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**The Inspector
General
of the Air Force**

Report of Investigation (S8571P)

Lt Gen Lee K. Levy II

March 2019

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REPORT OF INVESTIGATION (Case S8571P¹)

CONCERNING

LIEUTENANT GENERAL LEE K. LEVY

PREPARED BY

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

February 2019

I. INTRODUCTION

This investigation was directed in response to anonymous complaints filed with the Air Force Sustainment Center's Inspector General (AFSC/IG) and forwarded to the Secretary of the Air Force Inspector General (SAF/IG) for action. (Ex 11) The complaints alleged that, while serving as the AFSC Commander, Lt Gen Lee Levy generally failed to treat subordinates with dignity and respect, violated ethics regulations, and engaged in an unprofessional relationship, among other specific instances of misconduct. AFSC/IG compiled the complaints, which comprised a bulleted list of some 92 allegations of misconduct. (Ex 12)

The Investigating Officer (IO) prepared an Investigative Plan (IP) and presented the IP to the Director, Inspector General Senior Official Inquiries Directorate on 26 Sep 18. The IO interviewed 35 witnesses between 27 Sep 18 and 6 Feb 19 and interviewed Lt Gen Levy at Tinker AFB, OK on 14 Dec 18.

II. SCOPE AND AUTHORITY

The Secretary of the Air Force has sole responsibility for the function of The Inspector General of the Air Force.² When directed by the Secretary of the Air Force or the Chief of Staff of the Air Force, The Inspector General has the authority to inquire into and report on the discipline, efficiency, and economy of the Air Force and perform any other duties prescribed by the Secretary or the Chief of Staff.³ The Inspector General must cooperate fully with The Inspector General of the Department of Defense.⁴ Pursuant to Air Force Instruction (AFI) 90-301, *Inspector General Complaints Resolution*, 27 Aug 15, paragraph 1.13.4, The Inspector General has oversight authority over all IG investigations conducted at the level of the Secretary of the Air Force. (Ex 1:19)

¹ The Department of Defense Inspector General DCATS case # is 20180918-053764-CASE-01

² Title 10, United States Code, Section 8014

³ These authorities are outlined in Title 10, United States Code, Section 9020

⁴ Title 10, United States Code, Section 9020(d)

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Pursuant to AFI 90-301, paragraph 1.12.3.1, the Director, Senior Official Inquiries Directorate (SAF/IGS), is responsible for performing special investigations directed by the Secretary, the Chief of Staff, or The Inspector General and all investigations of senior officials. AFI 90-301 defines senior official as any active or retired Regular Air Force, Air Force Reserve, or Air National Guard military officer in grades O-7 (brigadier general) select and above, and Air National Guard Colonels selected to receive a Certificate of Eligibility (COE). Current or former members of the Senior Executive Service (SES) or equivalent and current and former Air Force civilian Presidential appointees are also considered senior officials. (Ex 1:6)

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

On 14 Sep 18, The Inspector General approved a recommendation that SAF/IGS conduct an investigation into allegations of misconduct by Lt Gen Lee K. Levy, Commander, Air Force Sustainment Center, located at Tinker AFB, OK. The case was assigned to (b) (6), (b) (7)(C), who holds a SAF/IG appointment letter dated 24 Aug 18, and the investigation started on 18 Sep 18. In a letter dated 14 Sep 18, Lt Gen Levy was notified of the specific allegations then included in this investigation. (Ex 4)

III. BACKGROUND

The Air Force Sustainment Center (AFSC). Located at Tinker AFB, OK, the AFSC serves as the Logistics Numbered Air Force and is the supporting command for the readiness of Logistics and Sustainment activities around the world. The Center consists of nearly 43,000 Total Force Airmen and is composed of three Air Logistics Complexes, three Air Base Wings, two Supply Chain Wings, and 21 Continental United States (CONUS) and Outside CONUS (OCONUS) geographically separated operating locations. AFSC provides logistics operations, supply chain management, supply chain operations, and depot maintenance and modifications, as well as sustainment for the nuclear enterprise, joint and interagency operations, and foreign military sales partners. (Ex 7)

72nd Air Base Wing (72 ABW). Located at Tinker AFB, OK, the 72 ABW consists of nearly 3,000 Airmen and provides installation support for more than 27,000 personnel assigned to the AFSC, Oklahoma City Air Logistics Complex, 552nd Air Control Wing, Navy Strategic Communications Wing One, 507th Air Refueling Wing, 448th Supply Chain Management Wing, and 45 other associate units. (Ex 13)

75th Air Base Wing (75 ABW). Located at Hill AFB, UT, the 75 ABW oversees 1 million acres and more than 1,700 facilities valued at \$4 billion while providing installation support for the Ogden Air Logistics Complex, Air Force Life Cycle Management Center,

Air Force Nuclear Weapons Center, Air Force active duty 388 and Reserve 419th Fighter Wings, and more than 50 mission partners that employ more than 24,000 personnel. (Ex 14)

78th Air Base Wing (78 ABW). Located at Robbins AFB, GA, the 78 ABW has a wide diversity of missions, ranging from supporting operational flying wings to specialized support services, to include Air Force Reserve Command, the 116 Control Wing, 461 Air Control Wing, and Warner-Robbins Air Logistics Complex. (Ex 15)

Lt Gen Lee K. Levy was the commander of the Air Force Sustainment Center from June 2015 until August 2018. (Ex 6:2) Lt Gen Levy's change of command and retirement ceremonies were held on 7 August 2018. (Ex 35:16) As a result of these allegations coming to light, the Secretary of the Air Force extended his term on active duty, and he is now assigned as a Special Assistant to the Vice Chief of Staff of the Air Force. Lt Gen Levy was confirmed by the United States Senate as the AFSC/CC, and promoted to the rank of lieutenant general, on 5 Jun 15. (Ex 6:3) After vacating that position in August 2018, Lt Gen Levy reverted to his previous rank of major general. As Lt Gen Levy held the rank of lieutenant general during the timeframe of the allegations, he will be referred to as Lt Gen Levy throughout this report.

Lt Gen Levy entered the Air Force in 1985 and has had numerous operational, command, and staff assignments leading logistics, civil engineering, operational contracting, and nuclear operations. As the AFSC/CC, he also functioned as the Numbered Air Force Commander (NAF/CC) for the units assigned to the AFSC. (Ex 6)

During this investigation, the IO interviewed the following individuals who provided sworn testimony regarding the issues covered in this report:

- (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), Air Force Sustainment Center, Hill AFB, UT
- (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), Headquarters Defense Logistics Agency, Fort Belvoir, VA
- (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), AFMC, Wright-Patterson AFB, OH
- (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), HQ Air Force Global Strike Command, Barksdale AFB, LA (b) (6), (b) (7)(C)
- (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), Tinker AFB, OK
- (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), Headquarters Pacific Air Forces, Joint Base Pearl Harbor-Hickam, HI
- (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), Air Combat Command, Joint Base Langley-Eustis, VA
- (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), Richmond, VA
- (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), Robbins AFB, GA

(b) [REDACTED] (b) (6), (b) (7)(C) [REDACTED], AFSC, Tinker AFB, OK

(b) [REDACTED] (b) (6), (b) (7)(C) [REDACTED] Tinker AFB, OK

(b) (6), (b) (7)(C) [REDACTED] (b) (6), (b) (7)(C) [REDACTED], Pentagon, Washington D.C.

(b) (6), (b) (7)(C) [REDACTED] (b) (6), (b) (7)(C) [REDACTED], Ellsworth AFB, OK (b) (6), (b) (7)(C) [REDACTED])

(b) (6), (b) (7)(C) [REDACTED] (b) (6), (b) (7)(C) [REDACTED] Tinker AFB, OK (b) (6), (b) (7)(C) [REDACTED])

(b) (6), (b) (7)(C) [REDACTED] (b) (6), (b) (7)(C) [REDACTED] (b) (6), (b) (7)(C) [REDACTED], Pentagon, Washington D.C. (b) (6), (b) (7)(C) [REDACTED])

(b) (6), (b) (7)(C) [REDACTED] (b) (6), (b) (7)(C) [REDACTED], Robins AFB, GA

(b) (6), (b) (7)(C) [REDACTED] (b) (6), (b) (7)(C) [REDACTED], AFSC, Tinker AFB, OK

(b) (6), (b) (7)(C) [REDACTED] (b) (6), (b) (7)(C) [REDACTED] (b) (6), (b) (7)(C) [REDACTED])

(b) (6), (b) (7)(C) [REDACTED] (b) (6), (b) (7)(C) [REDACTED])

(b) (6), (b) (7)(C) [REDACTED] (b) (6), (b) (7)(C) [REDACTED], Washington D.C. (b) (6), (b) (7)(C) [REDACTED])

(b) (6), (b) (7)(C) [REDACTED] (b) (6), (b) (7)(C) [REDACTED], Tinker AFB, OK (b) (6), (b) (7)(C) [REDACTED])

(b) (6), (b) (7)(C) [REDACTED] (b) (6), (b) (7)(C) [REDACTED], Washington, D.C. (b) (6), (b) (7)(C) [REDACTED])

(b) (6), (b) (7)(C) [REDACTED] (b) (6), (b) (7)(C) [REDACTED])

(b) (6), (b) (7)(C) [REDACTED] (b) (6), (b) (7)(C) [REDACTED], TX (b) (6), (b) (7)(C) [REDACTED])

(b) (6), (b) (7)(C) [REDACTED] (b) (6), (b) (7)(C) [REDACTED], Maxwell AFB, AL (b) (6), (b) (7)(C) [REDACTED])

(b) (6), (b) (7)(C) [REDACTED] (b) (6), (b) (7)(C) [REDACTED] AFSC, Tinker AFB, OK (b) (6), (b) (7)(C) [REDACTED])

(b) (6), (b) (7)(C) [REDACTED] (b) (6), (b) (7)(C) [REDACTED] Wright Patterson AFB, OH (b) (6), (b) (7)(C) [REDACTED])

(b) (6), (b) (7)(C) [REDACTED] (b) (6), (b) (7)(C) [REDACTED], AFSC, Tinker AFB, OK

(b) (6), (b) (7)(C) [REDACTED] (b) (6), (b) (7)(C) [REDACTED], Tinker AFB, OK

(b) (6), (b) (7)(C) [REDACTED] (b) (6), (b) (7)(C) [REDACTED], Joint Base Pearl Harbor-Hickam, HI

(b) (6), (b) (7)(C) [REDACTED] (b) (6), (b) (7)(C) [REDACTED] 11 Logistics Readiness Squadron, Joint Base Andrews, MD

(b) (6), (b) (7)(C) [REDACTED] (b) (6), (b) (7)(C) [REDACTED], Tinker AFB, OK (b) (6), (b) (7)(C) [REDACTED])

(b) (6), (b) (7)(C) [REDACTED] (b) (6), (b) (7)(C) [REDACTED], AFSC, Tinker AFB, OK

(b) (6), (b) (7)(C) [REDACTED] (b) (6), (b) (7)(C) [REDACTED], 11 Logistics Readiness Squadron, Joint Base Andrews, MD

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

[REDACTED]

[REDACTED]

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

[REDACTED]

V. ALLEGATIONS, STANDARDS, ANALYSIS AND CONCLUSIONS

ALLEGATION 1: That between June 2015 and August 2018, Lt Gen Lee K. Levy failed to establish and maintain a healthy command climate, in violation of AFI 1-2, *Commander's Responsibilities*, 8 May 2014.

STANDARDS.

Air Force Instruction 1-2, *Commander's Responsibilities*, 8 May 2014 addresses a commander's duties and responsibilities.

3.2. **Lead People.** Effectively leading people is the art of command. Commanders must maintain effective communication processes and ensure unit members are well disciplined, trained and developed. **At all times, commanders must lead by personal example and pay judicious attention to the welfare and morale of their subordinates.** Commanders will enforce the Air Force cultural standards on conduct, performance, and discipline outlined in AFI 1-1, *Air Force Standards*. Further, **commanders will establish and maintain a healthy command climate** which fosters good order and discipline, teamwork, cohesion and trust. **A healthy climate ensures members are treated with dignity,**

respect, and inclusion, and doesn't tolerate harassment, assault, or unlawful discrimination of any kind. (emphasis added) (Ex 18:2)⁵

ANALYSIS.

The [REDACTED] (b) (6), (b) (7)(C), succinctly summarized his view of the "command climate" that Lt Gen Levy created for his immediate staff during his tenure as AFSC/CC:

I think if he was in the battlefield, he probably would've been shot in the back. (Ex 37:5)

Though stated in a number of ways, this sentiment was expressed by virtually every member of Lt Gen Levy's immediate staff. The evidence gathered by the IO demonstrated Lt Gen Levy repeatedly, publicly, and personally belittled and berated his [REDACTED] (b) (6), (b) (7)(C) leading to a climate that was repeatedly described as toxic. The majority of the witnesses interviewed, particularly Lt Gen Levy's [REDACTED] (b) (6), (b) (7)(C), generally described this toxic environment as one in which Lt Gen Levy failed in his responsibilities as a commander to treat members with dignity and respect. Furthermore, these individuals specifically discussed incidents large and small which exemplified the same. In the course of the investigation, the IO found:

- The public persona portrayed by Lt Gen Levy (e.g., self-confident, articulate, charismatic, passionate, likeable, charming) was not the same persona experienced by his immediate (front-office) subordinates
- Lt Gen Levy repeatedly, publicly, and personally belittled and berated his [REDACTED] (b) (6), (b) (7)(C)
- Lt Gen Levy's behavior created an environment infused with fear and intimidation, which undermined the welfare and morale of his subordinates
- In numerous situations, Lt Gen Levy failed to treat his [REDACTED] (b) (6), (b) (7)(C) with dignity, respect, and fairness. A few examples include:

⁵ AFI 1-1, *Air Force Culture*, 7 Aug 12, incorporating Change 1, 12 Nov 14, paragraph 2.1 states in part: "Our core values demand that Airmen treat others with genuine dignity, fairness, and respect at all times." (Ex 17:12) Additionally, though not cited as a basis for this allegation, the *Joint Ethics Regulation (JER)*, DoD 5500.7-R, Chapter 12 (Ethics), para 12-400 counsels DoD employees to "carefully consider ethical values when making decisions as part of official duties." JER, para 12-401g includes provisions for "respect," and requires DoD employees to "treat people with dignity" as a "lack of respect leads to a breakdown of loyalty and honesty within a government" (Ex 82:118-119) The IO concluded that this allegation was substantiated as written, but that Lt Gen Levy's conduct would have also violated the JER had it been used as the standard.

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- Lt Gen Levy berated subordinates for his coffee not being the right temperature and there being dust on the top of picture frames in his office (b) (6), (b) (7)(C)
- Lt Gen Levy humiliated (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) by dropping staff packages on the floor, rather than placing them in the outbox or on a table, and required them to pick the packages up off the floor (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C)
- Lt Gen Levy scolded his (b) (6), (b) (7)(C) for undergoing a (b) (6), (b) (7)(C) she was prescribed (b) (6), (b) (7)(C)
- Lt Gen Levy publicly made inappropriate comments about his (b) (6), (b) (7)(C) weight and eating habits, verbally comparing her to “a pig” (b) (6), (b) (7)(C)
- Lt Gen Levy publicly reprimanded a (b) (6), (b) (7)(C) for failing to pull him out of a meeting with a superior general officer to speak to a Senator, even though the Senator instructed her not to pull him out of the meeting (b) (6), (b) (7)(C)
- Lt Gen Levy publicly admonished a (b) (6), (b) (7)(C) of his staff over a minor matter, lecturing her about his status (“Do you know who I am?”) (b) (6), (b) (7)(C)

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

- This treatment overall, and in these specific incidents, undermined the welfare and morale of Lt Gen Levy’s (b) (6), (b) (7)(C).

Before delving into these and other specific incidents that contributed to the unhealthy climate and lack of morale, a general discussion of the unhealthy climate expressed by the majority of the witnesses interviewed is warranted.

GENERAL COMMAND CLIMATE

A constant theme from the testimony was that perceptions of Lt Gen Levy differed based on an individual’s status and proximity to Lt Gen Levy’s day-to-day leadership. As (b) (6), (b) (7)(C) testified:

[P]eople on the outside of this office thought he was great. People that never worked for him ever in their careers, thought he was great....They’d be like, “Man, you’re so lucky to

work for him—he's such a nice guy," when you'd talk to (b) (6), (b) (7) and things like that outside of the office. But it was definitely the inner circle ...[that] got the brunt of it. (Ex 37:10)

Lt Gen Levy's (b) (6), (b) (7)(C) shared the same, "dual-persona" perspective:

[H]is reputation with the academia and the community was great. I mean, he--like I said, he knows how to communicate. He's very self-confident. And he's a great speaker, very smart person, and knew how to interact with the people on the outside...I think that they would be surprised if they knew some of the things that he did on the inner circle, or how he treated some, at times, some of the (b) (6). How he treated them or the (b) (6). He has a very different personality, I think, with the inner circle than he did when he was meeting with people or talking to the community leaders. (Ex 25:9-10)

Lt Gen Levy's (b) (6), (b) (7)(C), testified similarly:

General Levy is, you know, he can be very charismatic, he can, you know, be very passionate and just is very, I think likeable and charming and I think, you know, outside of that...front office or personal staff, you know, I think he has a great image, and he communicates very well and...he is an image of someone that very much, you sort of admire and feel inspired by. I can totally see that, and I saw that just in those interactions. But for whatever reason, that does not transition into kind of, the personal team, from my perspective. From my perspective, I can definitely feel like there was a different person in the public versus the person in the personal office. (Ex 26:16) (emphasis added)

When asked which of the two personas, outside versus inside, reflected the "real" Lt Gen Levy, (b) (6), (b) (7)(C) considered his experiences and testified:

That's a tough question, but...I would have to go to the guy in the personal office because there would be no reason, you know? Just like we talk about integrity, right? It's easy to do the right thing when everybody's watching....That's one person, and then behind closed doors, you know, that's where the true character and true people come out, so from my perspective it would be the person in the -- in the immediate office.... (Ex 26:16)

(b) (6), (b) (7)(C) testified he was determined to keep an open mind about Lt Gen Levy despite having heard negative comments about how he treated his (b) (6), (b) (7)(C) in prior assignments. Later, he formed his own opinion:

[I]t did not take long where I understood and can personally validate and go "Hey, I understand where these people were coming from." And it's not the side of: "Well, he's just, he's a tough leader. And he's a demanding leader. And he has high standards and he wants to take this organization, you know, to a better and bigger place." That's not what it was. It was the other side of just the, the demeaning, the belittling, the culture, the climate that just--you just never felt comfortable, and it just wasn't--it wasn't a good place to be.

You didn't feel comfortable coming to work. (Ex 26:17) (emphasis added)

Another one of Lt Gen Levy's (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) likewise observed the difference in Lt Gen Levy's approach to people:

[I]f you are in a position that you can help him, or help his cause, he is, um, charming, articulate....But if you're in his inner circle...that's where I found the difference....The feedback that I got from people, that's how I delineated it. If they worked for General Levy, they had a very low opinion of him. (Ex 32:10)

Another (b) (6), (b) (7)(C) who had previously worked for Admiral Michael Mullen, Chairman of the Joint Chiefs, and General Mark A. Welsh III, Air Force Chief of Staff, noted the same difference in Lt Gen Levy's leadership approach to different audiences and unfavorably contrasted it with those leaders:

It's nothing I had experienced before...Admiral Mullen was tough as nails, but he was fair and it was mission-related. General Welsh was just a great guy--but he was the same guy behind closed doors that he was in public. General Levy was absolutely a different person in public than he was behind closed doors. (Ex 31:17)

Much like (b) (6), (b) (7) (b) (6), (b) (7) also pointed out Lt Gen Levy's poor treatment of his (b) (6), (b) (7)(C) was not always known to others:

But then, as you get even closer into the inner circle, there's only a few people. The (b) (6), (b) (7)(C), and maybe the (b) (6), (b) (7) are the only ones that see some of (b) (6), (b) (7)(C) behavior. In fact, I'll tell you, our (b) (6), (b) (7)(C) (b) (6), (b) (7) (b) (6), (b) (7)(C) from General Levy, he knew none of this. (Ex 31:7)

Much like (b) (6), (b) (7) (b) (6), (b) (7) believed that the public persona Lt Gen Levy created was not indicative of his true leadership style—that is, how he treated his (b) (6), (b) (7)(C) was the true Lt Gen Levy:

When you see General Levy from the outside--so, I almost look at it like circles. From an outer circle, these are people that aren't interacting with him every day, uh, maybe superiors or, or members of industry, or education, or even folks he runs into, you, you know, while TDY. From the outside perspective with the community, they see a kind, genuine, well-spoken, uh, servant leader. That's what they see. The further you get to the center, I think you start to see, uh, what, in my mind, is maybe a truer essence. (Ex 31:7,17)

(b) (6), (b) (7) Lt Gen Levy's (b) (6), (b) (7) drew the same conclusion about Lt Gen Levy's treatment of different "levels" of people "as a means to an end":

[I]f you were not at his level or what he considered above, or if you could not do something for [him], he would not talk to you, he would not acknowledge you, he would not have anything to do with you. If you were in a position of power, or if he saw you as something [sic] that he could get something from, um, or that you could do something for him, then

he would definitely be a nicer person to you and like make sure he would talk to you. (Ex 24:13)

When asked to comment on the command climate and how people in a healthy organization are treated, Lt Gen Levy remarked:

Healthy command climate is one where, uh, where people feel like they have a voice...a voice in the outcome. (Ex 34:5)

[I]t's one where, uh, people understand where you're going or where the organization is headed, uh, that they have a chance to say their piece when appropriate. (Ex 34:5)

[W]hat it doesn't necessarily involve is that necessarily everybody gets to do what they want, right? In this military organization with, uh, in our case a very critical national level mission, right? Where people are counting on us to get the job done, uh, so to me, that's a --that's a healthy climate. Now, in an organization as large as ours, there's always some amount of folk that, I think, maybe are not--are not satisfied, but you always work to try to make that number as small as possible in the constraints of accomplishing the mission. The mission is--this mission is first. That's why we're here, um, and that's what we should be focused on and driving our collective daily efforts when we come into work no matter--**whether you're the person who, you know, proverbially cuts the grass or--or the head of the organization here. It's not--it's not scalable necessarily between all people along the way.** (Ex 34:5-6) (emphasis added)

When asked how dignity and respect factor into that, Lt Gen Levy added:

Well, it's essential. Um, it's--**it's absolutely essential.** I mean, there's--**but there's dignity and respect from a bunch of different angles, I think, potentially,** uh, you know, we hear it when we talk about things like diversity, uh, age, gender, uh, race, sexual orientation, all those-- those categories. We hear about it in that way. We also hear about it in how we--**how we engage with our folks day in and day out, uh, throughout the course of our work,** uh, yeah. I think that's--short of delivering a treatise on that, I think that kind of characterizes it. (Ex 34:6) (emphasis added)

[A]nd I would--**I would tell you, frankly, that sometimes that's, uh, where you stand depends on where you sit.** You know, it's--if you don't like what you've gotten asked to do or the results that you deliver, uh, and you've been -- you've had that shared with you, not in a mean or demeaning way, but you--you've been--had that shared with you, you may say I was not treated with dignity and respect. (Ex 34:6-7) (emphasis added)

[S]o what I'm not trying to imply is that it's lesser dignity because you work in some part of an organization versus another part of the organization. (Ex34:7) (emphasis added)

Treatment of Wing Commanders

Lt Gen Levy testified that he made sure there was a healthy command climate among his Air Base Wing Commanders, starting with command expectations and regular meetings. (Ex 34:14) When asked if he created an atmosphere where an Air Base Wing Commander would feel free to come to him when considering the best way to address an issue, he responded:

Absolutely. And, in fact, they did on many occasions... I spend a lot of time on the phone with them or in person with them depending on where they were physically located, walk them through various issues, and if you were to ask them, they'll say the first question we normally have with each is what was our process and did it--did it work, did it not? If not, why not? And how do we take that and learn from that, not only inside of that organization but to share across others. Remember, part of this is if something--we tend to focus on things that don't go right. That's the nature of the Air Force, right? We always talk about the thing that didn't go right or didn't work well, but even when it went splendidly right, we need to celebrate and share those, too. So how do, you know, what are we doing, what is it that made it go so well in your organization and how do we bottle it and sell it, if you will? (Ex 34: 15-16)

However, a number of witnesses noted Lt Gen Levy's poor treatment of subordinates was not strictly limited to his inner staff, but extended to his Wing commanders. For example, (b) (6), (b) (7) described different levels or circles of people, not confined to his inner staff, who were impacted by Lt Gen Levy's failure to treat people with dignity and respect:

The further you get to the center, I think you start to see, what, in my mind, is maybe a truer essence....As you get closer in the circle--say you're at the wing commander level. Those wing commanders, they saw instances, I think...and I know they did because we've had the conversations....I think they saw instances where things were not quite right, um, [coming] from a, you know, a NAF-level commander to a wing commander. (Ex 31:7)

(b) (6), (b) (7) echoed this sentiment:

[I]t's the same as wing commanders. Um, again, there's always a wing. And in my tenure here, there's been a wing commander that's always the, the whipping boy. And, you know, prior--the first year here, it was (b) (6), (b) (7) at--here at Tinker, the (b) (6), (b) (7)(C), (b) (6), (b) (7)(C). And now, I would say it's probably--or, you know, up to this point, it was probably, uh, (b) (6), (b) out at (b) (6).⁶ He, he took the, the, the, the brunt of it, you

⁶ (b) (6), (b) (7) (b) (6), (b) Robins AFB, was not troubled by his treatment by Lt Gen Levy, but noted that others had suffered such experiences: "[H]e, he never was disrespectful. I would say sometimes he was curt and snarky, but he, he never demeaned me at all; whereas, if I heard what he said sometimes from other people... what he had said to them, that never happened to me personally. (Ex 28:3)

know, and a lot of that was done through email. But I've also seen it kind of just in, in person, just very, very abrasive, pretty much--without, without saying it, pretty much that person knows that they're, they're not going any further after their--after the time with him. You know, there's always, there was always that wing commander that's, that's just always getting the beating. (Ex 37:33)

(b) (6), (b) (7)(C), who was the (b) (6), (b) (7), testified about the atmosphere she experienced under Lt Gen Levy:⁷

I was often discredited in front of my staff when we had those conversations. You know, it wasn't, (b) (6), you suck. But it was Tinker is, is not prepared. Tinker, you know, you guys are not handling this well. I mean so not direct, I should say that, there was never a direct, in front of my subordinates, outright, you know, insult, but it was definitely, that was the tenor of the conversation, and that's what my subordinates took away from it. (Ex 42:8-9)

[O]n more than one occasion I had my (b) (6) come to me and...not at all asked, but kind of say... "God, I don't know what we can do to make this better for you." You know, they--I should be making it better for them, anyway. So we handled all that, like, I--it didn't derail, it didn't undermine my authority with my subordinates or my authority in my wing. But it definitely, I think, just permeated the environment on Tinker Air Force Base. (Ex 42:8)

I had airmen talking about the three-star and how he treated the (b) (6). And obviously, I never acknowledged any of that, and I always, always, always supported General Levy because that's, you know. Anyway, but that's just kind of the environment that was created on this base. (Ex 42:8)

With respect to how he dealt with the Air Base Wing Commanders, Lt Gen Levy was asked if he ever corrected them in front of others:

...I don't know that I would say correct, um, what I--what I asked us all to do in the Air Base Wing business is cross-level our knowledge. What I found is that, uh, we--we collectively as an institution, an organization, we're not very good about, uh, learning from one another, you know, it's okay to make a mistake. What--what's not okay to do necessarily is make it and not share it with somebody else that has the same job you have. (Ex 34:19)

⁷ (b) (6), (b) (7)(C) related her experience with Lt Gen Levy started with him stating to her "I don't know how a (b) (6), (b) (7)(C) becomes an (b) (6), (b) (7)(C)," and ended with her (b) (6), (b) (7) after Lt Gen Levy (b) (7) recommended the (b) (6), (b) (7)(C). (Ex 42:6,12)

Lt Gen Levy was asked if he would preface cross talk sessions and information sharing among the Air Base Wing Commanders by emphasizing it was being done to cross-level information, not to expose anyone in front of their peers. He was also asked if he was at all concerned that it could have a chilling effect if people brought an issue to him one on one, and then the answer came back with others courtesy copied. He responded:

Uh, I hadn't really considered it from a point of view -- from that point of view. The Air Base Wing Commanders are all, uh, professional peers and colleagues, uh, and -- yeah, so but there was certainly no intent. I mean, if...the question is was it your intent to somehow embarrass an Air Base Wing Commander, the answer to the question is absolutely not. Absolutely not. These are great Americans who are, frankly, busting their tails to do good work. (Ex 34:22)

In practice, however, Lt Gen Levy's approach, not limited to the particularly poor treatment of his immediate staff, led to the development of a command climate that failed to foster good order and discipline, teamwork, cohesion and trust. Rather, the command climate was characterized by treatment of subordinates that lacked dignity, respect, and fairness.

Although Lt Gen Levy testified he had the impression people wanted to work in the environment he created, (Ex 34:182) the witnesses described an unhealthy climate and its effects at length. (b) (6), (b) (7)

I'll just clear that for you. There was no morale in the office...[P]eople [are] quitting, unhappy, trying to leave the front office. This is not a pleasant place for anyone to work. It was almost a punishment to work up here. (Ex 37:30)

And on the more encompassing topic of whether he felt Lt Gen Levy treated subordinates in the inner circle with courtesy and respect, (b) (6), (b) simply responded, "No." (Ex 37:10)

When Lt Gen Levy was asked how he would ensure members of his staff were all treated with dignity and respect, he testified:

Uh, no different--I--I'm not sure that it would be different than how I would do anybody else, um, frankly, I mean, they don't--they don't get special treatment in that sense, right? They don't get better or worse, nor should they, right? I mean, if the--if the assertion is dignity and respect is dignity and respect whether it's, uh, close in staff or--not, I mean, I think it's fairly, uh, it--it's the same and people are people. (Ex 34:30)

However, (b) (6), held a different opinion of what it was like working for Lt Gen Levy when she testified:

I was either not sleeping, or it was to the point where on weekends, like my (b) could not get me out of bed. I was just so exhausted... it was to the point where I--it was definitely affecting my relationship with my family and my friends. Um, there was no such thing as work/life balance in that job... I mean, there were a lot of nights where I would come home

just in tears or just ready--just absolutely emotionally and mentally exhausted from the work. (Ex 24:16)

Though she knew and liked Lt Gen Levy before beginning to work for him, (b) (6), described the stark contrast once she started working for him directly:

[T]hen after I worked for him and experienced that, you know, it was more of he's the boogeyman that you just wanted to run away from. (Ex 24:16)

Though she continued to respect his technical ability, (b) (6), did not respect Lt Gen Levy or his leadership as a result of the treatment she suffered by him:

[H]is strengths definitely were not as far as command, as far as people were concerned. Um, now knowledge and intellect and speaking, that was his strength, but not commanding...as far as a commander, a leader, a person, um, I would consider him morally compromised and just not a commander of the people. He was just so internally focused on himself. ...And it was made very clear that when people would stand up against him, then they would either be removed from their position or they would kind of be blacklisted. (Ex 24:63-64)

(b) (6), (b) was assigned as the (b) (6), (b) (7)(C) to the Air Force Sustainment Center Commander in (b) (6), (b) (7)(C). He served in that role first for (b) (6), (b) (7)(C), and then for approximately a 90-day period with Lt Gen Levy until departing Tinker AFB in 2015. Generally, (b) (6), (b) testified he could honestly say he never felt comfortable working in that environment: "I don't know if toxic is the right word to use or not, but I felt the way that I was treated...no one deserved to be treated in that manner...." (Ex 26:8)

(b) (6), (b) described a healthy, positive experience working for the (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), which immediately stopped under Lt Gen Levy: "It did not feel like a healthy climate within the staff." (Ex 26:9) Looking back on his relatively short time working for Lt Gen Levy, (b) (6), (b) stated it was "hands down the worst time that I've had in my 11 years, uh, in the Air Force." (Ex 26:13)

(b) (6), (b) (7) expressed dismay at how Lt Gen Levy was perceived by Air Force senior leaders compared to the ground truth he witnessed:

You're almost helpless when you're in that environment with someone like that and a senior leader. And that someone's gotten that far and is...you know, is a respected leader from the top, from the top view, you know, the CSAF and, you know, the--perhaps the MAJCOM commander and you're like... "How is this happening?...What are we seeing that they're not seeing?" you know? (Ex 37:35)

(b) (6), (b) (7) continued: "... the really bad things that I've heard, I wasn't [a] direct witness to a lot of times. He would make sure I wasn't there. I just saw how he'd talk to...the

(b) (6), (b) (7), how he treated them....” As to the morale of people in the office, he stated: “You know, one to ten, it was probably a one. There just was no morale.” (Ex 37:31)

(b) (6), (b) (7) opined: “[I]f I had to describe the leadership environment, I would say it was, uh, driven by fear and intimidation.” (Ex 31:52) (b) (6), (b) held the same opinion that Lt Gen Levy used fear as a leadership tactic. (Ex 33:19) In fact, (b) (6), (b) noted that Lt Gen Levy let it be known that he was not above treating his subordinates poorly: “[H]e made the comment, I don’t fire people, I keep them close to make them miserable.” (Ex 31:5-6) Lt Gen Levy testified he didn’t recall saying that. (Ex 34:56) When asked if he believed people feared him, he testified:

I don't believe so. I'm sure there were probably some, uh, only in the sense that, uh--some people say, uh, or, maybe fear isn't the right word. They're uncomfortable around--I don't want to use that word fear. Uh, I would say maybe a little put off by a three star. Um, I know when I was, uh, junior in rank, I didn't want to be around a three star.... This is--I don't know how you quantify this, but, uh, I tend to look grumpy. I don't know that that's a crime per se, uh, but I tend to look like I'm grumpy a lot. (Ex 34:27-28)

When asked if he thought he was approachable, Lt Gen Levy testified:

Yeah, I do, but, you know, how do you define approachable? Is it because you look approachable or because you are approachable? I--I'm not sure what the--what the standard is for that or how you, you know, how you delineate I guess is the word, but absolutely, and many people would approach me. They'd stop me in the hallway and say hey sir, I want to talk to you about X or, uh, approachability, I guess, is sort of in the eye of the person who wants to approach you or not, um, but--but absolutely, and if I had time, I would stop and talk to people. (Ex 34:28)

(b) (6), (b) (7)(C) who was in position to observe Lt Gen Levy as his (b) (6), (b) (7)(C), noted:

[Y]ou know...he was not approachable.... And that led folks to hold back, I think, until it was necessary to have either a direct engagement with him or, you know, as in the case of his subordinate commanders, the requirement to have a phone call with him or an e-mail exchange. (Ex 30:35)

(b) (6), (b) (7) recounted a time when Lt Gen Levy compared leading people to training dogs:

[H]e said...sometimes getting people to do what you want is like when you train dogs. He said, you can use the inflection in your voice. He trains dogs, by the way. So, um--you can use the inflection of your voice and your mannerisms to get people to respond certain ways, too.

[S]o that may be one of those cases he was saying something that, eh, you know, he wouldn't have said anywhere else, but, uh, again, I just thought, my gosh, I, I hope you don't mean what you're saying there, you know. (Ex 31:12)

When asked if he ever said this or made comparisons like this, Lt Gen Levy responded: "Uh--I might have, but I don't know for sure." (Ex 34:59-60) He continued:

I wouldn't know if I--I don't recall saying that, but that's absolutely true of any human being. That's not--you can use your--your voice. If I said--said "Hey, Joe." [or] "Hey Joe!" That's two different--two different ways of getting someone's attention...(Ex 34:60)

When asked if he could help explain the context of when that might come up, he added:

No, because I don't--I don't normally, I mean, it's--normally I don't yell at people. That's not my style, uh, it's--it's not. I don't--I don't think I ever have raised my voice hardly in my whole life. It's just not who I am. (Ex 34:60)

(b) (6), (b) (7) testified Lt Gen Levy's leadership approach as: "It was almost like walking on eggshells at times because, uh, you didn't want to do anything to upset him." (Ex 24:14) (emphasis added)

Much like (b) (6), (b) (7) noted the unhealthy command climate took a toll on him as well:

It was exhausting. I will tell you that, that year was the hardest year of my life, um, and--for me, professionally and personally. **It was harder than a deployment**, um, because to me, there was really no job satisfaction, other than, I was his -- I was basically -- I wasn't really an (b) (6), (b) (7)(C), as much as I was just a personal assistant. (Ex 32:17) (emphasis added)

Rather than anger though, Lt Gen Levy's leadership created a sense of disappointment and loss to (b) (6), (b) (7) "I'm kind of disappointed in him. Because, uh, he didn't have to be that way. I think, I think we left a lot of potential on the table ultimately as an organization. Um, but it was the constant nit-noid stuff that just wore you down." (Ex 32:26)

From his position as the (b) (6), (b) (7)(C) echoed this sense of disappointment and lost opportunities: "You know, a staff needs to feel like that they can get vector--[that] they can get guidance from their leader. And if you get the sense that that leader is impatient, or unapproachable, then, you know, **it leads to an environment that is ... not necessarily healthy.**" (Ex 30:37) (emphasis added)

Credibility

The IO was on guard to ensure the witnesses who provided negative information about Lt Gen Levy's leadership generally (discussed above) and specifically (discussed below) were not

“disgruntled” employees whose credibility could reasonably be questioned. The IO consulted the Department of the Army Pamphlet (DA PAM) 27-9, *Military Judges’ Benchbook*, 10 Sep 14, to assist with the witness credibility determinations in this case. Chapter 7, 7-7-1, “Credibility of Witnesses” states, in relevant part:

[Y]ou have the duty to determine the believability of the witnesses. In performing this duty you must consider each witness’s intelligence, ability to observe and accurately remember, sincerity, and conduct in court, (friendships) (and) (prejudices) (and) (character for truthfulness). Consider also the extent to which each witness is either supported or contradicted by other evidence; the relationship each witness may have with either side; and how each witness might be affected by the verdict. (In weighing (a discrepancy) (discrepancies) (by a witness) (or) (between witnesses), you should consider whether (it) (they) resulted from an innocent mistake or a deliberate lie.) Taking all these matters into account, you should then consider the probability of each witness’s testimony and the inclination of the witness to tell the truth. (The believability of each witness’s testimony should be your guide in evaluating testimony, not the number of witnesses called.) (These rules apply equally to the testimony given by the accused.) (Ex 23:2)

The IO noted while not all of the factors discussed in section 7-7-1 necessarily applied to the witness testimony gathered in support of the allegations in this investigation, the IO found the framework presented by the *Military Judges’ Benchbook* instructive.

The IO found the witnesses who provided evidence of an unhealthy command climate within HQ AFSC were highly credible. None of these witnesses was motivated to have a negative opinion of Lt Gen Levy just because he made them work hard. Almost every witness described Lt Gen Levy as being demanding and did not object to those high standards. Rather, their objection was the treatment people had to endure and the negative climate that he created.

Further, there was testimony throughout the investigation, including from Lt Gen Levy himself, that the military members of Lt Gen Levy’s immediate staff were outstanding officers, “dependable,” “honest,” “trustworthy,” with excellent reputations for the same within the Air Force. (Ex 34:53) On numerous occasions, as noted below, multiple witnesses confirmed accounts of specific incidents that exemplify the unhealthy climate created by Lt Gen Levy. Furthermore, the credibility of these witnesses does not need to be weighed against the credibility of Lt Gen Levy’s testimony about those incidents as throughout his interview with the IO, when asked about these incidents, Lt Gen Levy testified that he did not recall the specific incidents 37 times.

COMMAND CLIMATE - SPECIFIC EXAMPLES

The members of Lt Gen Levy’s immediate staff provided numerous examples, large and small, of how Lt Gen Levy’s leadership actions resulted in an unhealthy command climate, replete with treatment that evidenced a lack of dignity and respect. The following is not an exhaustive list of every instance of a lack of dignity and respect, and standing alone, each does

not necessarily rise to the level of an unhealthy command climate; but each serves to exemplify the type of treatment to which Lt Gen Levy subjected his subordinates.

1. *Treatment of Lt Gen Levy's* (b) (6), (b) (7)(C)

In chronological order, leading up to the most recent, Lt Gen Levy's (b) (6), (b) (7)(C) were: (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) followed by (b) (6), (b) (7)(C). With the exception of (b) (6), (b) (7)(C) each served roughly one year under Lt Gen Levy.

(b) (6), (b) (7)(C) provided details on a number of incidents that led to his opinion that Lt Gen Levy did not create a healthy command climate for his immediate staff:

a. *The Phone Label*

(b) (6), (b) (7)(C) described an incident when he was called at home by Lt Gen Levy one evening after work and was berated because Lt Gen Levy's personal phone in his residence did not have his (Lt Gen Levy's) own phone number written on it. (Ex 26:10) (b) (6), (b) (7)(C) testified he felt like "That was maybe a little bit over, an overreaction, and again, from my perspective misplaced...." (Ex 26:10)

When asked how he felt after being berated on the phone, he recalled:

I just remember feeling afterwards like this--I understand that I'm the (b) (6), (b) (7)(C), and I understand that this is a general officer, but this just feels so ridiculous, right? That this feels like the horror stories that you hear about of, you know, uh, carrying the bags and making the coffee. Like, it just felt so, um, again, just demeaning, right?...If you're just being pounded into the ground for something so minute, something so minor. It just felt very over the top. (Ex 26:13)

b. *E-Mail to All*

(b) (6), (b) (7)(C) testified about another incident when he prepared a mass e-mail for Lt Gen Levy to send out to a particularly large audience (all members of the unit, which represented thousands of people.) As the AFSC/CC, Lt Gen Levy had a personal government e-mail (for example: first name.last name@us.af.mil) as well as an organizational e-mail tied to the AFSC/CC position, which was the organizational account managed by the front office staff.

The particular e-mail was to be sent from the organizational e-mail account, not from Lt Gen Levy's personal government e-mail. That way, any responses or automatic out-of-office replies would come back to the organizational account, not Lt Gen Levy's personal account, and not fill up his personal inbox. But, for the e-mail to go out properly, the sender (Lt Gen Levy, who was at home at the time) would have had to change the account the message was going to be

sent from to avoid the issue noted above. This step could only be taken by the sender, if not sent on his behalf from the organizational account.

On this particular occasion, Lt Gen Levy did not make the required change and sent the mass e-mail from his personal account. Noticing this, (b) (6), (b) sent Lt Gen Levy a note to let him know of the oversight. He immediately received an e-mail back from Lt Gen Levy:

He told me how bad I had screwed it up and that I needed to immediately fix it, and I need to make sure that something like this never, ever happens again. And I just remember, you know, reading the e-mail feeling like I don't know how I could have prevented this. I don't know what I could have done differently and was just, you know, scolded over it...It was hard for me to grasp the, I just can't believe that his is how I'm being treated for how hard I'm trying to get things right.... (Ex 26:11)

(b) (6), (b) considered the response "demeaning": "The message was: 'You screwed up. You continue to screw these things up. You need to fix this. This is your fault' ...you know, some sort of tone to it." (Ex 26:12)

Lt Gen Levy testified he was not upset, but disappointed and when asked if he told (b) (6), (b) he "screwed that up," Lt Gen Levy replied he did not recall. (Ex 34:36)

c. Unsatisfactory Coffee Makers

(b) (6), (b) also testified about a similar incident he considered demeaning while doing on-the-job training with his (b) (6), (b) (7) (b) (6), (b) (b) (6), (b) routinely made coffee for Lt Gen Levy every morning before he arrived and related the detailed process for properly operating Lt Gen Levy's antiquated coffee pot. (b) (6), (b) testified that the normal morning routine was he would make the first cup of coffee for Lt Gen Levy, and then brew the rest of the pot. Then, Lt Gen Levy would refill his own additional cups, as needed, from the carafe. (Ex 26:15)

One morning, toward the end of his tour, while training (b) (6), (b) on (b) (6), (b) (7)(C) procedures, (b) (6), (b) did not make sure the bottom burner was on after the coffee was made. This resulted in the coffee remaining in the carafe staying warm, but not as hot as preferred by Lt Gen Levy.

When Lt Gen Levy discovered his second cup of coffee was not as hot as he liked it, he summoned (b) (6), (b) with (b) (6), (b) present. (b) (6), (b) and (b) (6), (b) (7) testimony on this incident are consistent. (Ex 26:15; Ex 32:6) (b) (6), (b) (7) testimony, reproduced in relevant part below, describes the context and tone of the exchange:

....So I watched (b) (6), (b) do it the first day. Then I did it the second day and I remember Levy coming out of his office and he, you know, hollered at (b) (6), (b)

And so, (b) walks over and I follow him and he has (b) hold out his hands and [Levy] hands (b) (6), his [Levy's] cup of coffee....

[Lt Gen Levy says] "So what is this?" And he [(b) (6), (b)] goes, "It's a nice--it's a nice warm cup of coffee." And [Lt Gen Levy] was like, "Uh, no, try again." ... "Isn't this a repeat write up for you?" (Because (b) (6), (b) had warned me, if you don't turn on this other switch, you know, it's not going to keep the coffee warm.)

And so then I jump in and I said: "No, Sir, I made it today, that's not (b) fault." [Lt Gen Levy] turned back to (b) because man, he was wearing that--he wore that kid out. He said "Oh, so you failed to train him correctly." (referring to me). And I jumped in again, "No, Sir, he warned me." And then, Levy looked at me and said "Oh, so you're a poor student," or something like that. (Ex 32:6)

(b) (6), (b) reflected on this same incident during his testimony, noting that it was not a light-hearted exchange:

[I]t was just this belittling way of how to do it, right? That how you're treated, and like the corrective action of it. To make you hold your hands out, set the cup in there, "What does that feel like to you?" and, you know, "Is it, do we have a training problem here?" and, you know, "Do we have a communication problem here?" So it's just that, belittling and that tone that you feel like if you do screw it up, just, you constantly felt like you were walking on your tippy toes...scared to death to do something wrong. (Ex 26:15)

Again, when pressed during his interview about incidents of demeaning treatment of subordinates, Lt Gen Levy testified that he did not recall this incident. (Ex 34:41)

d. White Glove Inspection

(b) (6), (b) added another example of behavior that illustrated an environment lacking in dignity and respect. He testified to an incident when Lt Gen Levy called him into his office, took his finger and wiped it across the top of one of the picture frames, and told (b) (6), (b) "You see all this dust in here? You need to go through and dust all of these pictures off." (Ex 26:14)

(b) (6), (b) felt that was not appropriate or in his "swim lane" of the things that he, as the (b) (6), (b) (7)(C), needed to do to support his (b) --it was demeaning. When asked if it was akin to a white glove inspection, (b) (6), (b) responded "So it was absolutely that, except without the white glove." (Ex 26:14)

As before, when pressed during his interview about demeaning treatment of subordinates, Lt Gen Levy testified he did not recall this incident. (Ex 34:38) When asked if he meant someone needed to do that, maybe not (b) (6), (b) personally, he likewise stated did not recall. (Ex 34:37)

Though (b) (6), (b) worked for Lt Gen Levy for only 90 days, these and similar incidents

rendered that short time “hands down the worst time that I've had in my 11 years, uh, in the Air Force” (Ex 26:13) (emphasis added)

2. *Leaving Staff Packages on the Floor, Having (b) (6), (b) (7)(C) Pick Them Up*

Numerous witnesses described a practice of Lt Gen Levy's where he would leave staff packages on the floor and direct his subordinates to come into his office to pick them up off the floor, even though Lt Gen Levy had both a physical inbox and outbox for these packages. These subordinates considered both leaving packages on the floor and requiring the (b) (6), (b) (7)(C) to pick them up off the floor to be disrespectful practices that exemplified Lt Gen Levy's poor leadership example. Again, Lt Gen Levy did not recall engaging in this practice, knowingly or intentionally. When asked if he would throw staff packages on the floor and have his (b) (6), (b) (7)(C) pick them up, he responded: “Um, I would – yes, I would make a pile on the floor. Uh, sometimes I would pick them up and take them out to them, um, sometimes I would make a pile on my desk, but, uh, but it -- if the implication is that I was trying to do something demeaning, then that is not it at all.” (Ex 34:45) He later stated most of the time he would “put them on the floor” and would then “scoop them up and walk them out and say: Here you go.” (Ex 34:50) When asked if anyone ever told him his staff considered the practice of throwing folders on the floor demeaning or belittling, he stated he did not believe so. (Ex 34:55-56) (b) (6), (b) (7) the (b) (6), (b) (7)(C) to the (b) (6), (b) (7)(C), confirmed he could hear the folders hitting the floor. (Ex 39:5)

All (b) (6), (b) (7)(C) who served one-year tours under Lt Gen Levy, and his last (b) (6), (b) (7) (all told, (b) (6), (b) (7)(C) testified that this practice happened to them. (Ex 32:7; Ex 33:4; Ex 31:5; Ex 24:11)

(b) (6), (b) (7)(C) Lt Gen Levy's (b) (6), (b) (7)(C), also confirmed he became aware of the practice after the third time it happened to the (b) (6), (b) (7)(C) (b) (6), (b) (7) as (b) (6), (b) (7) had turned to him to express his frustration about the practice. (Ex 30:20) Likewise, Lt Gen Levy's (b) (6), (b) (7)(C), confirmed a time when (b) (6), (b) (7) mentioned to him that the staff packages were on the floor and he had to pick them up. (Ex 45:3)

(b) (6), (b) (7) was the (b) (6), (b) (7)(C) to serve a full year under Lt Gen Levy, from 2015 to 2016. His testimony on this practice, which happened to him three times, is particularly compelling. He recalled in vivid detail:

So I go in to grab the stuff, and it is, no shit, in a pile on the floor at the end of the conference table. So, I mean...he went through the piles in that order, but then, you know, signed it, dropped it on the floor. Sign it, drop it on the--and I was--I'll admit, I was absolutely dumbfounded....I was so shocked, I actually took a picture of it. (Ex 32:7-8)



(Ex 70:1)

When asked what made him decide to take the time to take a photo of the staff packages on the floor, (b) (6), (b) recalled: "It was...it was so shocking to me, I think...was the, the main thing, and that, that nobody would believe me...." He continued:

I took that [photo] and, um, as just kind of a future reminder of: "(b) (6), (b) better never do something like that to anybody he works with or works for me." So, and when I ultimately downloaded it and kept it, I labelled--I actually labelled the file, as you saw, "respect." Because it is disrespectful....It's just paperwork, but it's somebody's work. It's a lot of work. But, if it's going across the three-star's desk, a lot of people have put a lot of time in it. (Ex 32:10)

(b) (6), (b) testified that the second time he had to pick folders up off of the floor, Lt Gen Levy had come out of his office and said he needed to speak with (b) (6), (b) and (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) at the time). (b) (6), (b) testified he stood at the front of Lt Gen Levy's desk with (b) (6), (b) (7)(C) facing Lt Gen Levy who was seated behind his desk. From there, behind Lt Gen Levy's desk, on the floor, (b) (6), (b) could see the edge of the pile of folders. (Ex 32:8) After Lt Gen Levy was finished talking to (b) (6), (b) and (b) (6), (b) (7)(C) (b) (6), (b) attempted to leave the office with (b) (6), (b) (7)(C) but Lt Gen Levy did not let him leave without pointing out the folders on the floor to him, saying "Uh, (b) I'm done with this." (Ex 32:8) (b) (6), (b) testified he let out a pretty big sigh, bit his tongue, and then proceeded to pick up all of the folders from the floor. (Ex 32:8)

(b) (6), (b) testified he was very upset by this incident. When asked to explain

why, he testified:

I was pissed because that's my work. His number, his guidance to me was to make his time in the office as efficient as possible. You know, I get that man coffee. I restart his computer whether he's there or not. I download his e-mail, you know, so that he doesn't have to wait for that. You know, I prioritize...for his signature....And now, I'm basically, you know, shoveling up what's left, uh, off of the floor. (Ex 32:8)

(b) (6), (b) (7)(C) warned his (b) (6), (b) (7)(C), about Lt Gen Levy's practice of dropping staff packages on the floor for his subordinates to pick up. (b) (6), (b) (7)(C) testified that the same thing happened to him.

(b) (6), (b) (7)(C) testified "...it was about six months into my term when that frustration spiked again and I ended up going in there to pick some folders up off the floor" (Ex 33:4) According to (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) relayed to him that there were some files in Lt Gen Levy's office.⁸ (b) (6), (b) (7)(C) then went into Lt Gen Levy's office and picked all the folders up off of the floor. (b) (6), (b) (7)(C) testified that he "didn't like it, clearly" and "thought it was a lack of respect." (Ex 33:5) He added that in his current role as a (b) (6), (b) (7)(C), he does not make his (b) (6), (b) (7)(C) to do things like that, because, in his words, "It's not how you treat another human. It's independent of rank--that's not how you treat people." (Ex 33:5)

(b) (6), (b) (7)(C) the (b) (6), (b) (7)(C), similarly testified the practice of leaving folders on the floor and having the (b) (6), (b) (7)(C) pick them up continued during his assignment as Lt Gen Levy's (b) (6), (b) (7)(C) :

[I]t did happen though, on three different occasions. Uh, I remember reaching, reaching back in my mind to that conversation [with (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) warning him that this may happen] because there were times when, uh, you know, he'd call me in and he'd point to the pile of packages on the floor to pick up....I didn't, I still don't, know quite how to respond to it....Still, to this day sort of perplexes me....At the time I felt like it was a, you know, "Get on your knees, boy...pick that stuff up." (Ex 31:5)

(b) (6), (b) (7)(C) testified that the second time this happened to him, he walked away from Lt Gen Levy's office shaking his head in disbelief. The third time, the disrespect bothered him so much that he went to (b) (6), (b) (7)(C) who was the (b) (6), (b) (7)(C), and explained what was happening to him and told (b) (6), (b) (7)(C) "Sir, if that happens again, I'm walking out. I will walk out of the office. I don't know where I'll go, uh, but I'm walking out of the office." (Ex 31:5) It did not happen again after that conversation with (b) (6), (b) (7)(C) who testified he never had a conversation with Lt Gen Levy about this issue. (Ex 30:20)

(b) (6), (b) (7)(C) served as Lt Gen Levy's (b) (6), (b) (7)(C) from 2017 to 2018. She likewise

⁸ (b) (6), (b) (7)(C) did not recall this incident, but did recall (b) (6), (b) (7)(C) mentioning the issue of folders on the floor to him in the context of something with the packages not going well. (Ex 45:3-6)

testified Lt Gen Levy subjected her to the same practice, both at home station in his office at Tinker and also while she was traveling with him. (Ex 24:11) She related there were multiple times where he would just say, "Well, I was done with those, they're on the floor..." (Ex 24:11) When asked to describe the incidents, (b) (6), testified:

He would intentionally not put them in the out box and toss them two feet from his desk in a pile on the floor kind of scattered all around. It was never a mistake of "I'm handing you a folder and it accidentally fell"... it was an intentional move on his part. And, again, he did it not only to (b) (6) but also to me....I think it's extremely humiliating....I think it was one of those moves... "I'm making a move to let you know I'm still in charge." (Ex 24:12)

(b) (6), (b) (7)(C) confirmed the practice and testified it "certainly felt like it crossed that [respect] threshold." (Ex 30:37-38) He added it is not a practice that he would engage in, as he did not think it was respectful for a subordinate to have to pick up after their boss: "I think it's, in a way, demeaning. And again, not a leadership style that I have, and not something that I necessarily agree that General Levy should be practicing, either." (Ex 30:17)

Those who experienced Lt Gen Levy's practice with the folders on the floor believed it was not just disrespectful and humiliating to them, but the practice was intentional--a "power move." (b) (6), (b) testified:

So this is, this is strictly my assessment: **It is a total power move.** Um, it is, **it is how you control and manipulate someone.** Um, I never found General Levy to be absent-minded. Like I said there. Everything about him was deliberate. Deliberate and thought through....In no way could I ever say he was absent-minded....My view, and I've **obviously had a lot of time to think about it, that was a total, that was a total power move.** And I don't, I don't ever understand that because I remember, you know, when (b) (6), (b) (7) and I were standing in front of his desk... **looking at him in uniform sitting there. And looking at those three stars on his shoulder....How did you, how do you think that's okay?** (Ex 32:9) (emphasis added)

(b) (6), (b) was aware of Lt Gen Levy's practice and likewise thought it was intentional: "just--it was power...just to let people know who was in charge, you know? Just don't forget who's in charge here." When asked if having people remember he was in charge was important to Lt Gen Levy, (b) (6), (b) responded: "Absolutely, yes. Absolutely." (Ex 37:10)

Lt Gen Levy's practice of unnecessarily leaving staff packages scattered on the floor for multiple, active-duty Air Force officers to pick up, at his direction, was not respectful and undermined the dignity of those officers. It was a practice that substantially contributed to the overall unhealthy command climate created by Lt Gen Levy.

3. (b) (6), (b) (7)(C)

(b) (6), was Lt Gen Levy's (b) (6), (b) (7) during Lt Gen Levy's final year in command. Prior to beginning her assignment, she informed Lt Gen Levy she had some (b) (6), (b) (7) and if she were to take the job, she would still need to get to (b) (6), (b) (7). (Ex 24:17)

In May 2017, (b) (6), (b) (6), (b) (7)(C) for three weeks with Lt Gen Levy's approval. Because (b) (6), (b) (7)(C), she went to (b) (6), to stay with her (b) (6), during her leave. During this leave, she reported Lt Gen Levy called her multiple times, (b) (6), (b) (7)(C), and was "livid about it." (Ex 24:17) (b) (6), related a particular conversation with Lt Gen Levy that demonstrated his lack of concern about her physical health:

He told me that I was a disappointment. That I let him down. That he knew I wasn't going to be back before the three weeks, and that, you know, I shouldn't have been so positive about my (b) (6),. That he's let his body fall apart. And so, I shouldn't have taken the time off to have the (b) (6),. That it should have waited until I was done being his (b) (6),. And that, that's not Service Before Self. That was a selfish decision on my part, to the point where I actually--um, my parents came home from work and found me like just sobbing in the front room because (b) (6), (b) (7)(C) before it was ready. (Ex 24:17)

Soon thereafter, though not (b) (6), (b) (6), received word from (b) (6), (b) (6) that she was to come back to the office so that she could answer the phones. (b) (6), (b) (6) stated he was directed to do so by Lt Gen Levy. (Ex 83) She did so, though physically she was not ready and otherwise would have (b) (6), (b) (7)(C), as she was experiencing difficulties (b) (6),. (Ex 24:17) Then, once back in the office, due to Lt Gen Levy's earlier criticism, she did not pursue the (b) (6), (b) (7)(C) that was to be part of her (b) (6),. (Ex 24:17)

For his part, Lt Gen Levy testified (b) (6), (b) (6), (b) (7)(C) was "hands off." (Ex 34:70) According to him:

I told her to take as much time as she wanted or needed, whatever the (b) (6), recommended. Uh, in fact, the truth of the matter is she changed the schedule to minimize her time off of her own volition. I told her, do whatever the (b) (6), tell you. This -- we will be just fine while you're on (b) (6), (b) (7)(C). (Ex 34:67)

The IO found (b) (6), (b) (6) testimony about this incident more credible than that of Lt Gen Levy. As noted, Lt Gen Levy testified (b) (6), was "reliable," "intelligent," "impressive," (Ex 34:63-64), as did another witness who testified she is "truthful." (Ex 25:20) She had no apparent motive to fabricate her account of the incident where she suffered physically as a result, and her account, corroborated by (b) (6), (b) (6) is more detailed and plausible than Lt Gen Levy's. As such, the IO found Lt Gen Levy did not pay judicious attention to the welfare and morale of (b) (6), and in that instance did not treat her with dignity, respect, or

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fairness in dealing with her (b) (6), (b) (7)(C)

4. Degrading Public Remarks to Female Subordinate

(b) (6), was subjected to other poor treatment by Lt Gen Levy. She, as well as multiple witnesses, testified they personally witnessed Lt Gen Levy make degrading remarks to her about her eating and her weight. At no time during her tenure with Lt Gen Levy, or during her military career, did (b) (6), have issues with her weight or her ability to comply with Air Force fitness standards due to poor eating habits.

(b) (6), testified it was common for Lt Gen Levy, while talking to a group of people, where she was usually the lowest ranking, to “always have to somewhat make a joke at my expense.” (Ex 24:15). He also put her down and made remarks related to her weight, what she was eating, assertions that she was always sleeping, or that she never knew what she was doing. (Ex 24:15) When asked directly if, on a number of occasions, he made comments about (b) (6), weight and eating habits, he testified: “No. I don’t recall that at all.” (Ex 34:74) (b) (6),

(b) (6), testified differently and related an incident that occurred at Tinker AFB that was indicative of her treatment by Lt Gen Levy. She testified that she was sitting at her desk around lunchtime talking to (b) (6), (b) (7)(C), who was the (b) (6), (b) (7)(C) (b) (6),. Lt Gen Levy was walking back to the kitchen area and made a comment to her while passing her desk: “Oink, oink, (b) (6), Are you really eating again?” (Ex 24:15) or words to that affect. (b) (6), testified the comments made (b) (6), (b) uncomfortable and he stepped away. She testified Lt Gen Levy looked at her, started laughing, and grabbed his own lunch before continuing with the discussion “You’re always eating.” (Ex 24:15) (b) (6), testified (b) (6), (b) later sent her an Instant Messenger (IM) text and said something along the lines of “Wow, I was really uncomfortable. I feel like I should have said something.” (Ex 24:15)

(b) (6), (b) corroborated (b) (6), (b) testimony. He also testified he considered Lt Gen Levy’s conduct “**terribly degrading and rude.**” (Ex 39:7) He felt it “just wasn’t appropriate in any sense,” that he was taken aback, and that he did not know what to say because it was not the behavior he had come to expect with working professionals. (Ex 39:7) (b) (6), (b) further offered that in his eight years in the Air Force he had seen plenty of toxic environments, and explained **he considered Lt Gen Levy’s leadership to be “toxic” because of his displays of lack of dignity.** (Ex 39:7) (emphasis added)

For his part, Lt Gen Levy testified he did not recall this incident. (Ex 34:75) When asked whether, in front of others, he may have commented on (b) (6), “always eating,” Lt Gen Levy responded: “**Mmm, I might have said that when I, I don’t know. I don’t know.**” (Ex 34:74) (emphasis added) He speculated if he did make such statements, it was part of good-natured give-and-take between the two of them, something (b) (6), would have participated in (e.g., making jokes about her own eating):

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So, so the (b) -- I don't want to mislead you here. I try to be careful about how I phrase this. The--she ate regularly, as near as I could tell. I'm not her diet--you know, I'm not her diet monitor. Um, and she would make jokes to me about her eating. And she said, "You know me, Sir, I love my food" or hey--and she would talk regularly about going to this restaurant or went to this restaurant to try that. Uh, so, uh, so comments, you know, uh, commentary about that would not necessarily be out of the main, but I don't, I don't--the "oink-oink" thing I, I don't recall any of that. (Ex 34:75)

(b) (6) testified she believed she was being compared to a pig. (Ex 24:15) She did not believe Lt Gen Levy's comments to be good natured as those remarks made her feel "terrible" and she related that most women, herself included, are conscious about their weight. (Ex 24:16) She testified the comments were not part of a good-natured conversation: "I said, well, sir, this is my lunch.... And he was like, 'You're always eating.' And I said, 'Well, yes, Sir, you know'...and just kind of went about my business." (Ex 24:15)

Another example of Lt Gen Levy using insulting language with respect to (b) (6), (b) eating and weight occurred during a TDY to Washington D.C. in approximately March 2017. This time, remarks were made in a GOV to an (b) (6), (b) (7), about (b) (6), (b) in front of her. In that case, Lt Gen Levy was in the back seat of the vehicle and (b) (6) was in the front seat, with the (b) (6), (b) (7)(C). (b) (6), (b) was contacted and testified about Lt Gen Levy's comments:

We were going over a few bumps on 395 headed towards Crystal City. And there were, you know, really bad bumps and he [Levy] made a comment on the, on the suspension of the vehicle.... He asked how many miles were on the vehicle. I told him, you know, 20-some thousand or so. And, uh, he said, oh, man, these shocks, they need to be replaced already and stuff. And then he made a quick comment that was just kind of **shouldn't have said that**, um, to, uh, he said, something along the lines of, this isn't verbatim, but something along the lines of, uh, (b) (6), (b), like, uh, if you, you know, lose a few pounds or whatever, maybe the, you know, vehicle would have less strain on it or something along those lines.... we got to the hotel, dropped them all off and then, I went back to Andrews. And then, I told my (b) (6) at the time, who was, uh, his name is, uh, Staff Sergeant Ian Acorn. And he was our (b) (6), which is the (b) (6), (b) (7)(C) (b) (6), of the (b) (6), (b) (7)(C) service, and I told him about that remark. (Ex 29:4)

(b) (6) also heard Lt Gen Levy make derogatory comments about her weight during that drive, commenting "in regards to how much I was eating and that I needed to be careful, as my [Air Force] blues pants wouldn't be fitting anymore, and something in regards to how they fit now." (Ex 69:1) A few days later, the (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) (b) (6), contacted (b) (6), and asked if she wanted to make a report concerning Lt Gen Levy's comment. (Ex 29:4) At the time, she did not. (Ex 29:4)

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (GS-15), also testified Lt Gen Levy made inappropriate remarks to (b) (6), about eating. In fact, like (b) (6), (b) (7) she too overheard a comment from Lt Gen Levy to (b) (6), where he said the words “oink oink:”

[S]he’s very much in shape. So, I mean, I heard when I was at the copier where she sat-- we had moved her desk towards the back area when we did some redoing of the office furniture. Um, he had come back and saw her eating and said, ‘Oink, oink.’ ... And that was--I thought it was an inside joke between the two, um, because, I mean, (b) (6) often ate snacks or she was eating late, a late lunch. Uh, and her response to him was, um, “Sir, I just started eating.” (Ex 25:16) (emphasis added)

When asked what a reasonable person would take the words “oink, oink,” to mean, (b) (6), (b) (7) concluded similarly to (b) (6), (b) (7) and (b) (6), that the words suggested the person was eating like a pig.

Even giving Lt Gen Levy the benefit of the doubt that he was trying to be humorous and was simply oblivious to the fact his comments were not taken as such, his comments were inappropriate, particularly given his position and the public contexts (though even if made in private the comments would still not have been appropriate). They undermined (b) (6), (b) (7) dignity and were not respectful of her. (b) (6), (b) (7) who heard Lt Gen Levy’s remarks toward her in the car understood this:

[T]hat should have been kept to himself. If, you know, that was a thought that was going through his head...obviously, as you’re military or not, as a...man you don’t really talk about a woman’s weight, um, especially in front of them. (Ex 29:5)

5. Taking Care of Airmen

Lt Gen Levy testified that he went out of his way to take care of his Airmen:

Uh, we are fairly maternal and paternal to all the staff, um, absolutely. Uh, and I-- I’ve communicated with the (b) (6), (b) (7) uh, her (b) (6), uh, with (b) (6), (b) (7), and with the (b) (6), (b) (7), because when those people come to work for us--and, and the (b) (6), (b) (7), uh, outside of their--the (b) (6), (b) (7)(C), uh, to tell them, uh, you know, we’re looking out after your (b) (6), (b) (7). (Ex 34:179) (emphasis added)

However, on this topic and his testimony that he felt “it’s our job to look after those officers,” (Ex 34:174) (b) (6), testified about her experience when she was TDY to Washington D.C. another time with Lt Gen Levy. According to (b) (6), (b) (7) it was a Friday evening and they were getting ready to depart the hotel to go to the airport. She went out to bring the rental car around while Lt Gen Levy remained in the hotel. The rental car had been hit by another vehicle causing damage. (Ex: 80) Unsure of what to do, she contacted Lt Gen Levy. She stated he offered no help and quickly departed for the airport making his flight, leaving (b) (6), behind to deal with the police, rental car

company, and to reschedule her own flight.⁹ She would later describe this incident as “strike 2” of a three part series of events¹⁰ that represented the absolute breaking point for her with respect to Lt Gen Levy. (Ex 59:1)

Lt Gen Levy also notionally stressed the importance of mentoring and supporting Airmen, particularly females:

Because we're involved in these people's lives, right? We, we mentor them. Mentoring is not a transaction, it's, it's supporting airmen as they grow up and develop to become us one day, right? And to keep them in the Air Force, particularly for females, where we have a hard time retaining females in the Air Force. (Ex 34:181)

In contrast, reflecting on her time in the Air Force and assessing her experience with Lt Gen Levy, (b) (6), commented:

To me, he [Lt Gen Levy] is the first thing that has ever made me want to just walk out of the Air Force and leave everything behind because I wanted away from him that bad. Um, I would describe him, again...intelligent guy. He did a lot for logistics, you know, really put [inaudible] a lot. Um, but as far as a commander, a leader, a person, um, I would consider him morally compromised....He was just so internally focused on himself. (Ex 24:64) (emphasis added)

6. Berating an Administrative Assistant

Lt Gen Levy's verbal abuse of his (b) (6), (b) (7)(C) was not limited to the uniformed members. (b) (6), (b) (7)(C) is an (b) (6), (b) (7)(C) at the AFSC and has worked at Tinker AFB as a (b) (6), (b) (7) since (b) (6). She described an incident in which Lt Gen Levy verbally berated her for not interrupting him while he was in a meeting with a four-star General Officer to take a phone call from a United States Senator—even though the senator told her not to interrupt Lt Gen Levy because the call was not important.

As (b) (6), (b) (6) recalled, on the day in question, Lt Gen Levy was in a meeting with his boss, the (b) (6), (b) (7)(C). The normal front office staff were all out of the office, so she was alone answering the phones, greeting customers, and working e-mail. When

⁹ Lt Gen Levy was given notice of this incident and responded through counsel. In his explanation, he referred to the damage as a “minor ding,” “looks like somebody scuffed it,” and “slightly damaged.” (photo at Ex 80) He contended he “gave the (b) (6) guidance on what to do; she acknowledged.” (Ex 47) He opined there was no role for him there to justify staying to help, felt she could handle the matter on her own, and proceeded back to Oklahoma City. (Ex 47)

¹⁰ According to (b) (6), (b) (6), three significant events culminated to bring her to a breaking point with Lt Gen Levy: 1) his treatment of her during (b) (6), (b) (7)(C); 2) abandoning her to deal with hit and run damage to their rental car in Washington D.C.; and (b) (6), (b) (7)(C) (Ex 59:1)

the call from a senator came in, she told him that Lt Gen Levy was in a meeting, but offered to get him. According to (b) (6), (b) the senator told her “No, don’t do that” and that he just wanted to call and wish Lt Gen Levy happy holidays because it was close to December. (Ex 41:9) With that guidance, (b) (6), (b) took the message, writing it down. When the (b) (6), (b) (7)(C) returned, she gave him the note. Later that afternoon, while the (b) (6), (b) (7)(C) was away from his desk, Lt Gen Levy saw the note with the message (b) (6), (b) wrote and became upset:

[W]hen I told him yes, that the senator had called, he got upset and started yelling at me because I had taken a message instead of going to get him. And he told me from then on out, if a senator, governor, state official or anybody like that calls for him, I was to come and get him. I was to drop everything I was doing and find him and come and get him; that, that was unacceptable to take a message. [I] didn't get a chance to explain to him that the senator told me not to go get him, um, that he was just calling to wish him a happy holiday. Well, **General Levy was yelling at me so loud that, by that time, everybody else had come back to the office and were in their, their own offices. And he was yelling at me so loud, that they all came out to see who he was yelling at and what he was yelling about. And that’s what it was. He was berating me for taking a message and not going to get him when the senator called.** (Ex 41:9-10) (emphasis added)

(b) (6), (b) testified she believed Lt Gen Levy had acted unprofessionally towards her:

I thought it was very unprofessional. Um, I was almost in tears. I couldn't get away from him fast enough, but I stood there and took, took the--what I call a tongue-lashing and just kept saying ‘Yes Sir, it won't happen again. From here on in, I'll come and get you.’ And, uh. Just, I finally walked away from him after a few minutes. Um, I finished picking up the trash and went back to my desk and started closing everything down for the day...I didn't want him to see me cry because I was almost to the point of crying....It was very embarrassing. (Ex 41:10-11) (emphasis added)

(b) (6), testified that as a result of this experience and her time working for Lt Gen Levy:

I didn't have much respect for him as a person. I respected his position and always showed my respect by not treating him any different. You know, if he asked for help with something, I would help, but I never disrespected him. I just thought, as a...human and as a man, he shouldn't have talked to me that way. (Ex 41:11) (emphasis added)

In similar fashion to his responses to other instances, when pressed about the details of this particular episode involving treating staff members disrespectfully, Lt Gen Levy testified he did not recall this incident, offering only: “I don’t recall. I remember just saying, you should have come and got me.” (Ex 34:80)

7. Publicly Berating his (b) (6), (b) (7)

(b) (6), (b) (7)(C) (b) (6), served as Lt Gen Levy's (b) (6), (b) (7) from (b) (6), (b) (7)(G) until (b) (6), (b) (7). She also suffered disrespectful treatment from Lt Gen Levy during her tenure.

As she explained, Lt Gen Levy was TDY to a change of command ceremony and an issue with the script arose--the protocol staff had made a minor change to the script, changing the order in which the chaplain and the speaker were announced. For some reason, Lt Gen Levy was unhappy with the change (during this testimony, Lt Gen Levy did not recall this incident).¹¹ (b) (6), (b) (7) testified (b) (6), called her from a public airport to tell her Lt Gen Levy was not happy with the script and wanted to ensure (b) (6), (b) (7) knew he was displeased.

And not even five or ten minutes after that, he calls me directly, uh, and, and starts to tell me how I did not review the script and it was my job to review it, to remind me of what my job was. And he could not understand how the script could be changed, that he had already approved. Um, but that we had changed that, and he's now having to review the script in its entirety. And from now on, he was going to review all the scripts, and I had to have it to him 24 hours before the event. Uh, and then he proceeded to remind me of--he asked me, do I know who he is? And I said, 'Yes, sir.' And he said, 'Uh, do you know that I am the three-star commander of the Air Force Sustainment Center?' And I said, 'Yes, Sir, I know.'

So, he was reminding me of who he...of his position and who he was, and letting me know that I was not doing my job and my responsibility and at that point I just said, 'Yes, Sir. Yes, Sir.' He, he didn't want to hear my explanation or any part of, you know, the issue at hand. He was unwilling to listen to that. And so, I just shut down and said, "Yes, sir." (Ex 25:12) (emphasis added)

Again, Lt Gen Levy stated he did not recall this incident, but added:

[S]he knows what her job is. She's, she's an amazing professional. Now what I might have said, and I don't, I don't recall the conversation so I'm speculating here, but is--Hey this was a three-star change of command, not a squadron change of command. So there, so it wouldn't be beyond the, the way to describe it. In other words say, "Hey, this is a, this is a bigger kind of event with more requirements to be precise to get it right," whatever term you want to use. Um, but what you described is not--I can't imagine myself saying that. (Ex 34:90)

(b) (6), (b) (7) was understandably upset at the lecture from Lt Gen Levy. She was

¹¹ (b) (6), (b) (7) confirmed Lt Gen Levy was unhappy that there had been a change to the change of command script. (Ex 45:7)

“very frustrated and angry because I felt that, as a (b) (6), and a (b) (6), (b) (7)(C), I did not have to be reminded of who I work for and my responsibility.” (Ex 25:12) When asked about the impact of that experience on her, she shared that her relationship with Lt Gen Levy changed that day:

It changed. Yes, Sir...because at that point, I mean, I worked very hard for him and wanted to make sure he had all the tools and all the information that he needed. Uh, and I still did after the fact...**From that point on, I, I just shut down.** I said, nope, I’m--it’s business only, um, and that’s what I’m there for. And I would give him what he needed as far as documents, and I, uh, just did my job; stayed in my office, didn’t make it a point to go out and interact. Um, I interacted with other people when he wasn’t there, but, um, if he was around, it was sheerly a business relationship. And I kept it at that and didn’t have any small talk...It changed because he bothered me. I mean, I didn’t think he needed to remind me, um, of who he was at that position. And that’s where I meant that he was--he’s--**he can be very arrogant at times.** And at that time he was. And I know he was probably frustrated and upset, um, but, uh, I don’t think he handled that correctly...You know, **I respect the position, but I don’t respect him,** um, for doing that. (Ex 25:13) (emphasis added)

When asked if she felt Lt Gen Levy called her with the intent to belittle or humiliate her, (b) (6), (b) (7) promptly responded: **“Oh, yeah. Oh, I mean, no doubt. I mean, he, called to, uh, humiliate me personally and let me know that he was very unhappy with me.”** (Ex 25:30) (emphasis added)

(b) (6), confirmed (b) (6), (b) (7)(C) account of the incident. She testified that Lt Gen Levy had told her “I want a head on a platter.” (Ex 24:62) (b) (6), relayed to him that (b) (6), (b) (7) requested that if he had any concerns about change of commands, to call her. Lt Gen Levy had (b) (6), get (b) (6), (b) (7) on the phone:

I got her on the phone, and we were down at baggage claim at Dulles Airport, and he started to chew her out and scream, “(b) (6), (b) (7) Stop talking. You need to listen to me. You don’t know what you’re doing. You don’t do your job, you don’t hold your people accountable,” and was reprimanding her. She’s a (b) (6). To the point where I walked [away]...because I was so uncomfortable with the conversation that he was having. (Ex 24:62)

(b) (6), testified, from her perspective, reprimanding a (b) (6), the way he did undermined (b) (6), (b) (7)(C) dignity and respect. (Ex 24:63) The IO concurs in that assessment. Lt Gen Levy berated a (b) (6), (b) (7)(C), on the telephone from an airport with his (b) (6), (b) (6), (b) (7) nearby, over a minor matter. During the call, he belittled her by over emphasizing his rank and position and needlessly reminding her who he was. He did not treat her with dignity and respect and as a result, severely damaged the working relationship he had with a vitally important member of his front office staff.

(b) (6), (b) (7)(C) recalled this incident with (b) (6), (b) (7) as well:

[S]o there was, uh, you know, another incident, that pops to mind and it was probably, uh, because it was more recent, you know, as far as this year, as opposed to, uh, deeper in my tenure as the (b) (6), um, that, that I thought, um, you know...crossed the line, if you will or was a bit unprofessional.

[S]he [Cervantes] felt very frustrated with the way, um, Lieutenant General Levy had, had, uh, uh, treated her on the phone.

[O]n three or four, uh, subsequent, uh, questions [Lt Gen Levy] kept asking her, you know, "Who's the Commander of the Sustainment Center?" and she would answer, "Well, you are, sir

I wouldn't say that that was consistent, uh, with treating somebody with dignity and respect...talking to somebody in that manner. (Ex 30:31)

8. *Tolerating Sexual Harassment*

The findings of (b) (6), (b) (7)(C) another example of Lt Gen Levy's failure to "pay judicious attention to the welfare and morale" of (b) (6), (b) (7)(C). Here, he allowed her dignity and respect to be undermined by community leaders, who made remarks that were sexual in nature, in a situation in which he was in a position to stop it. Though Allegation 2 was not substantiated on application of the standard to the facts found, those facts, nevertheless, provide yet another example of a specific instance of the type of treatment Lt Gen Levy subjected his subordinates to, which contributed to low morale in the office. (b) (6), (b) (7) who commented there simply was "no morale," (Ex 37:30) further described the atmosphere created as:

You never felt like you were part of, part of a team, you know, he was kind of the dictator, in [a] "This is what I want. This is how I want it to go" kind of environment. (Ex 37:32)

Character Witnesses Offered by Lt Gen Levy

During and after his sworn testimony, Lt Gen Levy provided the names of 13 high-ranking officers and civilians as character witnesses, offered with the expectation they may be able to provide context to the issues explored in Allegation 1, or about the known command climate created by Lt Gen Levy. The IO contacted every witness on the

list. With the exception of (b) (6), (b) (7)(C) (b) (6), (b) (7) and (b) (6), none of the character witnesses offered by Lt Gen Levy had first-hand knowledge or evidence to share regarding any of the specific instances explored in Allegation 1. On the topic of Lt Gen Levy's leadership style or climate he was known to have created more generally, several witnesses acknowledged Lt Gen Levy has long had a reputation for being direct or intense, and noted he was difficult to please, especially when it came to protocol. (Ex 64:1-2; Ex 46:3; Ex 67) They also offered some very positive views of how he treated them personally, and mentored them in their careers. (Ex 50; Ex 61; Ex 65:1; Ex 46:3; Ex 63:1) While most of these witnesses were understandingly diplomatic, several commented his style and approachability was not necessarily a style they would embrace. (Ex 30:35-36) Another general officer noted he had passed on an opportunity to work for Lt Gen Levy in the past based on his reputation. (Ex 55:1) As Allegation 1 deals largely with how Lt Gen Levy treated his inner staff, and to a lesser degree instances of treatment of certain commanders, it is not surprising that the majority of these senior officer witnesses were unaware of the conditions he created in those circles of influence.

CONCLUSION.

The IO determined, by a preponderance of the evidence, that Lt Gen Levy repeatedly, publicly, and personally belittled and berated his immediate staff, creating an environment of fear and intimidation, which undermined the welfare and morale of his subordinates. In numerous situations, Lt Gen Levy failed to treat his subordinates with dignity, respect, and fairness. In just a few examples of these failings: Lt Gen Levy berated subordinates for his coffee not being the right temperature and there being dust on the top of picture frames in his office (b) (6), (b) humiliated (b) (6), (b) (7)(C) (b) (6), (b) (b) (6), (b) (b) (6), (b) (7) and his (b) (6), (b) (7) (b) (6), (b) by leaving staff packages on the floor, rather than in the outbox or on a table, and requiring them to pick the packages up off the floor; scolded his (b) (6), (b) (7) for undergoing a (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) she was prescribed (b) (6), (b) publicly making inappropriate comments about his (b) (6), (b) (7)(C) weight and eating habits (b) (6), (b) publicly reprimanding a (b) (6), for failing to pull him from a meeting with a superior general officer to speak to a senator, even though the senator instructed her not to pull him out of the meeting (b) (6), (b) publicly admonishing a (b) (6), (b) (7)(C) of his staff over a minor matter, lecturing her about his status ("Do you know who I am?") (b) (6), (b) (7)(C) and tolerating verbal sexual harassment of his (b) (6), (b) (7) at a public event attended by civic leaders and Air Force officials (b) (6), (b) (7)(C) As a result of this treatment, many of Lt Gen Levy's (b) (6), (b) (7)(C) described the working environment as the worst they had experienced in their Air Force careers.

By a preponderance of evidence, based upon the findings of fact and sworn testimony, the allegation that between June 2015 and August 2018, Lt Gen Lee K. Levy failed to establish and maintain a healthy command climate, in violation of AFI 1-2, *Commander's Responsibilities*, 8 May 2014, is **SUBSTANTIATED**.

ALLEGATION 2:

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

[Redacted]

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

[Redacted]

[Redacted]

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

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

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ALLEGATION 3: That between on or about 20 July 2017 and 17 July 2018, Lt Gen Lee K. Levy wrongfully accepted loans from a lesser paid employee, in the form of expenses charged on his behalf to the employee's personal bank card, in violation of DoD 5500.07-R, *Joint Ethics Regulation*, 17 November 2011.

FINDINGS OF FACT.

- Between July 2017 and July 2018, (b) (6), served as Lt Gen Levy's (b) (6), (b) (7)(C) and earned less pay than Lt Gen Levy.
- Between on or about July 2015 and July 2017, for incidental personal expenses, Lt Gen Levy gave money to (b) (6), (b) who held that money and paid expenses as they were incurred. When she needed more money, she asked Lt Gen Levy to replenish the funds. (Ex 24:27)
- Between 20 Jul 17 and 17 Jul 18, Lt Gen Levy's balance for incidental personal expenses maintained by (b) (6), was as follows:
 - Between 20 July 17 and 22 Aug 17, Lt Gen Levy's indebtedness rose to \$73.74 before he made payment to (b) (6), (b)
 - Between 25 Sep 17 and 8 Nov 17, Lt Gen Levy's indebtedness rose to \$516.66 before he made payment to (b) (6), (b)
 - Between 20 Nov and 28 Dec 17, Lt Gen Levy maintained a positive cash balance.
 - Between 8 Jan 18 and 17 Jul 18, Lt Gen Levy remained in a constant state of indebtedness to (b) (6), (b) rising from \$15.08 to \$437.83, making only one \$130 payment to her on 19 Mar 18. (Ex 71)
- In July 2018, (b) (6), (b) (7)(C), learned of this indebtedness and directed (b) (6), (b) (7)(C), to call Lt Gen Levy and relay her order that he pay off the debt to (b) (6), (b) (Ex 43:2)
- Subsequently, (b) (6), (b) called and spoke directly with Lt Gen Levy, relayed the order from (b) (6), (b) (7)(C), to which Lt Gen Levy responded: "I'm just waiting for a check and then I'm going to pay her." (b) (6), (b) instructed Lt Gen Levy to pay the debt to (b) (6), immediately. (Ex 43:2)
- On 17 Jul 18, Lt Gen Levy paid off (b) (6), the remaining \$437.83. (Ex 56)

STANDARDS.

The Joint Ethics Regulation (JER) provides a source of standards of ethical conduct and ethics guidance for DoD employees, based on Federal law, 5 CFR § 2635.302.

5 CFR § 2635.302(b): Gifts from employees receiving less pay. Except as provided in this subpart, an employee may not, directly or indirectly, accept a gift from an employee receiving less pay than himself unless: (1) The two employees are not in a subordinate-official superior relationship; and (2) there is a personal relationship between the two employees that would justify the gift.

5 CFR § 2635.203(b): Gift includes 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. (emphasis added)¹⁷

ANALYSIS.

(b) (6) maintained a “kitty of money” out of which she paid incidental personal expenses for Lt Gen Levy. (Ex 24:27-28) She maintained this “kitty of money” in her personal checking account, as Lt Gen Levy gave her checks and cash to keep the balance of the “account” positive, and she used her personal debit card to make purchases on Lt Gen Levy’s behalf. (Ex 24:28-30) (b) (6) kept a spreadsheet of the expenses and payments and “when we needed more money we would go back to General Levy and say it’s time for you to write me a check again.” (Ex 24:28; Ex 71)

The accounting record indicates between 20 Jul 17 and 22 Aug 17, a negative balance added up to \$73.74 before being paid down with a \$200 payment from Lt Gen Levy. However, beginning again on 25 Sep 17 until 8 Nov 17, the debt increased steadily again to \$516.66 before being paid off with a \$700.00 payment—a payment Lt Gen Levy testified he did not recall. (Ex 34:127) Then, again starting 8 Jan 18 through 17 Jul 18 (over 6 months), the debt continued to grow to \$437.83, offset by only one payment on 19 Mar 18 for \$130, a payment that did not clear the debt, but merely cut it to just under half from \$234 to \$104. The complete Excel spreadsheet appears at Exhibit 71. The cells reflecting indebtedness are highlighted in orange.

¹⁷ Additionally, though not stated as a standard for this allegation, AFI 1-1, after referencing 5 CFR §2635.302(b), similarly provides that “Employees may generally not accept gifts from subordinates or employees that make less pay than themselves,” AFI 1-1, para 2.3.3.1., and that as a matter of “Financial Responsibility,” all members are expected to pay your debts on time. Failure to satisfy just financial obligations is not consistent with the standards of conduct expected of Air Force members.” AFI 1-1, para 2.8.

A portion of that accounting is provided here:

D	L	U	C	F	U	n	
n-18		Wine for (b) (6)	Tinker	(15.65)	\$	15.65	paid
9-Jan-18		Landing Fee for (b) (6)	Tinker	(35.00)	\$	35.00	paid
10-Jan-18		Landing fee (prorated)	tinker	(5.00)	\$	55.00	paid
23-Jan-18		Postage	Tinker	(1.40)	\$	156.49	paid
24-Jan-18		Sweetner	Tinker	(3.66)	\$	80.15	paid
24-Jan-18		Coffee Filters	Tinker	(1.29)	\$	161.44	paid
24-Jan-18		diet coke (x2)	Tinker	(1.00)	\$	162.44	paid
26-Jan-18		diet coke (x2)	tinker	(1.00)	\$	163.44	paid
26-Jan-18		Postage (mailed coin)	Tinker	(3.75)	\$	167.19	paid
15-Feb-18		Subway	Maxwell	(7.80)	\$	174.99	paid
14-Feb-18		Water/Pretzels/Airmens Breakfast	Robins	(10.00)	\$	184.99	paid
14-Feb-18		Sq CC Luncheon	Robins	(12.00)	\$	196.99	paid
13-Feb-18		Community Dinner	Robins	(22.47)	\$	219.46	paid
2-Mar-18		(b) (6) Going Away Gift	tinker	(15.50)	\$	232.96	paid
5-Mar-18		Landing fee for WP SLC	WP AFB	(100.00)	\$	132.96	paid
6-Mar-18		Mail for (b) (6)	Tinker AFB	(1.42)	\$	234.38	paid
19-Mar-18		Paid in Cash		190.00	\$	(104.38)	paid
22-Mar-18		Water in Airport	Dulles Airport	(2.39)	\$	106.77	
23-Mar-18		JASDF Cookies	Tinker AFB Arts/Crafts	(3.13)	\$	109.90	
3-Apr-18		Water Dues	Tinker AFB	(12.00)	\$	121.90	
11-Apr-18		Luggage Cart	DCA	(5.00)	\$	126.90	
11-Apr-18		Subway	DC	(7.50)	\$	134.40	
18-Apr-18		Stamps for Stationary	Tinker	(10.00)	\$	144.40	
17-Apr-18		Subway		(7.71)	\$	152.11	
25-Apr-18		Water in DC		(1.85)	\$	153.96	
25-Apr-18		Shaving Cream		(2.75)	\$	156.71	
18-May-18		Chik-Fil-A (Nuggest, Fries, Drink)		(7.59)	\$	164.30	
21-May-18		Col F Going Away Gift		(12.00)	\$	176.30	
21-Jun-18		Diet Dr Pepper	OKC Airport	(2.59)	\$	178.89	
25-Jun-18		Scotch for Kubinec	Robins AFB	(55.10)	\$	233.99	
27-Jun-18		FEDEX Shipping for Gift	Robins AFB	(81.49)	\$	315.48	
24-Jun-18		McDonalds	Robins AFB	(6.20)	\$	321.68	
25-Jun-18		LOA Luncheon Robins		(11.50)	\$	333.18	
22-Jun-18		Airmen's Breakfast Hill		(3.50)	\$	336.68	
21-Jun-18		Zuppas Hill		(11.00)	\$	347.68	
27-Jun-18		Marriott Breakfast and Lunch at Robins		(25.00)	\$	372.68	
25-Jun-18		(b) (6) Going Away		(20.00)	\$	392.68	
20-Jul-18		(b) (6) Going Away		(16.00)	\$	408.68	
17-Jul-18		Wine for Hawkins		(17.15)	\$	425.83	
17-Jul-18		Zuppas Hill		(12.00)	\$	437.83	
					\$	457.83	

(Ex 71:4)

(b) (6) testified she took care to ensure the balance of the account did not fall below zero: "if it got down to like \$40 or \$50, especially depending what trips were coming up ... then I would let him know and he would write me a check." (Ex 24:27) But according to (b) (6), (b) Lt Gen Levy was aware, particularly towards the end of his tenure, that the balances had gone below zero:

He knew that it was getting up there because I had mentioned that. And he said, well let's

just--you know, when it finally balances out for the last thing, then let's just cut a check.
Ex 24:28)

Toward the end of his command, receiving payment for the final indebtedness became an issue for (b) (6), (b) (7)(C). She advised Lt Gen Levy of the indebtedness, and she said he promised to bring a check in to pay her. (Ex 24:28) With Lt Gen Levy's retirement and change of command drawing closer, and still not having been paid, (b) (6), (b) (7)(C) approached the (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) who recognized the situation was improper and offered to immediately intervene with Lt Gen Levy on her behalf. (Ex 49:1) (b) (6), (b) (7)(C) elected to approach Lt Gen Levy again on her own.

After this conversation, (b) (6), (b) (7)(C) advised a (b) (6), (b) (7)(C) at AFMC, (b) (6), (b) (7)(C), of the issue. (b) (6), (b) (7)(C) recognized the seriousness of the issue and informed the (b) (6), (b) (7)(C) (b) (6), (b) (7)(C). (Ex 43:2) (b) (6), (b) (7)(C) brought the issue to the attention of (b) (6), (b) (7)(C):

I went to her (b) (6), (b) (7)(C) explained the situation and she was like: "Okay, on my behalf, call Lee, tell him this needs to be paid off before I come out and do his ceremony." And I said, "Will do."¹⁸ (Ex 43:2)

(b) (6), (b) (7)(C) called Lt Gen Levy as directed. According to (b) (6), (b) (7)(C) during the conversation Lt Gen Levy acknowledged the debt and his intent to pay it:

I did call General Levy and I said, "It has been brought to (b) (6), (b) (7)(C) attention that you owe your (b) (6), (b) (7)(C) some money, um, on (b) (6), (b) (7)(C) things that she covered, expenses, on your behalf." And he says, "Well, I--I'm just waiting for a check and then I'm going to pay her." And I pointed out to General Levy that as a three-star, he had much more substantial income than a (b) (6), (b) (7)(C), and he didn't need to wait on a check, he needed to take care of this. Per (b) (6), (b) (7)(C), it needed to be done and cleared before she came out for his ceremony. And he said he would take care of it." (Ex 43:2) (emphasis added)

According to (b) (6), (b) (7)(C) shortly thereafter, she approached Lt Gen Levy for final payment and he took out his checkbook, which he normally did not have with him, and wrote her a check for \$437.83. (Ex 24:27)

Lt Gen Levy's position

During his interview, Lt Gen Levy asserted (1) that he was unaware of a negative balance

¹⁸ (b) (6), (b) (7)(C) also later testified similarly: (b) (6), (b) (7)(C) asked me to notify Lee and get it cleared up and she said, 'Let Lee know I'm aware of this.' And [that] she wanted it cleared up before she went out for the [change of command] ceremony." (Ex 43:6)

owed to (b) (6), (b) although he acknowledged awareness toward the end of his tenure, and (2) that he absolutely did not have the conversation with (b) (6), (b) discussed above. The IO found that both assertions were implausible in the face of the weight of credible evidence and testimony.

Lt Gen Levy testified his policy was clear with his (b) (6), (b) (7)(C) and (b) that no one was supposed to “come out of pocket” covering his expenses:

So I told the (b) since day one, all three of them, nobody comes out of pocket for us. If you need money, ask for money....Now if you ask me for money and I don't have my checkbook, you might get it in a day or two when I have my checkbook. But the converse of that is, don't run the funds so low that....you're taking money out of your own pocket. (Ex 34:120)

Further, Lt Gen Levy testified normally his (b) would come to him asking for money, and he'd ask “how much [and] normally it was somewhere around \$200.” (Ex 34:120) He explained that it was not his own, but (b) (6), (b) responsibility to ensure that the account balance did not fall below zero:

[S]o I trust the (b) For Pete's sake, if you don't trust your (b), there are much more significant issues going on here. So, so there was--I gave them the money, they told me when they needed more, I gave them more money, when they needed more, I gave them more money. Frankly, the, the (b), the (b) (6), (b) in this case, had money, had cash, because **this was cash that I give them. I didn't write them a check.** (Ex 34:122) (emphasis added)

Lt Gen Levy was asked to confirm his understanding was that there was never supposed to be a negative balance. He responded: “Absolutely. Nor, nor should there be. But I am available, particularly to the (b) (6), (b) (7) right? I mean the (b) (6), (b) (7) is around me a lot, either at home station or on the road.” (Ex 34:125) Lt Gen Levy further agreed he thought the periodic payments he made to his (b) (6), (b) (7) which he testified were typically of about \$100 to \$200, were to keep the balance above zero: “Absolutely. No expectation that anybody would, would be, uh, fronting money to the account, uh, and that's why I always--when they come and [say], ‘Sir--we need some money.’” (Ex 34:125)

Lt Gen Levy testified it was only in reading this allegation that he became aware that there was an indebtedness issue.¹⁹ In his testimony, he asserted that it was not until shortly

¹⁹ Lt Gen Levy: “So, let me start off with saying, when I saw that allegation, again, I almost fell out of my chair. Uh, because first of all, I didn't even know who or what we were talking about.” (Ex 34:119) But even this testimony is at odds with his later testimony about becoming aware of the \$437.83 indebtedness: “Yeah. She (b) came in and she said, “Sir, **this is what you owe.**” Four--it was 400 and some odd dollars as I recall. Uh (6), thought to myself, well, that would have been nice to know before somebody walked in and say, “Hey, sir, 400 and some odd dollars.” But nothing -- there's nothing I could do about, at that point, right? I mean what, what action would I have taken? (Ex 34:130)

before his retirement/change of command ceremonies in August 2018 that (b) (6), approached him, with a spreadsheet, noting a balance well below zero: "I saw something that looked like this somewhere at the end of July when (b) (6), (b) walked in and said, 'Sir, this is the money I need,' but before that, I had never seen any accounting of--I'll call them (b) expenses--uh, throughout my time as the, as the commander." (Ex 34:121)

Lt Gen Levy's recollection of events was not consistent with the greater weight of the evidence. Though he asserted he replenished the "kitty" in amounts of "about \$100 to \$200," the spreadsheet of the expenses and payments shows a payment of \$700 in cash on 21 Nov 17. Though Lt Gen Levy stated he did not recall the \$700 payment, he did not deny that it had occurred. (Ex 34:125) When asked whether a payment like that, which was substantially higher than usual, should have caused him to question whether (b) (6), was covering his expenses with her own funds, Lt Gen Levy again placed the onus on his (b) (6), (b) (7) to ask, as opposed to his own duty to inquire:

Well, I--because there--there's always stuff going on. If we'd just had a going-away parties or, uh, going-away gifts, um, I didn't really give it [the \$700] any thought. But the (b) managed the money. I trust them implicitly. If they--you need 100, ask for 100. If you need 300, ask for 300. Uh, the amount -- I want to be careful here. I, I don't mean, I don't mean to be flippant. The amount's irrelevant, right? And what's, what's important is, if you need money, ask for money. Uh, and if you really need money, you need to tell me, "Sir, we don't have enough money to pay for tomorrow's event or whatever the case may be." Plus they had credit cards. Oh, by the way, uh, I kept a supply of cash at home for emergencies. So I mean had it been communicated to me that, "Hey, Sir, we really are in a dire spot here." I could have gone to my quarters and got cash. So this, this was not that their funds -- that there weren't funds available, it's that funds weren't requested. (Ex 34:126)

Additionally, Lt Gen Levy originally asserted he always gave the (b) (6), (b) (7) cash when she asked for it. "I didn't write them a check." (Ex 34:122) But when pressed about actual delays in making payment to his (b) (6), (b) (7) after she requested it, Lt Gen Levy testified: "Yeah. I said, remind me to bring my checkbook in." He then added:

I don't normally carry a check[book] on me or checks with me. Um, and -- **you got to remind me to bring my checkbook. I'll get you your money.** And again, had it been communicated to me, "Hey boss, this isn't just a regular request for money, this is the holy mackerel we're, you know -- the kitty that -- you know, the, the well is dry," I would have gone to the money machine....Or I could have gone home and gotten it, gotten cash, from quarters. (Ex 34:129) (emphasis added)

From this, the IO found Lt Gen Levy became indebted to his (b) (6), (b) (6), (b) (7) at the time and for the amounts well documented in Exhibit 71; that he did not take adequate steps to ensure that he did not become or remain indebted to his (b) (6), (b) (7) even when circumstances suggested a reasonable person would inquire as to why the (b) was requesting payment for

funds in an amount substantially larger than usual (\$700); and that he delayed paying the money back to (b) (6), when she requested the final payment until it was convenient.

Furthermore, the greater weight of the evidence supports a finding that (b) (6), (b) and Lt Gen Levy did have a conversation during which (b) (6), (b) forwarded an order from (b) (6), (b) (7)(C) that he immediately pay (b) (6), what she was owed. As noted above, (b) (6), (b) provided a detailed account of the circumstances that gave rise to the conversation with Lt Gen Levy and the substance of that conversation. Her testimony about the circumstances of how the information about Lt Gen Levy's indebtedness came to her attention is consistent with that of (b) (6), who raised the issue to AFMC (Ex 56); it is also consistent with (b) (6), (b) testimony about bringing the issue, as well as the details of the indebtedness, to (b) (6), (b) attention. Further, the details of the conversation that (b) (6), (b) testified to (e.g., that Lt Gen Levy conceded that he had not paid (b) (6), (b) and was awaiting on a "check"²⁰) are consistent with the facts found by the IO and Lt Gen Levy's own testimony that he had not made the payment and had, essentially, not yet brought in his checkbook to do so.

For his part, Lt Gen Levy denied repeatedly that he ever had a conversation with (b) (6), (b) about this subject:

I don't recall that, uh, at all. In fact, I don't even recall the last time I talked to (b) (6), (b) Um, your, your, I forget who asked it, but...I don't recall that, and I don't recall the—even the last time before that, that I talked to (b) (6), (b) (Ex 34:135)

Lt Gen Levy's denial is not persuasive. It suggests a (b) (6), (b) (7)(C) lied not just about the substance of a telephone call, but about whether it even took place. (b) (6), (b) (7) testimony is highly credible. She has no apparent motive to lie, nor does Lt Gen Levy suggest one. Her testimony appeared to the IO to be sincere, and the details she provided in her testimony corroborate that the conversation and the consistent details of it took place as she stated. Her testimony is consistent with other testimony gathered by the IO in terms of the sequence of events, and is consistent with the manner and timing of Lt Gen Levy's eventual payment to (b) (6), (b). Her ability to accurately remember is highlighted by the unusual and important nature of the incident, both in terms of a lieutenant general owing money to a (b) (6), being advised of the same by her (b) (6), (b) (7)(C), and having (b) (6), (b) (7)(C) direct her to make the call to Lt Gen Levy.

Throughout his testimony (not just on this issue, but many of the other allegations lodged against him), Lt Gen Levy claimed a lack of memory of events at all or details of the same.²¹ For

²⁰ In the context of all the testimony, it appears clear that Lt Gen Levy was referencing his "checkbook" rather than receiving a "check" in order to make payment.

²¹ Further, Lt Gen Levy's near constant refrain of no memory of specific events, coupled with Lt Gen Levy's volunteering that he is (b) (6), (b) (7)(C), raised concern with the IOs whether Lt Gen Levy (b) (6), (b) (7)(C), that could explain the notable

example, as discussed in Allegation 1, the IO found that a number of instances of lack of dignity and respect occurred and Lt Gen Levy claimed no memory of the same. As to this allegation, at a variety of points (e.g., whether he paid by cash or check, whether he recalled a \$700 payment, and when he first learned he was indebted to (b) [REDACTED] Lt Gen Levy's testimony was inconsistent and conflicting. On the whole, the evidence before the IO concerning his denial of the conversation with (b) (6), (b) [REDACTED] is simply implausible. The issue at hand was not one subject to interpretation or opinion. It was whether a phone call, and a serious conversation directing Lt Gen Levy to pay off a debt owed to his subordinate captain occurred or did not occur. Lt Gen Levy was directly asked if he received a call or any communication from anyone at AFMC telling him that he should pay the debt off. He responded: "I don't think so. I, pay what?--Well, first all, pay what off?" (Ex 34:131) The IO clarified to Lt Gen Levy he was referring to the balance that he owed. The questioning continued:

Lt Gen Levy: No, I pay my balances--you know, I pay the (b) [REDACTED] whenever they ask for money. Is the implication that I wasn't going to pay her and that somebody had to nudge me to do that?

IO: Did someone call and tell you to do that?

Lt Gen Levy: No.

IO: The (b) [REDACTED] up there, (b) (6), (b) (7)(C) [REDACTED]?

Lt Gen Levy: Yeah.

IO: Did she call you about that?

Lt Gen Levy: No.

IO: Never did?

Lt Gen Levy: No. To pay my--that the (b) [REDACTED] would have to call me to tell me to pay my (b) [REDACTED]?

IO: That's what I'm asking, Sir.

Lt Gen Levy: No. I have no knowledge of what you're talking about whatsoever.
(Ex 34:131-132)

This phone call, which was made at the behest of (b) (6), (b) (7)(C) [REDACTED], Lt Gen Levy's (b) (6), (b) (7)(C) [REDACTED], to relay her order to him to pay the debt before she arrived, is not one that would have likely been overlooked or forgotten. Applying the *Benchmark* framework for

purported lack of memory. Lt Gen Levy stated he did not know if the medications he takes have any effect on memory (Ex 34:203), but did not affirmatively state he had experienced any such memory loss.

making credibility determinations analyzed earlier, the IO found that (b) (6), (b) (7) testimony on this matter was more credible than that of Lt Gen Levy. This stark and troubling difference in testimony about whether a telephone call took place raises the specter of a false official statement under Article 107, Uniform Code of Military Justice.

The IO found that in July 2018, Lt Gen Levy was indebted to (b) (6), in the amount of \$437.83; that (b) (6), notified him of this indebtedness and he did not pay it in a timely manner; that (b) (6), advised (b) (6), (b) (6), (b) (7), of the issue; that (b) (6), advised (b) (6), (b) (7) of the issue (Ex 56); who, in turn, advised (b) (6), (b) (6) (Ex 43:2); who advised (b) (6), (b) (6), who directed (b) (6), (b) (6) to contact Lt Gen Levy to relate her order that he repay (b) (6), (b) (6) that (b) (6), (b) (6) made this phone call, during which Lt Gen Levy acknowledged the debt and conceded he had not paid it; and that shortly after the call with (b) (6), (b) (6) Lt Gen Levy finally paid (b) (6), the \$437.83 he owed her.

CONCLUSION.

The JER (5 CFR § 2635.302(b)) prohibits a higher-paid employee from accepting a gift from a lower-paid subordinate. A gift is defined to include a loan, forbearance, or reimbursement after the expense has been incurred.

The IO determined, and the preponderance of the evidence supports, that Lt Gen Levy was loaned money in that he allowed expenses to be incurred on his behalf, with the understanding he would pay, from time to time, to replenish the funds, and that in that process he became indebted to (b) (6), (b) (6) a lower-paid subordinate. Thus, the IO determined, and the preponderance of the evidence supports, that either by design or by culpable neglect, that at various points during the timeframe of the allegation, Lt Gen Levy maintained a negative balance, or debt, and failed to pay that debt, effectively receiving a gift, in a timely fashion.

Moreover, the IO determined, and the preponderance of the evidence supports, that particularly towards the end of his tenure as AFSC/CC, Lt Gen Levy failed to keep up with his spending, and the burden of that deficit was borne by his (b) (6), (b) (7) an (b) (6), (b) (7)(C), from January to July of 2018. The wrongfulness of this result appears to have been well recognized by the (b) (6), by the (b) (6), (b) (7)(C), by the (b) (6), (b) (7)(C), and by the (b) (6), (b) (7)(C), who had to order Lt Gen Levy to finally pay the debt off, and by the senior Air Force civilian employee of AFMC who called him to pass along the AFMC/CC's order. Lt Gen Levy's official statement on this issue, given during sworn testimony, denying such a conversation ever took place, is not credible. Likewise, his assertion that he first learned of the indebtedness issue when he saw the allegation and almost fell out of his chair because he didn't know who or what we were talking about, likewise lacks credibility.

In short, everyone but Lt Gen Levy recognized the problem. Further, (b) (6), worked for Lt Gen Levy day in and day out in the front office and was well aware of Lt Gen Levy's proclivity for failing to treat members of his inner staff with dignity and respect, highlighted in

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Allegations 1 and 2 of this investigation, to include such treatment directed at her on multiple occasions. While she testified she reminded him multiple times more money was needed, Lt Gen Levy rebuffed her requests for payment. He stated he said to her: **“remind me to bring my checkbook in--you got to remind me to bring my checkbook. I'll get you your money.”** (Ex 34:128-129) It is not surprising that a young captain in that situation accepted essentially “no” from her boss, a (b) (6), (b) (7)(C), and did not press the issue until the end of his tenure when it appeared there was the possibility Lt Gen Levy would fail to reimburse her.

Therefore, by a preponderance of the evidence, based upon the findings of fact and sworn testimony, the allegation that between on or about 20 July 2017 and 17 July 2018, Lt Gen Lee K. Levy wrongfully accepted loans from a lesser paid employee, in the form of expenses charged on his behalf to the employee’s personal bank card, in violation of DoD 5500.07-R, *Joint Ethics Regulation*, 17 November 2011, is **SUBSTANTIATED**.

(b) (6), (b) (7)(C) [Redacted]

[Redacted]

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

[Redacted]

[Redacted]

[Redacted]

[Redacted]

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

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

is NOT SUBSTANTIATED.

VI. SUMMARY

ALLEGATION 1: That between June 2015 and August 2018, Lt Gen Lee K. Levy failed to establish and maintain a healthy command climate, in violation of AFI 1-2, *Commander's Responsibilities*, 8 May 2014, is **SUBSTANTIATED**.

The preponderance of the evidence supports that Lt Gen Levy repeatedly, publicly, and personally belittled and berated his immediate staff, creating an environment of fear and intimidation, which undermined the welfare and morale of his subordinates. In numerous situations, Lt Gen Levy failed to treat his (b) (6), (b) (7)(C) with dignity, respect, and fairness. In just a few examples of these failings: Lt Gen Levy berated subordinates for his coffee not being the right temperature and there being dust on the top of picture frames in his office (b) (6), (b) (7)(C) humiliated (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) and his (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) by dropping staff packages on the floor, rather than in the outbox or on a table, and requiring them to pick the packages up off the floor; scolded his (b) (6), (b) (7)(C) for undergoing a (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) she was (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) publicly making inappropriate comments about his (b) (6), (b) (7)(C) weight and eating habits, comparing her to a pig (b) (6), (b) (7)(C) publicly reprimanded a (b) (6), (b) (7)(C) for failing to pull him from a meeting with superior general officers to speak to a senator, even though the senator instructed her not to pull him out of the meeting (b) (6), (b) (7)(C) publicly admonished a senior civilian member of his staff over a minor matter, lecturing her about his status ("Do you know who I am?") (b) (6), (b) (7)(C) and tolerating sexual harassment of his (b) (6), (b) (7)(C) at a public event attended by civic leaders and Air Force officials (b) (6), (b) (7)(C) As a result of this treatment, Lt Gen Levy's (b) (6), (b) (7)(C) described the working environment as the worst they had experienced in their Air Force careers.

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

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

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

ALLEGATION 3: That between on or about 20 July 2017 and 17 July 2018, Lt Gen Lee K. Levy wrongfully accepted loans from a lesser paid employee, in the form of expenses charged on his behalf to the employee's personal bank card, in violation of DoD 5500.07-R, *Joint Ethics Regulation*, 17 November 2011, is **SUBSTANTIATED**.

The preponderance of the evidence supports that Lt Gen Levy was loaned money in that he allowed expenses to be incurred on his behalf, with the understanding he would pay, from time to time, to replenish the funds, and that in that process, he became indebted to his military aide, an Air Force captain and lower-paid subordinate. Either by design or by culpable neglect, at various points during the timeframe of the allegation, Lt Gen Levy maintained a negative balance, or debt, and failed to pay that debt in a timely fashion.

Moreover, the preponderance of the evidence supports that, particularly towards the end of his tenure as AFSC/CC, Lt Gen Levy failed to keep up with his spending, and the burden of that deficit was borne by the Air Force captain from January to July of 2018. The wrongfulness of this result appears to have been well recognized by the captain, by the staff judge advocate, by the legal supervisory chain, and by the MAJCOM Commander, who had to order Lt Gen Levy to finally pay the debt off, and by the senior Air Force civilian employee of AFMC who called him to pass along AFMC/CC's order, despite Lt Gen Levy's sworn denial such phone call took place.

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

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

[Redacted]

[Redacted]

[Redacted]

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

[Redacted]

[Redacted]

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

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

Investigating Officer
Senior Official Inquiries

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



SAMI D. SAID
Lieutenant General, USAF
The Inspector General

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