)(C) OPR2), since those OPRs covered the time period of (b) (6), (b) (7)(C) misconduct.<sup>15</sup> Col Wooden was the additional rater and reviewer (senior rater) on (b) (6), (b) (7)(C) OPR1 and signed the OPR on 25 Feb 13, after becoming aware of (b) (6), (b) (7)(C) misconduct. (Ex 36:4) The OPR did not have any derogatory information or comments about the misconduct. (Ex 36:4) Col Wooden was not in the rating chain of the (b) (6), (b) (7)(C) OPR2, which covered the time when (b) (6), (b) (7)(C) was issued the RIC and admonished for (b) (6), (b) (7)(C) misconduct. The OPR also did not have any derogatory information or comments about the misconduct. (Ex 36:3) (b) (6), (b) (7)(C) was promoted to the rank of Lt Col on (b) (6), (b) (7)(C) through the Reserve Officer Personnel Management Act (ROPMA) board process. (Ex 6:57-58; Ex 29:13)

The IO also reviewed (b) (6), (b) (7)(C) OPRs for the rating periods 15 Feb 11 to 14 Feb 12 (b) (6), (b) (7)(C) OPR1) and 15 Feb 12 to 14 Feb 13 (b) (6), (b) (7)(C) OPR2). Col Wooden was the rater on both OPRs. Col Wooden signed the (b) (6), (b) (7)(C) OPR1 on 13 Feb 13, after becoming aware of (b) (6), (b) (7)(C) misconduct, and signed the (b) (6), (b) (7)(C) OPR2 on 17 Feb 13. (Ex 36:8-9) Neither OPR had any derogatory information or comments about the misconduct.

<sup>13</sup> The IO found the RIC was a low-level administrative corrective action, below and less severe than an LOA or LOR. Col Wooden believed it was a “moderately strong” level of admonishment, but when asked if there was something lower than a RIC, Col Wooden said he did not know. (Ex 6:55; 57) AFI 36-2907, *Unfavorable Information File (UIF) Program*, 17 Jun 05 (in effect at the time) established that an LOA is more severe than a RIC or LOC, and an LOR is more severe than an LOA. (Ex 45:29)

<sup>14</sup> The preponderance of the evidence (testimony and (b) (6), (b) (7)(C) OPRs) indicated (b) (6), (b) (7)(C) was a dual-status technician at the time. Col Wooden first testified the counseling was a civilian matter, and later testified that (b) (6), (b) (7)(C) was responsible for disciplining (b) (6), (b) (7)(C) (Ex 6:56, 74)

<sup>15</sup> The IO noted the time frame of the affair was not determined and it is possible there was no misconduct during the 25 Oct 11 to 24 Oct 12 rating period. However, based on various witness testimony, the affair was initiated prior to 24 Oct 12. Out of thoroughness, the IO looked at the OPRs to see if any misconduct was documented.

The IO noted that although aware of (b) (6), (b) (7)(C) misconduct, Col Wooden improved his assessment of (b) (6), (b) (7)(C) stratification in the wing from “Top 2%” of majors in the wing before the misconduct, to “Top 1%” of majors in the wing after being admonished for the affair and alcohol issues. As a reminder, Col Wooden previously stated, in the 3 Dec 12 RIC he issued, that (b) (6), (b) (7)(C) “sullied the good order and discipline of the wing and violated the trust” of those he was expected to lead, and he displayed “lack of judgment and loss of military bearing.” (Ex 35:3) However, two months after being admonished, (b) (6), (b) (7)(C) received a higher stratification on his OPR covering the period when the RIC was issued, indicating that although he engaged in misconduct, his standing in the wing improved. In the OPR, Col Wooden did not downgrade (b) (6), (b) (7)(C) for lack of judgment and loss of military bearing, and assessed that (b) (6), (b) (7)(C) met standards in *Professional Qualities* and *Judgment and Decisions* during the rating period. (Ex 36:9)

When asked how he justified the higher, improved stratification for an officer involved in misconduct during the rating period, Col Wooden testified, “(b) (6), (b) (7)(C) was an exceptional performer.” (Ex 6:79) Col Wooden also said, “[N]ot everyone goes to the gas chamber for indiscretions.... This is one blemish on one person’s exceptional record ... this reflects the work and contributions of (b) (6), (b) (7)(C) (Ex 6:79) Col Wooden also mentioned conversations he had with (b) (6), (b) (7)(C) and testified the OPR was “where we felt it should be.” (Ex 6:79) The IO asked Col Wooden to clarify how his repeated use of the word “we” factored into his responsibility as the rater to assess (b) (6), (b) (7)(C) performance during the rating period. Col Wooden gave a curt reply: “My assessment of his performance is reflected on his officer performance report.” (Ex 6:80)

Col Wooden reiterated that (b) (6), (b) (7)(C) did good work—“good work is an understatement.” (Ex 6:80) The IO then asked if an officer can do enough good work to earn credit such that misconduct is not documented on their performance evaluation. Col Wooden testified he had never seen anyone get a referral OPR until the evaluation form changed to reflect whether the officer met fitness standards, and if they failed, you had to give them a referral OPR. (Ex 6:80) The IO noted that Col Wooden appeared to indicate that someone who failed fitness standards drove a referral OPR, but someone who engaged in misconduct such as an affair with another officer in the wing, did not.

Col Wooden testified further as follows:

[T]his isn’t something that’s going to follow (b) (6), (b) (7)(C) for the rest of (b) (6), (b) (7)(C) career and, and smack (b) (6), (b) (7)(C), you know, every time (b) (6), (b) (7)(C) turns around.... I understand you guys don’t understand the world in which I live in and, and who I coordinate with and what the different rules.... I understand your lens. Um, I don’t know that I’ll ever get you to understand mine... (Ex 6:81)

In summary, recall that this section of the ROI is analysis of whether Col Wooden's drinking alcohol with subordinates resulted in favoritism or abandonment of organizational goals. Thus far, by a preponderance of the evidence, the IO established that Col Wooden had a relationship with (b) (6), (b) (7)(C) that included recurring social drinking in Col Wooden's office, and occasional social time at Col Wooden's lake house. After becoming aware of (b) (6), (b) (7)(C) affair with another officer in the wing, Col Wooden issued (b) (6), (b) (7)(C) a low-level administrative counseling (RIC), and did not document the misconduct or mark down (b) (6), (b) (7)(C) performance factors on (b) (6), (b) (7)(C) OPR. In fact, Col Wooden gave (b) (6), (b) (7)(C) an improved stratification—he assessed (b) (6), (b) (7)(C) as “Top 1%” of majors in the wing, up from “Top 2%” before the misconduct was known. Col Wooden testified that officers who fail the fitness test get a referral OPR, but Col Wooden did not give (b) (6), (b) (7)(C) a referral OPR because he believed (b) (6), (b) (7)(C) “exceptional” performance outweighed (b) (6), (b) (7)(C) misconduct.

The IO did not compare other OPRs Col Wooden wrote or signed to assess consistency in his action to determine if he favored (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) appear to have been treated similarly in that they both received RICs, neither had any adverse information in their OPRs, and both were promoted in rank to Lt Col.<sup>16</sup>

The IO found, by a preponderance of the evidence, that Col Wooden's decision to give (b) (6), (b) (7)(C) a low-level counseling (the RIC), and improve (b) (6), (b) (7)(C) stratification on (b) (6), (b) (7)(C) OPR, coupled with the recurring social drinking with (b) (6), (b) (7)(C) amounted to favoritism and also opened Col Wooden up to scrutiny for the appearance of favoritism. The perception of favoritism is addressed later in this ROI.

(b) (6), (b) (7)(C) engaged in sexual harassment, adultery, and maltreatment of subordinates

On 18 Mar 15, Col Wooden initiated a CDI into allegations that (b) (6), (b) (7)(C) engaged in inappropriate relationships, sexual harassment, and abuse of authority, involving six female victims. (Ex 37:2)

At that time, Col Wooden was both the military Wing Commander and the Air Commander with authority and responsibility over the civilian workforce.

On 14 Apr 15, Col Wooden approved the completed CDI on (b) (6), (b) (7)(C). The CDI resulted in substantiation of 24 allegations of misconduct by (b) (6), (b) (7)(C) (Ex 37:198-225, 226). The substantiated allegations were Conduct Unbecoming an Officer and a Gentleman (x6), Adultery (x2), Sexual Harassment (x4), Unprofessional Relationship (x4), Conduct that is Service Discrediting and Prejudicial to Good Order and Discipline (x4), and Maltreatment of Another Subject to Orders (x4) (Ex 37:198-225).

<sup>16</sup> (b) (6), (b) (7)(C) was promoted to the rank of Lt Col on (b) (6), (b) (7)(C) (Ex 6:57-58; Ex 29:13). (b) (6), (b) (7)(C) was promoted to the rank of Lt Col on an undetermined date via the ROPMA process. (Ex 6:59). (b) (6), (b) (7)(C) date of promotion is after 27 Sep 16, according to personnel data collected on that date showing (b) (6), (b) (7)(C) was a major. (Ex 29:6)

On/about 7 May 15 (date undetermined), (b) (6), (b) (7)(C) issued NJP under Oklahoma Statute 44. (Ex 6:38; Ex 14:6; Ex 38:1) was reprimanded and forfeited 1/2 of one month's pay for one month. (Ex 6:38; Ex 14:8; Ex 18:5) Subsequently, AGR orders were curtailed and became a traditional (drill status) member of the OKANG.<sup>17</sup> (Ex 6:38; Ex 18:10; Ex 26:1)

On 9 Jul 15, was issued a referral OPR by squadron commander, which stated received NJP, the CDI substantiated 24 allegations, and demonstrated lack of judgement and poor officership. (Ex 38:2)

On 19 Aug 15, Col Wooden signed referral OPR as the reviewer (senior rater) and concurred with the assessment and comments by the rater and additional rater. (Ex 38:2)

On an undetermined date, Col Wooden initiated an officer grade determination (OGD) on retirement request. (Ex 6:38-40; Ex 14:9; Ex 18:5)

Col Wooden characterized misconduct as follows:

abused position as the in the 137th Logistics Readiness Squadron. I think had a pattern of behavior that was preying on enlisted females in unit, and that was substantiated and reprehensible. (emphasis added) (Ex 6:37)

The IO asked Col Wooden why he did not pursue a discharge action instead of allowing to retire with an honorable service characterization. Col Wooden responded:

Yes, when AGR was curtailed, so that's a good question. So, the AGR piece was a full-time piece. Now, [reverted] to a drill status Guardsman. had years of credible service,<sup>18</sup> and between myself and my was some sort of administrative discharge, or could apply for retirement and undergo the officer grade determination. So, applied for retirement, was separated, and now undergoing the officer grade determination to decide what rank and what grade eventually retire at. (Ex 6:38)

<sup>17</sup> The IO did not make an effort to collect AGR curtailment documents for this investigation as they were not relevant. The fact that that AGR tour was curtailed was sufficient. As such, involuntary curtailment of an AGR tour order requires TAG approval as the final decision authority in accordance with ANGI 36-101, paragraph 8.5.1.1. (Ex:46:35) Col Wooden testified TAG was aware of the issues regarding and TAG concurred on the AGR curtailment. (Ex 6:38) is still listed as a member of OKANG as awaits OGD, and is currently employed by the AF Life Cycle Management Center, Tinker AFB, Oklahoma City, OK, as a federal employee. (Ex 26:1; Ex 38:4-6)

<sup>18</sup> The IO did not challenge Col Wooden on whether had 24 years of credible service, when Col Wooden was fully aware the CDI substantiated misconduct back to 2010 (Ex 37:207-221) and Col Wooden signed the Unfavorable Information File Summary which indicated misconduct back to 2008. (Ex 38:1)

The IO asked Col Wooden if he lost trust and confidence in (b) (6), (b) (7)(C) Col Wooden testified, "Yes, that's fair." (Ex 6:41)

The IO further asked Col Wooden if he was familiar with AFI 31-501, *Personnel Security Program Management* (change 2, 29 Nov 12). Col Wooden said he was not intimately familiar with the regulation. (Ex 6:41) The IO read Col Wooden excerpts of AFI 31-501 and DoD 5200.2-R, *Personnel Security Program*, which described the Security Information File (SIF) program and requirements to report unfavorable or derogatory information that brings into question a person's continuing eligibility for a security clearance to the Central Adjudication Facility (CAF). (Ex 6:41-42)

AFI 31-501, paragraph 8.2.1., Unfavorable Administrative Actions, Suspension and its subparagraphs established the following Commander responsibilities:

Reviews unfavorable information on individuals under the commander's jurisdiction when reported or developed which would directly impact an individual's security clearance ...

Establishes a SIF when an individual's activity, conduct or behavior is inconsistent with the security criteria specified in DOD 5200.2-R, para 2-200 and Appendix I ... (Ex 47:35)

DoD 5200.2-R, Chapter 8, Unfavorable Administrative Actions, established the following requirements:

#### C8.1.2. Referral for Action

C8.1.2.1. Whenever derogatory information related to the criteria and policy set forth in paragraph C2.2.1. and Appendix 8 of this Regulation is developed or otherwise becomes available to any DoD element, it shall be referred by the most expeditious means to the commander or the security officer of the organization to which the individual is assigned for duty. The commander or security officer ... shall review the information in terms of its security significance and completeness. If further information is needed to confirm or disprove the allegations, additional investigation should be requested. The commander ... shall insure that the appropriate Central Adjudicative Facility (CAF) ... is informed promptly.... (Ex 48:72)

DoD 5200.2-R, Chapter 2, Policies, established the following criteria for application of security standard:

C2.2.1 Criteria for Application of Security Standards. ... The criteria for determining eligibility for a clearance under the security standard shall include, but not be limited to the following:

C2.2.1.7. Disregard of public law, Statutes, Executive Orders or Regulations including violation of security regulations or practices.

C2.2.1.8. Criminal or dishonest conduct.



C2.2.1.11. Vulnerability to coercion, influence, or pressure that may cause conduct contrary to the national interest...

C2.2.1.17. Acts of sexual misconduct or perversion indicative of moral turpitude, poor judgment, or lack of regard for the laws of society. (Ex 48:15-17)

After presenting a summary of the above standards, the IO asked Col Wooden if he ever established a SIF on (b) (6), (b) (7)(C) or reported the information to the CAF. Col Wooden testified, "No, I did not." (Ex 6:42) Col Wooden's testimony continued as follows:

I don't recall that this topic or this, this type of discussion as a second, third-order effect as all of this. Um I don't recall being a part of any conversations that regarded security clearances, or I don't even remember it being in my conscience to do so. Um, so, I mean, all of that you read, I, I hear what you're saying, but yeah, if I missed that I missed it.... I, I missed it. (Ex 6:42)

Col Wooden's testimony indicated he was focused on getting (b) (6), (b) (7)(C) off the base and out of the OKANG. (Ex 6:42, 43) Overall, when questioned about alternative personnel actions that could have been taken or considered, Col Wooden testified, "It was probably just for the expediency of getting (b) (6), (b) (7)(C) off the base and getting (b) (6), (b) (7)(C) off the books and out of uniform." (Ex 6:44)

On 11 Jun 15, (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) squadron commander, signed a memo, *Notification of Suspension of Access*, informing (b) (6), (b) (7)(C) that a SIF will be established and the DoD CAF will make the final determination concerning (b) (6), (b) (7)(C) security clearance eligibility. (Ex 41:1) On 11 Jun 15, (b) (6), (b) (7)(C) emailed (b) (6), (b) (7)(C) the *Notification* memo. (Ex 41:3) (b) (6), (b) (7)(C) replied that (b) (6), (b) (7)(C) was not comfortable signing the memo and requested to speak to a higher authority to receive justification for the action. (Ex 41:2-3)

On 17 Jun 15, (b) (6), (b) (7)(C) emailed the (b) (6), (b) (7)(C), highlights from AFI 31-501 and DoD 5200.2-R, which established the SIF and CAF reporting requirements. (Ex 41:5) Later that day, (b) (6), (b) (7)(C) emailed (b) (6), (b) (7)(C) and stated, "The below appears to suggest mandatory processing." (Ex 41:5) Still later that same day, (b) (6), (b) (7)(C) forwarded the email from (b) (6), (b) (7)(C), along with the AFI and DoD guidance, to (b) (6), (b) (7)(C) and courtesy copied Col Wooden. (b) (6), (b) (7)(C) wrote, "Sirs, [f]or your SA, (b) (6), (b) (7)(C) read on the SIF business." (Ex 41:5)

(b) (6), (b) (7)(C) said that Col Wooden called (b) (6), (b) (7)(C) and told (b) (6), (b) (7)(C) not to further pursue the SIF. (Ex 18:7) (b) (6), (b) (7)(C) testified:

Absolutely. It was a verbal. He called me. He was smart enough to call me. He wouldn't put that in an email.... (Ex 18:8)

The IO asked Col Wooden if he ever told or instructed anyone to stop processing the SIF. Col Wooden testified, "I don't recall telling anyone not to do, do their process. I, I don't recall."

(Ex 6:42) Col Wooden also testified he did not recall seeing the email message from [REDACTED] but he may have overlooked it. (Ex 6:43)

The IO did not question [REDACTED] or anyone else, such as a wing security manager, to determine what happened with the SIF. The preponderance of the evidence indicated [REDACTED] squadron commander attempted to follow the AF and DoD guidance, establish the SIF, and report [REDACTED] misconduct to the DoD CAF. The testimony indicated the SIF was not initiated and Col Wooden testified he “missed it.”

In summary, the IO found Col Wooden initiated the CDI and approved the result, which substantiated 24 allegations against [REDACTED] and resulted in various disciplinary/adverse personnel actions. Adverse personnel actions were taken at the squadron level, below Col Wooden, such as the referral OPR. Disciplinary or adverse actions were also taken above Col Wooden with the NJP by the AAG-A and the involuntary AGR curtailment that rose to TAG for approval. As indicated by testimony, Col Wooden initiated an OGD on [REDACTED] to determine if [REDACTED] retirement rank should be downgraded. Col Wooden admitted he “missed” the AF and DoD requirement to report [REDACTED] misconduct and derogatory information to the CAF for security clearance determination. At worst, Col Wooden failed to take the action called for by AF and DoD regulations, but the IO did not find his failure to be a deliberate decision out of favoritism for [REDACTED].

Considering all three examples of misconduct analyzed above – [REDACTED] over-collection of \$138,000.00; the [REDACTED] affair; [REDACTED] sexual misconduct – by a preponderance of the evidence, the IO found Col Wooden took disciplinary action when he was in a position of authority and responsibility to do so. Some of the discipline and adverse personnel actions taken against [REDACTED] and [REDACTED] were at levels in the chain of command above Col Wooden.

The IO found, however, the discipline Col Wooden issued to [REDACTED] the RIC, was a low-level counseling that gave the appearance Col Wooden took a minimal approach. In addition, as [REDACTED] rater, Col Wooden awarded [REDACTED] a better (higher) stratification in the wing, and did not mark down [REDACTED] on [REDACTED] OPR that covered the rating period when [REDACTED] was admonished for [REDACTED] affair and [REDACTED]. Col Wooden stratified [REDACTED] as the “Top 2%” of the majors in the wing before the misconduct, and “Top 1%” for the rating period when the RIC was issued. Col Wooden testified that [REDACTED] “exceptional” performance outweighed [REDACTED] misconduct. The IO found, however, the perception of Col Wooden’s actions and decisions, coupled with his relationship with [REDACTED] may have reasonably given the appearance of favoritism (analyzed later in the ROI).

In addition, the IO found Col Wooden failed to initiate a SIF and report [REDACTED] misconduct to the CAF, as required by AF and DoD regulations. However, the IO determined that Col Wooden’s failure to establish the SIF and report to the CAF was not an act of favoritism; rather, it was an oversight.

By a preponderance of the evidence, the IO found Col Wooden's actions amounted to favoritism and abandonment of organizational goals for personal interest when he issued ██████████ a low-level counseling (a RIC) and improved (b) (6), (b) (7)(C) OPR stratification from "Top 2%" to "Top 1%," although he knew (b) (6), (b) (7)(C) engaged in an intimate affair with another married officer in the wing. The IO also found, however, Col Wooden did not take, or fail to take, personnel actions against (b) (6), (b) (7)(C) or (b) (6), (b) (7)(C) out of favoritism. Overall, Col Wooden's actions, when viewed in the light cast by his relationships with the subordinate officers, calls for a further analysis to determine whether Col Wooden's relationships reasonably created the appearance or perception of favoritism, which is addressed in the next section of this ROI.

***B. Did Col Wooden's Relationships Reasonably Create the Appearance of Favoritism or the Abandonment of Organizational Goals for Personal Interests?***

As established in this report, the IO found Col Wooden had relationships with subordinates that included social drinking of alcohol in his office after hours. Some of the participants were (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C). This section of the ROI addresses whether Col Wooden's relationships reasonably created a perception of favoritism among other members of the wing.

General perceptions of favoritism within the wing

Throughout the investigation, the IO found several wing personnel had a perception that Col Wooden favored certain subordinate personnel. A common theme was that he promoted and did not discipline certain subordinates, such as those with whom he socialized.

(b) (6), (b) (7)(C) testified, "I don't necessarily agree with all the things that I saw [Col Wooden do]...." (Ex 23:6) When asked what ██████████ did not agree with, (b) (6), (b) (7)(C) testified, "some favoritism that I didn't understand or agree with." (Ex 23:7) The first example ██████████ provided was regarding a senior enlisted person getting appointed to a new position in the wing, and the second example was drinking and "meetings with kind of a, a boys' club." (Ex 23:7-8) As presented earlier in this ROI, (b) (6), (b) (7)(C) testified "it just seemed like if you weren't part of that club then ... you didn't have the same opportunities...." (Ex 23:8)

(b) (6), (b) (7)(C) testified ██████████ believed Col Wooden held subordinates accountable for misconduct. (Ex 22:17) However, (b) (6), (b) (7)(C) also testified, "certainly there's been a lot of folks that have expressed some concerns about ... general preferential treatment for the, the in-crowd ... that are close to him." (Ex 22:20) ██████████ said the people that are part of the "in crowd" are (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) as well as a handful of others and "some very select few others." (Ex 22:21-22) (b) (6), (b) (7)(C) testified as follows about what ██████████ heard from personnel in the wing:

[A] culmination of what I've heard people complain about and folks that have come in here and have talked generally with me in, in private.... [Col] Wooden is not going to do

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anything because this person, this commander is ... one of [Col] Wooden's closest friends.... [I]t's going to be wiped under the rug because they're friends with Col Wooden, and or they go to the lake with him.... [E]ven some of the lower enlisted or officers that have come in here and mentioned things, um, the majority of them feel like, you know, they have to play the game and get in with the in crowd otherwise ... they won't be able to do anything to protect themselves because whoever ... the commander is that's friends with Col Wooden is going to let them do whatever they want. (Ex 22:21)

As presented earlier in this ROI, (b) (6), (b) (7)(C) testified, "there was a drinking group that would get together with the wing commander almost daily.... [T]he perception of the good ole boy system is very prevalent." (Ex 12:4)

(b) (6), (b) (7)(C) testified that (b) (6), (b) (7)(C) among others, were Col Wooden's "boys" and were "well taken care of." (Ex 13:19)

(b) (6), (b) (7)(C) said Col Wooden seems to have a "clique" in the wing, which included (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) (Ex 27:26)

The wing administered a Defense Equal Opportunity Climate Survey (DEOCS) in Oct 14. (Ex 40:1) The survey participants were afforded the opportunity to make anonymous comments. The IO found some comments consistent with the theme that personnel perceived favoritism, but the comments lack context regarding to whom they are specifically directed. The following comments were found in the Oct 14 DEOCS report:

There is a belief that there are **certain individuals** that have been here for a very long time that **are part of the "good ol[e] boy" system** that are **untouchable and policies and regulations do not apply to them**. Those individuals take advantage of that and continue to live outside the rules. (emphasis added) (Ex 40:5)

All I can say is this wing is a "good ole boy" wing at its finest. **Punishment depending on who you are and who you drink with**, as well as who get[s] what job or promotion. No upward mobility unless you are one of the "chosen" few. (emphasis added) (Ex 40:6)

**There is a double standard for punishment with these leaders and the selected few** that they have chosen out of squadron to become the future leaders of our wing. For example, **two married military members a few years ago had an affair together and the whole incident was swept under the table because one of the officers was a person they thought would become a wing commander. Infidelity is encouraged by these leaders**. They give the appearance that they are above the law and will protect each other from any rule that is broken to protect their careers. (emphasis added) (Ex 40:9)

There also seems to be a **lack of accountability in the leadership ranks. Favoritism and the "good ole boy" seem to be the norm when infidelity, DUI's ... go unpunished** and are even rewarded by increased responsibilities and promotion. (emphasis added) (Ex 40:10)

The wing administered another DEOCS in Dec 15. The following comments were found in the Dec 15 DEOCS report:

Still perceive the **higher levels of leadership within the wing are part of a “boys club.”** [A] **perceived friendship with group and Wing commanders.** (emphasis added) (Ex 40:18)

High praise to leadership who handled recent sexual harassment allegations of squadron member with upmost [sic] professionalism. Good balance of keeping details private while still creating an open communication environment with all members of the squadron in order to avoid as much gossip and false information as possible. (Ex 40:19)

Perceptions about \_\_\_\_\_ misconduct and discipline

The anonymous complaint alleged Col Wooden recommended \_\_\_\_\_ for promotion even though \_\_\_\_\_ was “convicted” of wrongfully receiving travel pay and owes “many hundreds of thousands of dollars,” because Col Wooden promotes people who owe him. (Ex 1:2)

(b) (6), (b) (7)(C) provided the IO a written statement that was taken as sworn testimony. (Ex 12:9; Ex 25) In the written document, (b) (6), (b) (7)(C) wrote the following regarding perceptions of what happened after \_\_\_\_\_ was investigated:

\_\_\_\_\_ was moved solely to protect \_\_\_\_\_ from possible punishment from \_\_\_\_\_ because \_\_\_\_\_ is the close friend of Col Wooden, \_\_\_\_\_, and \_\_\_\_\_. (Ex 25:2)

(b) (6), (b) (7)(C) raised \_\_\_\_\_ concern about \_\_\_\_\_ as an example of favoritism and someone not disciplined. (Ex 12:11-13) (b) (6), (b) (7)(C) testified \_\_\_\_\_ believed the \_\_\_\_\_, at the time after \_\_\_\_\_ was investigated, was frustrated and wanted to discipline \_\_\_\_\_ (Ex 12:13) According to (b) (6), (b) (7)(C) the \_\_\_\_\_ mentioned \_\_\_\_\_ intent to Col Wooden and “all of a sudden” \_\_\_\_\_ was moved out from under the command authority of the \_\_\_\_\_ and transferred to the \_\_\_\_\_ to avoid punishment. (Ex 12:13)

\_\_\_\_\_ testified \_\_\_\_\_ believed the \_\_\_\_\_ “fully intended to wait for the ... complaint to be investigated and closed on [ \_\_\_\_\_ and then take appropriate disciplinary action.” (Ex 8:7) \_\_\_\_\_ said the \_\_\_\_\_ made \_\_\_\_\_ intentions clear to wing leadership and they “quickly” moved \_\_\_\_\_ to maintenance. (Ex 8:7)

\_\_\_\_\_ testified \_\_\_\_\_ got \_\_\_\_\_ information “hearsay” from \_\_\_\_\_ and \_\_\_\_\_ (Ex 13:13) \_\_\_\_\_ said \_\_\_\_\_ heard the \_\_\_\_\_ was going to “lay it down on” (i.e.,

discipline) [redacted] and it was well known the [redacted] was going to do this, but [redacted] was “suddenly moved over to maintenance out from under [the [redacted]] to a commander who would not be bringing charges” against [redacted] (Ex 13:13-14)

[redacted] testified [redacted] did not think Col Wooden was a very good commander and he “does take care of his buddies....” (Ex 18:22) [redacted] provided examples to support [redacted] perception that Col Wooden “keeps his name off papers” when it comes to discipline and misconduct. (Ex 18:21) In regard to [redacted] misconduct, [redacted] believed Col Wooden realized he could have been caught up in the problem because he signed all of [redacted] orders. (Ex 18:22) As such, he would direct other people to discipline personnel. (Ex 18:22)

As presented earlier in this ROI, the AFOSI referred their findings and report to the OKANG for action on/about 29 Jun 12. On 20 Aug 12, [redacted] was issued an LOR from the AAG-A for [redacted] collection of excess travel funds. According to email from [redacted] took over the OSF from [redacted] in Feb 12, and [redacted] moved over to maintenance at that time. (Ex 42) [redacted] did not know who made the decision to move [redacted] (Ex 42) Col Wooden testified he was not part of the decision to move [redacted] (Ex 6:16)

[redacted] testified that some of the people [redacted] heard talking about [redacted] misconduct and discipline were not in a position to know any of the information. (Ex 22:17) [redacted] then said [redacted] believed Col Wooden held subordinates accountable for misconduct. (Ex 22:17)

In summary, relevant to [redacted] misconduct, the IO found that although four officers perceived that Col Wooden either withheld discipline from [redacted] or moved him out from under the [redacted] who would have taken disciplinary action, three out of the four got their information from the [redacted] as hearsay. Therefore, the perception boils down to that of one person, the [redacted], who shared [redacted] perception with others. In addition, as established earlier in this report, Col Wooden was not the Wing Commander until Jan 14, and was not in a position to take disciplinary action against [redacted].<sup>19</sup> The IO determined [redacted] was moved to the maintenance unit prior to when [redacted] received discipline—the LOR from the AAG-A. [redacted] testified that some of the personnel [redacted] heard talking about [redacted] misconduct and discipline were not in a position to know the facts and circumstances. Therefore, by a preponderance of the evidence, the IO found Col Wooden’s actions/inaction in response to [redacted] misconduct did not reasonably create a perception of favoritism or abandonment of organizational goals.

<sup>19</sup> Recall from earlier in this report: [redacted] was a traditional Guardsman on various sets of military orders, Title 10 and Title 32, from 2005-2011 which were relevant to the AFOSI and commander directed investigations. The AFOSI report was referred to command on 29 Jun 12. Col Wooden was the Vice Wing Commander and Air Commander over the technician force at that time.

Perceptions about the \_\_\_\_\_ affair

The anonymous complaint stated the following about the \_\_\_\_\_ affair:

The affair became public and the parties involved were told by Colonel Wooden to “give it some time and let the dust settle, and everyone will forget it, just like they always do.” ... During this period it also came to light that \_\_\_\_\_ had also had relations with four other enlisted women on base, which \_\_\_\_\_ was never punished for any of these affairs. (Ex 1:1)

(b) (6), (b) (7)(C) wrote the following in \_\_\_\_\_ memo to SAF/IGS:

FACTS: \_\_\_\_\_ had a sexual affair with \_\_\_\_\_ .... The affair was revealed during a Squadron retirement party in full view of many of the members of the 185th... I was told to re-integrate \_\_\_\_\_ into the flying squadron immediately and not to tolerate any ill will from fliers that had a problem with \_\_\_\_\_ Several pilots and booms came to my office and stated that they refused to fly with \_\_\_\_\_ I was not allowed by Col Wooden to communicate a dissenting position on \_\_\_\_\_ punishment to the Squadron. It was made clear that taking or communication [sic] a message that \_\_\_\_\_ should be punished in some way would result in immediate termination of my command. It made it impossible to stand in front of my people and look them in the eye when responding to disciplinary questions.

Perceptions: \_\_\_\_\_ was not punished because \_\_\_\_\_ is a late night office drinking buddy of Col Wooden. (Ex 25:3)

(b) (6), (b) (7)(C) said that Col Wooden told \_\_\_\_\_ this (the affair) always happens in the Guard and it is part of the culture. (Ex 12:4) (b) (6), (b) (7)(C) said personnel in the squadron were “pissed” to the point they would not fly with \_\_\_\_\_ (Ex 12:15)

(b) (6), (b) (7)(C) testified further as follows:

In fact, those words actually came out of Col Wooden’s mouth to myself, that it always happens. We need to get over it. One of these days \_\_\_\_\_ and \_\_\_\_\_ will be drinking a beer laughing about it. (Ex 12:15)

When asked if there were favored personnel that were not disciplined, \_\_\_\_\_ testified that \_\_\_\_\_ was the “worst of the worst” because of \_\_\_\_\_ affair with another \_\_\_\_\_. (Ex 13:14) \_\_\_\_\_ said “not much action was taken against \_\_\_\_\_ and that created “a whole lot of ... hard feelings and discontent in the squadron and [Operations Group].” (Ex 13:14) \_\_\_\_\_ testified \_\_\_\_\_ heard directly from (b) (6), (b) (7)(C) that \_\_\_\_\_ was told to “suck it up and if \_\_\_\_\_ comes back to the squadron you’ve got to deal with it.” (Ex 13:14-15) \_\_\_\_\_ said \_\_\_\_\_ perception, and the perception of “all the other guys in the Operations Group is that [Col] Wooden was protecting \_\_\_\_\_ the whole way.” (Ex 13:16) \_\_\_\_\_ also testified:

I can tell you as the guy who showed up in the wing, it was definitely conveyed upon me early on that hey, if you're [Col] Wooden's boy you're taken care of, and don't, don't cross [Col] Wooden's boys because it'll just be bad for you even if you're right. (Ex 13:16)

\_\_\_\_\_ commented on the lasting effect the affair had on the wing:

And it festered. It was a festering sore there in Oklahoma. A very, very sore spot with a lot of people there in Oklahoma. And it damaged [Col] Wooden's credibility significantly. (Ex 13:17)

\_\_\_\_\_ testified \_\_\_\_\_<sup>(b)(6)</sup> believed Col Wooden condones inappropriate relationships through his actions or lack of action.<sup>20</sup> \_\_\_\_\_ testified as follows:

I think he, by his actions, condones them, he doesn't verbally come out and say it but ... he looks the other way. Uh, when it's his buddies he doesn't come out with a strong policy about it not being okay ... I mean, \_\_\_\_\_ is back uh, with [him] never being looked at for [his relations with] the enlisted<sup>21</sup> and everybody knows that part ... he is grooming \_\_\_\_\_ ] for command ... if all rumors are true. So that tells me that there is no consequence so I guess by his lack of action, he's condoning it. Yes. (Ex 18:30)

\_\_\_\_\_, OKANG) testified that the \_\_\_\_\_ affair was the "most toxic thing that I've experienced in my career." (Ex 16:4) \_\_\_\_\_ also testified the following:

[W]hy does it matter today? ... [T]he leadership of Col Wooden, \_\_\_\_\_<sup>22</sup> and \_\_\_\_\_ at the time just saw fit to, to make sure that none of us even cared about that relationship in regards to the uh, good order and discipline of the squadron.... [W]hen you have, you know, one pilot sleeping with (b) (6), (b) (7)(C) it starts to destroy the fabric of the unit.... [I]t just never recovered from this. Still to today there's guys quitting their job because of this uh, incident. (Ex 16:5)

[H]aving one pilot sleep with another \_\_\_\_\_ would affect the safety of the flying organization and that was ignored with just a paper counseling. That paper counseling did not have any effect on the daily routine of the squadron. (Ex 16:11)

<sup>20</sup> \_\_\_\_\_ was interviewed on 25 Oct 16. \_\_\_\_\_ received an LOR from Col Wooden on 26 Sep 16 for conduct unbecoming an officer and gentleman. \_\_\_\_\_ did not make the IO aware of the disciplinary action until the IO asked on 23 Nov 16 after receiving information from a different witness. The IO found \_\_\_\_\_ testimony credible and not retaliatory.

<sup>21</sup> \_\_\_\_\_ testified that \_\_\_\_\_ was "openly ... kissing and making out with \_\_\_\_\_ at the activities center sometime right after the ORI was over and it was never investigated or even questioned." (Ex 18:12) The IO contacted \_\_\_\_\_ and asked if she ever did that— \_\_\_\_\_<sup>(b)(6)</sup> said no. The IO did not investigate further.

<sup>22</sup> \_\_\_\_\_ OKANG, and was the \_\_\_\_\_, 137th Wing, \_\_\_\_\_. (Ex 3:2)



\_\_\_\_\_ testified, “one of the perceptions that I think is out there” is that Col Wooden favors people based on personal relationships. (Ex 15:15)

\_\_\_\_\_ testified that \_\_\_\_\_ did not hear any complaints of concerns regarding how the affair was handled. (Ex 22:8) He also said,

[The affair] became very public on the base very quickly.... I’ve heard some folks say that ... the fact that maybe there was minor paperwork generated and then the fact that \_\_\_\_\_ who is back ... that certainly gives an indication of some impartiality to some and not to others. But again, those are, I think those are rumors and speculation. I don’t know that I’ve got anything concrete that would support any of it. (Ex 22:18)

\_\_\_\_\_ testified the aftermath of the \_\_\_\_\_ affair was a big stressor in the wing. (Ex 23:11) \_\_\_\_\_ testified the affair upset the base because Col Wooden was friends with both \_\_\_\_\_ and \_\_\_\_\_ “so I think he was a little kinder in their situation.” (Ex 23:16) \_\_\_\_\_ did not know if Col Wooden was aware of the “huge uproar in ops” the affair caused, but “there’s no way he could not, I can’t imagine him not knowing.” (Ex 23:18)

The IO found \_\_\_\_\_ to be a very credible witness. Prior to the formal interview beginning, \_\_\_\_\_ made several compliments and expressed significant adoration toward Col Wooden.<sup>23</sup> During the interview, \_\_\_\_\_ was asked if there was an example of someone being punished differently. \_\_\_\_\_ testified, “it’s a perception maybe more than anything ... but perception, sometimes, is everything.” (Ex 24:11) \_\_\_\_\_ brought up the \_\_\_\_\_ affair, and although \_\_\_\_\_ avoided “judging” the situation, \_\_\_\_\_ thought it was “pretty serious” and affected the unit. (Ex 24:12) When asked if \_\_\_\_\_ was not disciplined properly or enough because of \_\_\_\_\_ personal relationship with Col Wooden, \_\_\_\_\_ took an eight-second pause, a deep breath, and exhaled before responding: “If it was me, no ... it might have given the impression that, oh, well, I can go have an affair with so and so because there is no retribution, there is [sic] no consequences.” (Ex 24:13)

Col Wooden testified that he does not remember if he ever made a statement to the wing, group, or squadron about his position on adultery, affairs, infidelity, or inappropriate relationships. (Ex 6:53) He said, “I think the standards of conduct are pretty clear on what’s acceptable and what’s not when it comes to that so I ... I don’t know if I did that or not.” (Ex 6:53)

<sup>23</sup> Other examples of how \_\_\_\_\_ expressed adoration toward Col Wooden are contained in \_\_\_\_\_ sworn statement as part of the CDI in response to allegations of an affair between Col Wooden and \_\_\_\_\_. \_\_\_\_\_ wrote: “Col Wooden is an upright man. His name is to be honored. He is the shepherd of his flock. He is a family man. He fears the Lord.” (Ex 39:12)

Col Wooden said the affair had little to no effect on the wing, but it affected the flying squadron “for sure.” (Ex 6:62) The IO asked Col Wooden to elaborate how it affected the squadron. Col Wooden said that \_\_\_\_\_ was a “victim” in this situation. (Ex 6:63) Col Wooden described a “sour” climate in the squadron, but attributed it to a “desire for ... that unit on behalf of their member to see ... swift justice done.” (Ex 6:63) Col Wooden testified he believed there was nothing that could have been done to satisfy the members of the squadron, “a unit not even involved in this affair.” (Ex 6:63)

Col Wooden was asked if the squadron personnel who rallied around \_\_\_\_\_ and their complaints, were legitimate. Col Wooden responded as follows:

Well, I mean I'm empathetic to the hurt and pain that those, this kind of event causes and I too am empathetic with ... (b) (6), (b) (7). Um, but at the end of the day the two people belong to two different units and ... their discipline was laid out.... Um, I think that the, the complaints that are being levied uh is that it wasn't enough, it wasn't strong enough, it wasn't, um, effective enough. Um, and that's, we can, we can have that debate all day long. (Ex 6:64)

Um, I spent hours talking with OG and squadron leadership over this topic and the punishment level. And received, uh, the comments from the squadron leadership which I felt was inappropriate and that because of the nature of their relationship with (b) (6), (b) ... that \_\_\_\_\_ should be fired, kicked out of the military and done on. And so the, uh my response to that is it takes two and what punishment we're going to dole out to this individual has got to be also applied to this individual and that, that they're not interested in because doing that to \_\_\_\_\_ would only hurt (b) (6), (b) more and there was all kinds of this discussion. So all of this was after the fact, ... I don't think any answer was going to satisfy that leadership team because of their closeness and their relationship with (b) (6), (b) (Ex 6:64)

**[O]ver the course of years of this topic continuing to be brought up um it goes back to reprimand, rehabilitate and reintegrate<sup>24</sup>.... [W]e need to be adults and move past this and move on and that's what I certainly would have hoped happened and I, and we're getting there, so. (emphasis added) (Ex 6:65)**

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<sup>24</sup> The IO noted Col Wooden emphasized his general philosophy of “reprimand, rehabilitate, and reintegrate” on more than one occasion during his interview. When asked for his general philosophy for addressing misconduct, Col Wooden testified, “[I]f I had to summarize my opinion or my uh philosophy when it comes to discipline ... there's got to be some remediation, so there's reprimand, there's rehabilitation, and then there's reintegration.” (Ex 6:22) The IO also noted, however, that \_\_\_\_\_ was not reprimanded. \_\_\_\_\_ was issued a RIC which is a lower level administrative counseling – lower than an LOA or LOR.

When asked why the \_\_\_\_\_ affair remains an issue today, Col Wooden testified:

**I have the same question you do.** I mean, like I said I've spent six and a half hours talking with ops leadership, you know, leadership is a team sport. And so, um, my opinion I've got some, I have, **I had some people on the leadership team that, you know, didn't want to play ball. They didn't want to help, I needed their help to be responsible, be mature and help me help them move on past this and I don't believe I've got that support.** And so why it's continued to be something that gets brought up, probably because there's some select individuals who continue to bring it up for whatever personal gain they think they're going to get out of it. (emphasis added) (Ex 6:66)

\_\_\_\_\_ testified that the "sentiment" that came back to \_\_\_\_\_ was that Col Wooden believed adultery was part of the culture and \_\_\_\_\_ needed to heal and move on. (Ex 20:12) As stated above, (b) (6), (b) (7)(C) testified that Col Wooden said "it always happens ... get over it." (Ex 12:15) Col Wooden testified he did not tell \_\_\_\_\_ that adultery was part of the wing culture and \_\_\_\_\_ just needed to heal. (Ex 6:67)

When asked if he told \_\_\_\_\_ that \_\_\_\_\_ and \_\_\_\_\_ were going to be working together for years and they needed to get beyond the issue, Col Wooden said, "[N]ot those words exactly." (Ex 6:68) Col Wooden testified he asked if there was going to be a problem having a working relationship and if \_\_\_\_\_ could conduct \_\_\_\_\_ duties impartially and without reprisal. (Ex 6:68) When asked if friction still existed between \_\_\_\_\_ and \_\_\_\_\_ Col Wooden said, "I won't speculate on the emotional feelings between those two." (Ex 6:69) Col Wooden later said, "[C]ertainly I understand the ... pulse of the [squadron] in that \_\_\_\_\_ was not their favorite person, \_\_\_\_\_ had done a despicable thing ... a betrayal of trust." (Ex 6:71)

Col Wooden denied pressuring (b) (6), (b) (7)(C) to force people to fly with \_\_\_\_\_ and saying that if people did not want to fly with \_\_\_\_\_ there's no place for them in the OKANG. (Ex 6:69)

Col Wooden testified he was "absolutely" aware of the comments in the 2014 DEOCS report which spoke to the impact the affair had on the squadron. (Ex 6:71-72) Col Wooden testified he thinks the issue is ongoing today, and the comments in the DEOCS report were specific to the flying squadron. (Ex 6:72) Col Wooden reiterated that he was not having success in getting the support of the flying squadron leadership to come together and help move past this in a productive way. (Ex 6:72) Col Wooden testified the DEOCS report comments were "more directed toward me and about how I tolerate all this stuff and how I promote and reward people...." (Ex 6:72) Col Wooden testified the action he took to address the climate survey concerns was "obviously communication ... continue to dialogue ... this one issue that's been allowed to linger needs not to be able to linger and it's going to require leadership in order to get us past this." (Ex 6:73)

When asked who was responsible for addressing the lingering effects the \_\_\_\_\_ affair has in the wing, Col Wooden testified, "I obviously am playing a role in communicating." (Ex 6:74) Col Wooden talked about messaging and trust he has in subordinate leaders to carry his message, in the realm of punish in private and praise in public, and how he believed his approach was successful. (Ex 6:74) He testified:

[A]nd then in my mind the biggest thing that's ... helping portray the message is that it worked. I mean, I have a sober lieutenant colonel doing great work and doing good things and I've got another person that's back in XP doing good work ... so there's, there's some proof in the pudding in there I guess. (Ex 6:75)

Col Wooden's response appeared focused on rehabilitating the persons engaged in the misconduct, and his response did not address the negative impact the affair had, and continues to have, on other personnel in the unit.

The IO asked Col Wooden for his response to the allegation that he favored \_\_\_\_\_ Col Wooden responded:

[T]hat's a misrepresentation and a misperception of the facts. So um, \_\_\_\_\_ would, has not received any preferential treatment or received any favoritism in any way, shape or form... \_\_\_\_\_ been ostracized from \_\_\_\_\_ flying squadron. Some of that's directly attributable to that leadership team that was over there um, that sponsored that activity. And while \_\_\_\_\_ been punished the same as the person that \_\_\_\_\_ was involved with ... \_\_\_\_\_ has continued to pay mightily for the last four years and the way that some other officers choose to continue to persecute \_\_\_\_\_, continue to um, attack \_\_\_\_\_.... (Ex 6:104)

In summary, by a preponderance of the evidence, the IO found Col Wooden's actions and decisions, in response to the \_\_\_\_\_ affair, did create a reasonable perception of favoritism or abandonment of organizational goals. As presented in this report, \_\_\_\_\_ was found to be part of Col Wooden's drinking group. Col Wooden took a minimal approach to disciplining \_\_\_\_\_ for misconduct that was shown to have a noticeable impact on unit cohesion in the flying squadron. Other aircrew members did not want to fly with \_\_\_\_\_ and they complained about inaction or lack of discipline. Col Wooden testified he was aware the affair soured the climate in the squadron, but he said he hoped people would be adults and move on. He further emphasized that he was focused on rehabilitation and reintegration, and he placed some blame on subordinate leadership failures. Witnesses perceived that Col Wooden believed affairs always happen in the Guard and they should get over it. Witnesses testified they perceived there were no consequences, adultery is condoned by Col Wooden, and his action/inaction sent the message that leadership did not care about good order and discipline in the squadron. Therefore, by a preponderance of the evidence, Col Wooden's minimal discipline and his focus on rehabilitation of the two officers over the climate in the flying squadron, coupled with his relationship with \_\_\_\_\_ created a reasonable perception of favoritism and abandonment of organizational goals.

Perceptions about \_\_\_\_\_ misconduct and discipline

The anonymous complaint stated that Col Wooden “surrounded himself with people like \_\_\_\_\_ who was forced to leave because of \_\_\_\_\_ history of offering advancement to female members for sexual favors. [Col Wooden] knew about several of the incidents and did nothing to stop \_\_\_\_\_.” (Ex 1:2)

\_\_\_\_\_ testified that when \_\_\_\_\_ became aware of the allegations against \_\_\_\_\_ who was assigned to \_\_\_\_\_ squadron (LRS), \_\_\_\_\_ met with Col Wooden and the Mission Support Group Commander at the time. (Ex 18:5) \_\_\_\_\_ said Col Wooden pulled the issue up to his level because \_\_\_\_\_ was an AGR, and Col Wooden initiated the CDI. (Ex 18:5) \_\_\_\_\_ testified \_\_\_\_\_ disagreed with Col Wooden’s decision to allow \_\_\_\_\_ to retire and said Col Wooden’s reasoning was that \_\_\_\_\_ will still get “what’s coming to \_\_\_\_\_ because \_\_\_\_\_ get the officer grade determination so it’s just a cleaner, quicker way to do it.” (Ex 18:6) \_\_\_\_\_ said \_\_\_\_\_ believed Col Wooden wanted to look like he was actually doing \_\_\_\_\_ a favor. (Ex 18:6) \_\_\_\_\_ testified:

During that time we had an ORI, Col Wooden and \_\_\_\_\_ and at the time \_\_\_\_\_ spent a lot of time at night drinking and being buddies ... I got the impression that he was really one of the good ole boys.... [I]t just seemed like the easiest route to go with the least blood on his hands. Could have been because he was friends with him. Could have been that he thought it was the right thing to do. I’m not sure. (Ex 18:7)

\_\_\_\_\_ and \_\_\_\_\_ also alleged that \_\_\_\_\_ had a history of unprofessional relationships with enlisted women in the OKANG, to include dating and marrying them. (Ex 18:11; Ex 19:16) The IO reviewed \_\_\_\_\_ marriage history and found *prima facie* evidence \_\_\_\_\_ may have married (b) (6), (b) (7)(C) \_\_\_\_\_ while they were enlisted members of OKANG. The IO did not investigate whether \_\_\_\_\_ engaged in any other misconduct not identified in the 2015 CDI, and did not investigate whether Col Wooden or any other commander in the OKANG was aware, or believed, there was additional misconduct, or whether anyone should have taken action at an earlier time.

\_\_\_\_\_ was the \_\_\_\_\_ who advised Col Wooden after the CDI was completed. (Ex 14:3) \_\_\_\_\_ testified that \_\_\_\_\_ decided on the NJP against \_\_\_\_\_ but \_\_\_\_\_ refused to answer questions about Col Wooden’s role in the decisions affecting \_\_\_\_\_ testified that in \_\_\_\_\_ opinion, the leadership addressed the situation, promptly identified and initiated the CDI, and commanders took actions within their discretion. (Ex 14:11, 12)

In summary, the IO found only one witness had noteworthy concern about Col Wooden’s response to \_\_\_\_\_ misconduct. As shown earlier in this report, \_\_\_\_\_ received NJP, forfeited pay, had his AGR tour involuntarily curtailed, and is pending an OGD. Therefore, the IO found, by a preponderance of the evidence, although \_\_\_\_\_ was found to be part of Col Wooden’s drinking group, Col Wooden’s actions and decisions in response to \_\_\_\_\_

misconduct did not reasonably create a perception of favoritism or abandonment of organizational goals.

Perceptions about \_\_\_\_\_ misconduct and removal from \_\_\_\_\_<sup>(b)(7)(C)</sup> duty position

Although \_\_\_\_\_ misconduct and subsequent removal from \_\_\_\_\_<sup>(b)(7)(C)</sup> duty position was not introduced earlier in this report, the IO found witness testimony, and perceptions of how this was handled by Col Wooden, provided a useful comparison to how Col Wooden addressed \_\_\_\_\_<sup>(b)(7)(C)</sup> in response to the \_\_\_\_\_ affair.

\_\_\_\_\_ was the \_\_\_\_\_ from \_\_\_\_\_<sup>25</sup> (Ex 15:3)

\_\_\_\_\_ testified that on Friday, 6 Mar 15, the wing had aircraft overseas and one developed a maintenance problem. (Ex 15:4) While \_\_\_\_\_ was working the related issues, \_\_\_\_\_ sent a text message to \_\_\_\_\_ that was intended for another captain working on the issues, and the text included disparaging and insubordinate comments about \_\_\_\_\_<sup>(b)(7)(C)</sup> (Ex 15:4-6)

\_\_\_\_\_<sup>(b)(6), (b)(7)(C)</sup> said \_\_\_\_\_ text message “bad-mouthed” \_\_\_\_\_<sup>(b)(6), (b)(7)(C)</sup> to a subordinate. (Ex 7:21) \_\_\_\_\_<sup>(b)(6), (b)(7)(C)</sup> testified that \_\_\_\_\_ text message included the following comments:

Command post could not get the SOF this morning (supervisor of flying) and called \_\_\_\_\_ and then \_\_\_\_\_<sup>(b)(7)(C)</sup> called me all spooled up wanting to know what’s going on, blah, blah, blah. \_\_\_\_\_<sup>(b)(7)(C)</sup> would not shut up and listen or look at the text on \_\_\_\_\_<sup>(b)(7)(C)</sup> phone. (Ex 7:24)

On or about 8 Mar 15, \_\_\_\_\_ gave \_\_\_\_\_ an LOR for his misconduct regarding the text message. (Ex 7:22; Ex 15:7) \_\_\_\_\_ testified the LOR stated \_\_\_\_\_ failed to show himself in a good example of virtue, honor, patriotism and subordination. (Ex 7:22)

On 9 Mar 15, \_\_\_\_\_ was removed from \_\_\_\_\_<sup>(b)(7)(C)</sup> position as the \_\_\_\_\_ and was reassigned to a position in the \_\_\_\_\_ . (Ex 6:94; Ex 7:20, 23; Ex 15:2-3, 9)

Also on 9 Mar 15, Col Wooden cancelled all flying for the day and called for all the operations personnel to meet at Tinker AFB, where the operations squadron was based, to discuss the situation concerning \_\_\_\_\_ (Ex 6:95; Ex 15:16)

<sup>25</sup> \_\_\_\_\_ testified he was \_\_\_\_\_<sup>(b)(6), (b)(7)(C)</sup> until 9 Mar 15, “verbally,” when he was informed of his removal by Col Wooden. \_\_\_\_\_ testified the position change was not accomplished on paper until Oct-Dec 15. (Ex 15:3)

\_\_\_\_\_ testified the following about the meeting at Tinker AFB:

[M]yself, Col Wooden [and others] ... all drove over the day [\_\_\_\_\_] was relieved of command and essentially brought all of the full time technicians and any guardsman that were around uh, and explained the, the lack of good order and discipline that [\_\_\_\_\_] was providing to the unit and that he was being removed [from] command. Uh, we did not ever give them the specifics of the event. Um, it lasted probably ten minutes and we all left. (Ex 7:24)

I know specifically we said [\_\_\_\_\_] was removed from [\_\_\_\_\_] position as [\_\_\_\_\_] and [\_\_\_\_\_] ... I'm not sure we ever told them that [\_\_\_\_\_] received an LOR. (Ex 7:25)

\_\_\_\_\_ testified Col Wooden made the decision to convene the meeting at Tinker AFB and the meeting was called specifically for that reason. (Ex 7:25)

(b) (6), (b) (7)(C) stated the following in [\_\_\_\_\_] written document to SAF/IGS:

[\_\_\_\_\_] was publicly fired from his [\_\_\_\_\_] position during [a] squadron all call where Col Wooden, [\_\_\_\_\_] , and all of the group commanders stood up and told the group we took an oath when we enlisted or were commissioned and that voicing a dissenting opinion with the direction of the wing leadership would not be tolerated. (Ex 25:5)

(b) (6), (b) (7)(C) testified [\_\_\_\_\_] agreed that [\_\_\_\_\_] text was inappropriate and should not have been sent. (Ex 12:28) [\_\_\_\_\_] also testified that Col Wooden berated [\_\_\_\_\_] for about 15 minutes at this "all-call" at Tinker AFB, in front of 75-80 personnel, and told them [\_\_\_\_\_] was removed from command immediately. (Ex 12:28-29)

The IO noted that [\_\_\_\_\_] was not at the all-call at Tinker AFB. [\_\_\_\_\_] testified [\_\_\_\_\_] overheard Col Wooden and others in a neighboring room discussing how the public meeting would go, who would say what, and how Col Wooden wanted the mood to be. (Ex 15:16-17) [\_\_\_\_\_] said [\_\_\_\_\_] waited at [\_\_\_\_\_] desk until Col Wooden and the others left to go where everybody was assembled and then left and went home. (Ex 15:17)

[\_\_\_\_\_] testified that [\_\_\_\_\_] being removed from command due to the text message was appropriate, but the manner in which it was handled was not. (Ex 20:6) [\_\_\_\_\_] said [\_\_\_\_\_] punishment was a "public flogging." (Ex 20:6) [\_\_\_\_\_] testified that Col Wooden called all the full-time staff together and berated/flogged [\_\_\_\_\_] "in front of the masses" at Tinker AFB. (Ex 20:7) [\_\_\_\_\_] also testified Col Wooden's approach with [\_\_\_\_\_] was "totally contrary" to what Col Wooden's policy had been for years, and a "double standard." (Ex 20:6) [\_\_\_\_\_] then went on to compare to how the [\_\_\_\_\_] affair was handled, testifying there was "definitely some favoritism" and frustration because [\_\_\_\_\_] was removed for an inappropriate text message, there was "public flogging or public hyping," versus [\_\_\_\_\_] being treated "a little more behind the scenes and the level of discipline was less." (Ex 20:7)

The IO asked [redacted] for [redacted] response to the perception that [redacted] and [redacted] received lesser punishment after their affair and alcohol related incident, versus [redacted] receiving an LOR and being fired for sending [redacted] the text message that [redacted] did, and whether that was a consistent application of discipline. After a ten-second pause, [redacted] said, "I'm not sure I can." (Ex 7:26)

[redacted] testified [redacted] did not believe favoritism was a reason for the appearance or perception of inconsistent discipline. (Ex 7:27) When asked if [redacted] believed there was a perception of favoritism in the wing, [redacted] said, "Yes," but also said [redacted] could not think of a reason or basis for wing personnel to have the perception. (Ex 7:27-28)

Col Wooden testified he was aware of the text message [redacted] sent, and said he decided to management direct [redacted] to a new position in the wing. (Ex 6:95) Col Wooden testified he did cancel flying for a meeting at Tinker AFB. (Ex 6:95) Col Wooden said the reason for the meeting was to address the full-timers because [redacted] was responsible for their time cards, leave approval, manages them day to day, and he wanted to let them know [redacted] was moving to wing staff effective that day. (Ex 6:95-96) Col Wooden testified he did not discuss [redacted] issues in front of the assembled group of personnel. (Ex 6:96)

The IO asked Col Wooden if he told the group that [redacted] was relieved from his position for cause. Col Wooden testified as follows:

I did not say [redacted] was relieved for cause, but I don't, I didn't go into the level of detail... [T]hese people talk. They, their, their rumor mill's alive and well so the, you know, I got up and said what I did to the masses, that he's been management directed to the wing staff ... but were there people in that room that probably had more of the facts than, and realized that [redacted] last days over here were probably due to some of his own doing? I, I believe that that is highly probable.... (Ex 6:96)

I did not defame [redacted] or flog [redacted] or humiliate [redacted] or in any other way try to belittle someone that I'm moving to my wing staff to work on my behalf. That, no, I did not. (Ex 6:98)

The IO asked Col Wooden why it was important to cancel flying operations for a meeting to inform personnel [redacted] was being management directed to the staff. Col Wooden said, "To not do that would have just invited some other um, rumor mill gossip uh, and we didn't need any more of that." (Ex 6:98)

The IO asked Col Wooden for his response to the allegation that he favored [redacted] [redacted] did not make a public statement about [redacted] affair, but publically denigrated [redacted] for [redacted] inappropriate text message. Col Wooden responded as follows:

Well that, that whole characterization is, is false, misleading and inaccurate.... I didn't feel then that [redacted] committed an egregious crime. Um, but we were planning on making leadership changes anyway and this timing just, it worked out and, and I have exactly what



I want on wing staff, which is a rated officer doing great work, so that, the fact that the wing commander made a point to come over and tell someone that this guy's not their boss anymore and the fact that communication within that squadron, I'm sure that word was already passed around that there'd been an impropriety and people are left to draw their own conclusions, so that's, that is what it is... [redacted] is a team of one on wing staff answering only to himself not responsible for 80 other Airmen, so if they're inconsistent doesn't mean one size fits all. It's every case is its case and all the circumstances are different for everybody. [redacted] wasn't fired. (Ex 6:99)

In summary, by a preponderance of the evidence, the IO found Col Wooden's actions and decisions, in response to [redacted] misconduct, reasonably contributed to a perception of favoritism. Col Wooden cancelled flying operations and called the full-time personnel to a meeting specifically to address the removal of [redacted] from [redacted] position as the [redacted] [redacted]. Witnesses testified the manner in which Col Wooden handled the situation amounted to a public firing, public humping, flogging, and berating. Col Wooden denied defaming, flogging or humiliating [redacted] Col Wooden said the rumor mill and gossip in the squadron was already an issue, he was sure word had already passed around that there was some sort of impropriety, and he testified "people are left to draw their own conclusions." Therefore, by a preponderance of the evidence, Col Wooden's public address to highlight the removal of [redacted] coupled with his minimal discipline of, and social drinking with, [redacted] [redacted] contributed to a reasonable perception of favoritism.

Overall, four examples of misconduct were analyzed in this section about *perception of favoritism*: [redacted] over-collection of travel pay; the [redacted] affair; [redacted] [redacted] sexual misconduct; and [redacted] insubordinate text message.

The IO determined Col Wooden's actions and decisions in response to [redacted] and [redacted] misconduct did not reasonably create a perception of favoritism. However, the IO found, by preponderance of the evidence, Col Wooden's minimal discipline of [redacted] for [redacted] affair with an officer who was the [redacted] in the wing, coupled with his social drinking with [redacted] and, his public approach to [redacted] [redacted], created a reasonable perception of favoritism and abandonment of organizational goals.

### ***C. Interim Summary 2***

This section of the report analyzed whether Col Wooden's relationships resulted in actual favoritism or a reasonable perception of favoritism.

Col Wooden acknowledged he had a responsibility to manage the perceptions he casts from his positions as the Vice Commander, Air Commander, and Wing Commander. (Ex 6:91) In response to the formal allegation, Col Wooden testified, "I adamantly deny that I've been involved in any unprofessional relationships that have led to actual or perceived favoritism or preferential treatment." (Ex 6:106)

The IO found, by a preponderance of the evidence and witness testimony, that Col Wooden favored [redacted] and abandoned organizational goals for personal interests. The IO also found, by a preponderance of the evidence, it was reasonable that personnel in the wing developed the perception Col Wooden favored some subordinate officers based on his actions and decisions, coupled with his relationships with those officers.

Col Wooden issued [redacted] a subordinate officer who was part of Col Wooden's drinking group, a low-level counseling (a RIC) that reasonably gave the appearance Col Wooden took a minimal approach to discipline, awarded [redacted] a better (higher) stratification from "Top 2%" to "Top 1%," and did not mark down [redacted] on [redacted] OPR although [redacted] had an affair with an officer who was the [redacted] in the wing. Col Wooden testified he was aware the affair "soured" the climate and cohesion in the flying squadron, but he placed some blame on subordinate leadership for the lingering effect, and said he hoped people would be adults and move on. Witnesses testified they perceived that Col Wooden believed affairs always happen in the Guard and they should just get over it. Witnesses testified they perceived there were no consequences, adultery is condoned by Col Wooden, and his action/inaction sent the message that leadership did not care about good order and discipline in the squadron. Col Wooden cancelled all flying operations for a day and publically announced the removal of [redacted] after [redacted] sent an insubordinate text message to the [redacted]. Witnesses testified the manner in which Col Wooden handled [redacted] situation amounted to a public firing, hyping, flogging, and berating. The IO found Col Wooden's public approach to [redacted] insubordination contributed to a reasonable perception of favoritism.

### CONCLUSION.

The IO found, by a preponderance of the evidence based on witness testimony, that Col Wooden drank alcohol in his office with various personnel on a weekly basis, and Col Wooden invited some personnel to his lake house on more than one occasion. Based on testimony from witnesses and Col Wooden himself, the preponderance of the evidence support the conclusion that Col Wooden drank alcohol in his office with [redacted] [redacted] and [redacted]. The IO was unable to determine specific dates and who did or did not attend by date. However, for the purpose of this investigation, the IO determined it was not necessary to determine specific dates and attendees at each instance because the preponderance of the evidence indicated it occurred on a recurring basis, and constituted a pattern of behavior.

The IO also found, by a preponderance of the evidence and witness testimony, that Col Wooden favored [redacted] and it was reasonable that wing personnel developed the perception Col Wooden favored some subordinate officers based on his actions and decisions, coupled with his relationships with those officers.

Col Wooden issued [redacted] a subordinate officer who was part of Col Wooden's drinking group, a low-level counseling (a RIC) that gave the reasonable appearance Col Wooden took a minimal approach to discipline. Col Wooden also awarded [redacted]

a better (higher) stratification from “Top 2%” to “Top 1%,” and did not mark down [REDACTED] on [REDACTED] OPR, although [REDACTED] had an affair with an officer who was [REDACTED] (b) (6), (b) (7) in the wing. Col Wooden testified he was aware the affair “soured” the climate and cohesion in the flying squadron, but he placed some blame on subordinate leadership for the lingering effect, and hoped people would be adults and move on. Witnesses perceived Col Wooden believed affairs always happen in the Guard and they should just get over it. Witnesses perceived there were no consequences, adultery is condoned by Col Wooden, and his action/inaction sent the message that leadership did not care about good order and discipline in the squadron. The IO found Col Wooden’s approach to [REDACTED] affair, coupled with Col Wooden’s relationship with [REDACTED] amounted to favoritism and reasonably created the perception of favoritism and the abandonment of organizational goals.

Col Wooden cancelled all flying operations for a day and publically announced the removal of [REDACTED] after [REDACTED] sent an insubordinate text message to the [REDACTED]. Witnesses testified the manner in which Col Wooden handled the situation amounted to a public firing, hyping, flogging, and berating. The IO found Col Wooden’s public approach to [REDACTED] insubordination, when compared to how he handled [REDACTED] misconduct, contributed to a reasonable perception of favoritism.

By a preponderance of evidence, based upon the findings of fact and sworn testimony, the allegation that between on or about January, 2011, and on or about June, 2016, Col Devin R. Wooden engaged in unprofessional relationships with subordinates that led to actual and perceived favoritism or preferential treatment, in violation of AFI 36-2909, *Professional and Unprofessional Relationships*, 1 May 1999, was **SUBSTANTIATED**.

## V. SUMMARY

**ALLEGATION**, that between on or about January, 2011, and on or about June, 2016, Col Devin R. Wooden engaged in unprofessional relationships with subordinates that led to actual and perceived favoritism or preferential treatment, in violation of AFI 36-2909, *Professional and Unprofessional Relationships*, 1 May 1999, is **SUBSTANTIATED**.

- The preponderance of the evidence supported the conclusion that Col Wooden had relationships with select subordinate officers that included drinking alcohol in his office on a recurring basis, and he invited some personnel to his lake house on more than one occasion. The evidence supported the conclusion that Col Wooden favored [REDACTED] when he issued him a low-level counseling, awarded him a better (higher) stratification from "Top 2%" to "Top 1%," and did not mark him down on his OPR, although [REDACTED] had an intimate affair with an officer who was (b) (6), (b) (7) (C). The preponderance of the evidence also supported the conclusion that Col Wooden's actions and decisions, affecting and involving certain subordinate officers, coupled with his social drinking with subordinate officers, did create a reasonable perception of favoritism and abandonment of organizational goals.



Investigating Officer  
Senior Official Inquiries

I have reviewed this Report of Investigation and the accompanying legal review and I concur with their findings.

Handwritten signature of Sami D. Said in black ink.

SAMI D. SAID  
Major General, USAF  
Deputy Inspector General

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