



DEPARTMENT OF THE ARMY  
OFFICE OF THE INSPECTOR GENERAL  
1708 ARMY PENTAGON  
WASHINGTON DC 20318-1700

US ARMY INSPECTOR GENERAL AGENCY  
Report of Investigation  
(Case 13-011)  
MAY 22 2013

**NAME/POSITION:** BG Mark C. Arnold, US Army Reserve (USAR), Commanding General (CG), 100<sup>th</sup> Training Division (TD)(Operational Support), Fort Knox, KY

**ALLEGATION / FINDING # 1:** The allegation that BG Arnold encouraged subordinates to perform activities for other than official purposes was substantiated.

**ALLEGATION / FINDING # 2:** The allegation that BG Arnold improperly disclosed confidential inspector general (IG) information was substantiated.

**BACKGROUND:**

1. On 9 August 2012, the Department of the Army Inspector General Agency (DAIG) received an e-mail from MSG (b)(7)(C) IG, 80th Training Command (TC), containing information from SFC (b)(7)(C) IG, 100<sup>th</sup> TD. SFC (b)(7)(C) expressed concerns that BG Arnold expected (b)(7)(C) Executive Secretary, 100<sup>th</sup> TD, to get his lunch. The e-mail also contained information that BG Arnold improperly disclosed confidential IG information.

2. DAIG inquiry 12-00085, dated 20 February 2013, determined the allegations that BG Arnold encouraged a subordinate to perform activities for other than official purposes and improperly disclosed confidential IG information required further investigation.

3. On 21 February 2013, The Inspector General (TIG) directed further investigation.

**ALLEGATION #1:** BG Arnold encouraged subordinates to perform activities for other than official purposes.

**STANDARD:** Title 5, Code of Federal Regulations (CFR), Standards of Ethical Conduct for Employees of the Executive Branch, dated 1 January 2010, states in paragraph 2635.705(b), an employee will not encourage, direct, coerce, or request a subordinate to use official time to perform activities other than those required in the performance of official duties or authorized in accordance with law or regulation.

**TESTIMONY:**

1. SFC (b)(7)(C) testified she had only spoken to BG Arnold twice; once to (b)(7)(C) and the second concerning his lunch.

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a. She was talking to (b)(7)(C) when BG Arnold arrived and informed (b)(7)(C) that he needed someone to coordinate for his lunch. SFC (b)(7) was about to go to lunch, so she volunteered to pick up BG Arnold's lunch; BG Arnold paid her for his lunch. When she returned with his lunch, BG Arnold said something to the effect of, "we are going to have to keep this arrangement for the rest of the week." She believed that BG Arnold expected her to pick up his lunch for the rest of the week.

b. The next day she went to BG Arnold's office under the assumption that he wanted her to get his lunch. BG Arnold saw her and asked, "Where's my lunch?" He had already given his order and money to (b)(7)(C) for the rest of the week. He called (b)(7)(C) who informed him that she had picked up his lunch and was on the way back. SFC (b)(7)(C) did not pick up BG Arnold's lunch anymore that week.

2. MG William H. Gerety, CG, 80<sup>th</sup> TC, testified that during an August 2012 counseling session with BG Arnold, BG Arnold acknowledged that he had his secretary pick up his lunch.

a. BG Arnold stated his secretary picked up his lunch for him twice. The first time was unsolicited, when she was about to go pick up her own lunch, and the second time he was in back-to-back meetings and asked her to get him a sandwich and drink. MG Gerety believed BG Arnold paid for his own lunch both times.

b. MG Gerety counseled BG Arnold about the matter and had not heard anything else about it until now.

3. CSM (b)(7)(C) 100<sup>th</sup> TD, testified that he and BG Arnold had three or four working lunches in BG Arnold's office. Usually, they had BG Arnold's aide get lunch for the group. One time, BG Arnold asked (b)(7)(C) to coordinate his lunch so he could work through his lunch break. SFC (b)(7) was present and volunteered to get BG Arnold's lunch since she was about to go get her own lunch. CSM (b)(7)(C) did not believe there was an expectation for others to get BG Arnold his lunch.

4. (b)(7)(C) testified that while BG Arnold was attending training in June 2012, BG Arnold asked (b) if there was a menu to Tim Horton's restaurant. (b)(7)(C) pulled up the menu on her computer and BG Arnold picked out a meal. SFC (b)(7)(C) was present and volunteered to pick up his lunch since she was about to go to lunch.

a. (b)(7)(C) suggested that BG Arnold pick a menu item for the rest of the week and (b) would go pick it up since he had limited time for lunch. This was a onetime occurrence, and BG Arnold does not routinely ask anyone to pick up his lunch.

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b. BG Arnold's aide frequently offered to get BG Arnold's lunch for him, but (b)(7)(C) did not believe BG Arnold asked him to. She typically saw BG Arnold eating in the dining facility with CSM (b)(7)(C) and did not believe BG Arnold had an expectation for anyone to get his lunch.

5. SFC (b)(7)(C) aide, 100th TD, testified that BG Arnold never asked her directly to get him lunch; however, (b)(7)(C) got his lunch twice. She never heard BG Arnold ask (b)(7)(C) to get his lunch or that he expected her to get it.

a. One time (b)(7)(C) asked SFC (b)(7)(C) if she had money for BG Arnold's lunch since BG Arnold owed her money for a sandwich. SFC (b)(7)(C) told her to ask BG Arnold directly for the money because he did not like to owe anyone money. BG Arnold did reimburse (b)(7)(C) for his meal.

b. When BG Arnold became the CG, she took his uniforms to get badges sewn on. BG Arnold paid her for it. Every aide had a fund to pay for various things such as coffee, water, etc. Purchases were recorded in a spreadsheet, and BG Arnold reimbursed the aide.

[JO Note: In accordance with AR 614-200, Enlisted Assignments and Utilization Management, chapter 8, section 8-11b(1), dated 26 February 2009, enlisted aides may assist with care, cleanliness, and order of assigned quarters, uniforms, and military personal equipment.]

6. BG Arnold testified that in June 2012 he was at training across from his headquarters where he would go during lunch breaks to do work.

a. (b)(7)(C) talked to him about picking up lunch, and SFC (b)(7)(C) offered to do so as long as he paid for it. He accepted SFC (b)(7)(C) offer. He could not recall if SFC (b)(7)(C) picked up his lunch other than that one day.

b. He initiated the conversation about lunch and for (b)(7)(C) to possibly pick up lunch for him. He paid for his own lunch; however, it was at the expense of SFC (b)(7)(C) and (b)(7)(C) time and energy to go get lunch. They picked up his lunch for him three of the four days.

c. He did not order (b)(7)(C) or anyone to pick up his lunch. He asked (b)(7)(C) if it was not too much trouble, could she pick up his lunch. He could not recall anyone picking up his lunch for him outside of this week.

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**ANALYSIS/DISCUSSION:**

1. BG Arnold asked his secretary if she would get his lunch and created an impression that he expected her and other members of his staff to bring him lunch.
2. Although BG Arnold paid for the lunches, he still requested or encouraged his subordinates to perform an activity that was for his personal benefit and was not part of those subordinates' official duties. BG Arnold's subordinates were not authorized to perform personal services for him.
3. BG Arnold's encouragement of his subordinates to perform personal services for him as part of their official duties violated 5 CFR 2635.705. However, BG Arnold appeared to have terminated this practice when advised that it was improper.

**CONCLUSION:** The allegation that BG Arnold encouraged subordinates to perform activities for other than official purposes was substantiated.

**ALLEGATION #2: BG Arnold improperly disclosed confidential IG information.**

**STANDARD:** AR 20-1, IG Activities and Procedures, dated 29 November 2010, states in paragraph 1-6f(3), if the IG's commander (CDR) wants to share confidential IG information with a subordinate CDR or anyone else outside the IG-CDR relationship, he or she may do so, but must contact TIG for approval if the information pertains to investigations.

**DOCUMENTS/TESTIMONY:**

1. On 6 August 2012, LTC (b)(7)(C) IG, 100<sup>th</sup> TD, forwarded BG Arnold an e-mail summarizing a named Soldier's complaint of abuse of authority and reprisal by her chain of command. On the same day, BG Arnold forwarded the Soldier's complaint to members of his staff and directed LTC (b)(7)(C) in the future to courtesy copy such e-mails to his command staff.
2. BG Arnold testified that he forwarded a Soldier's IG complaint against one of his brigade CDRs to his command group, including his chief of staff, former Assistant Deputy CDR, and his civilian executive officer.
  - a. He did so because whenever he had a decision to make regarding subordinate units, he consulted with his command group to make a more informed decision. After he forwarded the e-mail, his IG informed him that he could not share IG sensitive information.

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b. He had never worked with an IG before and did not realize he was violating a regulation. This was a difficult learning experience for him; he apologized, and regretted that his action led to an investigation.

**ANALYSIS/DISCUSSION:**

1. BG Arnold forwarded an e-mail that contained confidential IG information to members of his staff.
2. BG Arnold admitted he forwarded IG sensitive information to his command group. At the time, he was not aware of the prohibition in AR 20-1, paragraph 1-6f(3), against disclosing such information. He simply wanted to get feedback from his staff so that he could make a good decision in the matter.

**CONCLUSION:** The allegation that BG Arnold improperly disclosed confidential IG information was substantiated.

**RECOMMENDATIONS:**

1. Record the allegations that BG Arnold encouraged subordinates to perform activities for other than official purposes and improperly disclosed confidential IG information in the IN database as substantiated.
2. Refer this report to the Office of The Judge Advocate General.

(b)(7)(C)

COL, IG  
Investigator

APPROVED:

  
ROSS E. RIDGE  
Major General, USA  
Deputy The Inspector General

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LIST OF EXHIBITS

EXHIBIT ITEM

**A Authority/Complaint**

- A-1: Directive
- A-2: E-mail, Subject: Senior Official Allegation, dated 9 August 2012
- A-3: Legal Review

**B Standard**

- B-1: Title 5, Code of Federal Regulations (CFR), Standards of Ethical Conduct for Employees of the Executive Branch, dated 1 July 2011
- B-2: AR 20-1, Inspector General Activities and Procedures, dated 29 November 2010

**C Documents**

- C-1: E-mail traffic from BG Arnold to LTC (b)(7)(C) informing him to keep his command group informed on IG sensitive information
- C-2: AR 614-200, Enlisted Assignments and Utilization Management, dated 26 February 2009 and Department of Defense Instruction, 1315.09, dated 2 October 2007

**D Testimony**

- |                    |           |
|--------------------|-----------|
| D-1: SFC (b)(7)(C) | FOIA: Yes |
| D-2: MG Gerety     | FOIA: Yes |
| D-3: CSM (b)(7)(C) | FOIA: Yes |
| D-4: (b)(7)(C)     | FOIA: No  |
| D-5: SFC (b)(7)(C) | FOIA: Yes |
| D-6: BG Arnold     | FOIA: Yes |

**E Notification**

- E-1: BG Arnold
- E-2: MG Gerety
- E-3: MG Lesniak