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Report No. 11-119226-153

June 26, 2012

# Inspector General

United States  
Department of Defense



REPORT OF INVESTIGATION:  
GENERAL WILLIAM E. WARD, U.S. ARMY  
COMMANDER, U.S. AFRICOM

UNREDACTED

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INSPECTOR GENERAL  
DEPARTMENT OF DEFENSE  
4800 MARK CENTER DRIVE  
ALEXANDRIA, VIRGINIA 22350-1500

JUN 26 2012

MEMORANDUM FOR ACTING INSPECTOR GENERAL

SUBJECT: Investigation Concerning Major General (MG) William E. Ward, U.S. Army,  
Former Commander, U.S. Africa Command (Report No. 11-119226-153)

We recently completed our investigation to address allegations that while serving as Commander, U.S. Africa Command (AFRICOM), then-General (GEN) William E. Ward engaged in multiple forms of misconduct related to official and unofficial travel, misused a Government vehicle, misused Official Representation Funds, wasted Government funds, and misused his position. On May 8, 2011, GEN Ward reverted to his last permanent grade of major general by operation of law, however, our report reflects the rank he held while serving as Commander, AFRICOM.

We substantiated the allegations and conclude MG Ward:

- engaged in misconduct related to official and unofficial travel by using military aircraft and receiving reimbursement for expenses when the predominant purpose of the travel was personal, allowing his spouse to travel on military aircraft without sufficient justification and without reimbursing the Government, receiving actual expense reimbursement without proper authorization, and failing to use a Government Travel Charge Card;
- misused a Government vehicle by allowing his spouse to use a hardened vehicle in Germany without required threat assessments or authorization;
- misused Official Representation Funds by improperly distributing items to persons not authorized to receive them;
- wasted Government resources on excessive (b)(7)(E) travel, the use of \$18,500 of command publications as mementos at his change of command ceremony, and a former AFRICOM employee's temporary duty travel from Washington, DC, to Stuttgart, Germany, to plan and execute an official holiday party;
- misused his position by permitting staff members to perform personal services for him and his spouse and directing three AFRICOM staff members to accompany him for an extended period in Washington, DC, following his change of command; and
- accepted free meals and tickets to a Broadway show from a prohibited source.

We provided MG Ward the opportunity to comment on the preliminary conclusions. In a letter, dated April 23, 2012, MG Ward disagreed with our conclusions and requested we conduct additional investigative work. After carefully considering MG Ward's response and obtaining

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additional evidence from sources MG Ward suggested, we amended one finding, but did not alter our original conclusions. We incorporated MG Ward's response into our final report.

Our report of investigation also included several recommendations regarding identified deficiencies in the areas of: the use of military aircraft by other than Tier 1 personnel for official and unofficial travel, ethics training programs for COCOM leaders and staffs, and excessive use of (b)(7)(E).

The report of investigation, together with MG Ward's response, is attached. There is a classified appendix, located in an approved storage container in this Office, that contains facts and analysis pertaining to our conclusion that MG Ward misused a Government vehicle.

  
Marguerite C. Garrison  
Deputy Inspector General for  
Administrative Investigations

Attachments:  
As stated

REPORT OF INVESTIGATION  
GENERAL WILLIAM E. WARD, U.S. ARMY

I. INTRODUCTION AND SUMMARY

We initiated an investigation to address allegations that, while serving as Commander, U.S. Africa Command (AFRICOM), General (GEN) William E. Ward, U.S. Army, engaged in misconduct relating to official and unofficial travel and other matters.<sup>1</sup> Based on complaints to this Office and information gathered in the course of the investigation, we focused our investigation on allegations against GEN Ward relating to his official travel, travel by his spouse on military aircraft (MilAir), use of Government resources and personnel, and acceptance of gifts from a prohibited source.<sup>2</sup>

We conclude GEN Ward:

- expended appropriated funds on travel to New York City in July 2010 and on round-trip travel from Washington, DC to Atlanta, Georgia, in January 2011 when the primary purpose was personal, which was inconsistent with Comptroller General decisions and OGE guidance on official travel, in violation of OMB Circular A-126, "Improving the Management and Use of Government Aircraft," and without the permission of the Secretary of Defense, as provided in DoDD 4500.56, "DoD Policy on the Use of Government Aircraft and Air Travel";
- extended the length of his trips seven times for personal reasons where he claimed and received reimbursement for travel expenses, in violation of the Joint Federal Travel Regulations (JFTR) and DoD 5500.7-R, "Joint Ethics Regulation" (JER), which required GEN Ward to put forth honest effort in the performance of duties;
- permitted Mrs. Ward to accompany him on 15 MilAir flights for purposes that were not unquestionably official or which did not provide a diplomatic or public relations benefit to the United States and without reimbursement to the U.S. Treasury, in violation of OMB Circular A-126, DoDD 4515.13-R, "Air Transportation Eligibility"; and DoDD 4500.56;
- permitted Mrs. Ward, (b)(6), (b)(7)(C) of another general officer, and members of the media to fly on MilAir without Invitational Travel Orders (ITO) or Invitational Travel Authorizations (ITA), in violation of DoDD 4515.13-R and DoDD 4500.56;

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<sup>1</sup> We notified the Secretary of Defense of the allegations and our investigation on April 7, 2011. We notified General Ward on the same day. On May 8, 2011, GEN Ward reverted to the grade of Major General by operation of law. We use GEN Ward throughout this report which covers his tenure as Commander of AFRICOM.

<sup>2</sup> The incoming complaint identified additional allegations. After a preliminary inquiry, we determined the allegations did not warrant further investigation. We discuss those allegations in Section III of this report.

- permitted subordinates to run personal errands for himself and Mrs. Ward and to drive and accompany Mrs. Ward to unofficial activities, in violation of the JER, because those activities were not required in the performance of the subordinates' official duties;
- allowed excessive (b)(7)(E) travel such as a 7-day mission to Bermuda in support of GEN and Mrs. Ward's overnight stay and a 3-day Baltimore mission to cover a 90-minute stop, in violation of the JER, which required GEN Ward to protect and conserve Government property and not use such property, or allow its use, for other than authorized purposes; and the JFTR, which required GEN Ward to exercise the same care and regard for incurring expenses paid by the Government as would a prudent person traveling at personal expense;
- permitted his staff to use motor vehicles rented at Government expense to run personal errands and to drive Mrs. Ward for unofficial purposes, such as to a spa and a department store, in violation of the JFTR which restricts the use of special conveyances, including rental vehicles, to official purposes;
- failed to use a Government Travel Charge Card (GTCC) to pay for all costs related to official Government travel, in violation of the DoD Financial Management Regulation;
- received reimbursement on nine occasions for actual expenses in excess of per diem rates, without authorization for reimbursement of actual expenses, in violation of the JFTR;
- incurred lodging expenses on two occasions which exceeded 300 percent of the per diem rate and received reimbursement for all of his lodging expenses, in violation of the JFTR;
- accepted complimentary meals and Broadway show tickets in excess of \$20.00 in value for himself and his wife from a prohibited source with multiple DoD contracts, in violation of the JER, "Gifts to Federal Employees";
- misused a Government vehicle in Germany, in violation of Title 10, United States Code, Section 2637 (10 USC 2637), "Transportation in Certain Areas Outside the United States," the JER, and DoD 4500.36-R, "Management, Acquisition, and Use of Motor Vehicles." See Appendix C (Classified) for standards, facts, and discussion of this allegation;
- presented gifts in the form of engraved letter openers and personalized command coins purchased with Official Representation Funds (ORF) to ineligible DoD officials and U.S. personnel, in violation of DoDI 7250.13, "Use of Appropriated Funds for Official Representation Purposes," which required GEN Ward to personally ensure the use of ORF supported U.S. policy objectives and the interests of U.S. taxpayers;

- wasted Government funds on official AFRICOM functions by authorizing 3-weeks of TDY expenses for a former protocol specialist to return in support of a holiday party at his official residence, in violation of the JER;
- wasted Government funds by authorizing the production and publication of 1,000 copies of a booklet, "The Clay Haus," and 1,000 copies of a hardbound book, "Africa Command: The First Three Years . . ." at a cost in excess of \$18,500.00, in violation of the JER; and
- misused his position by having three AFRICOM personnel meet him on TDY in CONUS for an extended period during his retirement transition after his change of command, in violation of the JER, which prohibits the use of official time to perform activities other than those required in the performance of official duties or authorized in law or regulation.

By letter dated March 16, 2012, we provided GEN Ward the opportunity to comment on the initial results of our investigation. In a letter, dated April 23, 2012, GEN Ward provided a detailed response to our preliminary report and contested several of our initial findings.

After considering GEN Ward's response, obtaining additional evidence from sources GEN Ward suggested, and reexamining the entire body of evidence, we amend one finding. Our preliminary report found that on an 11-day trip in January 2011, GEN Ward conducted only 1 day of official business at Walter Reed Army Medical Center (WRAMC) and 90 minutes of business at U.S. Army Forces Command (FORSCOM), Atlanta, Georgia. In his letter of April 23, 2012, GEN Ward stated he met with a State Department official following his return from Atlanta, and we confirmed this with the State Department. We therefore amend our finding to state GEN Ward conducted official business on 3 days of an 11-day trip in January 2011, at a cost over \$129,000, and received per diem for each of the 11 days.

Our preliminary report determined that at the conclusion of his business in Atlanta in January 2011, GEN Ward returned via MilAir to the NCR for the primary purpose of picking up Mrs. Ward for a return flight to Stuttgart. Having found GEN Ward met with a State Department official after he returned from Atlanta, we withdraw our determination that the primary purpose of his trip from Atlanta to the NCR via MilAir was to pick up Mrs. Ward for a return flight to Stuttgart.

This report incorporates our amended finding and determination. We stand by the remaining conclusions in our preliminary report.

We address GEN Ward's comments regarding the allegations in this report in detail with respect to each of our conclusions in Section IV, Findings and Analysis, below. In doing so, we provide a synopsis of GEN Ward's assertions, contentions, and arguments, together with our consideration of and reply to his response. We have attempted to summarize GEN Ward's comments in a thorough, objective, and complete manner. However, recognizing that a summary may not capture the full import or substance of the message GEN Ward intended, we provided a copy of the response to the cognizant management officials together with this report.

We address his comments regarding the misuse of a Government vehicle in Germany in the classified annex to this report.

This report includes several recommendations regarding identified deficiencies in the areas of: the use of military aircraft by other than Tier 1 personnel for official and unofficial travel, ethics training programs for COCOM leaders and staffs, and excessive use of (b)(7)(E)

(b)(7)(E)

This report sets forth our findings and conclusions based upon a preponderance of the evidence.

## II. BACKGROUND

In May 2006, GEN Ward began serving as the Deputy Commander, United States European Command (EUCOM). He oversaw the EUCOM planning team tasked with making recommendations concerning a new combatant command dedicated to the continent of Africa. On February 6, 2007, Secretary of Defense Robert Gates announced that the DoD would create AFRICOM as a new geographically focused Combatant Command. The United States Senate confirmed GEN Ward's nomination as the first Commander, AFRICOM in the summer of 2007. The command activated in October 2007 and located its headquarters at Kelley Barracks in Stuttgart, Germany. As Commander, GEN Ward was responsible for the overall conduct and direction of AFRICOM, which had 54 countries in its area of responsibility. GEN Ward served as the commander until March 9, 2011, when GEN Carter Ham, U.S. Army, became the Commander.

## III. SCOPE

Upon GEN Ward's departure, multiple sources complained to the Inspector General (IG), AFRICOM, regarding certain aspects of his conduct in command. The IG consolidated and forwarded the information to this Office during the first week of April 2011. We formed the allegations from that information and from evidence gathered during the course of the investigation.

We interviewed GEN Ward on two occasions, as well as witnesses knowledgeable of the matters under investigation, including GEN Carter Ham; Lieutenant General (LTG) Dana Chipman, U.S. Army, The Judge Advocate General; LTG Howard Bromberg, U.S. Army, Deputy Commanding General, U.S. Forces Command; (b)(6), (b)(7)(C); and 24 others.

We reviewed travel orders, vouchers, receipts, itineraries, legal opinions, memoranda, justifications, emails, and other documents relevant to the matters under investigation. We also reviewed statutes, regulations, and other standards related to these matters.

We received the following allegations that a preliminary inquiry determined did not warrant further investigation.

(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)

During the course of the investigation, we received testimony and newspaper documentation that GEN Ward received a goat as a gift while in Swaziland. GEN Ward accepted the gift on behalf of the United States and insisted the community keep the goat and use

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<sup>3</sup> (b)(6), (b)(7)(C)

<sup>4</sup> (b)(6), (b)(7)(C)



it during a future celebration. Title 5 U.S.C. 7342(c)(1)(B) authorizes federal employees to accept a gift of more than minimal value when it appears that to refuse the gift would likely cause offense or embarrassment or otherwise adversely affect the foreign relations of the United States. We determined GEN Ward properly accepted and disposed of this gift which potentially exceeded the \$335.00 value threshold.

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

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

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

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

Except as described in this report, we did not examine every gift, meal, or other ethical issue that GEN and Mrs. Ward may have encountered at the various fundraisers described in this report.

#### IV. FINDINGS AND ANALYSIS

##### A. Did GEN Ward engage in multiple forms of misconduct related to official and unofficial travel?

###### *Abridged Standards*

We received allegations of multiple forms of misconduct associated with GEN Ward's travel. In analyzing the allegations we identified the several standards summarized below. Full citations of the standards are in Appendix A.

###### **Office of Management and Budget (OMB) Circular A-126, "Improving the Management and Use of Government Aircraft," dated May 22, 1992**

The purpose of the circular is to minimize cost and improve the management and use of Government aviation resources. It restricts the operation of Government aircraft to defined official purposes, and establishes policy which requires reimbursement for the non-official use of Government aircraft. The standard applies to all Government-owned, leased, chartered, and rental aircraft.

**DoD 5500.7-R, "Joint Ethics Regulation (JER)," August 1, 1993, including changes 1-6 (March 23, 2006)**

The JER provides a single source of standards of ethical conduct and ethics guidance for DoD employees. Chapter 2 of the JER, "Standards of Ethical Conduct," incorporates Title 5, Code of Federal Regulations (CFR), Part 2635, "Standards of Ethical Conduct for Employees of the Executive Branch," in its entirety. Part 2635 requires employees to endeavor to avoid any actions creating the appearance that they are violating the law or ethical standards; prohibits employees from using their position for private gain; establishes a duty to protect and conserve Government property; prohibits misusing subordinates' time; and requires employees to use Government property and resources for official purposes only.

Part 2635 also prohibits Federal employees from directly or indirectly soliciting or accepting a gift from a prohibited source or because of the employee's official position. Gifts include any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. Gifts also include services such as gifts of training, transportation, local travel, lodgings, and meals; whether provided in-kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

A prohibited source is any person who: (1) is seeking official action by the employee's agency; (2) does business or seeks to do business with the employee's agency; (3) conducts activities regulated by the employee's agency; or (4) has interests that may be substantially affected by performance or nonperformance of the employee's official duties.

A Federal employee may accept a gift when the market value is \$20.00 or less. Even though acceptance of a gift may be permitted, it is never inappropriate and frequently prudent for an employee to decline a gift offered by a prohibited source or because of his official position.

**Joint Federal Travel Regulations (JFTR), Volume I (Uniformed Service Personnel)<sup>5</sup>**

Transportation procured and/or paid for by the Government may be used only for that portion of a trip properly chargeable to the Government. Any additional expense is the traveler's financial responsibility. Rental vehicles are a "special conveyance" which travelers may use only for official purposes, including transportation to and from duty sites, lodging, dining facilities, drugstores, barber shops, places of worship, cleaning establishments, and similar places required for the traveler's subsistence, health or comfort.

Travelers must exercise prudence in travel and must pay personally for things such as circuitous routes and luxury accommodations. Travelers may receive reimbursement of actual expenses when those expenses exceed local per diem, but such reimbursement is subject to strict requirements and limitations.

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<sup>5</sup> DoD published the latest version of the JFTR in September 2011, but the requirements cited in this report were in effect during GEN Ward's entire tenure at AFRICOM.

**DoD 7000.14-R, "DoD Financial Management Regulation (FMR)," Volume 9<sup>6</sup>**

Even when someone else prepares the travel voucher, the traveler is responsible for the truth and accuracy of the information. When the traveler signs the form, he attests that the statements are true and complete and that he is aware of the liability for filing a false claim.

All DoD personnel must use a Government Travel Charge Card (GTCC) to pay for all costs and authorized expenses related to official Government travel. There are no exceptions to this requirement based on rank or position.

**DoD Directive (DoDD) 4500.56, "DoD Policy on the Use of Government Aircraft and Air Travel," dated April 14, 2009, and incorporating change 1, dated May 11, 2010**

Government aircraft transportation is a premium mode of travel involving high costs and limited resources: All DoD employees at any level including commanders and airlift authorizing officials shall restrict travel based on considerations such as purpose of the trip, method of transportation required, and priority of travel. Every effort shall be made to minimize travel cost.

Required use travelers are authorized to travel on Government aircraft because of a continuous requirement for secure communications or when a threat exists that could endanger lives and which makes commercial transportation unacceptable. Required use travelers may use Government aircraft for unofficial travel only after first obtaining the approval of the Secretary of Defense.

Travelers accompanying a DoD official on Government aircraft, including family members or other invited guests, shall reimburse the Government for any unofficial travel at the full coach fare. Unofficial travel is not authorized on Government aircraft unless the aircraft already is scheduled for an official purpose; the noninterference use does not require a larger or additional aircraft than needed for the official purpose; official travelers are not displaced; it results in negligible additional cost to the Government; and the Government is reimbursed at the full-coach fare.

**DoD 4515.13, "Air Transportation Eligibility," dated November 1994**

Family member travel may be approved where there is an unquestionably official function in which the family member is actually to participate in an official capacity, or such travel is deemed in the national interest because of a diplomatic or public relations benefit to the United States. As such, travel is allowed on a mission non-interference basis only, and must be approved and supported with invitational travel orders signed by four star general/flag officers.

Unofficial travel is authorized on military aircraft only on a noninterference basis; when the aircraft is already scheduled for an official purpose; the noninterference use does not require

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<sup>6</sup> DoD published the latest revision of the FMR in August 2011, but the requirements cited in this report were in effect during GEN Ward's entire tenure at AFRICOM.

a larger aircraft than that needed for the official purpose; if official travelers are not displaced; and when the additional cost to the Government is negligible. The traveler must reimburse the Government for the full commercial coach class fare.

**Army Regulation 600-8-10, "Leaves and Passes," dated 15 February 2006**

Requires soldiers to complete a Department of the Army Form 31, "Request and Authority for Leave," when taking leave in conjunction with TDY. The TDY must be clearly essential, and be annotated in the travel orders. If a soldier reported for TDY earlier than the date specified on the orders, additional per diem is not authorized.

**Comptroller General Decision**

We considered a decision by the Comptroller General of the United States, which states, "For employees of the Government to be entitled to the expenses or allowances authorized by statute and regulation, the travel must be essentially for the furtherance of Government business, and it is not enough that official business is remotely or incidentally associated with the particular trip." *Comptroller General B-121118 (1955)*.

**Office of Government Ethics (OGE) Guidance**

We also considered the guidance of the Director, OGE. An OGE memorandum, dated March 23, 1992, required that a "bona fide official activity" be the predominant purpose of the travel for the trip to be characterized as official.

**DoD Instruction (DoDI) 7750.6, "Information Requirements for Semiannual Report to the Congress," dated April 27, 1990**

The instruction defines terms the DoD Inspector General uses when reporting the results of investigations and audits to Congress, and includes a definition of "waste" that is useful when evaluating whether an official's actions are consistent with the JER requirement to protect and conserve Government resources. Waste is the "extravagant, careless, or needless expenditure of Government funds, or the consumption of Government property that results from deficient practices, systems, controls, or decisions. The term also includes improper practices not involving prosecutable fraud."

Facts

The complaint alleged GEN Ward routinely misused Government resources when he traveled. Allegations concerned the use and size of (b)(7)(E) in the continental United States (CONUS), the number of individuals in GEN Ward's travel party, the official purpose of Mrs. Ward's travel and her use of MilAir, and use of military and civilian personnel to support Mrs. Ward on trips to CONUS. We began our investigation by examining how GEN Ward and his staff planned and conducted official travel for GEN and Mrs. Ward. During the course of our investigation, we found evidence that indicated the costs GEN Ward and his party incurred when traveling to CONUS locations may have been wasteful in one or

more respects. We present general information below, followed by specific information regarding a selection of individual trips.

### *Planning and Conducting Official Travel*

As a Combatant Commander, GEN Ward was required to use MilAir for official purposes. GEN Ward was not authorized to use MilAir when travel was primarily personal (unofficial) in nature, unless he first received permission from the Secretary of Defense. GEN Ward testified he always used MilAir when he conducted official travel. GEN Ward also testified he never used MilAir for primarily personal reasons.

(b)(6), (b)(7)(C) [REDACTED], AFRICOM, testified that his office reviewed official invitations sent to GEN Ward and that he would forward the invitations with recommendations to GEN Ward's Executive Officer. GEN Ward held calendar review meetings with his Executive Officer where they would discuss official invitations, travel recommendations from the planning staff, and GEN Ward's initiatives. After GEN Ward decided to take a trip, the travel coordinator was tasked to develop the trip details and itinerary.

(b)(6), (b)(7)(C) [REDACTED] for GEN Ward, testified that he and his staff handled all trips that required the use of aircraft and facilitated aircraft requests, lodging, and trip itineraries.

We reviewed itineraries with gaps where it was not apparent what official activity GEN Ward was conducting. (b)(6), (b)(7)(C) [REDACTED]

(b)(6), (b)(7)(C) [REDACTED] to GEN Ward, testified there were often gaps in the itineraries because GEN and Mrs. Ward had social engagements, especially when they traveled to Washington, DC. He stated he asked about the gaps during the planning meetings and pointed out that there was nothing on the schedule for a particular day, but GEN Ward or his travel coordinator always told him not to concern himself because GEN Ward had something planned to fill the gap.

GEN Ward testified he and his staff conducted routine calendar reviews to decide which trips he would take. He stated, "the process would include a discussion of a trip, a timeframe, how it would fit into the overall schedule and then with that, my trip planners, along with the front office staff would put together the trip program."

GEN Ward's travel documents indicated he took 79 trips and was TDY 389 days between April 30, 2008, and March 9, 2011. He spent 33 days on travel within Europe, 83 days in Africa, and 273 days in CONUS. Of the 273 days in CONUS, he spent 188 days in the National Capital Region (NCR).<sup>7</sup>

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<sup>7</sup> We selected April 2008 as the start point for our review based on record availability in DTS. The end date coincided with GEN Ward's departure as the Commander, AFRICOM.

*Mrs. Ward's use of MilAir*

Witnesses testified to their concerns regarding GEN Ward's practice of permitting Mrs. Ward to accompany him on official travel. (b)(6), (b)(7)(C) testified "a lot of the travel considerations we were taking revolved around Joyce [Mrs. Ward] and her travel with the general." He stated it was the job of (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) (b)(6), (b)(7)(C), to find reasons for Mrs. Ward to travel with GEN Ward, to make the reasons appear legitimate, and build trips that "allowed Joyce to go."<sup>8</sup> It was "very clear" to (b)(6), (b)(7)(C) that Mrs. Ward would target for "scrutiny" anyone who didn't go along with this process. (b)(6), (b)(7)(C) added that it was an "ugly situation" between (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C), who wanted everyone to know that (b)(6), (b)(7)(C) worked directly for GEN and Mrs. Ward on their travel and that if there was a problem to take it up with GEN Ward.

(b)(6), (b)(7)(C) testified that "Mrs. Ward sat me down and said that I am to plan on her attending every single trip to the continent [Africa] and every trip to the continental United States, and that I should make programs to facilitate and support that." (b)(6), (b)(7)(C) continued that once GEN Ward decided Mrs. Ward was going on a trip (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) staff were directed to come up with a spouse program. (b)(6), (b)(7)(C) expressed that every trip (b)(6), (b)(7)(C) planned was an "ethics nightmare" that required (b)(6), (b)(7)(C) to "swim the waters and know the code..." (b)(6), (b)(7)(C) and nothing's kept me awake in the past 20 years except this."

(b)(6), (b)(7)(C) further testified that when Mrs. Ward traveled on MilAir with GEN Ward, (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) staff coordinated the spouse itinerary, drafted the invitational travel order (ITO), and forwarded the information to the AFRICOM Staff Judge Advocate (SJA) for legal review. The SJA testified he reviewed the documentation, finalized the invitational travel order, and facilitated GEN Ward's approval.<sup>9</sup>

(b)(6), (b)(7)(C) testified that when Mrs. Ward traveled to Africa she often worked on quality of life issues that impacted DoD personnel assigned to the U.S. embassies or accompanied GEN Ward as he interacted with high level foreign personnel. However, when it came to Mrs. Ward's travel to CONUS, (b)(6), (b)(7)(C) testified he "really felt the front office staff were not doing their jobs."

GEN Ward testified that whenever his wife flew on MilAir, it was for official purposes. He added that in no case did she fly on MilAir for primarily personal reasons, and in no case did he reimburse the Government for the cost of Mrs. Ward's use of MilAir.

<sup>8</sup> (b)(6), (b)(7)(C) preceded (b)(6), (b)(7)(C) in the travel office.

<sup>9</sup> Generally, an invitational travel order (ITO) allows an individual not employed by the Government to travel on MilAir for an unquestionably official purpose and does not require reimbursement. An invitational travel authorization (ITA) allows an individual not employed by the Government to travel on MilAir for unofficial purposes and requires reimbursement at the full coach fare rate.

We reviewed AFRICOM travel records and established that Mrs. Ward traveled with GEN Ward on MilAir during 52 of the 79 trips we reviewed. There was no supporting ITO for nine of the MilAir flights she took. Further, we reviewed Mrs. Ward’s use of MilAir on all 52 trips to determine whether the purpose of her travel was official or unofficial. We examined whether a bona-fide official activity was the primary purpose of the travel, whether there was a benefit to the Government, and whether the official business performed was the predominant purpose for travel. We present additional details of our review of GEN and Mrs. Ward’s MilAir travel in Appendix B.

(b)(7)(E)

(b)(7)(E)

(b)(6), (b)(7)(C) testified that  
(b)(7)(E)

(b)(6), (b)(7)(C) AFRICOM, testified (b)(7)(E)  
(b)(6), (b)(7)(C)

In July 2009, (b)(6), (b)(7)(C) replaced (b)(6), (b)(7)(C) as GEN Ward’s (b)(6), (b)(7)(C). He testified that GEN Ward’s use of (b)(7)(E) personnel for CONUS requirements was wasteful. He cited as an example that (b)(6), (b)(7)(C) spent 222 days in CONUS during a 12-month period which ended in the fall of 2010. (b)(6), (b)(7)(C) testified (b)(6), (b)(7)(C) spent a majority of that time in the NCR acting as Mrs. Ward’s driver.

<sup>10</sup> The term (b)(7)(E) is synonymous with (b)(7)(E) as used in DoD O-2000.22. As witnesses preferred the term (b)(7)(E), we will use that term in this report.

(b)(7)(E)

We reviewed (b)(6), (b)(7)(C) travel records and corroborated (b)(6), (b)(7)(C) testimony regarding the amount of time he (b)(6), (b)(7)(C) spent in the NCR. We also noted (b)(6), (b)(7)(C) spent January 5 – February 23, 2010, at the Ritz Carlton Hotel in McLean, Virginia (VA). During the January / February timeframe, he incurred \$16,348.36 in travel costs, including \$588.00 for gasoline. However, GEN Ward's travel records indicated he was in the NCR only 18 of the 49 nights from January 5 – February 23, 2010.

Our review of AFRICOM travel records also indicated that GEN Ward's (b)(7)(E) (b)(7)(E). On one trip, an April 2009 visit to the United States Military Academy at West Point, New York, (b)(7)(E) (b)(7)(E), even though all of GEN Ward's activities, including his lodging and meals, occurred on the grounds of the Academy.

When asked if he believed the level of (b)(7)(E) commitment for his trips to CONUS was necessary, GEN Ward testified:

I would hear things about folks coming in with these entourages and anecdotally, some would comment, "Yours is a lot smaller than others that we see." So I didn't consider mine to be -- it just didn't -- did not raise a flag.

When we asked GEN Ward about the details of specific trips, he consistently responded (b)(7)(E)

#### *Accommodations*

We reviewed travel voucher receipts and found that when GEN Ward traveled to the NCR he consistently stayed at the Ritz Carlton Tysons Corner, McLean, Virginia. (b)(6), (b)(7)(C) testified that the hotel treated them very well and always had enough rooms available. Three additional witnesses and GEN Ward provided similar testimony regarding GEN Ward's use of the Ritz Carlton Tysons Corner. (b)(6), (b)(7)(C) stated:

The hotels next to the Pentagon in Crystal City were difficult and would double or triple the price when they knew there was a conference or other event in town... The Ritz-Carlton [Tysons Corner] was not as full and they always made room for us at the per diem [rate] and that was the key.

(b)(6), (b)(7)(C), The Ritz Carlton Tysons Corner, stated (b)(6), (b)(7) hotel offers Government rates to all Government travelers, special rates to groups that require 10 or more rooms, and concessions to groups that use the hotel repeatedly. Concessions may include complimentary room upgrades, parking vouchers, access to the club level floor, etc. The hotel staff offers concessions based on availability and length of stay. (b)(6), (b)(7)(C) declined to provide specific information particular to individual guests or groups.



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

### *Rental Vehicles*

When GEN Ward traveled to CONUS, the advance team generally rented a luxury sedan for GEN and Mrs. Ward, a full-sized sport utility vehicle as a chase car, and three additional vehicles which the communications team, enlisted aide, and other staff used.

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

testified that when GEN and Mrs. Ward traveled to CONUS (b)(6), (b)(7)(C), (b)(7)(E)

We reviewed emails which indicated (b)(6), (b)(7)(C)

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

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

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

for GEN Ward, used their rental vehicles to drive Mrs. Ward to official meetings, spouse luncheons, a health spa, and a department store.<sup>12</sup>

### *Use of the Government Travel Charge Card*

GEN Ward's travel documents indicated he paid for TDY lodging and other expenses with a personal credit card, not a GTCC. We asked GEN Ward if he had a GTCC and he responded that he did not.

### *Use of AFRICOM personnel to support Ms. Ward*

The complaint alleged that AFRICOM personnel acted as aides to Mrs. Ward when she traveled. (b)(6), (b)(7)(C) testified, "Everyone knew he (b)(6), (b)(7)(C) was Joyce's driver." (b)(6), (b)(7)(C) concurred with (b)(6), (b)(7)(C) description. We reviewed emails which indicated (b)(6), (b)(7)(C) performed services for GEN and Mrs. Ward while in CONUS that were not required as part of his official duties as a member of the (b)(7)(E).

- On January 10, 2010, Mrs. Ward emailed (b)(6), (b)(7)(C) regarding a meeting later that day at McClean Bible Church, Vienna, Virginia. (b)(6), (b)(7)(C) later replied, "Wind is light at main entrance. I am standing by there."
- On April 15, 2010, Mrs. Ward emailed (b)(6), (b)(7)(C) to contact her friends to invite them to dinner with GEN Ward and Mrs. Ward. (b)(6), (b)(7)(C) replied later that her friends accepted and had suggested a specific restaurant. (b)(6), (b)(7)(C) added that he would check the restaurant out that evening.

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

- On June 25, 2010, Mrs. Ward emailed (b)(6), (b)(7)(C) to ask if he was “Still in the PX area??” (b)(6), (b)(7)(C) replied, “I have the clothes and am en route. Traffic is heavy but using shortcuts.”
- On June 26, 2010, (b)(6), (b)(7)(C) emailed Mrs. Ward, “Flowers and note delivered. They say to give you their greetings!”
- On July 14, 2010, (b)(6), (b)(7)(C) emailed Mrs. Ward, “We are advancing 2800 S. Randolph St, Shirlington. There seems to be no Suite 150 in the building. Do you have a name we could mention?” Mrs. Ward replied, “Studio salon spa (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) ”<sup>13</sup>
- On August 31, 2010, Mrs. Ward emailed (b)(6), (b)(7)(C) and asked him to buy a bag of dark chocolate Snickers™ for her. She wrote, “Kip will give you a couple of dollars.” (b)(6), (b)(7)(C) emailed Mrs. Ward on September 1, 2010, that he hoped the version he found would suffice, and he hoped to have additional items with him when he departed on September 2, 2010.
- On Sunday, October 17, 2010, Mrs. Ward asked (b)(6), (b)(7)(C) to obtain a book from an acquaintance in Washington, DC. (b)(6), (b)(7)(C) replied by asking Mrs. Ward to confirm that he was to go to the Watergate complex to pick up the book. Mrs. Ward responded, “Yes, please.” (b)(6), (b)(7)(C) replied that he would get the book.
- On October 17, 2010, GEN Ward emailed (b)(6), (b)(7)(C) and asked him to go to the Office of the President of Morgan State University to pick up tickets “for the Press Box on [Saturday]. . . .” for a homecoming football game. He added that the point of contact in the office also may have information concerning a gala event scheduled for the preceding Friday night.<sup>14</sup>
- On November 12, 2010, Mrs. Ward forwarded (b)(6), (b)(7)(C) an email from her daughter, “Subject: FW: Stein Mart.” The email contained the address for a Stein Mart in Chantilly, Virginia.<sup>15</sup> Mrs. Ward wrote to (b)(6), (b)(7)(C), “May we stop by this locale on the way? Thanks.”
- On December 3, 2010, GEN Ward and Mrs. Ward exchanged emails with (b)(6), (b)(7)(C) concerning the delivery of documents to Century 21 Olde Dominion, Inc., a real estate company in Springfield, Virginia. GEN Ward provided the address, and (b)(6), (b)(7)(C) replied, “Sir: Consider it delivered!”

<sup>13</sup>The results of an internet search indicated the Studio Salon and Spa at the above address in Alexandria, Virginia, is a “full service salon specializing in color and relaxers for all hair types.”

<sup>14</sup> General Ward is an alumnus of Morgan State University, located in Baltimore, Maryland.

<sup>15</sup> Stein Mart® is a discount retailer with stores in 30 states and the District of Columbia.

- On January 28, 2011, Mrs. Ward emailed (b)(6), (b)(7)(C), "Since you will be at stores could you please see if you can find Mylicon baby drops.<sup>16</sup> This community has loads of babies and the shelves are empty." (b)(6), (b)(7)(C) replied, "At commissary. What are baby drops exactly?"
- On February 14, 2011, GEN Ward emailed (b)(6), (b)(7)(C), "Subject: Gift," and wrote, (b)(6), (b)(7)(C) -might you be able to stop by a florist and pick up a small bouquet of spring flowers for me? Not extravagant at all – just a small not very expensive bouquet." (b)(6), (b)(7)(C) responded, "Of course, sir. Just let me know where you want it. In your room?" GEN Ward replied, (b)(6), (b)(7)(C) – can you have in the limo pls-trunk? Thx."

(b)(6), (b)(7)(C) testified (b)(6), (b)(7)(C) had a list of people in CONUS who would see Mrs. Ward whenever she wanted. (b)(6), (b)(7)(C) would contact them, get Mrs. Ward scheduled for an event or appointment, and use that as the excuse for Mrs. Ward to travel with GEN Ward. (b)(6), (b)(7)(C) had a "vested interest" in making sure Mrs. Ward accompanied GEN Ward on his travels and (b)(6), (b)(7)(C) "viciously protected that territory." (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C):

(b)(6), (b)(7)(C) traveled everywhere Joyce [Mrs. Ward] went.. (b)(6), (b)(7)(C) – quite frankly – was Joyce's assistant. (b)(6), (b)(7)(C) was Joyce's personal aide. There was no reason for an (b)(6), (b)(7)(C) to [go] back there. There was no travel coordination that (b)(6), (b)(7)(C) did.

(b)(6), (b)(7)(C) testified that (b)(6), (b)(7)(C), (b)(7)(E) complained that Mrs. Ward was protective of (b)(6), (b)(7)(C). One (b)(6), (b)(7)(C), (b)(7)(E) told (b)(6), (b)(7)(C), "I've had my face ripped off by Joyce enough times to know that you just leave (b)(6), (b)(7)(C) alone." (b)(6), (b)(7)(C) continued that when (b)(6), (b)(7)(C) began traveling with Mrs. Ward. (b)(6), (b)(7)(C) testified (b)(6), (b)(7)(C) traveled with Mrs. Ward on a "couple" trips and served as "de facto aide." (b)(6), (b)(7)(C) testified that (b)(6), (b)(7)(C) performed as (b)(6), (b)(7)(C) when (b)(6), (b)(7)(C) traveled with GEN Ward and did not act as an aide to Mrs. Ward.

One of GEN Ward's itineraries indicated (b)(6), (b)(7)(C) used a rental vehicle to drive Mrs. Ward from the NCR to Philadelphia to attend the Military Child Education Conference (MCEC), July 12 through 17, 2009. (b)(6), (b)(7)(C) travel voucher documented (b)(6), (b)(7)(C) attendance at the MCEC conference. We reviewed a legal opinion by the SJA that determined (b)(6), (b)(7)(C)

(b)(5)

GEN Ward testified that (b)(6), (b)(7)(C) attended the MCEC conference as a member of his staff to gather and report information relevant to the command. He acknowledged that his (b)(6), (b)(7)(C) attended the education conference rather than his (b)(6), (b)(7)(C) but could not state a reason for this. He stated, whenever

<sup>16</sup> Mylicon® is an over the counter remedy used to relieve gas pressure pains in infant children.

(b)(6), (b)(7)(C), or (b)(6), (b)(7)(C) attended events with Mrs. Ward, they did so as representatives of the command, attending together with Mrs. Ward, and did not act as aides or escorts. GEN Ward explained:

A staff member, because of the trip that she [Mrs. Ward] was – or the visit that she was conducting because it had – from my perspective, it had to have an official purpose, there was an accompanying or a staff member who was also on the trip. And that staff member would be there to take notes for the Command, and my wife would ride with that staff member to that particular location for the meeting.

Travel records indicated either (b)(6), (b)(7)(C), or (b)(6), (b)(7)(C) were members of the travel party during 40 of the 52 trips Mrs. Ward took with GEN Ward. Notations in GEN Ward's itineraries showed that (b)(6), (b)(7)(C), or (b)(6), (b)(7)(C) accompanied Mrs. Ward during 15 trips to CONUS, and sometimes drove her. Our review also indicated that when (b)(6), (b)(7)(C) began traveling on trips when Mrs. Ward also traveled. GEN Ward denied any connection between (b)(6), (b)(7)(C) and an increase in (b)(6), (b)(7)(C) travel on trips with Mrs. Ward.

#### *Detailed review of individual trips*

Travel records showed that GEN Ward took at least 79 trips on MilAir between April 2008 and March 2011. During our initial review, we found a number of the 79 trips required detailed review and analysis concerning the specific allegations with regard to GEN Ward's use of MilAir for unofficial purposes, MilAir travel by Mrs. Ward, conducting or extending TDY trips for primarily personal reasons, and misuse of staff members and rental vehicles. During our initial review we also discovered evidence that GEN Ward may have improperly accepted gifts from a prohibited source. In the paragraphs below we highlight the details of four trips because they include evidence of several different categories of impropriety. We present the facts and our findings regarding other trips in Appendix B.

The itineraries presented in the tables below and in Appendix B are used to highlight GEN Ward's planned conferences, meetings, visits, and activities. While we highlight certain elements or deviations from the itinerary in our explanation of the allegations, we did not examine all scheduled events in each itinerary.

#### *January 2011 trip to Washington, DC, and Atlanta, Georgia*

GEN Ward used MilAir to travel from Stuttgart, Germany, to Washington, DC, and Atlanta, Georgia, from January 22 through February 1, 2011. Mrs. Ward accompanied GEN Ward for the Washington, DC, portion of the trip and accompanied GEN Ward on the return flight from Washington, DC, to Stuttgart. Table 1 lists information contained in GEN Ward's itinerary.

1.	Saturday 22-Jan-11	Washington, DC	1400- Depart Stuttgart Army Airfield (SAAF) en route Andrews Air Force Base (AFB) via MilAir Remaining Overnight (RON) The Ritz Carlton Hotel, Tysons Corner
2.	Sunday 23-Jan-11	Washington, DC	Breakfast at leisure TBD Depart en route location TBD en route Ritz Carlton Hotel, Tysons Corner TBD Arrive Ritz Carlton Hotel, Tysons Corner – At leisure RON Washington, DC
3.	Monday 24-Jan-11	Washington, DC	Breakfast at leisure TBD Depart en route location TBD en route Ritz Carlton Hotel, Tysons Corner TBD Arrive Ritz Carlton Hotel, Tysons Corner – At leisure RON Washington, DC
4.	Tuesday 25-Jan-11	Washington, DC	Breakfast at leisure TBD Depart en route location TBD en route Ritz Carlton Hotel, Tysons Corner TBD Arrive Ritz Carlton Hotel, Tysons Corner – At leisure RON Washington, DC
5.	Wednesday 26-Jan-11	Washington, DC	Breakfast at leisure TBD Depart en route location TBD en route Ritz Carlton Hotel, Tysons Corner TBD Arrive Ritz Carlton Hotel, Tysons Corner – At leisure RON Washington, DC <sup>17</sup>
6.	Thursday 27-Jan-11	Atlanta, GA	1500- Depart Andrews AFB en route Dobbins Air Reserve Base (ARB), Atlanta, GA RON Hyatt Regency Atlanta
7.	Friday 28-Jan-11	Atlanta, GA	1800- Trumpet Award Sponsors and Honorees Dinner
8.	Saturday 29-Jan-11	Atlanta, GA	1600- Trumpet Awards Ceremony
9.	Sunday 30-Jan-11	Washington, DC	1530- Depart Dobbins ARB en route Andrews AFB, RON The Ritz Carlton Hotel, Tysons Corner
10.	Monday 31-Jan-11	Washington, DC	1815- Depart Andrews AFB en route SAAF

<sup>17</sup> Entries are from GEN Ward's itinerary. We found no evidence of any other planned or scheduled activities.

11.	Tuesday 1-Feb-11	Stuttgart, FRG	0730- Arrive SAAF
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An email dated December 27, 2010, from (b)(6), (b)(7)(C) (b)(6), (b)(7)(C), stated:

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

[REDACTED]

(b)(6), (b)(7)(C) testified the (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) He recommended (b)(6), (b)(7)(C) "at a time that would be convenient for all concerned."

GEN Ward signed an ITO for Mrs. Ward, dated January 11, 2011, which stated the official purpose which required Mrs. Ward to travel to Washington, DC, (b)(6), (b)(7)(C) (b)(6), (b)(7)(C). The ITO did not mention Atlanta, Georgia.

GEN Ward's detailed itinerary, which indicated "changes as of 25 Jan," showed GEN and Mrs. Ward flew from Stuttgart to Andrews Air Force Base, Maryland, on Saturday, January 22, 2011, (b)(6), (b)(7)(C), (b)(7)(E). The itinerary did not indicate whether Mrs. Ward accompanied GEN Ward and did not include any other engagements. The itinerary indicated that GEN and Mrs. Ward flew to Atlanta, Georgia, on Thursday, January 27, 2011, but GEN Ward's travel voucher indicated he flew to Atlanta, Georgia, on Friday, January 28, 2011.

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

(b)(6), (b)(7)(C) testified that he drove GEN Ward and Mrs. Ward to (b)(6), (b)(7)(C) during the January trip to Washington, DC. (b)(6), (b)(7)(C) (b)(6), (b)(7)(C), he visited and took pictures with wounded soldiers. They spent the majority of 1 day there.

(b)(6), (b)(7)(C) testified that the driving force for the Wards' trip back to Washington, DC, in late January 2011 was to visit their daughter and spend time with their new grandbaby. As noted above, Mrs. Ward asked (b)(6), (b)(7)(C) on January 28, 2011, to search for Mylicon baby drops. The itinerary indicated GEN Ward was in Atlanta, Georgia, that day.

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

We asked GEN Ward to review the trip itinerary and tell us what official business he conducted in Washington, DC, that week. GEN Ward responded,

So given what we were doing operationally with Odyssey Dawn, I'm sure that as a part of my time here, I spent at agencies talking about potential mission, potential direction. In addition to what was going on in Odyssey Dawn, we also had at this same point in time, Cote D'Ivoire, Tunisia occurring, so I was conducting a lot of different sort of sessions. I also came back here and was doing some outcalls on the Hill. And again, not having those set in advance but knowing they would be -- maybe only come to finality, you know, sometimes the day of, the actual visit to the Hill. So it's those sorts of things that would have been going on, and in addition to that, as I -- doing my annual physical in this timeframe is -- I know that I did an annual physical because I was really -- I was a bit surprised when I got back here and I had to do a whole set of those things again with the VA, thinking that what I had just done would work. And so this would have been the timeframe that I was doing my physicals as well.

We found no evidence supporting GEN Ward's assertion that he conducted meetings with members of Congress during the January 23-26, 2011, trip to Washington, DC. We note the trip itinerary for travel to Washington, DC, for the period of February 14 through 21, 2011, indicated that GEN Ward conducted a series of meetings with Members of Congress.

GEN Ward's itinerary indicated the purpose of travel from Washington, DC, to Atlanta, Georgia, was to attend the 2011 Trumpet Awards ceremony and related events.<sup>19</sup> (b)(6), (b)(7)(C) opined on January 18, 2011, (b)(5)

(b)(6), (b)(7)(C) testified that (b)(6) contacted the Secretary of Defense's Executive Officer to obtain permission for GEN Ward to use MilAir for unofficial travel to Atlanta, Georgia. The Secretary of Defense's Executive Officer told (b)(6), (b)(7)(C) that the Secretary was not approving unofficial travel on MilAir due to his focus on creating efficiencies.

(b)(6), (b)(7)(C) testified (b)(6) called (b)(6), (b)(7)(C) who was already in Washington, DC, with GEN Ward, and informed (b)(6), (b)(7) that the Secretary of Defense was not going to approve the travel to Atlanta, Georgia. (b)(6), (b)(7)(C) testified (b)(6), (b)(7)(C) called (b)(6), (b)(7) back to say that there was now an official reason to visit Atlanta, Georgia.

The next day, he (b)(6), (b)(7)(C) called me back and said, 'Hey, we're going to go visit FORSCOM in Atlanta, [Georgia] and we [need] to talk about Army force

<sup>19</sup> The Trumpet Foundation website, <http://trumpetfoundation.org>, stated "Originally presented in 1993 by Turner Broadcasting, and now presented by the Trumpet Awards Foundation, Inc., the Trumpet Awards were created to herald the accomplishments of Black Americans who have succeeded against immense odds. Special recognition is given to the few, who symbolize the many, who have overcome the ills of racism, and poverty, and achieved special greatness." GEN Ward attended the 2010 event as an honoree on what (b)(6), (b)(7)(C) opined (b)(5)

structure and stuff, so it will be all fine.’ And I said, ‘Okay, so what you’re telling me is that we’re not asking for unofficial travel anymore because it’s official travel?’ And he said, ‘Yes.’

An email dated, January 27, 2011, from (b)(6), (b)(7)(C) to (b)(6), (b)(7)(C) stated, “(b)(6), (b)(7)(C)—I have been quietly informed that people in [Washington,] DC know about this trip and intents and are watching – so need to be very clean on whatever we do. :-)”

GEN Ward flew on Friday, January 28, 2011, from Andrews Air Force Base, Maryland, to Atlanta, Georgia, (b)(6), (b)(7)(C), (b)(7)(E)

(b)(6), (b)(7)(C) The only business on the itinerary for that day was a dinner associated with the Trumpet Awards sponsors and honorees. The only event indicated for Saturday, January 29, 2011, was the Trumpet Awards ceremony.

LTG Howard Bromberg, U.S. Army, Deputy Commander, U.S. Army Forces Command (FORSCOM), testified he conducted a 1-hour meeting with GEN Ward on Saturday, January 29, 2011. After the meeting, GEN Ward spent approximately one-half hour on a secure phone at FORSCOM headquarters. LTG Bromberg testified his secretary calendared the meeting 48 hours before the visit requested by (b)(6), (b)(7)(C).

GEN Ward testified he had intended for some time to visit the Commander, FORSCOM, to discuss how FORSCOM generated forces for AFRICOM, and he thought the meeting was scheduled well in advance of the visit. GEN Ward’s travel vouchers indicate that he traveled to Atlanta on four prior occasions as Commander, AFRICOM. Gen Ward stated Mrs. Ward did not travel to Atlanta because the legal opinion (b)(5)

The itinerary indicated that GEN Ward flew from Atlanta, Georgia, to Andrews Air Force Base on Sunday, January 30, 2011, and stayed at the Ritz Carlton Tysons Corner, where he rejoined Mrs. Ward and (b)(6), (b)(7)(C), (b)(7)(E)

(b)(6), (b)(7)(C) GEN and Mrs. Ward flew back to Stuttgart on MilAir on the evening of Monday, January 31, 2011.

GEN Ward’s leave and earnings statements show that GEN Ward did not take any leave during this trip or at any time from October 2010 through March 2011. We used travel records to estimate the cost for this 11-day trip at over \$129,000.00. The figure includes transportation, lodging, and per diem costs for GEN Ward and his party, but does not include the salaries and benefits of anyone on the trip.

#### *July 2010 trip to New York City*

GEN and Mrs. Ward traveled from Stuttgart to Baltimore, Maryland, continuing to New Orleans, Louisiana, on July 1, 2010. GEN Ward had a speaking engagement in Baltimore, Maryland, and attended the Essence Music Festival in New Orleans, Louisiana, at the invitation of the U.S. Army Accessions Command. We did not find evidence of impropriety on those legs of the trip. We begin our analysis below with GEN Ward’s travel via MilAir from New Orleans, Louisiana, to New York City on Monday, July 5, 2010. The trip itinerary, summarized in



Table 2, indicated the official purpose for travel to New York was to meet with (b)(6), (b)(7)(C) Leader to Leader Institute, on the morning of Tuesday, July 6, 2010.<sup>20</sup>

1.	Thursday 1-Jul-10	New Orleans, LA	0820- Depart SAAF en route Baltimore Washington International Airport (BWI) via MilAir 1150- Hyatt Baltimore- Alumni Leadership Awards Luncheon 1355- Depart BWI en route Louis Armstrong Int'l, New Orleans, LA via MilAir 1545- Marriot Convention Center Hotel- Essence Music Festival (EMF) VIP dinner/briefing of upcoming senior events RON Marriot Convention Center Hotel
2.	Friday 2-Jul-10	New Orleans, LA	0800- Security Video Teleconference from Commo room 1045- Ernest N Morial Convention Center- Empowerment seminar 1900- EMF
3.	Saturday 3-Jul-10	New Orleans, LA	0950- Ernest N Morial Convention Center- Steve Harvey Foundation Mentoring engagement 1045- Marriot Convention Center- Army VIP Event (General Ward Guest Speaker) 1330- Empowerment Seminar meeting 1510- Army Exhibit area tour 1900- EMF 2100- Cadet Command Scholarship Presentations
4.	Sunday 4-Jul-10	New Orleans, LA	0845- EMF Gospel Celebration 1900- EMF
5.	Monday 5-Jul-10	New York, NY	0900- Depart Louis Armstrong Airport en route La Guardia Airport via MilAir 1315- RON Waldorf Astoria Hotel
6.	Tuesday 6-Jul-10	New York, NY	0950-1200- Arrive Leader to Leader Institute 1200- Luncheon at Leader to Leader Institute 1300-1430- Afternoon Leader to Leader Engagement TBD- Waldorf Astoria Hotel – At leisure
7.	Wednesday	New York, NY	1935- Depart La Guardia Airport en route to SAAF via MilAir

<sup>20</sup> Established in 1990 as the Peter F. Drucker Foundation for Nonprofit Management, the Leader to Leader Institute's mission is to strengthen the leadership of social sector organizations. (b)(6), (b)(7)(C)

	7-Jul-10		
8.	Thursday 8-Jul-10	Stuttgart, FRG	0905- Arrive SAAF

Emails dated June 4, 2010, between GEN Ward and (b)(6), (b)(7)(C) (b)(6), (b)(7)(C), indicated the two planned to meet in New York in July 2010, to see the "show."

An internet web page indicated (b)(6), (b)(7)(C) is President of (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) a construction management, engineering, technology and energy services company founded by (b)(6), (b)(7)(C). The company is a Service Disabled Veteran-Owned Small Business. (b)(6), (b)(7)(C) Government contracts included (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) for the new Fort Belvoir Community Hospital; the Irwin Army Community Hospital, Fort Riley, Kansas; and the San Antonio Military Medical Center, San Antonio, Texas.

A 2011 Dun and Bradstreet Federal Information Report identified (b)(6), (b)(7)(C) as "management" of (b)(6), (b)(7)(C). The report listed at least 13 Department of Defense contracts totaling \$4,133,000.00, a majority of which were awarded in 2010. It also listed multiple contracts with the Department of Veterans Affairs and Department of the Treasury.

On June 14, 2010, GEN Ward emailed (b)(6), (b)(7)(C), "Understand from (b)(6), (b)(7)(C) you are now aware of Joyce and my plans to be in NY for the show on 6 JUL. We'll get you more info on where we're staying, etc. We plan to arrive Monday evening, 5 JUL, and will have a small program with (b)(6), (b)(7)(C) during the day on Tues, 6 JUL."

On June 18, 2010, (b)(6), (b)(7)(C) emailed (b)(6), (b)(7)(C), "If you want ITOs for Mrs. Ward, I need to have some info on the Baltimore and NYC legs."

On June 21, 2010, (b)(6), (b)(7)(C) emailed GEN Ward, "All is set in New York. I will provide details. We have lunch with (b)(6), (b)(7)(C) at the Four Seasons Restaurant 99 East 52nd Street. At 1900 the play starts we should be there 1830. HOOAH."

On June 29, 2010, (b)(6), (b)(7)(C) emailed the (b)(6), (b)(7)(C), that Baltimore was a "refuel stop that includes a quick trip to [the] Black Engineer of the Year Alumni Group where he [GEN Ward] is speaking. The second stop is the Essence Festival. The third stop is an engagement at the Leader to Leader Institute headquarters with its (b)(6), (b)(7)(C)." He attached a draft ITO for the trip.

On July 6, 2010, (b)(6), (b)(7)(C) emailed (b)(6), (b)(7)(C) and asked if he would be meeting GEN and Mrs. Ward at the hotel or restaurant, if he needed a ride, and if he had the tickets for tonight's performance. (b)(6), (b)(7)(C) responded, "I am staying at the same hotel Waldorf Astoria, the tickets are in my name at WC [will call], I have (b)(6), (b)(7)(C) with me not sure you can accommodate us? I can get a limo, (b)(6), (b)(7)(C)." (b)(6), (b)(7)(C) responded, "Copy all sir. I just spoke to security and they can accommodate you in the chase vehicle."

In an ITO dated June 30, 2010, GEN Ward authorized Mrs. Ward to travel with him on each leg of the trip. In Baltimore, Mrs. Ward would accompany GEN Ward to the Black Engineer of the Year Alumni Group Reunion, where GEN Ward would deliver remarks. In New Orleans, Mrs. Ward would “accompany the Commander and participate in the Essence Music Festival” that U.S. Army Accessions Command sponsored, and which “invited Mrs. Ward to be a panelist at the Empowerment Seminars.” The ITO included a statement that the Army and Secretary of Defense “Offices of Public Affairs have acknowledged GEN and Mrs. Ward’s participation in this event as having significant public relations benefit.” A legal opinion dated June 18, 2010, signed by the SJA and GEN Ward, stated, (b)(5)

[REDACTED]

The ITO stated in New York City, Mrs. Ward would “accompany the Commander and participate in a six-hour engagement at the Leader to Leader Institute with (b)(6), (b)(7)(C) [REDACTED], and have an evening social with the same.” The Institute’s mission was to strengthen the leadership of social sector organizations, and had a nexus to Mrs. Ward’s role during her travels to Africa as a “spokesperson and representative for children’s and women’s rights and education programs...Information gleaned from this engagement will directly affect similar programs for Command personnel and their dependents” in Stuttgart and Africa.

GEN Ward’s detailed itinerary indicated he and Mrs. Ward arrived in Baltimore on Thursday, July 1, 2010, and (b)(6), (b)(7)(C), (b)(7)(E) [REDACTED]. GEN and Mrs. Ward spent 90 minutes at the Black Engineer of the Year Alumni Leadership Awards Luncheon at the Hyatt Baltimore, where GEN Ward delivered remarks.

The itinerary indicated the group then flew to New Orleans for the Essence Music Festival and (b)(6), (b)(7)(C), (b)(7)(E) [REDACTED]. That evening GEN and Mrs. Ward attended a VIP reception at the Essence Music Festival. On Friday, July 2, 2010, GEN and Mrs. Ward sat on a 1-hour panel which discussed “Love and Happiness – Secrets to a Happy Marriage” and attended the music festival in the evening. On Saturday, July 3, 2010, GEN Ward participated or spoke in a series of meetings, events, and seminars. In the evening GEN and Mrs. Ward attended the music festival, which included scholarship presentations to U.S. Army Reserve Officer Training Corps cadets. On Sunday, July 4, 2010, GEN and Mrs. Ward accepted a leadership award and delivered remarks. The evening program included additional scholarship presentations.

The itinerary then indicated the group flew to New York City the morning of Monday, July 5, 2010, and joined at the Waldorf Astoria Hotel the (b)(6), (b)(7)(C), (b)(7)(E) [REDACTED]. The afternoon was “at leisure.” The itinerary also indicated GEN and Mrs. Ward were scheduled to meet for 2 hours with (b)(6), (b)(7)(C) [REDACTED] the following morning, have lunch with (b)(6), (b)(7) [REDACTED] and continue their meeting for another 90 minutes. Beginning at 2:30 p.m., the balance of the day was “at leisure.” The itinerary for Wednesday, July 7, 2011, indicated no official business during the day. The group departed the hotel at 7:00 p.m. and flew to Stuttgart.

GEN Ward's travel voucher indicated he received per diem for each day of travel and did not take leave.

We asked GEN Ward if he recalled any of the specifics that he covered with (b)(6), (b)(7)(C) during their meeting. He did not mention anything related to the ITO, such as children's or women's rights or education programs or impacts on dependents in Stuttgart and Africa. He did not recall specifics and stated:

We would have talked about being an effective leader, some of my lessons learned, some of my anecdotes, some of the things that I have done as a leader. Caring for people was a big part of it, mission accomplishment -- how do you get that to happen? You know, creating teams. One of the things that I do is how we -- some of my points that I make, how do you cause your teammate to be better? And so those are the sorts of things that I would likely talk about in front of a -- I won't say a seminar, but at a presentation, an interactive presentation, yeah.

We asked GEN Ward if he could have used video conferencing (VTC) for the meeting with (b)(6), (b)(7)(C) and he stated:

Well, I think it was important because, in addition to also the institute, so there was a degree of interaction that was a part of that session, that time that I spent there, so that was -- all that was a part of it. Is VTC possible? But had I not already been in the States, maybe so. But I think when -- that was the type of thing that in person was more effective in delivering the messages.<sup>21</sup>

During our first interview, we asked GEN Ward if he met (b)(6), (b)(7)(C) in New York City in July of 2010. He recalled going to lunch with (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) and then dinner with (b)(6), (b)(7)(C) but did not recall who paid for the meals.<sup>22</sup> We showed GEN Ward a picture of him with Mrs. Ward, (b)(6), (b)(7)(C) and Mr. Denzel Washington. GEN Ward said, "Now that you bring - I do recall that trip. We were there, and I'm trying to recall more of it." He stated they went to see a [Broadway] show that starred Mr. Washington.<sup>23</sup> We asked GEN Ward who paid for the tickets, and he responded:

I don't know if they were complimentary tickets that we received. I just don't know, but I know that we went on complimentary tickets, but I'm not quite sure

<sup>21</sup> The Leader to Leader Institute web page indicated (b)(6), (b)(7)(C) utilizes VTC to communicate with leaders from around the globe.

<sup>22</sup> (b)(6), (b)(7)(C)

<sup>23</sup> An internet search indicated that Mr. Denzel Washington was starring in the Broadway show "Fences" in July 2010.

who [paid for them]...I am aware that (b)(6), (b)(7)(C) knows Denzel Washington from a movie that they appeared in together some time ago.<sup>24</sup>

GEN Ward testified he was aware that (b)(6), (b)(7)(C) was a successful businessman who owned a number of restaurants. He denied any knowledge of (b)(6), (b)(7)(C) status as a Government contractor, knowledge of (b)(6), (b)(7)(C) defense contracts, or that (b)(6), (b)(7)(C) was involved in any way with Federal Government contracts.

During our second interview we asked GEN Ward if there was anything he would like to add or clarify about the July 2010 trip to New York City. GEN Ward testified:

It just so happened to be at that time -- I think (b)(6), (b)(7)(C) was there, and there was a play Denzel Washington was playing in that my wife and I said, "Since we're here, we'll go do that as well," and I think we did go to that play. And following that play, we went back stage and had an opportunity to meet Denzel Washington, took a photo... While there, we did have a dinner. And (b)(6), (b)(7)(C) from the (b)(6), (b)(7)(C) was there. We talked about (b)(6), (b)(7)(C). Now that as I go back and think about it, I know that (b)(6), (b)(7)(C) also has a -- (b)(6), (b)(7)(C) (b)(6), (b)(7)(C). So that was the topic of the discussion.

Emails between GEN Ward's (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) indicate GEN Ward's (b)(6), (b)(7)(C), (b)(7)(E)

GEN Ward did not specifically recall authorizing this, but agreed that if it happened, he approved it.

Regarding the possibility that GEN Ward accepted gifts from a prohibited source, we noted other emails that indicated (b)(6), (b)(7)(C) paid for GEN Ward's meal at Fleming's Prime Steakhouse and Wine Bar in Tysons Corner, Virginia on two other occasions. On November 20, 2009, (b)(6), (b)(7)(C) provided a complimentary dinner party for GEN and Mrs. Ward, their daughter, and her husband in recognition of their daughter's (b)(6), (b)(7)(C) birthday. On January 9, 2010, (b)(6), (b)(7)(C) provided dinner for GEN and Mrs. Ward, their daughter, her husband, and one other couple. GEN Ward testified that (b)(6), (b)(7)(C) provided him complimentary meals at Fleming's on one or two occasions but he could not recall the specific dates of the meals. Fleming's menu indicates that entrées range in price from \$29.95 to \$45.50.

Finally, we note that our review of emails between GEN Ward and (b)(6), (b)(7)(C) revealed no evidence of discussions regarding post-Government employment for GEN Ward or business (b)(6), (b)(7)(C) had or contemplated with the Government.

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

*September 2010 Trip to San Diego, CA*

GEN and Mrs. Ward traveled from Stuttgart to Atlanta, Georgia, to Washington, DC, to San Diego, California, to Washington, DC, to Atlanta, Georgia, to Stuttgart. They flew each leg via MilAir. Table 3 summarizes the itinerary.

1.	Wednesday 15-Sep-10	Atlanta, GA	1055- Depart SAAF en route Andrews AFB via MilAir 1355- Arrive Andrews AFB – Refuel 1510- Depart Andrews AFB en route Dobbins AFRB TBD- Dinner with Director of Andrew Young Foundation and Morehouse President 1745- Intercontinental Hotel- "Open Your Purse" fundraiser/dinner RON Omni Hotel
2.	Thursday 16-Sep-10	Washington, DC	0900- Good Works Organization 1030- Attend Morehouse College Event 1330- Depart Dobbins AFRB en route Andrews AFB 1500- Washington Convention Center (WCC)- <i>Africa Command and US Relations Panel</i> RON The Ritz Carlton Hotel, Tysons Corner
3.	Friday 17-Sep-10	Washington, DC	0820- Rayburn House Office Building for an office call with Congresswoman Sheila Jackson-Lee (Texas State Representative) 1100- Pentagon- Proceed ALO. <sup>25</sup> 1330- WCC- Diversity in the US Military Panel 1700- Congressional Black Caucus Foundation Chairman's Reception to Honor Congressman Donald Payne
4.	Saturday 18-Sep-10	Washington, DC	0800- ROCKS 5-mile race 1645 WCC- VIP Reception 1900- WCC- Phoenix Awards dinner
5.	Sunday 19-Sep-10	San Diego, CA	1200- Depart Andrews AFB en route Naval Air Station (NAS) North Island via MilAir RON Hotel Del Coronado
6.	Monday 20-Sep-10	Washington, DC	1455- Proceed to Crown Room 1659- Depart NAS North Island en route Andrews AFB via MilAir RON The Ritz Carlton Hotel, Tysons Corner

<sup>25</sup> ALO is the AFRICOM Liaison Office.

7.	Tuesday 21-Sep-10	Washington, DC	0735- Pentagon- Proceed ALO 1830- CJCS Residence - Oktoberfest Social
8.	Wednesday 22-Sep-10	Washington, DC	0735- Pentagon- Proceed ALO
9.	Thursday 23-Sep-10	Washington, DC	0740- Pentagon- Proceed ALO 1700- Interview with (b)(6), (b)(7)(C) (for (b)(6), (b)(7)(C))
10.	Friday 24-Sep-10	Washington, DC	1000- Morgan State University- Office Call- President of MSU
11.	Saturday 25-Sep-10	Washington, DC	At Leisure
12.	Sunday 26-Sep-10	Atlanta, GA	1355- Depart Andrews AFB en route Dobbins ARB via MilAir 1600- (b)(6), (b)(7)(C) Promotion Ceremony RON Omni Hotel
13.	Monday 27-Sep-10	Atlanta, GA	0850- Hyatt Hotel- <i>Africa Policy Forum</i> 1500- Depart Dobbins ARB en route SAAF via MilAir
14.	Tuesday 28-Sep-10	Stuttgart, FRG	0700- Arrive SAAF

An email dated July 15, 2010, indicated GEN Ward accepted an invitation to serve as the opening speaker at a Time Inc. Style & Entertainment Group meeting in San Diego on Monday, September 20, 2010. Meeting organizers requested that GEN Ward speak for 30 minutes about the power of functioning as a group while maintaining strength as individuals. A follow-up email dated August 23, 2010, indicated that (b)(6), (b)(7)(C), (b)(7)(E)

On September 19, 2010, an additional 10 people would arrive and require nine additional rooms. A representative of Time Warner, Inc. replied, "We have a suite reserved for General Ward and his wife. I'm assuming the rest of the rooms should be in the same building (preferably the same floor...)."

In an ITO dated September 14, 2010, GEN Ward authorized Mrs. Ward to travel with him on each leg of the trip. On the first leg to Atlanta, she would "accompany the Commander as a featured speaker during the Morehouse College Crown Forum event." She would also meet with (b)(6), (b)(7)(C) of GoodWorks International, which promoted improved living standards in Africa and the Caribbean. In Washington, DC, Mrs. Ward would accompany GEN Ward to the Congressional Black Caucus Foundation's Annual Legislative Conference. She would be a "significant participant" in discussions of education issues in Europe and Africa during "three gala receptions" to which GEN Ward was invited.

The ITO stated that in San Diego, Mrs. Ward would accompany GEN Ward as he participated in the "Essence and Time, Inc. offsite engagement." GEN Ward was a speaker and Mrs. Ward would be "in attendance to facilitate continued discussion on educational leadership and group functioning within her capacity." On their return to Washington, DC, Mrs. Ward would accompany GEN Ward on a "two hour engagement with the Leader to Leader Institute CEO" and hold a private meeting with a network of "high-performing college preparatory charter schools in Washington, DC." Finally, in Atlanta, Mrs. Ward would accompany GEN Ward during his participation in a Sullivan Foundation panel discussion on "Reaching Resolution to Conflict in Africa."

GEN Ward's detailed trip itinerary indicated that on September 15, 2010, he and Mrs. Ward flew from Stuttgart, made a fuel stop at Andrews Air Force Base, Maryland, continued to Atlanta, and (b)(6), (b)(7)(C), (b)(7)(E). That evening GEN Ward had dinner with the Director of the Andrew Young Foundation and the President of Morehouse College. The itinerary indicated Mrs. Ward did not have dinner with GEN Ward as described in the ITO. She attended the "Open Your Purse" fundraiser and dinner. (b)(6), (b)(7)(C) accompanied Mrs. Ward and (b)(6), (b)(7)(C) drove them. An internet search revealed that "Open Your Purse" 2010 was a Young Women's Christian Association (YWCA) sponsored event, described as:

Guilt free shopping at its finest! The Open Your Purse event raises funds and awareness for the YWCA's Women in Transition (WIT) and Supportive Housing program. The event showcases hundreds of handbags (including celebrity signed and designer bags), which attendees can purchase during a live and silent auction.<sup>26</sup>

The detailed itinerary indicated that on Thursday, September 16, 2010, GEN Ward addressed 2000 students at Morehouse College and Mrs. Ward, accompanied by (b)(6), (b)(7)(C), had a meeting at GoodWorks International.<sup>27</sup> Afterwards, (b)(6), (b)(7)(C) took leave and remained in Atlanta. GEN and Mrs. Ward flew to Washington, DC, and (b)(6), (b)(7)(C), (b)(7)(E). (b)(7)(E) GEN Ward participated in a series of meetings and panel discussions on September 16 and 17, 2010, that were part of the program of the Congressional Black Caucus Foundation's Annual Legislative Conference. GEN and Mrs. Ward attended social events associated with the conference, including a reception at the Library of Congress the evening of September 16, 2010, a reception at the Washington Convention Center the following evening, and an awards dinner at the Washington Convention Center the evening of Saturday, September 18, 2010.

GEN and Mrs. Ward flew to San Diego on Sunday, September 19, 2010, and checked into the Hotel del Coronado, Coronado, California. (b)(6), (b)(7)(C), (b)(7)(E)

<sup>26</sup> <http://www.atlantabuzz.com/program/eventDetails.cfm?id=18078>

<sup>27</sup> GoodWorks International, LLC is a consulting firm that works with private and public sector clients to advance economic development in the Caribbean and Africa.



(b)(7)(E) The itinerary indicated GEN and Mrs. Ward were scheduled to be with the Essence and Time, Inc. group for 90 minutes the afternoon of Monday, September 20, 2010, then to fly to Andrews Air Force Base, Maryland.

The itinerary then indicated that on Tuesday, September 21, 2010, GEN Ward attended a series of meetings at the Pentagon, followed by a social event at the residence of the Chairman of the Joint Chiefs of Staff. September 22, 2010, called for GEN Ward to spend an undefined amount of time in the Pentagon at the AFRICOM Liaison Office (ALO). The itinerary shows that on September 23, 2010, GEN Ward had a Pentagon meeting with Maxwell Air University, an interview with a talk show host, and an interview with (b)(6), (b)(7)(C) of the Leader to Leader Institute. The itinerary indicated no engagements for Mrs. Ward September 21-23, 2010, which contradicted the ITO's assertion that she would attend the meeting with (b)(6), (b)(7)(C) and conduct a private meeting with a Washington, DC charter school organization.

On Friday, September 24, 2010, the (b)(7)(E) drove GEN and Mrs. Ward to Morgan State University for an office call with the President. The itinerary did not indicate the length of the office call, and there were no other engagements that day or on Saturday, September 25, 2010.

On Sunday, September 26, 2010, GEN and Mrs. Ward flew to Atlanta via MilAir and were driven by (b)(7)(E) to Cartersville, Georgia, where they attended a promotion ceremony for (b)(6), (b)(7)(C),<sup>28</sup> There were four vehicles in the group, which included staff support personnel, communications personnel, (b)(6), (b)(7)(C), (b)(7)(E) The group drove to Atlanta after the ceremony. On Monday, September 27, 2010, GEN and Mrs. Ward attended the Sullivan Global Reunion Africa Policy Forum in the morning and flew to Stuttgart in the afternoon.<sup>29</sup>

The itinerary listed (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) as "staff" and indicated (b)(6), (b)(7)(C) accompanied the group to the policy forum in Atlanta. (b)(6), (b)(7)(C) was designated as "advance support" for GEN and Mrs. Wards' stop in the NCR from September 16 – 19, 2010. It was unclear what she did between September 19, 2010, and September 26, 2010, when she flew from Andrews Air Force Base to Atlanta with the group. In Georgia, the only event she appeared to attend was (b)(6), (b)(7)(C) promotion ceremony in Cartersville. The group, including (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C), departed for Stuttgart in the afternoon.

(b)(6), (b)(7)(C), (b)(7)(E) 30

<sup>28</sup> (b)(6), (b)(7)(C). Cartersville, Georgia is 44 miles northwest of Atlanta, Georgia.

<sup>29</sup> The Leon H. Sullivan Foundation website indicates the foundation empowers underprivileged people worldwide by promoting the principles of self-help and social responsibility.

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

GEN Ward testified that he accepted the San Diego invitation to educate the editorial board of an influential periodical on the totality of AFRICOM's work on the African continent. It supported the three-pronged communications theme that he called the "Three Ds," which stood for diplomacy, development, and defense. Mrs. Ward did not deliver remarks from the podium but did talk with board members and promoted the positive aspects of military family life. GEN Ward explained:

My wife went along on that trip because she could address that aspect from the well being of families, from the quality of life of the initiatives that we were -- and again, her being who she was, that resonated with them. And so again, it was a part -- this dynamic of telling the story, addressing audiences that were in position to also tell the story, but in ways that supported who we were and what we were doing and what we were promoting, serving purposes of the Command, serving purposes of the Department of Defense. And at a senior level, again, given who I was, making that apparent in places where it would not otherwise have been the case. And so this was another engagement that we participated in that satisfied that purpose in my mind's eye. Official, and it made sense, and something that as a senior African American in the Department of Defense, part of my duty is to do this in promoting who we are as a Command and what we attempt to do and carry for our people and giving it to an audience that can then in varying ways, nothing specific - but to use that to better inform them so that when they wrote about us or made comments or interacted, they had better understanding.

AFRICOM travel records indicated that GEN Ward did not claim lodging for the one night he was in San Diego. We asked GEN Ward if Time Warner, Inc. paid for his suite and he responded that he paid for it with personal funds.

*May 2010 Trip to Bermuda*

GEN and Mrs. Ward departed Stuttgart on May 19, 2010, and flew via MilAir to Uganda, then to Burkina Faso on May 20, 2010. They departed Burkina Faso on May 22, 2010, and flew to Bermuda, where they remained overnight prior to departing for Kansas City, Missouri, and Fort Leavenworth, Kansas, on May 23, 2010. They departed Kansas City, Missouri, on May 26, 2010, to return to Stuttgart. Table 4 summarizes the itinerary.

<b>1.</b>	Wednesday 19-May-10	Kampala, Uganda	1300- Depart SAAF en route Entebbe International Airport via MilAir RON Serena Hotel, Kampala, UGA
<b>2.</b>	Thursday 20-May-10	Ouagadougou, Burkina Faso	0830-Breakfast meeting with Delegation 1045- Meeting with President Museveni at State House 1450- Depart Entebbe Airport en route Ouagadougou Airport RON Laico Hotel, Ouagadougou, BUR

3.	Friday 21-May-10	Ouagadougou, Burkina Faso	0800- Office call and meetings at the US Embassy, Ouagadougou 0930- President Visit at Multinational Coordination Center (MCC) 1430- Office Call at Minister of Defense Building 1715- Meeting with President Compaore at the Presidential Palace RON Ouagadougou, BUR
4.	Saturday 22-May-10	Bermuda	0730- Office Call and Tour at MCC 1310- Depart Burkina Faso Airport en route Wade International Airport RON Fairmont Hamilton Princess, Bermuda
5.	Sunday 23-May-10	Kansas City, MO	1330- Depart Wade Int'l Airport en route Kansas City Int'l RON Intercontinental Hotel, Kansas City
6.	Monday 24-May-10	Kansas City, MO	Breakfast at leisure 1800- ROCKS Dinner – McCormick and Schmick's Seafood Restaurant
7.	Tuesday 25-May-10	Kansas City, MO	0645- VTC at the Grant Hall 0800-Remarks, Address, Preparation at Lewis and Clark Center 0945- Office call and discussion <i>Combined Arms Center support to AFRICOM</i> at Fort Leavenworth 1310- Roundtable discussion International Military Students
8.	Wednesday 26-May-10	Kansas City, MO	1215- Lunch and Speaking Engagement at the Kaufman Foundation 1640- Depart Kansas City International Airport en route SAAF
9.	Thursday 27-May-10	Stuttgart, FRG	0900- Arrive SAAF

In an email dated May 18, 2010, the SJA stated the ITO to approve Mrs. Ward to travel with GEN Ward via MilAir on all legs of the trip (b)(5). GEN Ward signed the ITO on May 19, 2010. We did not find evidence of impropriety on the trips to Uganda, Burkina Faso, and Kansas City/Fort Leavenworth, other than entries on the itinerary that (b)(6), (b)(7)(C) flew to Africa, but did not accompany GEN Ward on any business conducted there, and accompanied Mrs. Ward in Fort Leavenworth. We focused our analysis on the stopover in Bermuda.

GEN Ward's detailed itinerary indicated he conducted official business in Burkina Faso during the morning of Saturday, May 22, 2010. He, (b)(6), (b)(7)(C), seven support personnel, and a five-person aircrew departed in the afternoon via MilAir and flew from Burkina Faso to Bermuda, (b)(6), (b)(7)(C), (b)(7)(E). GEN and Mrs. Ward stayed in a suite at the Fairmont Hamilton Princess Hotel and flew the following afternoon, May 23, 2010, to Kansas City. A note on the itinerary stated the standard lodging cost

at the Fairmont Hamilton Princess Hotel was \$333.00 per night, a suite was \$693.00, and the maximum allowable lodging rate was \$373.00. (b)(6), (b)(7)(C), (b)(7)(E)

(b)(7)(E)

GEN Ward's travel voucher stated his lodging cost for the night in Bermuda was \$747.23. In a memorandum, subject: Actual Expense Authorization, dated June 7, 2010, the AFRICOM Comptroller authorized the expense and noted, "Lodging allowance per night was \$373.00 and actual expense was \$747.23. This actual expense exceeded the allowable rate by 100 percent. Traveler is authorized actual expenses for lodging up to 150 percent of the total locality per diem rate." The authorization did not include a justification for approving actual expenses.

GEN and Mrs. Ward flew from Bermuda to Kansas City on Sunday, May 23, 2010, (b)(6), (b)(7)(C), (b)(7)(E). The only engagement on the itinerary for Monday, May 24, 2010, was a "ROCKS dinner – McCormick and Schmick's Seafood Restaurant."<sup>31</sup> GEN Ward conducted official business at Fort Leavenworth and Kansas City from May 25-26, 2010, and returned via MilAir to Stuttgart.

GEN Ward testified the stop in Bermuda was, "Just a crew stop, overnight stop." We asked GEN Ward why he did not return to Stuttgart and remain over night there and then fly to CONUS the following day, as he had done on another occasion, thus saving the cost of the stopover in Bermuda. He testified he relied entirely on his staff to plan the trip and did not provide any direction as to the route they took. Regarding (b)(7)(E), which (b)(7)(E), GEN Ward stated:

I left that whole business of how my (b)(7)(E) piece was set to my (b)(7)(E)

(b)(7)(E)

(b)(7)(E) I did not get personally involved in that, setting that crew.

We present facts regarding other trips we reviewed in Appendix B.

<sup>31</sup> According to [www.rocksync.org](http://www.rocksync.org), The ROCKS, Inc. is a tax-exempt non-profit organization under Section 501c(19) comprised of active duty, reserve, retired, former commissioned and warrant warrant officers of the U.S. Armed Forces, ROTC Cadets, widows and widowers of deceased members, and other uniformed services. The organization was formed to provide mentorship, professional development and social interaction to strengthen the officer corps. In addition to the R.C. Cartwright Scholarship Fund, the "Leadership Outreach" program provides the opportunity for teams consisting of ROCK members to visit Historically Black Colleges and Universities (HBCUs) to provide professional career development guidance to ROTC students.

## Discussion

We conclude GEN Ward engaged in multiple forms of misconduct related to official and unofficial travel. He conducted official travel for primarily personal reasons and misused MilAir. He misused his position and his subordinates' time, Government funds, and rental vehicles. He failed to use a GTCC as required and received reimbursement for travel expenses that exceeded per diem rates without actual expense allowance approvals. Finally, he improperly accepted gifts from a prohibited source. The findings and determinations below analyze the four trips discussed in the body above and the additional trips detailed in Appendix B.

### *Findings*

We found GEN Ward was required to use MilAir for all official travel, and was not authorized to use MilAir if the primary purpose of the travel was personal. As a "required user," GEN Ward was authorized to approve his own use of MilAir for official travel only. Any use of MilAir for personal travel required approval of the Secretary of Defense in advance of the travel. We found no instances when the Secretary of Defense authorized GEN Ward to use MilAir for personal travel during the period we reviewed.

We found that on seven occasions GEN Ward extended the length of TDY trips when there was no indication that he conducted additional official business and did not take leave. As described in the facts section above and in Appendix B, this occurred during trips to the NCR in January 2011, August 2010, November 2009, July 2009, June 2009, and August 2008. We also found that after the August 2008 trip he was not charged any leave even though his itinerary indicated 8 days of leave, but he claimed expenses for 3 days of official travel in conjunction with 5 days of leave. We further found he extended his July 2010 stay in New York City by a day for the purpose of attending dinner and a Broadway show, but did not take leave.

We found GEN Ward's practice was to include Mrs. Ward on his TDY trips, to have the AFRICOM staff identify reasons to allow Mrs. Ward to accompany him, and that Mrs. Ward directed the (b)(6), (b)(7)(C) to "make programs" to enable this practice. We also found Mrs. Ward traveled with GEN Ward on 52 of 79 trips he took during the period we reviewed, and that each trip was on MilAir. We found that Mrs. Ward accompanied GEN Ward on 15 MilAir flights for unofficial purposes outlined in Table 5 below and that GEN Ward did not reimburse the Government for any flight.

	Date	From To	Purpose
1.	28 Oct 10	Washington, DC New York, NY	Attend GEN Ward's speech about AFRICOM
2.	26 Sep 10	Washington, DC	Accompany GEN Ward while he participated in a panel discussion and attend

		Atlanta, GA	(b)(6), (b)(7)(C) promotion ceremony
3.	20 Sep 10	San Diego, CA Washington, DC	Accompany GEN Ward to an office call at Morgan State University
4.	19 Sep 10	Washington, DC San Diego, CA	Accompany GEN Ward during his 30-minute speech to the Time Warner group
5.	16 Sep 10	Atlanta, GA Washington, DC	Attend dinners and receptions with GEN Ward
6.	15 Sep 10	Stuttgart, FRG Atlanta, GA	Attend the "Open Your Purse" fundraiser and a meeting at Good Works International
7.	5 Jul 10	New Orleans, LA New York, NY	Accompany GEN Ward to an office call at the Leader to Leader Institute
8.	1 Nov 09	Stuttgart, FRG New York, NY	Attend with GEN Ward a dinner in honor of a prominent retired Army general
9.	11 Jul 09	Stuttgart, FRG Washington, DC	Attend an education conference in Philadelphia
10.	17 Jun 09	Stuttgart, FRG Washington, DC	Could not be determined
11.	3 Apr 09	West Point, NY Washington, DC	Accompany GEN Ward to various engagements
12.	2 Apr 09	Stuttgart, FRG West Point, NY	Accompany GEN Ward to various engagements
13.	22 Oct 08	Boston, MA Washington, DC	Accompany GEN Ward to various engagements
14.	21 Oct 08	Stuttgart, FRG Boston, MA	Accompany GEN Ward to various engagements
15.	10 Aug 08	Stuttgart, FRG Washington, DC	Accompany GEN Ward on leave

For each flight listed above we did not find a preponderance of evidence to establish that Mrs. Ward participated in an *official* capacity in an *unquestionably official* function, or that her

travel provided a diplomatic or public relations benefit to the United States. There were two occasions for which we found no evidence that Mrs. Ward actually performed the activities described in the ITO. We found two instances GEN Ward permitted Mrs. Ward to fly even though the SJA opined (b)(5), and nine flights which GEN Ward did not cover in an ITO at all. Even in those cases which lacked an ITO, we did not count a flight as being among the 15 listed above if we found a preponderance of evidence that Mrs. Ward's travel was official. We also found one instance in July 2009 when GEN Ward permitted (b)(6), (b)(7)(C) of another general officer to fly without an ITO or ITA, and one instance in April 2009 when he permitted three members of the media to fly without an ITO.

We found that GEN Ward used (b)(6), (b)(7)(C), (b)(7)(E) and AFRICOM staff to drive or otherwise accompany Mrs. Ward on unofficial business when she traveled in CONUS. This was particularly true of (b)(6), (b)(7)(C), and (b)(6), (b)(7)(C). We also found GEN and Mrs. Ward asked staff members to run errands for them, such as shopping for candy and baby items, picking up flowers and books, delivering snacks, and acquiring tickets to sporting events. We further found staff members used vehicles rented at Government expense to perform these errands, and to drive or accompany Mrs. Ward to a spa, a department store, a fundraiser for a non-Government entity, and an education conference which the SJA opined (b)(5).

We found that GEN Ward spent 8.5 percent of his TDY time in Europe, 21.3 percent in Africa, and 70.2 percent in CONUS. GEN Ward (b)(7)(E) (b)(6), (b)(7)(C), (b)(7)(E) In one 12-month period a single (b)(6), (b)(7)(C), (b)(7)(E) spent 222 days TDY in the NCR. The (b)(6), (b)(7)(C), (b)(7)(E) once spent 49 consecutive nights in the NCR even though GEN Ward was in the NCR only 18 of those nights. This was the same (b)(6), (b)(7)(C), (b)(7)(E) who performed most of the driving and errands for Mrs. Ward. While in CONUS GEN Ward and his party rented up to five vehicles and required a dozen hotel rooms. GEN Ward testified he did not question the manner in which his (b)(6), (b)(7)(E) (b)(6), (b)(7)(C), (b)(7)(E).

On one occasion, described in Appendix B, GEN Ward elected to remain overnight at New York City's Waldorf Astoria Hotel rather than travel to Birmingham, Alabama, to wait for his business there to commence. We recognize GEN Ward could have stayed in either city, but note that New York is more expensive than Birmingham. Because of the size of his party, the costs associated with GEN Ward's decisions multiplied in this case and any time GEN Ward traveled on MilAir and claimed per diem when he extended the length of his TDY for unofficial purposes or during travel for primarily personal reasons.

We found that in July 2010 GEN Ward accepted from (b)(6), (b)(7)(C) the gift of complimentary meals for himself and Mrs. Ward. We also found two occasions where (b)(6), (b)(7)(C) paid for dinner parties for GEN Ward and his family members at Flemings Prime Steakhouse and Wine Bar in Tysons Corner, Virginia. We further found (b)(6), (b)(7)(C) is the President of (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) which had multiple Government contracts, including contracts associated with the construction of military medical facilities in Virginia, Kansas, and Texas.

We found GEN Ward did not possess or use a GTCC to pay for expenses incurred during official travel.

We found nine occasions in which GEN Ward claimed and was reimbursed for lodging expenses that exceeded per diem rates without an actual expense authorization. Details are in Appendix B.

We found two occasions in which GEN Ward incurred expenses in excess of 300 percent of the lodging rate limit and he was reimbursed for the actual expenses he incurred. Details are in Appendix B.

In the facts section above we detailed four trips which were especially illustrative of our findings and we summarize our findings with respect to those trips below. For the January 2011 trip to the NCR and Atlanta, we found GEN Ward:

- Spent one day at (b)(6), (b)(7)(C) and to visit with wounded warriors, on another day spent approximately 90 minutes at FORSCOM, and on a third day attended a meeting at the State Department. GEN Ward conducted no other official business during an 11-day trip that cost over \$129,000.00 for transportation, lodging, and per diem for GEN Ward, Mrs. Ward, and 13 civilian and military personnel.
- Intended to take Mrs. Ward to Atlanta for the Trumpet Awards but changed his mind when he learned his SJA opined (b)(5)
- Scheduled an office call with LTG Bromberg at FORSCOM after learning of the SJA's opinion that attendance at the 2011 Trumpet Awards (b)(5)  
(b)(5)
- Did not meet with the Commander, FORSCOM, during four previous trips to Atlanta despite his stated intention to conduct the meeting for some time.
- Permitted a (b)(6), (b)(7)(C), (b)(7)(E) to travel to Atlanta (b)(7)(E) which did not include any official business -- until he scheduled the meeting with LTG Bromberg on or shortly before the day he arrived in Atlanta himself.
- Left a (b)(6), (b)(7)(C), (b)(7)(E) in the NCR while he traveled to Atlanta, with at least (b)(6), (b)(7)(C), (b)(7)(E), responding during GEN Ward's absence to Mrs. Ward's request to shop for baby drops.
- Returned from Atlanta to the NCR the day after the Trumpet Awards to pick up Mrs. Ward, then spent a day at leisure before returning to Germany.
- Did not take leave at any time during this trip.



With respect to the July 2010 trip to Baltimore, New Orleans, and New York City, we found GEN Ward:

- Permitted (b)(6), (b)(7)(C), (b)(7)(E) to travel to Baltimore (b)(7)(E) in advance of his 90-minute engagement at the Hyatt Baltimore for the Black Engineer of the Year Alumni Awards Luncheon.
- Permitted (b)(6), (b)(7)(C), (b)(7)(E) to travel to New Orleans (b)(7)(E) in advance of his arrival for the Essence Music Festival.
- Permitted (b)(6), (b)(7)(C), (b)(7)(E) to travel to New York City (b)(7)(E) in advance of his meeting.
- Followed his trip to the Essence Music Festival in New Orleans with a 3-day, 2-night trip to New York City during which the only official business conducted was a 2-hour morning meeting with (b)(6), (b)(7)(C) of the Leader to Leader Institute.
- Permitted Mrs. Ward to fly on MilAir from New Orleans to New York City on a non-reimbursable basis for the purpose of accompanying him to a meeting with (b)(6), (b)(7)(C).
- Cut short his meeting with (b)(6), (b)(7)(C) to have lunch with (b)(6), (b)(7)(C), (b)(7)(C), and Mrs. Ward at the Four Seasons.
- Accepted a complimentary lunch and dinner for himself and Mrs. Ward in New York from (b)(6), (b)(7)(C). We based this finding on the fact that, although GEN Ward could not recall who paid for those meals, he admitted to accepting complimentary dinners from (b)(6), (b)(7)(C) on two other occasions in Virginia and presented no testimony or evidence that he paid for the meals in New York himself.
- Accepted complimentary tickets to a Broadway show, arranged by (b)(6), (b)(7)(C) for himself and Mrs. Ward.
- Permitted (b)(6), (b)(7)(C) to ride in his rented (b)(7)(E) chase car to a Broadway show.

With respect to the September 2010 trip to Atlanta, the NCR, and San Diego, we found GEN Ward:

- Permitted Mrs. Ward to fly on MilAir on a non-reimbursable basis from Stuttgart to Atlanta for the purpose of conducting a meeting with officials of GoodWorks International, LLC and attending the YWCA "Open Your Purse" fundraiser and dinner.
- Permitted (b)(6), (b)(7)(C) to attend both of the above listed engagements with Mrs. Ward; (b)(6), (b)(7)(C) drove Mrs. Ward to GoodWorks International in a rental

vehicle; and (b)(6), (b)(7)(C) drove (b)(6), (b)(7)(C) and Mrs. Ward in a rental vehicle to the fundraiser.

- Permitted Mrs. Ward to fly on MilAir on a non-reimbursable basis from Atlanta to Andrews AFB for the purpose of accompanying GEN Ward to two receptions and one dinner held in conjunction with the Congressional Black Caucus Foundation's Annual Legislative Conference.
- Permitted (b)(6), (b)(7)(C), (b)(7)(E) and one member of his staff to arrive in advance, traveled from Washington, DC to San Diego, CA with an additional five staff members, and a five-person MilAir flight crew, to deliver a 30 minute talk on "the power of functioning as a group while maintaining strength as individuals" to employees of Time Warner, Inc.
- Permitted Mrs. Ward to fly on MilAir on a non-reimbursable basis from Andrews AFB to San Diego for the purpose of accompanying him as he addressed a group of media managers and executives.
- Permitted Mrs. Ward to fly on MilAir on a non-reimbursable basis from San Diego to Andrews Air Force Base on September 20, 2010, for no apparent purpose other than to accompany GEN Ward four days later to an office call with the President of Morgan State University and to be available to accompany GEN Ward when he flew to Atlanta on September 26, 2010.
- Did not include the cost of his hotel suite in San Diego on his travel voucher.
- Permitted Mrs. Ward to fly on MilAir on a non-reimbursable basis from Andrews AFB to Atlanta for the purpose of accompanying GEN Ward when he participated in a panel discussion on Africa policy and to attend (b)(6), (b)(7)(C) promotion ceremony.
- Permitted (b)(6), (b)(7)(C), AFRICOM civilian, to remain in the NCR on TDY orders at Government expense for no apparent reason between September 19-26, 2010.
- Permitted (b)(6), (b)(7)(C) to fly on MilAir from Andrews AFB to Atlanta and back to Germany, for the purpose of attending (b)(6), (b)(7)(C) promotion ceremony in Cartersville, Georgia.

With respect to the May 2010 trip to Africa and Kansas City, we found GEN Ward:

- When finished with official business in Burkina Faso, decided to fly directly to Bermuda and remain overnight before continuing to Kansas City rather than return from Burkina Faso to Stuttgart, rest a day, and then fly to Kansas City. Dinner with members of the ROCKS Inc., a non-federal entity, did not constitute official business, yet added an extra day of TDY that could have been used as a crew rest day at their permanent duty station in Stuttgart.

- Permitted (b)(6), (b)(7)(C), (b)(7)(E) to advance Bermuda for (b)(7)(E) prior to GEN Ward's arrival and then (b)(7)(E) after departure to support GEN Ward with an overnight crew rest stop and where GEN Ward did not conduct any official business.
- Chose a suite over a standard room, at more than double the GSA lodging cost.
- Incurred a lodging cost to the Government of approximately \$10,737.00 before taxes, in addition to the costs of meals, local transportation, and incidental expenses for himself and his party.<sup>32</sup>

### *Determinations*

#### *Primary or predominant purpose of travel*

Comptroller General decisions indicate it was improper for GEN Ward to expend appropriated funds on travel when the primary purpose was personal, if there was no substantial benefit to the Government, or if the official business performed was only remotely or incidentally associated with a particular trip. OGE guidance stated a bona fide official activity must be the predominant purpose of the travel for a trip to be official. In one opinion, OGE addressed the concept of official purpose and stated, in part, the following:

Certain events should not be considered official for the purpose of using any Government-supplied personnel, equipment, or facilities. These would include events that are purely social and the invitation is extended on that basis, regardless of whether the invitation was sent to an employee's home or office, or whether or not his or her official title was used on the address, and regardless of whether the individual voluntarily talked "business" with another guest at the event. . . . On the other hand, an employee invited to a meeting or an event to discuss some program administered by his or her agency or matters in which the agency is involved and interested can justifiably determine the meeting is official. OGE Advisory Opinion 85-9, July 12, 1985.

Further, OMB Circular A-126 required GEN Ward to use MilAir only for official purposes and defined required use travel as official travel. DoDD 4500.56 provided that the Secretary of Defense could designate GEN Ward as a required user of MilAir for official travel only, and could approve his unofficial travel on MilAir on a case-by-case basis. The JFTR required that when the Government paid for transportation, GEN Ward could only use it for that portion of a trip properly chargeable to the Government. Any additional expense was his responsibility.

<sup>32</sup> \$10,737.00 = \$5,994.00 (b)(6), (b)(7)(C), (b)(7)(E) at \$333.00 per night) plus \$3,996.00 (12 staff and aircrew for one night at \$333.00 per night) plus \$747.00 (one night in a suite for GEN and Mrs. Ward). Figure does not include (b)(7)(E) commercial airfare or MilAir blade time.

We determined the predominant purpose of the 3-day, 2-night New York City trip in July 2010 was to meet with (b)(6), (b)(7)(C), enjoy meals, and attend a Broadway show, and that the morning meeting at the Leader to Leader Institute was incidental to these purely social events. We also determined the predominant purpose of the 3-day, 3-night Atlanta trip in January 2011 was to attend the Trumpet Awards events, and that the meeting at FORSCOM was incidental to those purely social events, which GEN Ward's SJA had (b)(5). As explained below, as a result of the evidence provided by GEN Ward, we found that he attended a meeting with a State Department official in Washington, DC, before returning to Stuttgart.

We therefore determined that GEN Ward's actions were inconsistent with Comptroller General decisions and OGE guidance cited above. We further determined GEN Ward violated OMB Circular A-126, because he used MilAir for these unofficial trips without the permission of the Secretary of Defense, as provided in DoDD 4500.56.

#### *GEN Ward's Response*

By letter dated April 23, 2012, GEN Ward disagreed with our determination that the primary purpose of the trip to New York City in July 2010 was personal. He stated, "The primary purpose of the trip to New York was to meet with (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) staff to discuss the Leader to Leader program." Additionally, GEN Ward stated, "I had excellent discussions with (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) about (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)." Further GEN Ward asserts that Mrs. Ward's travel was official because she participated in the meeting with (b)(6), (b)(7)(C) and met with Sesame Street and Scholastic Publishers to further the well-being of military children and families.

We reexamined the evidence and found that during this 3 day, 2 night trip, GEN and Mrs. Ward conducted what GEN Ward described in an email to (b)(6), (b)(7)(C) as "a short program with (b)(6), (b)(7)(C) the morning after their arrival the previous day. The purpose of the email appeared to be to assure (b)(6), (b)(7)(C) that GEN Ward would indeed be available for lunch, dinner, and the Broadway show. We have no evidence contrary to GEN Ward's assertions that topics of discussion during the lunch at the Four Seasons restaurant included (b)(6), (b)(7)(C). Regarding Mrs. Ward, we verified that Mrs. Ward met with Sesame Street officials during a different trip to New York on April 8, 2010, and we did not question Mrs. Ward's travel on that occasion. Having found no additional evidence that GEN or Mrs. Ward participated in any other official business during this trip, we stand by our determination that the predominant purpose of GEN Ward's July 2010 trip to New York City was personal, not official, and that this travel was inconsistent with Comptroller General decisions and OGE guidance, and in violation of OMB and DoD standards.

GEN Ward disagreed with our determination that the primary purpose of the trip from Washington, DC, to Atlanta, Georgia in January 2011 was personal. He stated, "The meeting at FORSCOM Headquarters was the central purpose of this trip." He added that he "fully considered that event [Trumpet Awards] an official event," and that he was "interviewed by several media outlets at the event." GEN Ward did not provide the names of any media outlets.

We note that GEN Ward's SJA opined his attendance at the 2010 Trumpet Awards, when he attended as an honoree, (b)(5). We did not question GEN Ward's travel to the 2010 event, and note there was indeed media coverage of GEN Ward in 2010, including an interview with Cable News Network (CNN). While event organizers undoubtedly considered GEN Ward to be a distinguished guest at the 2011 awards, he was not an honoree, and his SJA opined his attendance at the 2011 awards (b)(5). We note that in his response, GEN Ward did not address this legal opinion specifically. Regarding media coverage, we conducted internet and additional email searches and found no evidence to corroborate that "several media outlets" interviewed GEN Ward during his 3 day, 2 night trip in January 2011. Finally, though GEN Ward asserted his meeting with LTG Bromberg was the central purpose of the trip, he did not schedule the meeting with LTG Bromberg until after he accepted the invitation to attend the Trumpet Awards, and after his (b)(6), (b)(7)(C), (b)(7)(E) GEN Ward's arrival for the Trumpet Awards, as indicated on his itinerary. Consequently, we stand by our determination that the predominant purpose of GEN Ward's January 2011 trip to Atlanta was personal, not official and that this travel was inconsistent with Comptroller General decisions and OGE guidance, and in violation of OMB and DoD standards.

We note that in the discussion above we determined that GEN Ward returned from Atlanta to the NCR for the primary purpose of picking up Mrs. Ward so that she could fly back to Stuttgart with him. In his response, GEN Ward stated he returned to conduct meetings with members of the Joint Staff, OSD (Policy), and the State Department. We coordinated with the ALO, which checked records and found a notation regarding a meeting at the State Department on January 31, 2011. We verified with the State Department that this meeting took place. Consequently, we modified our initial determination that the primary purpose of GEN Ward's return to the NCR from Atlanta following the 2011 Trumpet Awards was to pick up Mrs. Ward.

#### *Extending the length of travel for personal reasons*

The JFTR required that if for personal reasons GEN Ward did not return immediately to Stuttgart after completing TDY, any additional expense was the traveler's financial responsibility. The DoD FMR established that GEN Ward was responsible for the truth and accuracy of his travel voucher even if someone else prepared it. In a 1992 case review, OGE opined regarding extending official travel for personal reasons:

A Government official who is properly traveling for official purposes may also engage in personal activities so long as there is no additional expense to the Government. For instance, an official who travels on official business to a city on Thursday to return on Friday, may return on Sunday so long as he or she does not request reimbursement from the Government for any expenses for Saturday or Sunday and does not miss any official duty time for which leave has not been taken.

We determined that GEN Ward violated the JFTR each of the seven times he claimed and received reimbursement for travel expenses incurred during trips he extended for personal reasons. He could complete the official purpose of a TDY and return at a later date, but he was not authorized to do that at Government expense.

*GEN Ward's Response*

In his letter to us, GEN Ward stated, "I never extended the length of a trip for personal reasons and then claimed and received benefits. This is simply a matter of unplanned opportunities in furtherance of DoD objectives and national interests, commitments that were not appropriate for notation on itineraries, and perhaps administrative failures to properly memorialize changes to schedules." GEN Ward also stated he included gaps in his itinerary to allow him to accommodate unplanned meeting requests at his destination.

During one of his interviews, we asked GEN Ward about each of these trips and later gave him an opportunity to provide an answer in writing. In both instances, GEN Ward provided generalities as to what he *may* have been doing and why the trips *may* have been extended. For the seven trips we determined GEN Ward extended for personal reasons, we looked for additional evidence to support GEN Ward's claims that he conducted business not reflected on his itinerary in furtherance of DoD objectives and national interests. We interviewed an additional witness GEN Ward identified, coordinated with the ALO, rechecked calendars, and double-checked classified and unclassified email records. We found only one additional, apparently unplanned meeting not reflected on his itinerary—the January 31, 2011, meeting at the State Department. We therefore amend our finding that on an 11-day trip in January 2011, GEN Ward conducted only 1 day of official business at WRAMC and 90 minutes of business at FORSCOM. We instead find that GEN Ward conducted official business on 3 days of an 11-day trip in January 2011, at a cost over \$129,000, and claimed reimbursement of each of the 11 days.

We found no additional evidence that GEN Ward extended the length of the trips in question to conduct any business of an official nature. Though GEN Ward attributed lack of evidence to possible administrative failures, we find it unlikely that if a Combatant Commander conducted official business, it would not be referenced in itineraries, calendars, or email. This causes us to place additional weight on the testimony members of the AFRICOM staff provided, which attested to inexplicable gaps which were sometimes built into GEN Ward's itineraries.

We do not dispute that GEN Ward conducted TDY to perform official duties while he served as Commander of AFRICOM. However, we ultimately determined that he did not conduct official activities on the seven particular trips we cite above, and we therefore stand by our determination that GEN Ward violated the JFTR and JER by extending the length of TDY for personal reasons.

*Permitting Mrs. Ward to fly on MilAir*

DoD 4515.13 prohibited Mrs. Ward from accompanying GEN Ward on MilAir unless GEN Ward reimbursed the U.S. Treasury for the full coach fare, Mrs. Ward was to actually participate in an official capacity in an unquestionably official function, or GEN Ward deemed her travel on MilAir was in the national interest because of a diplomatic or public relations benefit to the United States. Such participation normally had to be representational in nature. DoD 4515.13 and DoDD 4500.56 required GEN Ward to personally sign an ITO for Mrs. Ward each time she flew on MilAir and to reimburse the Government for the full commercial coach

class fare when Mrs. Ward flew on MilAir in an unofficial capacity. DoDD 4500.56 required GEN Ward to approve an ITA to authorize Mrs. Ward to fly on MilAir in an unofficial capacity. Finally, the standard also required GEN Ward to attempt to minimize the travel costs of MilAir.

We determined that GEN Ward permitted Mrs. Ward to take 15 flights on MilAir for purposes that were not unquestionably official or which did not provide a diplomatic or public relations benefit to the United States. These 15 flights constituted a violation of DoD 4515.13 and DoDD 4500.56 because GEN Ward did not reimburse the U.S. Treasury as required. We also determined that GEN Ward violated those standards each time he permitted Mrs. Ward to fly on MilAir without an ITO or ITA, when he permitted (b)(6), (b)(7)(C) of another general officer to fly without an ITO or ITA, and when he permitted members of the media to fly without such documentation.

#### *GEN Ward's Response*

In his letter, GEN Ward stated, "The statement that my wife sat someone down and said to make provisions to take her on every trip is an obvious misrepresentation and character assassination. The portrayal in the allegations that we were 'hunting' for reasons for my wife to travel is so misleading as to be false."

We stand by our determination that GEN Ward misused MilAir.

Email evidence between the AFRICOM travel and legal offices demonstrated AFRICOM staff members worked diligently to find opportunities for Mrs. Ward at each stop during GEN Ward's travels in an effort to make each leg of travel official for Mrs. Ward. Witness testimony was consistent in that Mrs. Ward's intent was to accompany GEN Ward on all his travel. We note that in many cases, GEN Ward, or Mrs. Ward, or the staff succeeded in justifying Mrs. Ward's travel. For most trips, we considered Mrs. Ward's travel official, especially if the travel was to Africa or was supported by a legal opinion.

However, accompanying GEN Ward to a meeting, being in attendance when he spoke at an event, or attending events in which Mrs. Ward had an interest does not justify Mrs. Ward's use of MilAir on a non-reimbursable basis. We determined this occurred on 15 of 52 trips on which Mrs. Ward accompanied GEN Ward on MilAir.

We note GEN Ward was not prohibited from allowing Mrs. Ward to accompany him on MilAir when her travel was unofficial, if space was available and he reimbursed the U.S. Treasury for the full coach fare. GEN Ward made no reimbursement for any of the 52 trips Mrs. Ward accompanied him as Commander, AFRICOM.

GEN Ward disagreed with our determination that Mrs. Ward's travel to San Diego was unofficial. We called and emailed the person GEN Ward recommended that we speak with to verify Mrs. Ward's role and as of the date of this report, we have received no response. Without verification of an unquestionably official role for Mrs. Ward, we stand by our determination.

Finally, GEN Ward made an effort to portray the official nature of Mrs. Ward's trips to the continent of Africa and other trips (i.e., the April 2010 trip to Boston) even though we did not question the official nature of those trips in our report.

#### *Misuse of subordinates and public office*

The JER prohibited GEN Ward from using his public office for his own private gain or in a manner intended to coerce or induce others to provide a benefit for himself or family members. It also required GEN Ward to use Government personnel for official purposes only and prohibited him from requesting a subordinate to use official time to perform activities other than those required in the performance of official duties.

We determined that when GEN Ward requested or permitted subordinates to run personal errands for himself or Mrs. Ward or to drive and accompany Mrs. Ward to unofficial activities, he misused subordinates in violation of the JER, because those activities were not required in the performance of the subordinates' official duties. Examples included shopping for candy and baby items, picking-up flowers and books, delivering snacks, acquiring tickets to a sporting event, as well as driving Mrs. Ward to a spa, a department store, a fundraiser for a non-government entity, and an education conference which the SJA opined (b)(5) [REDACTED] (b)(5) [REDACTED]. These were violations of the JER even if the subordinates claimed they were willing and not coerced, because subordinates performed the personal services on official time. We also determined this was inconsistent with the JER's prohibition against the use of public office for private gain, because it is clear GEN Ward's subordinates would not have performed the services, especially those completed for Mrs. Ward, were it not for GEN Ward's rank and position. Indeed, (b)(6), (b)(7)(C) [REDACTED], who performed a number of errands for GEN and Mrs. Ward, was assigned to his (b)(7)(E) [REDACTED] duties solely because of GEN Ward's position.

#### *GEN Ward's Response*

GEN Ward's letter stated, "I acknowledge and accept responsibility for the fact that the team would occasionally pick up items they knew we were in search of if they were also shopping; thus the candy bars." GEN Ward continued, "My perspective is the 'spa' incident was likely a case of stopping off to purchase hair or other grooming products for a family member in Stuttgart or on the continent. We often would support requests from others for items not available in their locations. It was certainly not as characterized, a day trip to the spa for personal reasons." He continued, "I would surmise the same would be the case for baby products, which my wife routinely purchased and took to Africa. I am astounded at the assumption that she bought this for our granddaughter. The more likely scenario is that my wife discovered a product that she wanted to take back for someone else to use once finding out about it."

We stand by our determinations that GEN Ward misused subordinates and used his public office for private gain.



GEN Ward's statements amount to an admission that he used or permitted the use of (b)(7)(E) personnel to perform personal errands. Emails between Mrs. Ward and a (b)(6), (b)(7)(C), (b)(7)(E) indicated that, contrary to the statements in GEN Ward's response, Mrs. Ward went to an "appointment" at a spa, that GEN Ward's (b)(6), (b)(7)(C), (b)(7)(E), and that a (b)(6), (b)(7)(C), (b)(7)(E) or (b)(6), (b)(7)(C) would drive Mrs. Ward to the appointment. Regarding baby drops, we note that Mrs. Ward emailed her appreciation to (b)(6), (b)(7)(C) by stating, "U r wonderful – the kids and I thank you." Regardless of whether they were meant for GEN Ward's infant granddaughter or someone else, it was not appropriate to use a (b)(6), (b)(7)(C), (b)(7)(E) to run this errand.

Additionally, GEN Ward's letter stated, "MCEC is recognized as an important DoD partner organization and all Service Chiefs routinely attend the annual MCEC conference along with DODEA. The validity of this trip was not in question. My staff member was driving to the MCEC conference in an official capacity as a command representative. My wife traveled with her to perform her duties in this DoD recognized partner organization."

We disagree with GEN Ward's assertion that the validity of the trip to the MCEC was not in question. GEN Ward's SJA opined (b)(5). As we document in Appendix B-8, GEN Ward testified that he did not attend the MCEC in Philadelphia (b)(5). Given the MCEC conference was deemed unofficial for GEN and Mrs. Ward we stand by our determination that GEN Ward allowed his staff to drive Mrs. Ward for unofficial purposes.

#### *Misuse of Government funds*

The JER required GEN Ward to protect and conserve Government property and not use such property, or allow its use, for other than authorized purposes. Government property includes appropriated funds. The JFTR required GEN Ward to exercise the same care and regard for incurring expenses paid by the Government as would a prudent person traveling at personal expense. Excess costs, circuitous routes, delays or luxury accommodations that were unnecessary or unjustified were GEN Ward's financial responsibility. DoDI 7750.6 defined waste as the extravagant, careless, or needless expenditure of Government funds or the consumption of Government property that resulted from deficient practices, systems, controls, or decisions.

We determined that on occasion GEN Ward did not comply with the JER requirement to protect and conserve resources and the JFTR requirement to exercise prudence in travel. We cite as examples his use of rental vehicles for personal errands, his \$700.00 suite during the refueling stop in Bermuda, his decision to remain in New York City at the Waldorf Astoria rather than fly to Birmingham, Alabama, to await the start of his next TDY engagement, and his decision to permit (b)(6), (b)(7)(C) to travel to the NCR and Atlanta for the purpose of attending (b)(6), (b)(7)(C) promotion ceremony. We note that when GEN Ward improperly extended the length of his travel for personal reasons, the result was an exponential increase in attendant costs for lodging, per diem, and transportation. We cite as an example the \$129,000.00 cost estimate for his staff to accompany him on the 11-day trip in January 2011 during which GEN Ward conducted less than 3 full days of official business.

We also note with concern the relevant facts regarding GEN Ward's (b)(7)(E) such as the (b)(7)(E) to Bermuda to cover GEN and Mrs. Ward's overnight stay and the (b)(7)(E) Baltimore mission to cover a 90-minute stop. There was also the (b)(7)(E) Atlanta for the 2011 Trumpet Awards, an unofficial event. This occurred while (b)(6), (b)(7)(C), (b)(7)(E) waited in the NCR for GEN Ward to return. He returned to attend a meeting at the State Department and to spend an extra day at leisure in the NCR. Finally, there was the 222 days (b)(6), (b)(7)(C) spent in the NCR during one 12-month period, which we found was excessive. While it was reasonable that GEN Ward relied on his (b)(6), (b)(7)(C), (b)(7)(E), we determined GEN Ward did not adequately oversee his (b)(7)(E) to ensure their conduct of the mission was consistent with his duty to protect and conserve resources and the JFTR requirement to exercise prudence in travel.

#### *GEN Ward's Response*

GEN Ward's letter stated, "I have since learned through counsel that the Bermuda layover came on short notice and that a security team had to be diverted from another mission to conduct an advance there. Further, I suspect that because of the short notice of this stop, availability of commercial aircraft for the security team could have created an issue for the team's departure."

We note that the itinerary for GEN Ward's trip, which began on May 19, 2010, with a flight from Stuttgart to Uganda, already included the layover in Bermuda on May 22, as well as the notation that the (b)(6), (b)(7)(C), (b)(7)(E), on May 18, 2010. This indicates it was planned at least 4 days in advance.

GEN Ward also stated, "I note that the report references standards of apparent excess, but does not account for doctrinal standards and requirements." He continued, "This doctrine dictates how (b)(7)(E) are trained and how they do their jobs. Emphasis is placed on (b)(7)(E) requirements and threat assessments, rather than subjective assessments of perceived excess.

(b)(7)(E)

(b)(7)(E)

We reexamined the Bermuda and Atlanta trips we cited in the discussion above in light of these doctrinal criteria. (b)(6), (b)(7)(C), (b)(7)(E)

(b)(7)(E). In addition, the only stop in Bermuda was the hotel. In Atlanta, the only stops planned when the (b)(6), (b)(7)(C), (b)(7)(E) (b)(7)(E) GEN Ward added the FORSCOM visit after the (b)(6), (b)(7)(C), (b)(7)(E). Finally, we have no information that

movement from the airport to the sites visited in Bermuda and Atlanta occurred in anything other than a routine manner.

We therefore determined that the January 2011 trip to Atlanta, with (b)(7)(E) [REDACTED] an unofficial event, and the May 2010 layover in Bermuda, with a \$700 suite and (b)(7)(E) [REDACTED] (b)(7)(E) [REDACTED], demonstrate GEN Ward's travel practices as they pertained to conservation of resources and exercising prudence in travel.

We stand by our determination that on occasion GEN Ward did not comply with the JER requirement to protect and conserve resources and the JFTR requirement to exercise prudence in travel.

#### *Misuse of rental vehicles*

The JFTR limited the use of special conveyances, which included rental vehicles, to official purposes, which included transportation to and from duty sites, lodging, dining facilities, drugstores, barber shops, places of worship, cleaning establishments, and similar places required for the traveler's subsistence, health, or comfort. We determined that when GEN Ward allowed his staff to use rental vehicles to run personal errands, to drive Mrs. Ward for unofficial purposes, and to drive (b)(6), (b)(7)(C) [REDACTED] to a social event, he violated this provision of the JFTR, and we cited several examples of this practice in the discussion of misuse of subordinates, above.

#### *Government Travel Charge Card*

The DoD FMR required GEN Ward to use a GTCC to pay for all costs related to official Government travel. We determined GEN Ward violated the DoD FMR because he did not possess a GTCC and use it for his TDY travel related expenses.

#### *Actual Expense Authorizations*

The JFTR required GEN Ward to approve or secure an authorizing official's approval for reimbursement of actual expenses when actual and necessary expenses exceeded the per diem rate.<sup>33</sup> We determined that each of the nine times GEN Ward received reimbursement for actual expenses in excess of per diem rates, without authorization, constituted a violation of the JFTR.

Further, an authorizing official may only approve payment of actual expenses up to three times the local per diem rate. GEN Ward was responsible for excess costs and additional expenses incurred for personal preference or convenience, and blanket authorizations were prohibited. We also determined the two occasions when GEN Ward incurred lodging expenses which exceed the per diem rate by greater than three times but received reimbursement for all of his lodging expense constituted a violation of the JFTR.

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<sup>33</sup> GEN Ward's practice was to secure an Actual Expense Authorization signed by his comptroller.

*GEN Ward's Response*

In his letter to us, GEN Ward stated he “was always under the impression from my staff that expenses in excess of per diem were authorized and documented appropriately.” We do not dispute GEN Ward’s statement, but the fact remains that on nine occasions he received reimbursement for actual expenses without authorization, and on one occasion received an expressly prohibited reimbursement for costs in excess of 300 percent of per diem.

*Unauthorized Gifts*

The JER prohibited GEN Ward from accepting a gift for himself, Mrs. Ward, or his children from a prohibited source or that was given because of his official position. He could accept the gift if its market value was \$20.00 or less and if the value of gifts from any one person did not exceed \$50.00 in a calendar year. A gift included any gratuity favor, discount, entertainment, hospitality, or other item of monetary value, and a prohibited source is any person who did business with or sought to do business with DoD. GEN Ward could accept a gift if it was clear the giver was motivated by a family or personal relationship rather than GEN Ward’s position.

We determined that (b)(6), (b)(7)(C), was a prohibited source because his firm had multiple DoD contracts. We therefore determined that accepting tickets to a Broadway show and on the three occasions when he accepted complimentary meals from (b)(6), (b)(7)(C) for himself and his family members, GEN Ward violated the JER, because he accepted gifts in excess of \$20.00 in value from a prohibited source.

*GEN Ward's Response*

GEN Ward stated in his letter, “The standard for this allegation fully recognizes that an exception to the prohibition of gifts from prohibited sources or because of official position includes gifts based on a personal relationship.” He continued, “We were not close friends but we certainly had a long term relationship... What is of more import to the analysis is the unrefuted and absolutely true fact that I had no knowledge whatsoever that (b)(6), (b)(7)(C) had business dealings in the defense contract environment and was therefore a “prohibited source.””

We refer to the JER provision which incorporates Title 5, CFR, Part 2635, which states in Subsection 2635.204(b), an employee may accept a gift given under circumstances which make it clear that the gift is motivated by a family relationship or personal friendship rather than the position of the employee. Relevant factors in making such a determination include the history of the relationship and whether the family member or friend personally pays for the gift. GEN Ward implies that this exception applies to his acceptance of gifts from (b)(6), (b)(7)(C)

We respectfully disagree with GEN Ward and conclude that an exemption to the gift prohibition based on a personal relationship does not apply to (b)(6), (b)(7)(C). GEN Ward attests to having a long-term relationship with (b)(6), (b)(7)(C), but he describes in his response only recent professional interactions regarding troop support programs and past officer-enlisted contacts which do not indicate a personal friendship. GEN Ward provides no additional evidence to

indicate personal contacts between them. GEN Ward's consistent testimony and his letter indicate a professional relationship between GEN Ward and (b)(6), (b)(7)(C), not a long-term personal friendship. In addition, his testimony that he was unaware of (b)(6), (b)(7)(C) business with DoD provides additional evidence that the history of the relationship, while spanning about 15 years, is not personal in nature.

In other words, the evidence does not support GEN Ward's assertion that (b)(6), (b)(7)(C) gave the gifts because of a personal relationship and not because of GEN Ward's rank or position. Finally, we note that the JER does not provide an exception to apply when the Government employee is not aware that the giver of a gift is a prohibited source. Consequently, we stand by our determination that GEN Ward violated the JER by accepting gifts in excess of \$20 from a prohibited source.

B. Did GEN Ward misuse a Government vehicle in Germany?

See Appendix C (classified) for standards, facts, and discussion of this allegation, including GEN Ward's response to our preliminary report.

C. Did GEN Ward misuse ORF?

Standards

**Department of Defense Instruction (DoDI) 7250.13, "Use of Appropriated Funds for Official Representational Purposes," dated June 30, 2009**

Enclosure 3, "Guidance and Authorization," paragraph 4.a.(2)(j) states Official Representation Funds (ORF) shall not be used to fund gifts for DoD officials unless authorized in the Instruction.

Enclosure 3, "Guidance and Authorization," paragraph 4.a.(1)(h) authorizes gifts and mementos under the following conditions: 1) DoD officials designated in Enclosure 2 of this Instruction and those officials delegated authority to host ORF events and extend official courtesies may present gifts and mementos funded by ORF, 2) Other officials may present gifts and mementos only in exceptional circumstances if specifically authorized in writing by one of the officials designated in Enclosure 2 of this Instruction, 3) The aggregate cost of gifts presented by any one DoD official to any one authorized guest at a DoD-sponsored event may not exceed the minimal value as established under Reference (e) (the current limit is \$335.00), and 4) When deemed appropriate by an authorized host and approved by proper authority, gifts may be personalized with the organization, title, and the name of the presenter. However, personalized gifts may only be ordered in very limited quantities to ensure that they are used during that person's tenure.

Enclosure 3, paragraph 4.b.(2) states that to ensure entertainment costs are kept to a minimum, guidelines for ratios of DoD personnel (including spouses) to authorized guests should be observed. In parties of 30 or more persons, a minimum of 50 percent of invitees expected to attend should be honored or distinguished guests and members of their party.

Enclosure 3, paragraph 4.f. states that DoD personnel authorized to expend ORF shall personally monitor the use of the funds to ensure the highest order of propriety and integrity of all expenditures.

Enclosure 4, "Responsibilities," paragraph 1.b. states heads of DoD Components shall use ORF pursuant to the policies of this Instruction when they are designated by the DoD Executive Secretary (for the Secretary and Deputy Secretary of Defense) or the Director of the Joint Staff (for the Chairman and Vice Chairman of the Joint Chiefs of Staff) to manage the visits of foreign dignitaries and officials that have DoD-wide implications and benefits.

Enclosure 4, paragraph 1.c. states that heads of DoD Components shall monitor the use of ORF to ensure that expenditures made for official hosted functions in connection with official events comply with socially acceptable mores of American society and that the policy objectives of the United States and the interests of the U.S. taxpayer jointly are served.

**DoD 5500.7-R, "Joint Ethics Regulation (JER)," August 1, 1993, including changes 1-6 (March 23, 2006)**

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

Subpart A, "General Provisions," Section 2635.101, "Basic Obligation of Public Service," states in paragraph (b)9 that employees shall protect and conserve Federal property and not use it for other than authorized purposes.

Facts

The complaint alleged GEN Ward misused ORF when he gave pewter letter openers as gifts to AFRICOM staff at a farewell event. During the course of our investigation we received additional allegations that ORF expenditures for command coins, farewell gifts, holiday parties, and a pre-Change of Command reception were improper.

*GEN Ward's Presentation of Letter Openers*

(b)(6), (b)(7)(C) testified that in February 2011, the (b)(6), (b)(7)(C) said GEN Ward wanted engraved letter openers. (b)(6), (b)(7)(C) testified he reminded GEN Ward that if he used ORF, the letter openers could only be given to ORF-eligible people. GEN Ward told (b)(6), (b)(7)(C) that he (GEN Ward) understood the regulation and stated, (b)(6), (b)(7)(C), "I want you to execute, I want those ordered." (b)(6), (b)(7)(C) testified he then ordered 100 letter openers, 50 of which were engraved.

An invoice indicated an order of 100 letter openers at a cost of \$23.95 each. (b)(6), (b)(7)(C) testified half were engraved with "Presented by GEN William E. Ward" and "Improve the Foxhole-Make Your Teammates Better" on the reverse side. We inspected one of the openers

and found (b)(6), (b)(7)(C) description of the inscriptions was accurate. (b)(6), (b)(7)(C) told us the other 50 letter openers were inscribed with the AFRICOM crest.

(b)(6), (b)(7)(C) further testified that GEN Ward's farewell reception was a no-host event at the Marriott in the City of Sindelfingen, Germany. Each attendee paid his own costs; ORF could not be used to pay for the costs of the event because the ORF ratio requirements were not met. (b)(6), (b)(7)(C) testified guests were senior members of GEN Ward's staff, there were no foreign guests, and a total of 50-60 people were there.

(b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) testified that at the conclusion of the event, GEN Ward invited guests to take a letter opener with them as they departed. (b)(6), (b)(7)(C) was "100 percent certain" that GEN Ward intended to use the letter openers as parting gifts.

GEN Ward testified a staff member suggested they purchase letter openers rather than command coins, and he agreed. He did not remember which staff member made the suggestion, but thought it was (b)(6), (b)(7)(C) or (b)(6), (b)(7)(C). He stated he did not direct the use of ORF, did not think specifically about the funding source, and assumed the process was the same as for coins.

GEN Ward testified further that he later learned that presenting letter openers purchased with ORF to U.S. personnel was inappropriate, and that he was prepared to pay for them.

### *Command Coins*

Witnesses testified GEN Ward used one type of coin. It had an AFRICOM logo on one side and GEN Ward's signature on the other. GEN Ward confirmed that during the early part of his command there was a generic coin that did not identify him, but for a majority of his command tour he used only a single style of coin that he personalized with his signature.

(b)(6), (b)(7)(C) testified he provided guidance to the command group on coins, the use of ORF to purchase them, the question of personalizing coins with a signature, and restrictions on who could receive coins purchased with ORF. He did not personally suggest to GEN Ward (b)(5) (b)(5) He presented GEN Ward with options (b)(5) (b)(5)

Witnesses testified ORF was the funding source used for all command coins. None testified that another type of funding was ever used. GEN Ward testified he did not recall ever using his own money to purchase coins and that he was unaware of the funding source or the source of supply.

(b)(6), (b)(7)(C) testified he and a representative from the Protocol Office prepared a log book to track coin purchases and presentations. When he questioned the (b)(6), (b)(7)(C) regarding lack of information about coin presentations, the (b)(6), (b)(7)(C) told him to transfer responsibility for the log book to the flag writer. The (b)(6), (b)(7)(C) testified he kept a supply of ORF coins and maintained accountability of them and that GEN Ward was the only individual who actually presented coins.

We reviewed ORF records for fiscal 2010 that indicated a January 13, 2010, coin purchase of \$695.67; a March 18, 2010, purchase of \$1,180.55; and a March 24, 2010, purchase of \$3,357.00. We also reviewed two retail invoices which the ORF log did not appear to reflect. These were for an April 20, 2010, purchase of 100 coins for \$1,180.55 and a June 7, 2010, purchase of 500 coins for \$3,000.00.

Witnesses testified that when GEN Ward handed out coins, he did not consider the source of funds or make a judgment about whether a recipient was authorized to receive a coin purchased with ORF. GEN Ward gave coins to foreign dignitaries, AFRICOM military and civilian personnel, air crewmembers, and other U.S. military and civilian personnel.

(b)(6), (b)(7)(C) testified GEN Ward gave coins to everyone from the people who cleaned the office to hotel employees to MilAir crews. "He gave out coins to everybody that he could." One (b)(6), (b)(7)(C), (b)(7)(E) cited the example that if Andrews AFB personnel provided extra assistance to the (b)(7)(E), GEN Ward might give them one of his coins. GEN Ward testified he used one type of coin for U.S. and foreign personnel, and "sometimes" presented coins solely to U.S. personnel. Regarding the criteria he used to determine when and to whom he would present a coin, GEN Ward testified:

Well, for performance and recognition are typical criteria, in either case, and recommendation from subordinate staffs, staff members, for persons that were deserving of receiving a coin; my all hands calls; presentation made to staff members; visiting a foreign dignitary, recognition. And so those were the criteria typically; recognition of service, recognition of friendship, partnership.

Among the entries in the coin log book were notes that indicated GEN Ward presented ORF coins to U.S. personnel:

- On August 22, 2010, the air crew for a flight from Djibouti to Germany received 13 coins.
- On August 25, 2010, seven military personnel received coins at an off-site.
- On October 15, 2010, the aide-de-camp took 47 coins for presentation at "The USO Salute."
- On October 19, 2010, 75 coins were dispensed for GEN Ward's trip to Washington, D.C., New York, and Alabama.
- On November 3, 2010, the aide-de-camp gave a "coin to (b)(6), (b)(7)(C) for presentation to (b)(6), (b)(7)(C)."
- On December 25, 2010, four coins went to C-37 crew members.



### *GEN Ward Presentation of Farewell Gifts*

(b)(6), (b)(7)(C) testified that in August 2010, GEN Ward's (b)(6), (b)(7)(C) asked for a gift from the ORF locker for GEN Ward to present to Major General (Maj Gen) Snodgrass, U.S. Air Force, the outgoing AFRICOM Chief of Staff. (b)(6), (b)(7)(C) testified he understood from the (b)(6), (b)(7)(C) that GEN Ward did not want to purchase a gift with his own money. Believing at the time that such use of ORF was authorized, (b)(6), (b)(7)(C) provided a clock and bottle of wine to the (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) learned later that the use of ORF to purchase the gifts had been improper, and he personally reimbursed the government \$176.00 for the cost of the clock and bottle of wine, because he did not want to ask Maj Gen Snodgrass to return the gifts or GEN Ward to pay for them.

GEN Ward testified there was a farewell presentation to Maj Gen Snodgrass. He did not direct the use of ORF to buy the gifts. He had assumed his staff would do the right thing, and he did not recall additional details.

We reviewed the ORF expenditures log and found several entries which documented the purchase of wine, but did not find an entry which indicated the purchase of the specific clock (b)(6), (b)(7)(C) mentioned. We noted the log did not consistently describe items purchased. For example, there were entries which described purchases simply as "gifts." After purchase, there was no log to document when items were taken from the gift locker.

### *Holiday Parties*

GEN Ward testified it was tradition for the occupant of the Clay Haus, the senior U.S. general officer in Stuttgart, to host a holiday party in December, and that he continued the tradition after the standup of AFRICOM. The purpose of the party was to foster goodwill between AFRICOM and prominent host nation authorities and citizens upon whom AFRICOM depended for continued support.

We reviewed the invitation/guest list for the Saturday, December 11, 2010, party and noted it differentiated between 456 ORF eligible and 229 non-ORF eligible guests. GEN Ward and (b)(6), (b)(7)(C) testified they tailored the guest list to ensure the use of ORF to pay for the party was appropriate. (b)(6), (b)(7)(C) verified the guests included high-ranking foreign officials and a lesser number of senior U.S. personnel. (b)(6), (b)(7)(C) testified (b)(6) assembled the ORF package and routed it to GEN Ward through the SJA, Comptroller, and Chief of Staff. (b)(6), (b)(7)(C) verified that (b)(6) office reviewed and (b)(5).

(b)(6), (b)(7)(C) testified ORF was the only funding source for the party. The ORF expenditures log indicated the 2010 party cost \$34,087.00 and the 2009 party cost \$34,155.00.

## Discussion

We conclude GEN Ward misused ORF.

We found GEN Ward spent ORF to host holiday parties at the Clay Haus and that he expected more than half of them to be honored or distinguished foreign guests and their parties. We found the 2009 and 2010 parties cost in excess of \$34,000.00 for each 1-day party, held in his residence and staffed by volunteers.

We also found GEN Ward presented gifts to DoD and other officials in the form of engraved letter openers, personalized command coins, a clock, and a bottle of wine, and that AFRICOM Protocol personnel used ORF to pay for the gifts.

We further found that GEN Ward did not consider the source of funds used to pay for the engraved letter openers, personalized command coins, clock, and bottle of wine, or whether the recipients were eligible to receive them if they were purchased with ORF. Finally, we found no evidence to indicate that GEN Ward presented the gifts in the interest of furthering U.S. policy objectives, which formed the basis for the use of ORF.

DoDI 7250.13 prohibited GEN Ward from using ORF to fund gifts for DoD officials, unless the instruction specifically authorized such gifts. It required that when he hosted parties of 30 or more people, at least half of those expected to attend should be honored or distinguished guests and members of their parties. The instruction also required GEN Ward, as a person authorized to expend ORF, to "personally monitor the use of the funds to ensure the highest order of propriety and integrity of all expenditures." As the head of a DoD Component, he was also required to ensure that the use of ORF jointly served the policy objectives of the United States and the interests of U.S. taxpayers.

The JER required GEN Ward to protect and conserve Federal property, which includes ORF.

We determined GEN Ward's use of ORF for the holiday parties at the Clay Haus complied with DoDI 7250.13 because the ratio of honored and distinguished guests complied with the instruction.

We determined GEN Ward's decision to present ORF-funded letter openers to guests at his farewell reception violated DoDI 7250.13 because the guests were DoD officials and other U.S. personnel who were ineligible to receive an ORF-funded gift. There was no evidence to indicate GEN Ward expected that at least half the personnel who attended the reception were honored or distinguished guests and members of their party. Even if at least half of the personnel were authorized guests, DoD officials, and others, U.S. personnel would not have been eligible to receive an ORF-funded gift.

We also determined that GEN Ward's use of ORF-funded farewell gifts for presentation to Maj Gen Snodgrass violated the instruction because Maj Gen Snodgrass was a DoD official and therefore ineligible to receive an ORF-funded gift.

We further determined that GEN Ward's use of ORF funds to finance the purchases of AFRICOM command coins violated the instruction because he used them as gifts to DoD and other officials without proper consideration of the eligibility of the recipient.

Finally, we determined that GEN Ward's failure to consider the funding source for the gifts he presented or eligibility requirements for receipt of the gifts constituted a failure to monitor the use of ORF and a failure to ensure the use of ORF supported U.S. policy objectives and the interests of U.S. taxpayers, as required in the instruction.

#### *GEN Ward's Response*

In his letter to us, GEN Ward stated he did not ensure his staff followed proper procedures for the procurement and distribution of coins. Additionally, GEN Ward asserted he did not direct the letter openers to be "given as gifts at my farewell dinner, but being aware they were distributed to ineligible personnel, I am prepared to pay for them."

We stand by our conclusion that GEN Ward misused ORF.

#### D. Did GEN Ward waste Government funds on official AFRICOM functions?

##### Standards

#### **DoD 5500.7-R, "Joint Ethics Regulation (JER)," August 1, 1993, including changes 1-6 (March 23, 2006)**

The JER provides a single source of standards of ethical conduct and ethics guidance for DoD employees.

Chapter 2 of the JER, "Standards of Ethical Conduct," incorporates Title 5, CFR, Part 2635, "Standards of Ethical Conduct for Employees of the Executive Branch," in its entirety.

Subpart A, "General Provisions," Section 2635.101, "Basic Obligation of Public Service," states in paragraph (b)9 that employees shall protect and conserve Federal property and not use it for other than authorized purposes.

#### **DoDI 7750.6, "Information Requirements for Semiannual Report to the Congress," dated April 27, 1990**

The instruction defines terms the DoD Inspector General uses when reporting the results of investigations and audits to Congress, and includes a definition of "waste" that is useful when evaluating whether an official's actions are consistent with the JER requirement to protect and conserve Government resources. Waste is the "extravagant, careless, or needless expenditure of Government funds, or the consumption of Government property that results from deficient practices, systems, controls, or decisions. The term also includes improper practices not involving prosecutable fraud."

Facts*Use of AFRICOM Travel Funds for the 2010 Holiday Party*

A witness testified that GEN Ward had a “fanatical obsession” with the annual holiday party at the Clay Haus and brought a former AFRICOM protocol specialist on TDY from the United States to Stuttgart for a month to help execute the 2010 party. The witness complained it was unnecessary and wasteful expenditure of AFRICOM funds.

Witnesses testified (b)(6), (b)(7)(C) was integral to the planning and execution of the 2008 and 2009 holiday parties. (b)(6), (b)(7)(C) testified (b)(6), (b)(7)(C) departed AFRICOM in June 2010 to work in the (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) testified that GEN Ward personally contacted (b)(6), (b)(7)(C) for this purpose because he was concerned that his remaining staff lacked experience. (b)(6), (b)(7)(C) traveled to Stuttgart, advised the staff on the specifics of the 2010 party, and trained them on conducting large events and working with senior officials. The party took place on December 11, 2010. A travel voucher indicated (b)(6), (b)(7)(C) departed Alexandria, Virginia, for Stuttgart on November 19, 2010, and returned on December 16, 2010. The cost of (b)(6), (b)(7)(C) lodging and per diem expensed while at Stuttgart was \$5,993.50, and did not include (b)(6), (b)(7)(C) salary or air transportation expenses that were paid by AFRICOM’s centrally billed account.

(b)(6), (b)(7)(C) believed GEN Ward resolved to bring (b)(6), (b)(7)(C) back for the 2010 party even before (b)(6), (b)(7)(C) departed AFRICOM the previous June. The protocol staff was mostly new and it was good to have (b)(6), (b)(7)(C) help, but they could have managed without (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) testified (b)(6), (b)(7)(C) did not return immediately after the party because (b)(6), (b)(7)(C) stayed to help with a visit from the Djibouti Chief of Defense. (b)(6), (b)(7)(C) testified the protocol office was short-handed at the time of the Djibouti visit, but could have handled the party and the visit without (b)(6), (b)(7)(C).

GEN Ward confirmed (b)(6), (b)(7)(C) arrived “some time prior to the actual event” and “left some time after.” He testified the protocol staff was inexperienced and (b)(6), (b)(7)(C) had the expertise needed to ensure the event demonstrated AFRICOM’s appreciation for the Germans’ support of the AFRICOM mission. He denied knowledge of who funded (b)(6), (b)(7)(C) travel.

*“The Clay Haus” and “Africa Command: The First Three Years . . .” Publications*

A witness testified GEN Ward ordered the production of two publications and was very involved in their development. One was a booklet that told the story of the Clay Haus and the other was a book which documented the first three years of AFRICOM. Three witnesses testified that at least 300 of the guests at GEN Ward’s AFRICOM change of command ceremony received a copy of both publications.

The Clay Haus booklet was 8.5”x11” in size and 64 pages in length. A foreword noted the historic significance of the residence. Printed on glossy paper and bound with staples, it consisted almost entirely of photos and captions. Over half the pages highlighted the

architectural features of the house. There was a short section that included photos of the various occupants. The final section, "The Clay Haus Through the Years," focused on the period when GEN and Mrs. Ward lived there. A printing order indicated 1000 booklets were ready for pickup on December 13, 2010, at a cost of \$4,752.70 which was paid with operations and maintenance (O&M) funds.<sup>34</sup>

The AFRICOM (b)(6), (b)(7)(C) was the action officer for the booklet's development. Mrs. Ward approached him about the concept in 2009, and in September or October 2010 GEN Ward tasked him to produce the booklet in time for the 2010 holiday party. The historian completed a draft, which GEN Ward approved, and the Public Affairs Office coordinated printing.

GEN Ward testified his idea for the booklet was for visitors to the Clay Haus to have a "takeaway." He hoped the booklet would be ready for distribution at the 2010 holiday party. He recalled discussions about the cost, but not the details. He learned after the fact that guests at his change of command ceremony received a booklet.

The book entitled "United States Africa Command: The First Three Years..." was 8.5"x11" in size and 126 pages in length. Printed on glossy paper and bound professionally, it had a hard cover and consisted of photos, captions, and narratives. There were chapters on the establishment of AFRICOM, Africa today, AFRICOM components and activities, and a photo gallery of AFRICOM components engaged in activities at AFRICOM Headquarters and on the continent of Africa.

The former AFRICOM (b)(6), (b)(7)(C) testified GEN Ward directed him to coordinate the development and publication of the hard cover book, and that GEN Ward was not intimately involved with its details. They ordered 1000 books at a cost of \$14,000.00, which in (b)(6), (b)(7)(C) opinion was not an exorbitant amount compared to other outreach products they had produced.

GEN Ward testified his staff conceived the idea for the book, and he approved it. He reviewed the draft but was not otherwise involved, as he was focused on Libya as the date for his change of command approached. He could not recall whether he knew the number of books printed, he did not have a distribution plan for them, and did not direct distribution of the books at his change of command ceremony. He knew the attendees received the books and booklet because he received positive comments about them.

### Discussion

We conclude that GEN Ward wasted Government funds on official AFRICOM functions.

We found that GEN Ward spent at least \$5,993.50 plus airfare, paid by AFRICOM's centrally billed account, to bring (b)(6), (b)(7)(C) to Stuttgart from November 19 to December 16,

<sup>34</sup> O&M funds are appropriated by Congress for obligation during one fiscal year.

2010, for the purpose of helping to plan and execute the holiday party he hosted at his residence. We also found the cost of this endeavor did not include (b)(6), (b)(7)(C) salary, as (b)(6), (b)(7) was not available during that time to perform (b)(6), (b)(7) primary duty of supporting the (b)(6), (b)(7)(C) (b)(6), (b)(7)(C). Further, we found that (b)(6), (b)(7)(C) assistance, while undoubtedly beneficial to the AFRICOM staff, was not necessary or should not have been necessary to conduct a successful party. GEN Ward was simply more comfortable with (b)(6), (b)(7)(C) and brought (b)(6) back to Stuttgart for that purpose.

We also found GEN Ward spent \$4,452.70 of O&M funds to produce 1000 copies of a booklet which was to serve as a takeaway for visitors to the Clay Haus. However, the booklet's focus in the final section on GEN and Mrs. Ward limited its value to future occupants of the Clay Haus. GEN Ward's desire to have the booklet ready for the holiday party established that the real purpose of the booklet was as a memento for guests at the holiday party. We found the booklet was not ready for pick-up until 2 days after the 2010 party and was used as a memento for guests who attended the March 2011 change of command ceremony.

We further found GEN Ward spent \$14,000.00 of O&M funds to produce 1000 copies of a book which memorialized his time in command of AFRICOM. Approximately one-third of the books produced were distributed as a memento at the change of command ceremony.

The JER required GEN Ward to protect and conserve Federal property, which include O&M funds. DoDI 7750.6 defined waste as extravagant, careless or needless expenditure of Government funds or the consumption of Government property that results from deficient practices, systems, controls, or decisions.

We determined that GEN Ward's use of funds for (b)(6), (b)(7)(C) lengthy TDY was inconsistent with his duty to conserve resources and consistent with the DoDI 7750.6 definition of waste because (b)(6) personal presence was a needless expenditure of Government funds. GEN Ward had a protocol staff at AFRICOM, but he preferred the services of (b)(6), (b)(7)(C)

We also determined that GEN Ward failed to protect and conserve Federal property in the case of the books and booklets. We recognize that production of a limited number of coffee-table type books and "takeaways" suitable for use by future occupants of the Clay Haus or visitors to AFRICOM Headquarters could have reasonably supported AFRICOM public affairs objectives. However, we determined that their use as mementos for the change of command ceremony was needless and extravagant, and accordingly, constituted waste that was inconsistent with the JER requirement to protect and conserve Federal property.

#### *GEN Ward's Response*

GEN Ward disagreed with our determination regarding (b)(6), (b)(7)(C) TDY in support of the Clay Haus holiday party. He stated, "This TDY supported a training program and execution requirement for a very important official function."

We do not question the importance of the function itself, but we stand by our determination on this issue because the circumstances did not justify requesting (b)(6), (b)(7)(C) to be

detailed to AFRICOM and paying for a 4-week TDY. Multiple witnesses testified that (b)(6), (b)(7)(C) assistance, while helpful, was not necessary, and no witness questioned the ability of the protocol staff to successfully perform this mission. The event had been planned and executed many times, the Clay Haus staff had not experienced turnover, and many of the headquarters personnel who worked at the event were repeat volunteers.

GEN Ward also disagreed with our determinations concerning the Clay Haus booklets and AFRICOM hardbound books. He stated, "I was told the pricing and style for both products was appropriate and competitive given local market conditions, with production economies supporting the numbers."

We did not determine that the unit price of the book and booklets was at issue. We determined that handing out over 300 copies of each publication at GEN Ward's change of command ceremony was needless, extravagant, and wasteful. We stand by our determination in the matter.

#### E. Did GEN Ward misuse his position?

##### Standards

#### **DoD 5500.7-R, "Joint Ethics Regulation (JER)," August 1, 1993, including changes 1-6 (March 23, 2006)**

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

Subpart G, "Misuse of Position," sets forth standards relating to the use of public office for private gain and the use of official time. Section 2635.702(a) states, in part, an employee shall not use or permit the use of his Government position or title or any authority associated with his public office in a manner that is intended to coerce or induce another person, including a subordinate, to provide any benefit, financial or otherwise, to himself or to friends, relatives, or persons with whom the employee is affiliated in a nongovernmental capacity.

Section 2635.705(b) states, in part, an employee shall not encourage, direct, coerce, or request a subordinate to use official time to perform activities other than those required in the performance of official duties or authorized in accordance with law or regulation.

##### Facts

The complaint alleged GEN Ward misused military and civilian personnel to support Mrs. Ward in Germany and himself in CONUS after his change of command.

*Supporting Mrs. Ward in Germany*

(b)(6), (b)(7)(C) testified that one of (b)(6), assigned duties was to provide transportation for Mrs. Ward wherever she wanted to go when she was in Germany. (b)(6), (b)(7)(C), (b)(7)(E)

(b)(6), (b)(7)(C) testified that (b)(6), drove Mrs. Ward to the commissary. Sometimes (b)(6), went into the commissary with her to help her with groceries, but on most occasions (b)(6), waited for her near the entrance. (b)(6), thought carrying and loading her groceries was (b)(6), job, and (b)(6), did not mind doing it because Mrs. Ward treated (b)(6), well.

Email records indicated GEN Ward and Mrs. Ward requested staff members perform activities that were not required as part of their official duties:

- On December 21, 2009, Mrs. Ward sent an email to (b)(6), (b)(7)(C) and other staff members concerning the cancellation of a dinner engagement she had with two German acquaintances. (b)(6), (b)(7)(C) replied on December 21, 2009, and reminded Mrs. Ward that she had an afternoon appointment on December 22, 2009, with other acquaintances. (b)(6), (b)(7)(C) wrote that if she would be traveling without GEN Ward (b)(6), would be standing by to drive her at 11:40 a.m. Mrs. Ward responded that she would be traveling without GEN Ward.
- On December 22, 2009, (b)(6), (b)(7)(C) emailed Mrs. Ward to advise that her host had changed the time for her lunch appointment that day. (b)(6), emailed Mrs. Ward later and told her (b)(6), would be standing by to drive her at 12:10 p.m.
- On January 26, 2011, Mrs. Ward emailed GEN Ward, "Subject: Cleaners pick up," and wrote, "Pls remind. 12 items. Gave (b)(6), (b)(7) dollars. Cost 24 should have change." We found no response from GEN Ward.

We asked GEN Ward about personnel performing activities for Mrs. Ward that were not a part of their official duties, and he replied that no one on his staff served as an unofficial aide to Mrs. Ward.

During the course of our investigation of these matters, we also found evidence that (b)(6), (b)(7)(C) attempted to cancel GEN Ward's telephone service. On March 3, 2011, (b)(6), (b)(7)(C) sent an email from (b)(6), personal email address to Telepost Kabel-Service Kaiserslautern GmbH & Co. (TKS), a German telephone service provider, and requested on behalf of GEN Ward that TKS cancel GEN Ward's telephone service. TKS responded that GEN Ward had to cancel the account himself.

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



Use of AFRICOM personnel after the AFRICOM change of command

A witness testified that (b)(6), (b)(7)(C), and (b)(6), (b)(7)(C), (b)(6), (b)(7)(C) traveled from Stuttgart, Germany, to Washington, DC, to support GEN Ward's transition after the change of command ceremony and remained with GEN Ward even after being ordered to return to duty at AFRICOM.

GEN Ward transferred command to GEN Ham on March 9, 2011. Travel vouchers indicated (b)(6), (b)(7)(C) departed Stuttgart for Washington, DC, that day, and (b)(6), (b)(7)(C) departed Stuttgart for Washington, DC, on March 10, 2011.

On March 11, 2011, (b)(6), (b)(7)(C) sent an email to (b)(6), (b)(7)(C), and (b)(6), (b)(7)(C) that stated,

Gen Ham will sign out a letter today directing (b)(6), (b)(7)(C) to support Gen Ward for a week starting today – results of the review by Army OTJAG on this. Others pls remain @ HQ / return ASAP. (b)(6), (b)(7)(C) pls follow this up with a phone call. LTG Chipman will tell Gen Ward. THX All.

At 12:59 p.m. on March 11, 2011, (b)(6), (b)(7)(C) forwarded (b)(6), (b)(7)(C) email to GEN Ward and stated "Sir, FYI, this just received on my email and I received call from (b)(6), (b)(7)(C) in rear to make my way back ASAP. No one knows that I am sending this to you, but thought you should know. V/r."

At 1:03 p.m. on March 11, 2011, (b)(6), (b)(7)(C) forwarded (b)(6), (b)(7)(C) email to GEN Ward and stated "Sir currently at the office and this popped up on my email. Just wanted you to be informed. I'm not sure why this is coming up now when (b)(6), (b)(7)(C) was aware of your request since January. I need more time to assist you but will carry out orders [as] you direct me. V/r (b)(6), (b)(7)(C)"

At 1:19 p.m. on March 11, 2011, (b)(6), (b)(7)(C) forwarded (b)(6), (b)(7)(C) email to GEN Ward and stated "Sir—just saw your call; msg below is what I was talking about..."

A travel voucher indicated (b)(6), (b)(7)(C) departed Stuttgart for Washington, DC, on March 13, 2011.

On March 14, 2011, (b)(6), (b)(7)(C) U.S. Army General Officer Management Office (GOMO), emailed GEN Ward and stated "Sir, I talked with BG Seamands on Friday about providing you assistance while you transition. We are ready to assist as needed. Please let me know if and when you will be in the building and we can meet to discuss any issues or concerns or if you would prefer we can interact via email."

A travel voucher indicated (b)(6), (b)(7)(C) returned to Stuttgart on March 14, 2011.

On March 16, 2011, LTG Dana Chipman, U.S. Army, The Judge Advocate General, emailed GEN Ward and stated "Sir, GEN Ham asked that I convey his decision that you be

provided only (b)(6), (b)(7)(C) for the period 11 Mar – 18 Mar, in a TDY status from AFRICOM, for administrative support in conjunction with your transition from duties as CG, AFRICOM. My understanding is that GOMO has agreed to provide additional transition support from internal assets. I am unsure whether additional AFRICOM assets remain engaged in that duty at this time.” LTG Chipman testified he did not talk to GEN Ward and did not receive a reply to his email.

Travel vouchers indicated (b)(6), (b)(7)(C) returned to Stuttgart on March 27, 2011, and (b)(6), (b)(7)(C) returned on March 28, 2011.

GEN Ward testified it was not uncommon for senior officers to establish a “transition office” prior to their retirements or between assignments. (b)(6), (b)(7)(C) helped him with evaluation reports and other administrative matters and (b)(6), (b)(7)(C) helped to plan his retirement ceremony.

We asked GEN Ward whether he was aware that GEN Ham had ordered the three soldiers to return to AFRICOM and of LTG Chipman’s guidance. He testified he did not talk to LTG Chipman or GEN Ham, and denied ever seeing LTG Chipman’s email. He testified only that he heard “rumblings” from (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) about the issue. He told (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) to go back to Stuttgart after he became aware their TDY status was becoming a “big deal.”

GEN Ham explained that his past experience with retirement transition periods was limited because most support positions are tied to the command position and do not transition with the retiring officer. GEN Ham stated,

There was an agreed upon, I think a very reasonable point by the General Officer Management Office that said, you know, if a person, an administrative person to help during the transition period would be warranted. But certainly the provision of aides or enlisted aides has to cease once the officer is out of that position. There just simply is no provision. So that is what drove in discussion with legal office here – that is what drove my decision that says, hey, you know, there is precedent here. Administrative support to help GEN Ward through the transition phase makes all the sense in the world. But aides and enlisted aides to me fall under a different category and I felt it was inappropriate that people from this command served in that capacity.

### Discussion

We conclude GEN Ward misused his position.

We found (b)(6), (b)(7)(C) and other (b)(7)(E) used a Government vehicle to drive Mrs. Ward around Stuttgart for the purpose of supporting Mrs. Ward’s personal needs. We also found (b)(6), (b)(7)(C) performed personal tasks for GEN Ward and Mrs. Ward such as shopping, making reservations, and turning off telephone service. We further found that these tasks were not required to execute (b)(6) official duty to protect GEN Ward.

We found that GEN Ward did not have the authority to retain the services of (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) after the March 9, 2011, AFRICOM change of command ceremony. However, three Soldiers including (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) met GEN Ward in CONUS to assist with his retirement transition without authorization from GEN Ham. When informed of the situation, GEN Ham authorized only (b)(6), (b)(7)(C) to remain with GEN Ward, for a period of 1 week. We also found that (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) sent emails to GEN Ward to inform him of GEN Ham's decision before (b)(6), (b)(7)(C) left Stuttgart to join GEN Ward in CONUS.

We further found that GEN Ward ignored the information presented to him, chose to have (b)(6), (b)(7)(C) travel to CONUS and remain with him from March 13-28, 2011, and to have (b)(6), (b)(7)(C) remain in CONUS for 9 days longer than GEN Ham authorized. Finally, we found that with the exception of the administrative duties (b)(6), (b)(7)(C) performed between March 11-18, 2011, the activities the two Soldiers performed for GEN Ward were not required as part of their official duties as Soldiers assigned to AFRICOM, which was no longer under the command and control of GEN Ward.

The JER prohibited GEN Ward from using or permitting the use of his position or authority to coerce or induce a subordinate to provide him (GEN Ward) or Mrs. Ward a benefit. It also prohibited him from encouraging, directing, coercing, or requesting a subordinate to use official time to perform activities other than those required in the performance of official duties or authorized in law or regulation.

We determined GEN Ward's use of subordinates to support himself and Mrs. Ward violated the JER's prohibitions. He used his position or authority for the purpose of providing Mrs. Ward the benefit of transportation and himself and Mrs. Ward the benefit of having someone assist with or perform errands. He also directed or allowed (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) to use official time to perform activities which were no longer a part of their official duties or otherwise authorized in law or regulation. The unauthorized activities they performed constituted an unauthorized benefit to GEN Ward.

#### *GEN Ward's Response*

We carefully considered GEN Ward's response, which did not provide any information that we had not considered, and reevaluated the evidence. We stand by our conclusion that GEN Ward misused his position.

## V. CONCLUSIONS

A. We conclude GEN Ward engaged in multiple forms of misconduct related to official and unofficial travel.

B. We conclude GEN Ward misused a Government vehicle in Germany. See Appendix C (classified) for standards, facts, and discussion of this allegation.

C. We conclude GEN Ward misused ORF.

D. We conclude that GEN Ward wasted Government funds on official AFRICOM functions.

E. We conclude GEN Ward misused his position.

## VI. RECOMMENDATIONS

A. We recommend that the Secretary of the Army consider:

1. Taking appropriate action with respect to GEN Ward.
2. With respect to unofficial travel identified herein, directing additional analysis to determine whether GEN Ward should reimburse the Government for unofficial travel on MilAir.
3. Directing additional analysis to determine whether GEN Ward should reimburse the Government for actual travel expenses paid in excess of per diem when there was no proper authorization, and for actual expenses paid which exceeded 300 percent of per diem.

B. We recommend that the Secretary of Defense consider:

1. Directing issuance of additional detailed guidance and/or appropriate training to all COCOMs concerning the use of MilAir by persons other than Tier 1 travelers.
2. Emphasizing to COCOM Commanders the need for a comprehensive ethics training program for COCOM leaders and staffs, to highlight requirements, limitations, and prohibitions for official travel, gifts, use of Government property, and use of official time.

C. We note that in a memorandum dated October 5, 2011, the Deputy Secretary of Defense issued policy guidance which addressed the size of (b)(7)(E) assigned to different categories of high risk personnel. We recommend the Deputy Secretary of Defense consider requiring the Combatant Commanders to assess (b)(7)(E) operations within their commands, emphasizing oversight of the trip planning process and the appropriate length and size of advance missions.

Appendix A

Unabridged Standards  
pertaining to the allegation that

GEN Ward engaged in multiple forms of misconduct related to official and unofficial travel

**Office of Management and Budget (OMB) Circular A-126, "Improving the Management and Use of Government Aircraft," dated May 22, 1992**

The OMB issued the circular to minimize cost and improve the management and use of Government aviation resources; to clarify Government-wide policy guidance; to restrict the operation of Government aircraft to defined official purposes; to restrict travel on such aircraft; to require special review of such travel; and codify policies for reimbursement for the use of Government aircraft. It applies to all Government-owned, leased, chartered, and rental aircraft.

Paragraph 5.b. stated, in part, that mission requirements were activities that constitute the discharge of an agency's official responsibilities. For the purposes of the circular, mission requirements do not include official travel to give speeches, to attend conferences or meetings, or to make routine site visits.

Paragraph 5.c. defines "official travel" as travel to meet mission requirements, required use travel, and other travel for the conduct of agency business.

Paragraph 5.d. defines "required use" as use of a Government aircraft for travel where the use is required because of bona fide communications or security needs of the agency using the aircraft or exceptional scheduling requirements.

Paragraph 5.f. defines "full coach fare" as a coach fare available to the general public between the day that the travel was planned and the day the travel occurred.

Paragraph 5.g. defines "actual cost" as all costs associated with the use and operation of an aircraft.

Paragraph 7 requires Government agencies to use aircraft only for official purposes. Official purposes include mission requirements and "other official travel."

Paragraph 9 covered reimbursement for the use of Government aircraft, and stated that for travel that is not required use travel, any incidental private activities, personal or political, of an employee undertaken on an employee's own time while on official travel shall not result in any increase in the actual costs to the government of operating the aircraft. Further, the government shall be reimbursed the appropriate share of the full coach fare for any portion of the time on the trip spent on political activities. For required use travel, the government shall be reimbursed as follows:

For a wholly personal or political trip, the full coach fare for the trip;

For an official trip during which the employee engages in political activities, the appropriate share of the full coach fare for the entire trip;

For an official trip during which the employee flies to one or more locations for personal reasons, the excess of the full coach fare of all flights taken by the employee on the trip over the full coach fare of the flights that would have been taken by the employee had there been no personal activities on the trip.

**DoD 5500.7-R, "Joint Ethics Regulation (JER)," August 1, 1993, including changes 1-6 (March 23, 2006)**

The JER provides a single source of standards of ethical conduct and ethics guidance for DoD employees.

Chapter 2 of the JER, "Standards of Ethical Conduct," incorporates Title 5, Code of Federal Regulations (CFR), Part 2635, "Standards of Ethical Conduct for Employees of the Executive Branch," in its entirety.

Subpart A, "General provisions"

Section 2635.101, "Basic obligation of public service," provides general ethical principles applicable to every employee. Subsection 2635.101(b)(5) states employees shall put forth honest effort in the performance of their duties. Subsection 2635.101(b)(7) states employees shall not use public office for private gain. Subsection 2635.101(b)(9) states that employees shall protect and conserve Federal property and not use it for other than authorized purposes. Subsection 2635.101(b)(14) states that employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards set forth in Part 2635.

Subpart B, "Gifts from outside sources"

Section 2635.202, "General standards," governs gifts from outside sources and states in Subsection 2635.202(a) that except as provided in this subpart, an employee shall not, directly or indirectly, solicit or accept a gift: (1) From a prohibited source; or (2) Given because of the employee's official position. Subsection 2635.202(c) states that notwithstanding any exception provided in this subpart, other than Subsection 2635.204(j), an employee shall not: (1) Accept a gift in return for being influenced in the performance of an official act; (2) Solicit or coerce the offering of a gift; (3) Accept gifts from the same or different sources on a basis so frequent that a reasonable person would be led to believe the employee is using his public office for private gain; or (4) Accept a gift in violation of any statute.

### Section 2635.203, "Definitions"

In Subsection 2635.203(b), a gift is any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of training, transportation, local travel, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

In Subsection 2635.203(d), a prohibited sources is any person who: (1) Is seeking official action by the employee's agency; (2) Does business or seeks to do business with the employee's agency; (3) Conducts activities regulated by the employee's agency; (4) Has interests that may be substantially affected by performance or nonperformance of the employee's official duties; or (5) Is an organization a majority of whose members are described in paragraphs (d) (1) through (4) of this section.

In Subsection 2635.203(f), a gift which is solicited or accepted indirectly includes a gift: (1) Given with the employee's knowledge and acquiescence to his parent, sibling, spouse, child, or dependent relative because of that person's relationship to the employee, or (2) Given to any other person, including any charitable organization, on the basis of designation, recommendation, or other specification by the employee, except as permitted for the disposition of perishable items by Subsection 2635.205(a)(2).

Section 2635.204, "Exceptions," states the prohibitions set forth in Subsection 2635.202(a) do not apply to a gift accepted under the circumstances described in paragraphs (a) through (l) of this section, and an employee's acceptance of a gift in accordance with one of those paragraphs will be deemed not to violate the principles set forth in Subsection 2635.101(b), including appearances. Even though acceptance of a gift may be permitted by one of the exceptions contained in paragraphs (a) through (l) of this section, it is never inappropriate and frequently prudent for an employee to decline a gift offered by a prohibited source or because of his official position.

In Subsection 2635.204(a), an employee may accept unsolicited gifts having an aggregate market value of \$20 or less per source per occasion, provided that the aggregate market value of individual gifts received from any one person under the authority of this paragraph shall not exceed \$50 in a calendar year. This exception does not apply to gifts of cash or of investment interests such as stock, bonds, or certificates of deposit. Where the market value of a gift or the aggregate market value of gifts offered on any single occasion exceeds \$20, the employee may not pay the excess value over \$20 in order to accept that portion of the gift or those gifts worth \$20. Where the aggregate value of tangible items offered on a single occasion exceeds \$20, the employee may decline any distinct and separate item in order to accept those items aggregating \$20 or less.

In Subsection 2635.204(b), an employee may accept a gift given under circumstances which make it clear that the gift is motivated by a family relationship or personal friendship rather than the position of the employee. Relevant factors in making such a determination

include the history of the relationship and whether the family member or friend personally pays for the gift.

Subpart G, "Misuse of Position"

Section 2635.702, "Use of public office for private gain," states that an employee shall not use or permit the use of his Government position or title or any authority associated with his public office in a manner that is intended to coerce or induce others, including subordinates, to provide any benefit, financial or otherwise, to himself or to friends, relatives, or persons with whom the employee is affiliated in a non-Governmental capacity.

Section 2635.704, "Use of Government property," states in Subsection 2635.704(a) that an employee has a duty to protect and conserve Government property and shall not use such property, or allow its use, for other than authorized purposes.

Section 2635.705, "Use of official time," states in Subsection 2635.705(a) that unless authorized in accordance with law or regulations to use such time for other purposes, an employee shall use official time in an honest effort to perform official duties. Subsection 2635.705(b) states an employee shall not encourage, direct, coerce, or request a subordinate to use official time to perform activities other than those required in the performance of official duties or authorized in accordance with law and regulation.

Additionally, the applicable example under Section 2635.705(b) suggests that directing or coercing a subordinate to perform personal services during non-duty hours constitutes an improper use of public office for private gain in violation of Section 2635.702 of the JER. The example provides that during non-duty hours, where an arrangement is entirely voluntary and appropriate compensation is paid, a subordinate may provide a service to a superior. However, if compensation is not adequate, the services constitute a "gift to a superior" in violation of the JER prohibition regarding gifts between employees.

Chapter 2, Section 3, "DoD Guidance," states in paragraph 2-301b that Federal Government resources, including personnel, equipment, and property, shall be used by DoD employees for official purposes only.<sup>1</sup>

**Joint Federal Travel Regulations (JFTR), Volume I (Uniformed Service Personnel), dated September 1, 2011**

Paragraph U3100, "General," Subparagraph A, "Transportation Policy," Subparagraph (2), "Prudence," states that each member must, and each dependent should, exercise the same care in incurring expenses paid by GOV'T funds as a prudent person would when traveling on personal business at personal expense.

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<sup>1</sup> The paragraph contains limited exceptions for personal use of resources, none of which apply here.



Paragraph U3100, "General," Subparagraph A, "Transportation Policy," Subparagraph (4), "Official Travel," states that transportation procured and/or paid for by the GOV'T may be used only for that portion of a trip properly chargeable to the GOV'T. Any additional expense is the traveler's financial responsibility.

Paragraph U3200 states that the use of a Government conveyance is limited to official purposes.

Paragraph U3415(A)(1), "Special Conveyance," states, "It is mandatory policy that all travelers use an available CTO to obtain a rental vehicle (except for an aircraft or a bus)."

Paragraph U3415(G), "Limited to Official Purposes," states:

Special conveyance use is limited to official purposes, including transportation to and from (65 Comp. Gen. 253 (1986)):

1. Duty sites,
2. Lodging,
3. Dining facilities,
4. Drugstores,
5. Barber shops,
6. Places of worship,
7. Cleaning establishments, and
8. Similar places required for the traveler's subsistence, health or comfort.

Paragraph U4205, "Justification," states in part that an AEA [Actual Expense Allowance] may be authorized/approved for travel when the per diem rate is insufficient for part, or all, of a travel assignment because actual and necessary expenses (especially lodgings) exceed the maximum per diem; of special duties; or costs for certain items have escalated temporarily due to special or unforeseen events.

Paragraph U4210, "Approval/Authority" states in part that the authorizing official may authorize AEA up to 300% of the locality per diem rate (rounded to the next higher dollar). AEA may be authorized before travel begins or approved after travel is performed, with certain exceptions that require authorization in advance of travel.

Paragraph U4215, "Limitations," states in part that an AEA is prescribed only on an individual trip basis, and only after consideration of the facts existing in each case. AEA must not be authorized as part of a 'blanket' travel authorization/order. A traveler is financially responsible for excess costs and any additional expenses incurred for personal preference/convenience.

Appendix O, Subparagraph T4060-B.4, "Travel Involving Leave or Personal Convenience Travel," provides for combining official travel with leave or personal travel. It

states, in part, that authorizing officials should not permit a TDY trip that is an excuse for personal travel.

**DoD 7000.14-R, "DoD Financial Management Regulation (FMR)," Volume 9, August 2011<sup>2</sup>**

Paragraph 0803 states the traveler is responsible for the preparation of the travel voucher. Even when someone else prepares the voucher, the traveler is responsible for the truth and accuracy of the information. When the traveler signs the form, the traveler attests that the statements are true and complete and is aware of the liability for filing a false claim.

Paragraph 030101 states that it is DoD policy that the Government Travel Charge Card (GTCC) will be used by all DoD personnel to pay for all costs related to official Government travel. Official Government travel is defined as travel under competent orders while performing duties pertaining to official Government assignments such as TDY.

Paragraph 030102 states that the GTCC policies apply to all uniformed members of DoD.

Paragraph 030103 provides that commanders and supervisors at all levels shall ensure compliance with the regulation.

Paragraph 030501 states that unless otherwise exempt, all DoD personnel are required to use the GTCC for all authorized expenses relating to travel.

**DoD Directive 4500.56, "DoD Policy on the Use of Government Aircraft and Air Travel," dated April 14, 2009, and incorporating change 1, dated May 11, 2010**

Paragraph 2 states, in part, the directive applied to the Combatant Commands.

Paragraph 4a states, in part, Government aircraft transportation is a premium mode of travel involving high costs and limited resources. All DoD employees at any level including commanders and airlift authorizing officials shall restrict travel based on considerations such as purpose of the trip, method of transportation required, and priority of travel. Every effort shall be made to minimize travel cost.

Paragraph 4c states, in part, travel status, distinguished visitor (DV) code or status, grade, or rank alone is not sufficient to justify the use of government aircraft or to dictate a particular aircraft type.

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<sup>2</sup> DoD 7000.14-R, Financial Management Regulation, is revised periodically. The date shown reflects the date of the last revision of the published regulation.

Paragraph 4d states all requests for the use of DoD aircraft must be signed by the senior traveling official. This signature authority cannot be delegated.

Enclosure 3, Section 1, "Use of Government Aircraft," states certain travelers are required to use government aircraft because of a continuous requirement for secure communications; a threat exists that could endanger lives; or there is a need to satisfy exceptional scheduling requirements dictated by frequent short-notice travel, which makes commercial transportation unacceptable. Conflicts arising due to limited airlift resources will be resolved by the DoD Exec Sec.

Enclosure 3, Section 2, "Required Use Travel" states, in part, the Secretary of Defense will designate key DoD officials as "required use" travelers based on the reasons in section 1 of this enclosure. This designation as "required use" can be for official and in very limited cases for unofficial travel as well. Travel of accompanying unofficial travelers must comply with section 4 of Enclosure 3. Unofficial travel may be performed by these officials on U.S. Government aircraft only upon advance notification and approval of the Secretary of Defense. All travelers including family members or other invited guests shall reimburse the Government for any unofficial travel at the full coach fare. As the commander of a combatant command, GEN Ward was a "required use" traveler for official travel only.

Enclosure 3, Section 3, "Other Official Travel," states other official travel is normally accomplished using commercial transportation and is for the conduct of DoD official business. Other official travel may include travel to address matters such as giving speeches, attending conferences or meetings, making site visits to facilities, and permanent change of station.

Enclosure 3, Section 4, "Unofficial Travel" states, in part, that travelers accompanying a DoD official on government aircraft, including family members or other invited guests, shall reimburse the Government for any unofficial travel at the full coach fare. The DoD official shall attach to his or her travel voucher a personal check made payable to the Treasurer of the United States; a travel office printout that reflects the full-coach fare; and a completed DD Form 1131, Cash Collection Voucher. Unofficial travel includes travel by a family member, non-DoD civilian, or non-Federal traveler when accompanying a senior DoD or other Federal official who is traveling on government aircraft on official business. This category requires an invitational travel authorization (ITA). Unofficial travel is not authorized on government aircraft unless the aircraft already is scheduled for an official purpose; the noninterference use does not require a larger or additional aircraft than needed for the official purpose; official travelers are not displaced; it results in negligible additional cost to the Government; and the Government is reimbursed at the full-coach fare.

Enclosure 3, Section 5, "Family Member Travel" states:

As a general rule, a family member may not accompany his or her DoD sponsor who is traveling on official business. A family member's travel may be approved in accordance with paragraphs 5.a. and 5.b. where there is an unquestionably official function in which the family member is to participate in an official capacity, or such travel is in the U.S. interest because of a

diplomatic or public relations benefit to the United States. Such participation is normally limited to spouses and is representational in nature. As such, travel is allowed on a mission noninterference basis only and must be supported with an ITA, which normally shall authorize reimbursement of transportation costs only, not to include per diem and other expenses under the Joint Federal Travel Regulations, Volume 1, and the Joint Travel Regulations, Volume 2. Funded family members shall travel in the company of their DoD sponsor on government aircraft.

Paragraph 5.a. states 4-star flag officers, and certain 3-star flag officers serving as overseas or combined commanders, may approve transportation, per diem, and/or other expense allowances for their spouses on a case-by-case basis using the criteria in section 5, and shall personally sign the ITAs. This authority does not constitute blanket approval authority.

Paragraph 5.b. states requests that seek approval for family member travel with funding for per diem and/or other expense allowances must clearly demonstrate that travel is essential to accomplishing the mission. These requests shall include strong evidence of benefit to the Department of Defense beyond fulfilling a simple, albeit important, representational role.

#### **DoD 4515.13-R, "Air Transportation Eligibility," dated November 1994**

Chapter 2, Section C2.2.3.3.1 states as a general rule, a family member may not accompany his or her DoD sponsor who is traveling on official business. However, a family member's travel may be approved where there is an unquestionably official function in which the family member is actually to participate in an official capacity, or such travel is deemed in the national interest because of a diplomatic or public relations benefit to the United States. Such participation is normally limited to spouses, is representational in nature, and normally limited to accompaniment of code 2 civilians, four-star general/flag officers, and certain three-star general/flag officer commanders.

As such, travel is allowed on a mission non-interference basis only, and must be approved and supported with invitational travel orders, which shall normally authorize transportation cost reimbursement only under the JFTR, Volume 1, paragraph U7700, and the JTR, Volume 2, paragraph C6000. Four star general/flag officers may approve such travel for their spouses and the spouses of those personnel under their command on a case-by-case basis and shall personally sign ITO's designating such approval. "Blanket" ITOs for this travel may not be issued. Criteria for authorizing family member travel must be applied, met, and authorized each time a family member is invited to travel at Government expense for the purposes outlined in this paragraph.

Chapter 10, Section C10.12 covers family members traveling at personal expense, to accompany senior DoD personnel on official business. It states such movement is termed "Unofficial Travel" and includes transportation of a non-DoD civilian, a non-Federal traveler, or a family member of senior DoD officials of the OSD, Defense Agencies, and activities administratively supported by the OSD, of the other Executive Departments or Agencies, of the judicial branch, or of the legislative branch, only when accompanying a senior DoD or other

Federal official traveling on a military aircraft on official business. Senior DoD officials are defined as general or flag officers and civilian employees of the Senior Executive Service or equivalent and higher level.

Such unofficial travel is authorized on military aircraft only on a noninterference basis; the aircraft is already scheduled for an official purpose; the noninterference use does not require a larger aircraft than that needed for the official purpose; official travelers are not displaced; it results in negligible additional cost to the Government; the Government is reimbursed at the full commercial coach class fare rate (the senior DoD official will attach to his or her travel voucher a personal check made payable to the Treasurer of the United States and include a travel office printout that reflects the full coach class fare). Unofficial travel shall be carefully controlled by requiring approval in advance and in writing by those DoD officials who have approval authority for senior official MilAir travel requests.

**DoD Instruction 7750.6, "Information Requirements for Semiannual Report to the Congress," dated April 27, 1990**

Paragraph E.1.15, defines waste as the extravagant, careless, or needless expenditure of Government funds, or the consumption of Government property that results from deficient practices, systems, controls, or decisions. The term also includes improper practices not involving prosecutable fraud.

**Army Regulation, 600-8-10, "Leaves and Passes," dated 15 February 2006**

Paragraph 7-7, outlines the rules to use leave en route together with temporary duty: a) Leave is authorized together with TDY, if requested, when operationally feasible, b) TDY must be clearly essential, c) There must be no additional cost to the Government, d) The unit commander is the approval authority, and e) Commanders must ensure that the TDY orders are written to include the travel and leave involved. Soldiers who report for TDY earlier than the date specified on their orders normally will not be paid any additional per diem.

Paragraph 7-8, outlines the steps to use leave en route together with temporary duty. The first step requires the soldier to complete a DA Form 31.

**Comptroller General Decisions**

In applying the standards set forth above, we also considered a decision of the Comptroller General of the United States, relevant to travel in which official business and personal activities are mixed. The decision indicates that:

For employees of the Government to be entitled to the expenses or allowances authorized by statute and regulation, the travel must be essentially for the furtherance of Government business, and it is not enough that official business is remotely or incidentally associated with the particular trip. *Comptroller General B-121118 (1955)*.

### **Office of Government Ethics (OGE) Guidance**

We likewise considered the official guidance from OGE. In one opinion addressing the concept of official purpose, OGE stated, in part, the following:

Certain events should not be considered official for the purpose of using any Government-supplied personnel, equipment, or facilities. These would include events that are purely social and the invitation is extended on that basis, regardless of whether the invitation was sent to an employee's home or office, or whether or not his or her official title was used on the address, and regardless of whether the individual voluntarily talked "business" with another guest at the event. . . . On the other hand, an employee invited to a meeting or an event to discuss some program administered by his or her agency or matters in which the agency is involved and interested can justifiably determine the meeting is official. OGE Advisory Opinion 85-9, July 15, 1985.

In another instance, OGE concluded that the threshold question for analyzing 5 CFR 2635.705 concerning an employee's use of official time "for activities other than the performance of the official duties of the employee's position, is whether there is authority for the particular use." OGE Advisory Opinion 97-3, March 21, 1997.

In 1992, in a case involving official travel by a senior Government official, OGE analyzed the circumstances surrounding such travel and set forth a test to distinguish between official travel and personal travel. Specifically, OGE stated that in order for a Government employee's trip to be characterized as official, "a bona fide official activity must be the predominant purpose of the travel." Letter from Stephen D. Potts, Director, Office of Government Ethics, to Counsel to the President, with attached OGE Analysis, March 23, 1992.

In its 1992 analysis, OGE discussed the interrelation between personal and official activities during travel, and stated:

A Government official who is properly traveling for official purposes may also engage in personal activities so long as there is no additional expense to the Government. For instance, an official who travels on official business to a city on Thursday to return on Friday, may return on Sunday so long as he or she does not request reimbursement from the Government for any expenses for Saturday or Sunday and does not miss any official duty time for which leave has not been taken. OGE Analysis at page 14.

OGE determined that a trip could not "be made 'official' by the mere impromptu offering of incidental remarks by an official to a group during the course of an otherwise non-official trip." OGE acknowledged that a presumption of regularity was appropriate with respect to trips characterized by Government officials as being for official purposes. However, OGE noted that where "the nature of the activity undertaken by [the Government official] on a particular trip does not – by virtue of the names of the individuals or organizations involved – suggest that the

activity involved totally official business," a more rigorous review is in order to determine if the trip "was in fact official, political, personal, or a mixture of such subjects." OGE Analysis at page 3."

## Appendix B

Facts and Analysis  
pertaining to the allegation that

GEN Ward engaged in multiple forms of misconduct related to official and unofficial travel

October 2010: Washington, DC, New York City, Birmingham, Alabama

Table B-1 summarizes GEN Ward's itinerary for this trip.

<b>Table B-1. Washington, DC, New York City, Birmingham, AL</b>			
1.	Tuesday 19-Oct-10	Washington, DC	1300- Depart Stuttgart Army Airfield (SAAF) en route Andrews Air Force Base (AFB) via MilAir, Remain Overnight (RON) The Ritz Carlton Hotel, Tysons Corner
2.	Wednesday 20-Oct-10	Washington, DC	1300- Pentagon- Proceed Army Liaison Office (ALO)- Meeting with the Chairman Joint Chief of Staff (CJCS) 1830- Westin Hotel- Cocktail hour
3.	Thursday 21-Oct-10	Washington, DC	0800- Pentagon - Proceed ALO - 1st day Conference
4.	Friday 22-Oct-10	Washington, DC	0800- GOMO/COMO (Senior Leader Development Chief) 1045- Marine Barracks- Change of Command 1900- Morgan State Homecoming Reception/Gala
5.	Saturday 23-Oct-10	Washington, DC	0845- (Private Engagement) Morgan State University (MSU) Class of 1971
6.	Sunday 24-Oct-10	Washington, DC	0750- Army Ten Miler Race, RON Renaissance Hotel, Washington DC
7.	Monday 25-Oct-10	Washington, DC	0730- Washington Convention Center (WCC) - 1st day Association United States Army (AUSA) Conference
8.	Tuesday 26-Oct-10	Washington, DC	0830- WCC- 2nd day AUSA Conference
9.	Wednesday 27-Oct-10	Washington, DC	0700- WCC- 3rd day AUSA Conference
10.	Thursday 28-Oct-10	New York, NY	1340- Depart Andrews AFB en route La Guardia Airport, NY via MilAir 1700- National Committee on American Foreign Policy- GEN Ward speaker on the <i>US Africa Command and the Strategic Importance of Africa</i> RON Waldorf Astoria Hotel, NY
11.	Friday 29-Oct-10	New York, NY	At Leisure



12.	Saturday 30-Oct-10	Birmingham, AL	1000- Depart La Guardia Airport, NY en route Birmingham Shuttlesworth Int'l-Atlantic Aviation, 1300- In brief with Army Accessions point of contact RON Renaissance Hotel, Birmingham, AL
13.	Sunday 31-Oct-10	Birmingham, AL	0830- Talladega Race, <i>Army Strength in Action Zone</i> 1500- Depart Anniston Airport, AL en route SAAF via MilAir
14.	Monday 1-Nov-10	Stuttgart, GER	0730- Arrive SAAF

### Facts

AFRICOM travel records indicated GEN and Mrs. Ward flew each leg of this trip together on MilAir. GEN Ward testified that whenever his wife flew on MilAir, it was for official purposes, in no case did she fly on MilAir for primarily personal reasons, and in no case did he reimburse the Government for the cost of Mrs. Ward's use of MilAir.

In an email dated October 27, 2010, subject, "ITA-Unofficial Travel - Mrs. Ward - NYC-28 Oct" the SJA recommended (b)(5)

. The SJA stated,

(b)(5)

GEN Ward signed an ITO, dated October 18, 2010, to authorize Mrs. Ward's travel to Washington, DC only. He signed a second ITO, dated October 25, 2010, to authorize Mrs. Ward's travel on MilAir from New York to Birmingham, AL. An unsigned ITA, dated October 27, 2010, stated, "The sponsor reimburses the U.S. Government at the full-coach fare (in this instance that is \$146.70 for a one-way ticket from Washington, DC to New York City, New York)."

GEN Ward's travel voucher and supporting receipt indicated that GEN Ward stayed for two nights at the Waldorf Astoria in New York City. GEN Ward was reimbursed for the room rate of \$479.00 per night. The maximum lodging rate in effect for New York City was \$340.00 per night. AFRICOM travel records for this trip did not contain an actual expense allowance (AEA) authorization for GEN Ward.

### Discussion

We found that GEN Ward permitted Mrs. Ward to fly to New York City on MilAir without an ITO or ITA. GEN Ward's SJA opined (b)(5)

(b)(5)

We found no evidence to indicate that while in New

York City Mrs. Ward participated in an official capacity in an unquestionably official function or that her travel provided a diplomatic or public relations benefit to the U.S. We also found GEN Ward did not reimburse the Government for the cost of Mrs. Ward's use of MilAir.

We further found that when GEN Ward's business in New York City concluded, he chose to remain for an extra day in that high cost location with his party of eight AFRICOM staff and five aircrew members rather than travel to Birmingham, AL to await the start of business associated with that leg of the trip.

Finally we found GEN Ward received reimbursement for lodging expenses at the Waldorf Astoria in New York City that exceeded per diem allowances without the required AEA authorization.

July-August 2010: Norfolk, Virginia, and Washington, DC

Table B-2 summarizes GEN Ward's itinerary for this trip.

1.	Friday 30-Jul-10	Norfolk, VA	1100- Depart SAAF en route NAS Norfolk via MilAir 1755- Renaissance Portsmouth Hotel- Proceed to National Naval Officers Association Convention RON Norfolk Waterside Marriot Hotel
2.	Saturday 31-Jul-10	Washington, DC	0955- Depart NAS Norfolk en route Andrews AFB via MilAir 1150- RON The Ritz Carlton Hotel, Tysons Corner
3.	Sunday 1-Aug-10	Washington, DC	At Leisure
4.	Monday 2-Aug-10	Washington, DC	0720- Fort Belvoir Garden Education Center- Briefings
5.	Tuesday 3-Aug-10	Washington, DC	755- Fort Belvoir Officers' Club- Presentations
6.	Wednesday 4-Aug-10	Washington, DC	755- Fort Belvoir Officers' Club- Presentations
7.	Thursday 5-Aug-10	Washington, DC	755- Fort Belvoir Officers' Club- Presentations
8.	Friday 6-Aug-10	Washington, DC	0800- Fort Belvoir Officers' Club- One-on-One Interview (w/ Instructor)
9.	Saturday 7-Aug-10	Washington, DC	At Leisure
10.	Sunday 8-Aug-10	Washington, DC	1655- Depart Andrews AFB en route SAAF via MilAir
11.	Monday 9-Aug-10	Stuttgart, GER	0900- Arrive SAAF

### Facts

AFRICOM travel records indicated GEN and Mrs. Ward flew each leg of this trip together on MilAir. There was no legal opinion, spouse itinerary, ITO, or ITA to authorize Mrs. Ward's use of MilAir on this trip. GEN Ward testified that whenever his wife flew on MilAir, it was for official purposes, in no case did she fly on MilAir for primarily personal reasons, and in no case did he reimburse the Government for the cost of Mrs. Ward's use of MilAir.

GEN Ward's travel voucher indicated that GEN Ward extended his trip in Washington, DC, for two nights after the conclusion of his official business. GEN Ward was reimbursed for lodging and per diem for the 2 days. Travel records did not indicate that GEN Ward took leave for those days.

GEN Ward's detailed itinerary indicated that nine AFRICOM staff accompanied GEN Ward during the Washington, DC, portion of the trip.

### Discussion

We found that GEN Ward permitted Mrs. Ward to fly on MilAir without an ITO or ITA. We found no evidence to indicate that Mrs. Ward participated in an official capacity in an unquestionably official function or that her travel provided a diplomatic or public relations benefit to the U.S. We also found GEN Ward did not reimburse the Government for the cost of Mrs. Ward's use of MilAir.

We further found GEN Ward delayed his return to Stuttgart at the conclusion of official travel by 2 days, did not take leave, was reimbursed for expenses, and that as a result nine AFRICOM staff members incurred additional travel expenses for 2 days.

#### November 2009: New York City and Washington, DC

Table B-3 summarizes GEN Ward's itinerary for this trip.

1.	Sunday 1-Nov-09	New York, NY	1200- Depart SAAF en route Teterboro Airport, NJ via MilAir RON New York Marriott East Side Hotel
2.	Monday 2-Nov-09	New York, NY	1200- Essence Headquarters 1740- Mutual of America- <i>The Leader of the Future Award Dinner</i>
3.	Tuesday 3-Nov-09	Washington, DC	1200- Harvard Club Manhattan- Remarks /Lunch 1440- Depart Teterboro en route Andrews AFB 1745- Hilton Washington Hotel- Bishop John T. Walker Memorial Dinner RON The Ritz Carlton Hotel, Tysons Corner

4.	Wednesday 4-Nov-09	Washington, DC	0820- Pentagon- Proceed ALO 1015- Team Africa Meeting 1400- Ronald Reagan Building- Award Presentation US Agency for International Development 1530- Pentagon- GW Elliott School Speaking Engagement 1800- GW Elliott School- Remarks GEN Ward
5.	Thursday 5-Nov-09	Washington, DC	0820- Pentagon- Proceed ALO 1330- Rayburn House Office Building- House Armed Service Committee (HASC)- Professional Military Education Engagement 1515- Department of National Intelligence- Office call
6.	Friday 6-Nov-09	Washington, DC	Private Engagements
7.	Saturday 7-Nov-09	Washington, DC	Private Engagements
8.	Sunday 8-Nov-09	Washington, DC	Private Engagements
9.	Monday 9-Nov-09	Washington, DC	1805- Depart Andrews AFB en route SAAF via MilAir
10.	Tuesday 10-Nov-09	Stuttgart, GER	0800- Arrive SAAF

#### Facts

AFRICOM travel records indicated GEN and Mrs. Ward flew each leg of this trip together on MilAir. GEN Ward testified that whenever his wife flew on MilAir, it was for official purposes, in no case did she fly on MilAir for primarily personal reasons, and in no case did he reimburse the Government for the cost of Mrs. Ward's use of MilAir.

The SJA stated in a legal opinion, dated October, 29, 2009:

BLUF: (b)(5)

[REDACTED]

GEN Ward signed an ITO, dated October 29, 2009, that authorized Mrs. Ward to travel on MilAir for each leg of the trip. Mrs. Ward's itinerary was consistent with the legal opinion and ITO.

GEN Ward's travel voucher indicated that GEN Ward extended his trip in Washington, DC, for four nights to attend private engagements after the conclusion of his official business. GEN Ward was reimbursed for lodging and per diem for the 4 days. Travel records did not indicate that GEN Ward took leave for those days.

GEN Ward's detailed itinerary indicated that nine AFRICOM staff accompanied GEN Ward during the Washington, DC portion of the trip.

### Discussion

We found that GEN Ward signed an ITO to authorize Mrs. Ward to fly on MilAir to New York City, but we do not agree that simply accompanying GEN Ward to an awards dinner, where GEN Ward was not a recipient or speaker, makes her travel official. Consequently, we found Mrs. Ward did not participate in an official capacity in an unquestionably official function or that her travel provided a diplomatic or public relations benefit to the U.S. We also found GEN Ward did not reimburse the Government for the cost of Mrs. Ward's use of MilAir.

We further found GEN Ward delayed his return to Stuttgart at the conclusion of official travel by 4 days, did not take leave, was reimbursed for expenses, and that as a result nine staff members incurred additional travel expenses for 4 days.

### July 2009: Washington, DC, and Philadelphia, Pennsylvania

Table B-4 summarized GEN Ward's itinerary for this trip.

1	Saturday 11-Jul-09	Washington, DC	0930- Depart SAAF en route Andrews AFB via MilAir RON Ritz Carlton Tysons Corner
2	Sunday 12-Jul-09	Washington, DC	At Leisure
3	Monday 13-Jul-09	Washington, DC	0750- Pentagon- Proceed to ALO Office call
4	Tuesday 14-Jul-09	Washington, DC	0750- Pentagon- Proceed to ALO Office call 1000- Department of State Office Call
5	Wednesday 15-Jul-09	Washington, DC	0750- Pentagon - Proceed to ALO Office call 11:30- Capital Hill Office call
6	Thursday 16-Jul-09	Philadelphia, PA	0750- Pentagon- Proceed to ALO Pre brief 1200- Depart Andrews AFB en route Philadelphia, PA via MilAir 1300- 11th Annual MCEC National Conference RON Philadelphia

7	Friday 17-Jul-09	Washington, DC	0730- General Session with the <i>Gaddis Sisters</i> 1400- Depart Philadelphia en route Andrews AFB via MilAir 1630- Army Farewell Ceremony
8	Saturday 18-Jul-09	Washington, DC	At Leisure
9	Sunday 19-Jul-09	Washington, DC	At Leisure
10	Monday 20-Jul-09	Washington, DC	Blocked/At Leisure
11	Tuesday 21-Jul-09	Washington, DC	0745- Pentagon- Proceed to ALO- CJCS Brief 0900- FAO Conference 1040- Pentagon- Proceed to ALO 1430- SECDEF Meeting
12	Wednesday 22-Jul-09	Washington, DC	0715- (b)(6), (b)(7)(C) 1800- Depart Andrews AFB en route SAAF via MilAir
13	Thursday 23-Jul-09	Stuttgart, GER	0800- Arrive SAAF

### Facts

AFRICOM travel records indicated GEN and Mrs. Ward flew each leg of this trip together on MilAir. GEN Ward testified that whenever his wife flew on MilAir, it was for official purposes, in no case did she fly on MilAir for primarily personal reasons, and in no case did he reimburse the Government for the cost of Mrs. Ward's use of MilAir.

AFRICOM email records, dated July 9-13, 2009, indicate that GEN Ward's travel coordinator drafted an ITO and emailed it to (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) AFRICOM Commander's Office, who in turn forwarded the email and attached ITO to (b)(6), (b)(7)(C), to request a legal opinion. The draft ITO indicated that Mrs. Ward's participation in a conference in Philadelphia was unofficial. (b)(6), (b)(7)(C) responded to the request by stating, "This is the second time in two weeks the headshed is sending stuff to us after the fact. Not only are the packets coming to us after the fact but (b)(5). Subsequently, GEN Ward never signed an ITO or ITA authorizing Mrs. Ward to travel via MilAir on this trip. GEN Ward testified that he had planned to attend part of the conference in Philadelphia but (b)(5). (b)(5)

### Discussion

We found that GEN Ward permitted Mrs. Ward to fly on MilAir without an ITO or ITA. We also found no evidence to indicate that Mrs. Ward participated in an official capacity in an unquestionably official function or that her travel provided a diplomatic or public relations benefit to the U.S. We further found GEN Ward did not reimburse the Government for the cost of Mrs. Ward's use of MilAir.

July 2009: New Orleans, Louisiana

Table B-5 summarizes GEN Ward's itinerary for this trip.

1	Thursday 2-Jul-09	New Orleans, LA	0930- Depart SAAF en route Louis Armstrong Intl Airport via MilAir 1510- 15th Anniversary of the Essence Music Festival Dinner RON Marriot Convention Center
2	Friday 3-Jul-09	New Orleans, LA	Essence Music Festival
3	Saturday 4-Jul-09	New Orleans, LA	1430- Depart Louis Armstrong Intl Airport en route SAAF via MilAir
4	Sunday 5-Jul-09	Stuttgart, FRG	1010- Arrive SAAF

Facts

The detailed itinerary indicated GEN and Mrs. Ward flew together to and from New Orleans on MilAir. GEN Ward testified that whenever his wife flew on MilAir, it was for official purposes, in no case did she fly on MilAir for primarily personal reasons, and in no case did he reimburse the Government for the cost of Mrs. Ward's use of MilAir.

AFRICOM e-mail records, dated July 2 -8, 2009, indicate that GEN Ward's travel coordinator drafted an ITO and emailed it to (b)(6), (b)(7)(C), who forwarded the email and attached ITO to (b)(6), (b)(7)(C) to request a legal opinion. (b)(6), (b)(7)(C) responded, "Are you asking for a legal review of an ITO for a trip that already happened?" Subsequently, GEN Ward never signed an ITO or ITA authorizing Mrs. Ward to travel via MilAir on this trip.

Gen Ward's itinerary indicated that Lt Gen Philip M. Breedlove, U.S. Air Force, and (b)(6), (b)(7)(C) flew on MilAir with GEN Ward to New Orleans, LA. There was no ITO or ITA that authorized (b)(6), (b)(7)(C) travel on MilAir. GEN Ward testified that Lt Gen and (b)(6), (b)(7)(C) accompanied him on a trip via MilAir. GEN Ward did not recall if he approved an ITO or ITA for (b)(6), (b)(7)(C).

Discussion

We found that GEN Ward permitted Mrs. Ward and (b)(6), (b)(7)(C) to fly on MilAir without an ITO or ITA.

We also found no evidence to indicate that Mrs. Ward participated in an official capacity in an unquestionably official function or that her travel provided a diplomatic or public relations benefit to the U.S. We further found GEN Ward did not reimburse the Government for the cost of Mrs. Ward's use of MilAir.

June 2009: Washington, DC, and Dakar, Senegal

Table B-6 summarizes GEN Ward's itinerary for this trip.

1.	Wednesday 17-Jun-09	Washington, DC	No Itinerary
2.	Thursday 18-Jun-09	Washington, DC	No Itinerary
3.	Friday 19-Jun-09	Washington, DC	No Itinerary
4.	Saturday 20-Jun-09	Washington, DC	No Itinerary
5.	Sunday 21-Jun-09	Washington, DC	No Itinerary
6.	Monday 22-Jun-09	Washington, DC	No Itinerary
7.	Tuesday 23-Jun-09	Washington, DC	No Itinerary
8.	Wednesday 24-Jun-09	Dakar, Senegal	0800- Depart Andrews AFB en route Dakar, Senegal via MilAir RON Meridian Hotel President, Dakar Senegal
9.	Thursday 25-Jun-09	Dakar, Senegal	0730- Meridian Conference Center- Meet with Africa Center for Strategic Studies Director 1030- Embassy- Country Team Meeting 1230- Senior Leaders Seminar Participants
10.	Friday 26-Jun-09	Stuttgart, GER	0800- Depart Senegal en route Thies, Senegal via Helo 0900- Joint Combined Exchange Training Graduation 0935- Ecole Moussa Diom Training Area-Training facility and U.S. Funded projects 1130- Depart Thies en route Dakar via Helo 1300- Depart Dakar en route SAAF via MilAir

Facts

The detailed itinerary indicated "Final Itinerary as of 23 Jun 09 GEN and Mrs. William E. "Kip" Ward, 17-26 June 2009." However, it contained no information regarding how GEN and Mrs. Ward traveled to Washington, DC, or what they did while in the NCR from June 17-24, 2009. However, GEN Ward's travel voucher indicated he flew from Stuttgart to Washington, DC, on June 17, 2009, and that he was reimbursed for lodging and per diem for the 7 days he was in Washington, DC. Travel records did not indicate that GEN Ward took leave for those days. GEN Ward's leave and earnings statements indicated that he took 4 days of leave in June 2009 but the statements did not specify which days.



Though the detailed itinerary indicated Mrs. Ward conducted official business while in Senegal, there was no legal opinion, ITO, or ITA to authorize Mrs. Ward's use of MilAir on this trip. GEN Ward testified that whenever his wife flew on MilAir, it was for official purposes, in no case did she fly on MilAir for primarily personal reasons, and in no case did he reimburse the Government for the cost of Mrs. Ward's use of MilAir.

Our review of AFRICOM travel records did not identify any other trips in June 2009 when GEN Ward may have taken leave in conjunction with TDY.

### Discussion

We found that GEN Ward permitted Mrs. Ward to fly on MilAir without an ITO or ITA. We also found no evidence to indicate that Mrs. Ward participated in an official capacity in an unquestionably official function in Washington, DC or that her travel to Washington, DC, provided a diplomatic or public relations benefit to the U.S. We further found GEN Ward did not reimburse the Government for the cost of Mrs. Ward's use of MilAir.

We also found no evidence to indicate what official duties GEN Ward performed in Washington, DC.

*April 2009: Kigali, Rwanda; Mombasa, Kenya; and Kinshasa, Zaire*

Table B-7 summarizes GEN Ward's itinerary for this trip.

<b>1</b>	Monday 20-Apr-09	Kigali, RWA	0700- Depart SAAF en route Kigali Intl Airport via MilAir 1455- Depart en route Embassy 1850- Rwanda Defense Force (RDF) Dinner RON CMR Kigali
<b>2</b>	Tuesday 21-Apr-09	Kigali, RWA	0800- RDF Headquarters 0930- Depart Kigali via RDF en route Gabiro, Rwanda 1000- Arrive Gabiro School of Infantry- Briefing and Tour 1220- Depart Gabiro en route Gisenyi via Helo 1415- Marine Base HQ - Briefing and Tour 1600- Media Event- Marine Base by Lake 1620- Depart Gisenyi en route Kigali via Helo 1900- US Embassy Hosted Dinner
<b>3</b>	Wednesday 22-Apr-09	Mombasa, KEN	0930- Depart Kigali Intl Airport en route Moi Intl, Kenya Airport 1245- Lunch with representatives from the African Countries. 1930- Dinner with the CSA

4	Thursday 23-Apr-09	Kinshasa, ZAI	0800- AFRICOM Hosted Breakfast meeting with African CHoD's 0900- Closing Session 1300- Depart Moi Intl Airport en route Ndjili Intl Airport via MilAir 1435- Embassy- Office Call 1600- Country Team Briefing and Discussions
5	Friday 24-Apr-09	Kinshasa, ZAI	0800- Embassy- Office Call 0930- Official Business - Office calls and meetings 1900- US Embassy Hosted Dinner
6	Saturday 25-Apr-09	Stuttgart, FRG	0745- Depart Ndjili Intl Airport en route SAAF via MilAir 1750- Arrive SAAF

### Facts

The detailed itinerary indicated that three members of the media accompanied GEN Ward on the MilAir flight to Rwanda. There was no legal opinion, ITO, or ITA to authorize the three media personnel to fly on MilAir.

GEN Ward testified he believed the three travelers were reporters who interviewed him on the flight from Germany to Kigali. He understood they were not DoD personnel and should have had an ITO which authorized them to board the aircraft.

### Discussion

We found GEN Ward permitted three non-DoD reporters to use MilAir without an ITO.

*April 2009: West Point, New York; Washington, DC; and Newport, Rhode Island*

Table B-8 summarizes GEN Ward's itinerary for this trip.

<b>Table B-8. West Point; Washington, DC; and Newport, Rhode Island</b>			
1.	Thursday 2-Apr-09	West Point, NY	0800- Depart SAAF en route Stewart Int'l Airport via MilAir 1255- Lincoln Hall- Speak with Department of Social Sciences Faculty 1930- Mahan Hall- Leadership Stem Briefing RON Thayer Hotel West Point NY
2.	Friday 3-Apr-09	Washington, DC	0900- Thayer Hall- Leadership Conference 1500- Interview with the Leadership Stem of Behavioral 1600- Depart Stewart Airport en route Andrews AFB via MilAir RON The Ritz Carlton Hotel, Tysons Corner

3.	Saturday 4-Apr-09	Washington, DC	1600- Fort Belvoir Officers' Club- 35th Annual Spring Fall and Awards Banquet <i>"The Rocks- Mentoring for Change and our Future"</i>
4.	Sunday 5-Apr-09	Washington, DC	At Leisure
5.	Monday 6-Apr-09	Newport, RI (Day Trip)	0900- Pentagon- Proceed to ALO- Call 1200- Depart Andrews AFB en route Quonset State Airport, Rhode Island via MilAir 1500- Naval War College Briefing 1700- Depart Quonset State Airport en route SAAF via MilAir.
6.	Tuesday 7-Apr-09	Stuttgart, GER	Arrive SAAF 0805

### Facts

GEN Ward's detailed trip itinerary indicated GEN and Mrs. Ward flew all legs of this trip together on MilAir. There was no legal opinion, ITO, or ITA to authorize Mrs. Ward's use of MilAir on this trip. GEN Ward testified that whenever his wife flew on MilAir, it was for official purposes, in no case did she fly on MilAir for primarily personal reasons, and in no case did he reimburse the Government for the cost of Mrs. Ward's use of MilAir.

### Discussion

We found that GEN Ward permitted Mrs. Ward to fly on MilAir without an ITO or ITA. We also found no evidence to indicate that Mrs. Ward participated in an official capacity in an unquestionably official function or that her travel provided a diplomatic or public relations benefit to the U.S. We further found GEN Ward did not reimburse the Government for the cost of Mrs. Ward's use of MilAir.

#### January 2009: Washington, DC and Norfolk, Virginia

Table B-9 summarizes GEN Ward's itinerary for this trip.

1	Saturday 3-Jan-09	Washington, DC	0955- Depart SAAF en route Andrews AFB via MilAir RON Ritz Carlton Tysons Corner
2	Sunday 4-Jan-09	Washington, DC	At Leisure
3	Monday 5-Jan-09	Washington, DC	0745-Pentagon- Proceed to ALO 1830- President of the United States (POTUS) Dinner
4	Tuesday 6-Jan-09	Washington, DC	0710- Defense Senior Leadership Conference
5	Wednesday	Washington, DC	0710- Defense Senior Leadership Conference

	7-Jan-09		
6	Thursday 8-Jan-09	Norfolk, VA	0800- Pentagon 1100- MOA Interview 1400- Depart Andrews AFB en route Norfolk, VA RON Navy Gate Way Inn, Norfolk
7	Friday 9-Jan-09	Norfolk, VA	0830- "All Hands Call" with the incoming Combined Joint Task Force-Horn of Africa (CJTF-HoA) Team 1800- Depart Langley AFB en Route SAAF via MilAir
7	Saturday 10-Jan-09	Stuttgart, FRG	0800- Arrive SAAF

### Facts

GEN Ward's detailed trip itinerary indicated GEN and Mrs. Ward flew all legs of this trip together on MilAir. There was no legal opinion, ITO, or ITA to authorize Mrs. Ward's use of MilAir on this trip. GEN Ward testified that whenever his wife flew on MilAir, it was for official purposes, in no case did she fly on MilAir for primarily personal reasons, and in no case did he reimburse the Government for the cost of Mrs. Ward's use of MilAir.

GEN Ward's detailed trip itinerary indicated that Mrs. Ward attended the Defense Senior Leadership Conference in Washington, DC, and participated in a spouses' program. The itinerary did not indicate any activities for Mrs. Ward in Norfolk, VA, and there was no separate spouse itinerary.

### Discussion

We found that GEN Ward permitted Mrs. Ward to fly on MilAir without an ITO or ITA. We found Mrs. Ward participated in an official capacity in an unquestionably official function in Washington, DC. We found no such evidence for her trip to Norfolk. We also found GEN Ward did not reimburse the Government for the cost of Mrs. Ward's use of MilAir.

October 2008: Boston, Massachusetts, and Washington, DC

Table B-10 summarizes GEN Ward's itinerary for this trip.

1	Tuesday 21-Oct-08	Boston, MA	1300- Depart SAAF en route Hanscom AFB via MilAir RON Charles Hotel, Boston
2	Wednesday 22-Oct-08	Boston, MA	0830- Address Harvard National Security Fellows 1200- lunch with African Presidential Archives & Research Center (APARC) at Boston University 1430- Address Boston University ROTC 1630- Depart Hanscom AFB en route Andrews AFB via MilAir RON Ritz Carlton Tysons Corner
3	Thursday 23-Oct-08	Washington, DC	0730-Pentagon- Proceed to ALO 1030- Interview with USAID "Front Lines" magazine 1200-Interview with Al Jazeera TV 1400- Office Call with Maj Gen Stutzriem (Air Force Strategic Studies Group)
4	Friday 24-Oct-08	Washington, DC	0730-Pentagon- Proceed to ALO 1000- Office Call with (b)(6), (b)(7)(C) 1030-Roundtables with Joint Staff 1815- Morgan State University Homecoming
5	Saturday 25-Oct-08	Washington, DC	0900- Life Membership Reception at Morgan State
6	Sunday 26-Oct-08	Washington, DC	At Leisure
7	Monday 27-Oct-08	Washington, DC	0730-Pentagon- Proceed to ALO 1030- SECDEF IPR 1400- Office Call with Marshall Billingslea (Deputy Under Secretary of the Navy) 1830- IPOA Conference /Dinner 2230- Depart Andrews AFB en route SAAF via MilAir
8	Tuesday 28-Oct-08	Stuttgart, FRG	1105- Arrive SAAF

Facts

GEN Ward's detailed trip itinerary indicated GEN and Mrs. Ward flew all legs of this trip together on MilAir. GEN Ward testified that whenever his wife flew on MilAir, it was for official purposes, in no case did she fly on MilAir for primarily personal reasons, and in no case did he reimburse the Government for the cost of Mrs. Ward's use of MilAir.

There was no signed ITO or ITA to authorize Mrs. Ward’s use of MilAir on this trip. Travel records contained two unsigned draft ITOs. The first draft ITO, dated October, 14, 2008, indicated that Mrs. Ward was traveling to “visit with Brigadier General Allyson Solomon, Assistant Adjutant General and Program Coordinator for the National Guard Youth Challenge Program in Maryland on October 23, 2008, to discuss the Maryland Free State Academy.” An email from GEN Ward’s SJA to GEN Ward’s Executive Officer, dated October 17, 2008, stated,

(b)(5)

The second draft ITO, dated October 17, 2008, stated:

As an invited guest and in a representational and public relations capacity, attend with the Commander, U.S. Africa Command, two events at which GEN Ward will be the key note speaker: a video teleconference on Africa Command hosted [by] the African Presidential Archives and Research Center, Boston, MA, 22 Oct 08; and an event entitled “Engaging AFRICOM” hosted by the International Peace Operations Association, Washington, DC, 27 Oct 08. Both events are intended to reach an international audience.

GEN Ward’s detailed itinerary did not indicate Mrs. Ward would participate in any activity while in Boston. It indicated she accompanied GEN Ward to Morgan State University Homecoming events on October 24-25, 2008, and a cocktail reception and dinner sponsored by the International Peace Operations Association on October 27, 2008. The itinerary also indicated GEN Ward delivered remarks at the dinner. Finally, (b)(6), (b)(7)(C), (b)(7)(E) (b)(7)(E) to GEN and Mrs. Ward’s arrival on October 21, 2008, for a 24-hour stay.

Discussion

We found that GEN Ward permitted Mrs. Ward to fly on MilAir without an ITO or ITA. We found that Mrs. Ward did not participate in any activities in Boston. In Washington, DC, she accompanied GEN Ward to the Morgan State University Homecoming events and a dinner sponsored by the International Peace Operations Association. We found these events did not constitute participation in an official capacity in an unquestionably official function or that her travel provided a diplomatic or public relations benefit to the U.S. We also found GEN Ward did not reimburse the Government for the cost of Mrs. Ward’s use of MilAir.

September 2008: Washington, DC

Table B-11 summarizes GEN Ward’s itinerary for this trip.

<b>1</b>	Sunday 28-Sep-08	Washington, DC	1300- Depart SAAF en route Andrews AFB via MilAir RON Ritz Carlton Tysons Corner
<b>2</b>	Monday 29-Sep-08	Washington, DC	0730-Pentagon- Proceed to ALO 1130- Office Call in Capitol Hill- Rep Kendrick Meek 1230- Return to Pentagon

3	Tuesday 30-Sep-08	Washington, DC	0730-Pentagon- Proceed to ALO 0900- Office Call Assistant Secretary of the Army, Installations & Environment- Mr. Keith Easton 1300- PA Talking Point Review- Col Childress
4	Wednesday 1-Oct-08	Washington, DC	0730-Pentagon- Proceed to ALO 0900- Interview with (b)(6), (b)(7)(C) 1415- USAFRICOM UCS Rollout Ceremony 1530- NY Times Interview with Mr. Tom Shanker 1600- BBC World Radio 1630- CNN Interview with Jamie McIntyre or Barbara Starr 1815- Retired Four Star Dinner- Hilton McLean
5	Thursday 2-Oct-08	Washington, DC	0800- Army Four Star Conference
6	Friday 3-Oct-08	Washington, DC	0800- Army Four Star Conference
7	Saturday 4-Oct-08	Washington, DC	At Leisure 1900- Army National Guard/Army Reserve Dinner
8	Sunday 5-Oct-08	Washington, DC	0700- Army Ten Miler RON Renaissance Hotel Washington DC
9	Monday 6-Oct-08	Washington, DC	0900- Association of the United States Army (AUSA) 2008 Annual Meeting
10	Tuesday 7-Oct-08	Washington, DC	0900- AUSA 2008 Annual Meeting
11	Wednesday 8-Oct-08	Washington, DC	0900- AUSA 2008 Annual Meeting
12	Thursday 9-Oct-08	Washington, DC	0900- Address Chief of Mission Conference 1100- Pentagon- Proceed to ALO 1400- STAR-Tides Demos 1600- Depart Andrews AFB en route SAAF via MilAir
13	Friday 10-Oct-08	Stuttgart, FRG	0730- Arrive SAAF

### Facts

GEN Ward's detailed itinerary indicated GEN and Mrs. Ward flew both legs of this trip together on MilAir. GEN Ward testified that whenever his wife flew on MilAir, it was for official purposes, in no case did she fly on MilAir for primarily personal reasons, and in no case did he reimburse the Government for the cost of Mrs. Ward's use of MilAir.

There was no signed ITO or ITA to authorize Mrs. Ward's use of MilAir on this trip. An unsigned ITO, dated September 26, 2008, indicated that Mrs. Ward was to participate in the spouses' program at a Four Star Conference and accompany GEN Ward to the Association of the United States Army's 2008 Annual meeting. On September 25, 2008, GEN Ward's SJA sent an e-mail to (b)(6), (b)(7)(C) which stated, (b)(5)

Discussion

We found that GEN Ward permitted Mrs. Ward to fly on MilAir without first signing an ITO or ITA. We also found that Mrs. Ward participated in the spouses' program at the Four Star Conference in an official capacity in an unquestionably official function in Washington, DC, and that the SJA opined (b)(5)

August 2008: Washington, DC

Table B-12 summarizes GEN Ward's itinerary for this trip.

1.	Sunday 10-Aug-08	Washington, DC	1300- Depart SAAF en route Andrews AFB via MilAir RON Ritz Carlton Tysons Corner
2.	Monday 11-Aug-08	Washington, DC	0730- Pentagon- ALO SecDef- In Process Review (IPR)
3.	Tuesday 12-Aug-08	Washington, DC	0730- Pentagon- ALO SecDef IPR
4.	Wednesday 13-Aug-08	Washington, DC	Leave
5.	Thursday 14-Aug-08	Washington, DC	Leave
6.	Friday 15-Aug-08	Washington, DC	Leave
7.	Saturday 16-Aug-08	Washington, DC	Leave
8.	Sunday 17-Aug-08	Washington, DC	Leave
9.	Monday 18-Aug-08	Washington, DC	Leave
10.	Tuesday 19-Aug-08	Washington, DC	Leave
11.	Wednesday 20-Aug-08	Washington, DC	Leave
12.	Thursday 21-Aug-08	Washington, DC	0800- State Department Meeting 1130- Chamber of Commerce Lunch 1600- Depart Andrews AFB en route SAAF via MilAir
13.	Friday 22-Aug-08	Stuttgart, GER	0735- Arrive SAAF

Facts

GEN Ward's detailed itinerary indicated GEN and Mrs. Ward flew both legs of this trip together on MilAir. There was no legal opinion, ITO, or ITA to authorize Mrs. Ward's use of



MilAir on this trip. GEN Ward testified that whenever his wife flew on MilAir, it was for official purposes, in no case did she fly on MilAir for primarily personal reasons, and in no case did he reimburse the Government for the cost of Mrs. Ward's use of MilAir.

GEN Ward could not recall any specific meetings that Mrs. Ward conducted during this trip. The detailed itinerary indicated the only event for Mrs. Ward was optional attendance with GEN Ward at a retirement ceremony for Major General Stephen Goldfein on August 11, 2008.

GEN Ward's itinerary indicated no official business from Wednesday, August 13, 2008, through Wednesday, August 20, 2008, and that he would be in a leave status during this time. GEN Ward testified his travel voucher was correct, not the itinerary. His first page of his travel voucher indicated he was in a temporary duty status in Washington, DC, from August 10-27, 2008, but the second page contained the notation that he was on leave from August 13-18, 2008. The voucher indicated he was reimbursed expenses incurred from August 10-12 and August 19-23, 2008. We could not determine what official business, if any, GEN Ward conducted on Tuesday, August 19 and Wednesday, August 20, 2008.

On a DA Form 31, "Request and Authority for Leave," GEN Ward requested and approved leave from August 13-18, 2008. However, GEN Ward's leave and earning statements show that he was not charged leave at any time between October 2007 and December 2008.

#### Discussion

We found that GEN Ward permitted Mrs. Ward to fly on MilAir without an ITO or ITA. We found no evidence to indicate that Mrs. Ward participated in an official capacity in an unquestionably official function in Washington, DC, or that her travel to Washington, DC, provided a diplomatic or public relations benefit to the U.S. We also found GEN Ward did not reimburse the Government for the cost of Mrs. Ward's use of MilAir.

We also found GEN Ward completed a DA Form 31 for August 13-18, 2008, and did not receive per diem for those days. However, he was not charged leave.

#### *Expenses Which Exceeded Per Diem - No Supporting Actual Expense Authorization*

We found nine occasions where GEN Ward claimed and was reimbursed for lodging expenses that exceeded the maximum lodging rates without an actual expense authorization (AEA). The nine occasions were:

- January 19-22, 2009, Hotel Colbert, Antananarivo, MAD.
- April 29-30, 2010, Windhoek Country Club, Windhoek, NAM
- September 8-9, 2010, Radisson Blue Hotel, Dakar, SEN
- October 5-6, 2010, Hotel Excelsior, Naples, ITA

- October 28-30, 2010, Waldorf Astoria, New York, NY
- October 30-31, 2010, Renaissance Hotel, Birmingham, AL
- January 9-10, 2011, Serena Hotel, Kampala, UGA
- January 10-12, 2011, Sheraton Hotel, Addis Ababa, ETH
- January 28-30, 2011, Hyatt Regency, Atlanta GA

Expenses Which Exceeded 300 Percent of Per Diem

We found two occasions where GEN Ward incurred actual lodging expenses which exceeded per diem rates by greater than 300 percent, yet he was reimbursed for all of the actual expenses incurred. The two occasions were:

- January 28-29, 2009, Westin Hotel, Paris, France. An AEA dated February 13, 2009, identified the maximum lodging rate of \$276.00 and authorized an actual rate of \$849.04 which exceeds the allowable rate by 208 percent. GEN Ward's travel voucher shows he was reimbursed \$1,698.08 for two nights of lodging (\$849.04/night). Note: a 300 percent increase of the maximum lodging rate is \$828.00.
- February 4-5, 2009, Kempinski, Camp Le Monier, DJI. An AEA dated February 5, 2009, identified the maximum lodging rate as \$160.00 and authorized an actual rate of \$230.00 which exceeds the allowable rate by 44 percent. GEN Ward's travel voucher shows he was reimbursed \$210.00 for one night of lodging. The Defense Travel Service, however, identified the maximum lodging rate as \$57.00. A 300 percent increase of the maximum lodging rate was \$171.00.

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Inspector General  
Department of Defense

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