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# INSPECTOR GENERAL

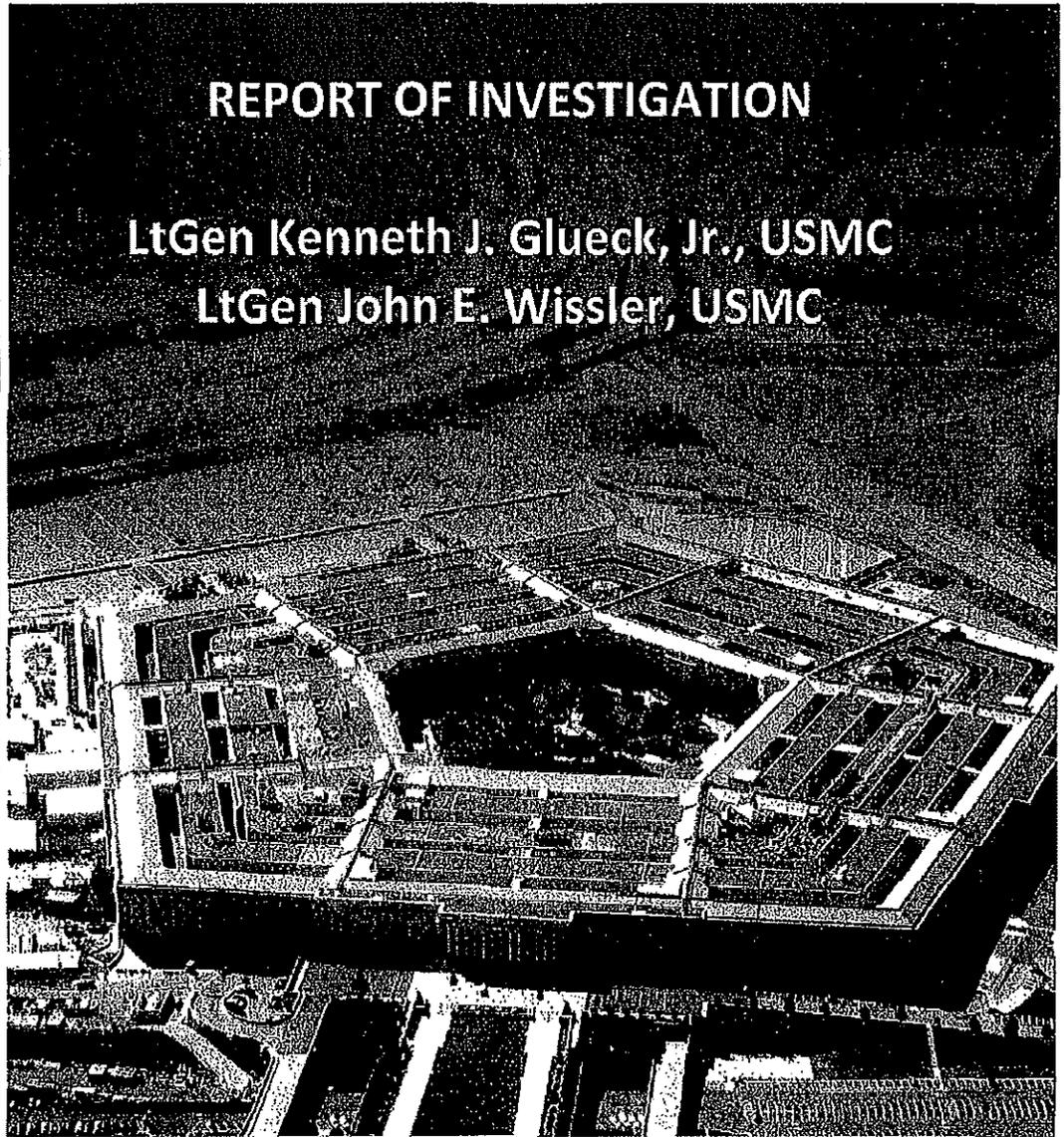
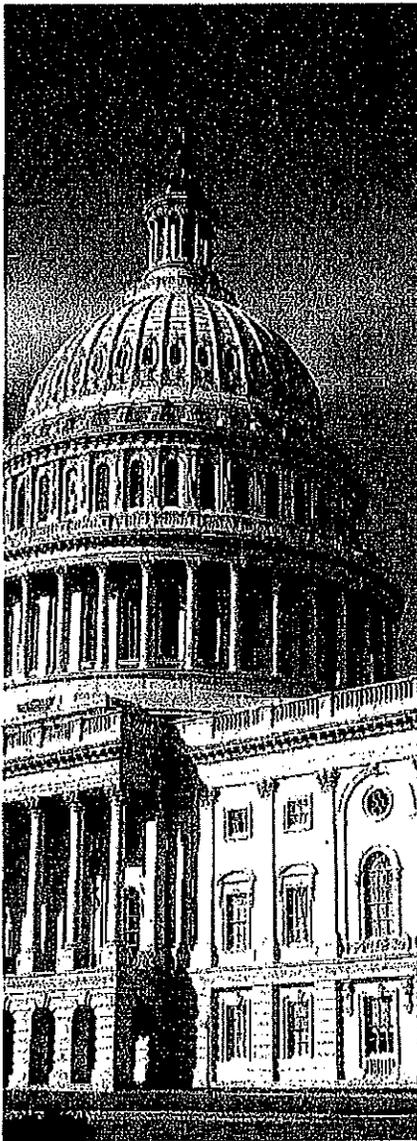
*U.S. Department of Defense*

October 16, 2014

## REPORT OF INVESTIGATION

LtGen Kenneth J. Glueck, Jr., USMC

LtGen John E. Wissler, USMC



INTEGRITY ★ EFFICIENCY ★ ACCOUNTABILITY ★ EXCELLENCE

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**INSPECTOR GENERAL**  
DEPARTMENT OF DEFENSE  
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OCT 16 2014

MEMORANDUM FOR INSPECTOR GENERAL

**SUBJECT:** Report of Investigation Concerning Lieutenant General (LtGen) Kenneth J. Glueck, Jr., USMC, and LtGen John E. Wissler, USMC, former and current Commanding Generals, III Marine Expeditionary Force)  
(Case 20130911-015562)

We recently completed our investigation to address allegations that while serving as Commanders, III Marine Expeditionary Force, LtGen Glueck and LtGen Wissler misused Government Owned Vehicles (GOV).

We substantiated the allegations. We conclude LtGen Glueck misused a GOV for domicile to duty transportation without authority. We found LtGen Glueck drove his privately owned vehicle from his residence to the Officers Club on Camp Foster, Okinawa, where he met his military sedan and driver for transportation to his duty location. We determined this was unauthorized domicile to duty transportation.

We conclude LtGen Wissler misused a GOV for domicile to duty transportation without authority. We found LtGen Wissler also drove his privately owned vehicle from his residence to the Officers Club on Camp Foster, Okinawa, where he met his military sedan and driver for transportation to his duty location. We determined this was unauthorized domicile to duty transportation.

In accordance with our established procedure, we provided LtGen Glueck and LtGen Wissler the opportunity to comment on the initial results of our investigation.

In LtGen Glueck's response, which we received on September 11, 2014, LtGen Glueck assumed "full and complete responsibility" for his conduct, and stressed that he "never knowingly or intentionally" violated the standards governing Government Owned Vehicle use. After carefully considering Lt Gen Glueck's response, we stand by our conclusion.

In LtGen Wissler's response, dated September 9, 2014, he addressed his actions, their timelines, and the dichotomy of opinions that led to his concern and ultimate actions. After carefully considering Lt Gen Wissler's response, we stand by our conclusion.

The report of investigation is attached.

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We recommend the Commandant of the Marine Corps consider appropriate corrective action with regard to LtGen Glueck and LtGen Wissler.

*Marguerite C. Garrison*  
Marguerite C. Garrison  
Deputy Inspector General for  
Administrative Investigations

OCT 16 2014

**REPORT OF INVESTIGATION:  
LIEUTENANT GENERAL KENNETH J. GLUECK, JR., U.S. MARINE CORPS  
LIEUTENANT GENERAL JOHN E. WISSLER, U.S. MARINE CORPS**

**I. INTRODUCTION AND SUMMARY**

We initiated this investigation to address an allegation that Lieutenant General (LtGen) Kenneth J. Glueck, Jr., U.S. Marine Corps (USMC), former Commander, III Marine Expeditionary Force (MEF), Commander, Marine Corps Bases Japan (MCB Japan), and Commander, U.S. Marine Corps Forces Japan (MARFORJ), and LtGen John E. Wissler, USMC, Commander, III MEF, and Commander, MARFORJ, misused a Government-Owned Vehicle (GOV).<sup>1</sup> If substantiated, this conduct would violate Title 31, United States Code, Section 1344 (31 U.S.C. 1344), "Passenger carrier use"; Department of Defense (DoD) 5500.07-R, "Joint Ethics Regulation (JER)"; and DoD 4500.36-R, "Management, Acquisition, and Use of Motor Vehicles."

We substantiated the allegation.

We conclude LtGen Glueck misused a GOV. We found that LtGen Glueck used a GOV driven by an enlisted Marine to travel a portion of the route between his residence and his duty locations. We found that on several occasions between January and October 2011, LtGen Glueck drove his privately owned vehicle (POV) from his residence at Plaza Housing to the Butler Officers Club on Camp Foster where he met a GOV and driver for transportation to Camp Courtney or other duty locations on Okinawa. We further found that beginning in October 2011, when he lost his Camp Foster office after a change in organizational responsibilities, this practice became permanent until he relinquished command to LtGen Wissler in July 2013. Finally, we found LtGen Glueck was not authorized domicile-to-duty (DTD) transportation.

We conclude LtGen Wissler misused a GOV. We found LtGen Wissler followed an established practice of meeting a GOV and driver at the Butler Officers Club for transportation to Camp Courtney or other duty locations on Okinawa. We found LtGen Wissler questioned this practice twice, once in July 2013 and again in August 2013, with Mr. Robert Hogue, Counsel to the Commandant of the Marine Corps (CMC), who advised him to (b) (5). In August 2013 Mr. Hogue advised LtGen Wissler to (b) (5). In October 2013 (b) (5) LtGen Wissler began using his POV for DTD transportation pending a determination on his request for exception to policy. Finally, we found that the Deputy Commander, USPACOM, disapproved LtGen Wissler's request for an exception to policy on October 29, 2013, "in light of applicable policy and regulation."

<sup>1</sup> During the course of our investigation, we received a separate complaint alleging that LtGen Wissler wasted Government resources. During our preliminary investigation we determined this allegation did not warrant further investigation. We discuss this allegation in Section III of this report.

Title 31 U.S.C. 1344 requires that a GOV be used for official purposes only, identifies specific personnel authorized DTD transportation, and provides a framework for authorizing DTD transportation for other personnel.<sup>2</sup> DoD 4500.36-R implements 31 U.S.C. 1344 and prohibits the use of a GOV over all or any part of the route between residences and places of employment, unless authorized or granted an exception.

By letter dated August 15, 2014, we provided both LtGen Glueck and LtGen Wissler the opportunity to comment on the results of our investigation.<sup>3</sup> In LtGen Glueck's response, which we received on September 11, 2014, LtGen Glueck "assumed full and complete responsibility" for his conduct. He emphasized he "never knowingly or intentionally" violated the standards governing GOV use. LtGen Glueck noted that his practice of GOV use was entirely consistent with that of his predecessors, and his recollection of conversations with legal advisors led him to conclude the practice was legally supportable.

In LtGen Wissler's response, dated September 9, 2014, LtGen Wissler asserted that he questioned the "policy" of using a GOV for DTD transportation when he assumed command in July 2013.<sup>4</sup> He also asserted that he attempted to resolve the different interpretations between his predecessor, who "indicated he received approval from Headquarters Marine Corps," and the III MEF SJA and Pacific Area Counsel, and sought guidance from Mr. Hogue. He noted Mr. Hogue told him (b) (5). LtGen Wissler further noted that during an extended deployment for an exercise he again contacted Mr. Hogue, and Mr. Hogue again advised him (b) (5).

Finally, LtGen Wissler explained that when Mr. Hogue provided him (b) (5) Mr. Hogue advised him to (b) (5).

After carefully considering both responses and reevaluating the evidence, we stand by our initial conclusions.

We determined neither LtGen Glueck nor LtGen Wissler was authorized DTD transportation or granted an exception for such. By driving their POVs to the Butler Officers Club and then using a GOV for transportation to their place of duty, both officers used a GOV for a portion of the routes between their residences and their place of employment, which constitutes DTD transportation in violation of the above standards.

<sup>2</sup> Neither LtGen Glueck nor LtGen Wissler was authorized DTD transportation.

<sup>3</sup> While we have included what we believe is a reasonable synopsis of LtGen Glueck's and LtGen Wissler's responses, we recognize that any attempt to summarize risks over simplification and omission. Accordingly, we incorporated comments from their responses throughout this report where appropriate and attached a copy of their responses to this report.

<sup>4</sup> LtGen Wissler referred to the "policy" of using a Government Owned Vehicle (GOV) for Domicile to Duty (DTD) transportation. We found the use of a GOV for DTD transportation at III MEF was a practice but not a policy.

We recommend the Commandant of the Marine Corps consider appropriate corrective action regarding LtGen Glueck and LtGen Wissler. We also recommend the Commandant publish guidance to inform all Marine leaders of the standards related to DTD transportation.

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

## II. BACKGROUND

LtGen Glueck assumed command of III MEF, MCB Japan, and MARFORJ on January 7, 2011, and relinquished command to LtGen Wissler on July 19, 2013.<sup>5</sup>

As III MEF and MARFORJ Commander, LtGen Wissler commands all military service members assigned and attached to III MEF and serves as the U.S. Forces Okinawa Area Coordinator (OAC) and the United States Department of the Navy, Senior Officer (Present). In addition to his daily component command responsibilities, LtGen Wissler coordinates inter-Service interests, represents the U.S. Armed Forces, and serves as an immediate on-scene commander during emergency situations. As OAC and the senior flag officer of the predominant Service on Okinawa, LtGen Wissler often meets with visiting dignitaries from the Okinawa Defense Bureau, Ministry of Defense, and Government of Japan.<sup>6</sup>

### *Redesignation of MCB Japan as Marine Corps Installations-Pacific (MCIPAC)*

On October 1, 2011, MCB Japan was redesignated as MCIPAC. MCIPAC is a regional installation command responsible for overseeing and managing all Marine Corps installation management functions in Hawaii, Japan, and the Republic of Korea.<sup>7</sup> MCIPAC consists of two air stations and ten camps/housing areas throughout Okinawa and mainland Japan.

In October 2011, Major General (MajGen) Peter J. Talleri, USMC, assumed command of MCIPAC and in doing so, relieved LtGen Glueck of his responsibilities for MCB Japan installation support functions.<sup>8</sup> MajGen Charles L. Hudson, USMC, assumed command of MCIPAC in June 2013.

<sup>5</sup> LtGen Wissler did not assume command of Marine Corps Bases Japan (MCB Japan) as it became part of Marine Corps Installations-Pacific (MCIPAC) in October 2011.

<sup>6</sup> All four U.S. Military Services are present on Okinawa. Although eight flag officers from three of the Services are also assigned to Okinawa, LtGen Wissler is the senior American military officer on Okinawa.

<sup>7</sup> Three Marine Corps Installation (MCI) Regional Headquarters (MCI West/East/Pacific) are co-located with their respective supported MEF Headquarters (I/II/III). The regional MCI Commanding Generals report to the Commander, Marine Corps Installations Command.

<sup>8</sup> Prior to the Marine Corps Bases (MCB) Japan redesignation, LtGen Glueck also commanded MCB Japan from January 7 to October 1, 2011. The activation of MCIPAC was part of a Corps-wide reorganization to improve oversight and management of installation support services to operating forces.

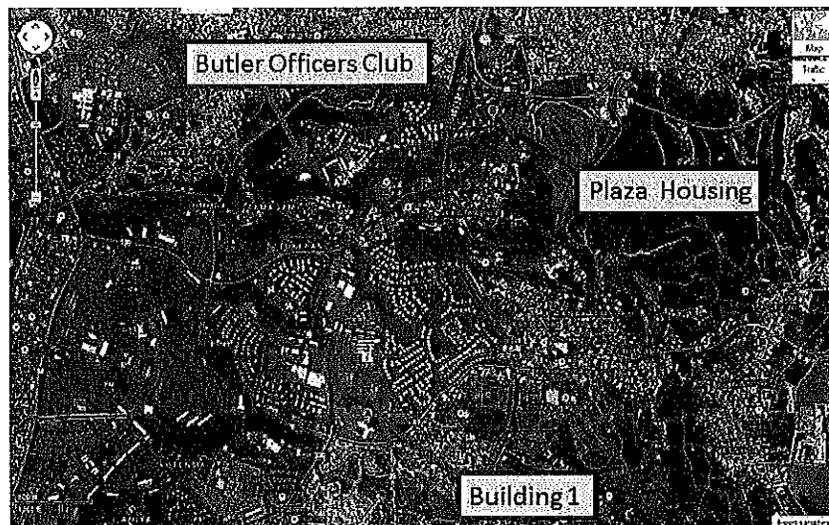
### *Marine Corps Locations on Okinawa*

The III MEF headquarters is located on Camp Courtney, Okinawa, Japan, and is centrally located among other Marine Corps bases and camps on Okinawa.<sup>9</sup> It is forward-deployed and able to conduct operations across the spectrum from humanitarian assistance and disaster relief to amphibious assault and high-intensity combat.

MCIPAC headquarters is located on Camp Foster, approximately 20 miles south of Camp Courtney. Depending on traffic congestion and weather, the commute between Camp Foster and Camp Courtney could take between 40 and 60 minutes each way.

The III MEF Commander's quarters are located in Plaza Housing on Camp Foster. The Butler Officers Club is also located on Camp Foster, approximately one-half mile from Plaza Housing. MCIPAC headquarters is located in Building 1, Camp Foster. Following is an aerial view of locations on Camp Foster:

### Camp Foster



### III. SCOPE

We interviewed LtGen Glueck, LtGen Wissler, Mr. Hogue, and 12 witnesses with knowledge of the matters under investigation. The complainant was anonymous. We also examined Government emails, documents, and applicable statutes and regulations.

During the course of our investigation, we received a separate complaint alleging that LtGen Wissler wasted over \$50,000 to set up a "sham" office at MCIPAC headquarters on Camp Foster, an action that allegedly displaced a number of administrative Marines from their offices.

<sup>9</sup> Camp Courtney is used mainly for offices and living quarters.

We found the office renovation in question was authorized by the MCIPAC Commander, served an official purpose, resulted in minimal expense, and coincided with plans to consolidate and relocate elements of the MCIPAC staff to other offices. Accordingly, we determined there was no basis for further investigation of this matter.

#### **IV. FINDINGS AND ANALYSIS**

##### **A. Did LtGen Glueck misuse a GOV?**

###### **Standards**

###### **Title 31, U.S.C., Section 1344, "Passenger carrier use"**

Subsection 1344(a)(1) requires that GOVs be used for official purposes only.

Subsection 1344(b)(9) authorizes GOV use for transportation between residence and place of employment for an officer or employee with regard to whom the head of a Federal agency makes a determination that highly unusual circumstances present a clear and present danger, that an emergency exists, or that other compelling operational considerations made such transportation essential to the conduct of official business.

###### **DoD 5500.07-R, "Joint Ethics Regulation (JER)," August 30, 1993, including changes 1-7 (November 17, 2011)**

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

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

###### **DoD 4500.36, "Management, Acquisition, and Use of Motor Vehicles," June 10, 2008**

Paragraph 3.1 states that all DoD owned and controlled motor vehicles shall be used for official purposes only. Official purpose does not include transportation between residence and place of employment, unless authorized.

###### **DoD 4500.36-R, "Management, Acquisition, and Use of Motor Vehicles," March 16, 2007**

Paragraph C2.5, "Official Use of Vehicles," permits the use of GOVs for official purposes only.

Paragraph C2.5.2 prohibits the use of GOVs for transportation of DoD or other personnel over all or any part of the route between their domiciles and places of employment.

Paragraph C2.5.10 prohibits transportation by a GOV when the justification is based solely on reasons of rank, position, prestige, or personal convenience.

### Facts

During the course of our investigation, we found evidence that LtGen Glueck continued his predecessor's practice of driving his POV from his residence to the Butler Officers Club for transportation in a GOV to and from his place of duty.

#### *General Officer GOV and Military Drivers*

Several witnesses testified LtGen Glueck was assigned a black Toyota Crown sedan for his exclusive use. A junior enlisted Marine drove the GOV. LtGen Glueck had three primary drivers: one from January to November 2011, one from December 2011 to November 2012, and one from December 2012 until he relinquished command to LtGen Wissler on July 19, 2013.

We interviewed two of LtGen Glueck's drivers.<sup>10</sup> They testified they typically signed the GOV out from the Garrison Mobile Equipment facility for 30-day periods and maintained logs to document the odometer readings.<sup>11</sup> The drivers also testified LtGen Glueck's aide and executive assistant routinely coordinated with them regarding transporting LtGen Glueck in the GOV.

#### *Transportation Before and After MCB Japan Redesignation*

Several witnesses from LtGen Glueck's immediate staff testified that from January 2011 and prior to the MCB Japan redesignation in October 2011, LtGen Glueck routinely started his day between 6:30 and 6:45 a.m. by driving his POV from his residence at Plaza Housing to Building 1, Camp Foster. He either performed work there at his office or his driver would transport him from his Camp Foster office to Camp Courtney or to other locations for official business in Okinawa.

A former aide recalled that in January 2011, LtGen Glueck expressed a desire to be picked up from the Butler Officers Club, Camp Foster, in a GOV and driven to III MEF headquarters at Camp Courtney. The aide recalled that either he or LtGen Glueck's executive assistant consulted with and received verbal consent for such transportation from the acting Staff Judge Advocate (SJA), III MEF.<sup>12</sup> The aide asserted the acting SJA advised that (b)(5)

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<sup>10</sup> We were unable to locate the third driver.

<sup>11</sup> The Garrison Mobile Equipment facility provides non-tactical automotive passenger and cargo vehicles, engineering and material handling equipment in support of day-to-day operations at Marine Corps installations. The equipment consists of Marine Corps owned, General Services Administration, and commercially leased items.

<sup>12</sup> The Acting SJA, III MEF, served in this capacity from March until July 2011.

(b)(5)

The aide further explained that shortly afterward, LtGen Glueck implemented the practice of driving his POV to the Butler Officers Club so he could be transported in a GOV to III MEF Headquarters at Camp Courtney. The aide further stated, "So, every day the General would drive his POV to the Butler O' Club [Officers Club], switch vehicles and get in the GOV, and then drive to [Camp] Courtney. And he would do that every day."

The acting SJA, III MEF, denied ever being asked by anyone about LtGen Glueck's practice of being picked up and dropped off at the Butler Officers Club. She added that when she was the acting SJA, the matter was never an issue because LtGen Glueck had an office in Building 1 and parked his POV there. The acting SJA testified it was sometime after the redesignation and when LtGen Glueck lost his office in Building 1 that he began meeting a GOV and driver at the Butler Officers Club to be driven to III MEF headquarters. She added that if she had been asked to opine on the matter, she would have advised (b)(5)

Other witnesses stated that after the MCB Japan redesignation, LtGen Glueck began meeting a GOV early in the morning at the Butler Officers Club, being driven to III MEF headquarters or other locations on Okinawa, and returning to the Officers Club at the end of the day. LtGen Glueck's drivers testified they drove LtGen Glueck from and to the Butler Officers Club because it was part of their duties.

#### *Concerns by Legal Advisors Regarding the Use of GOVs*

The current SJA, III MEF, testified that some months after LtGen Glueck lost his office on Camp Foster, he became concerned over LtGen Glueck's use of the GOV to travel between the Butler Officers Club and Camp Courtney.<sup>13</sup> He testified he expressed his concerns to the Pacific Area Counsel Office (PACO) senior counsel at Camp Foster.

The PACO senior counsel is a subordinate of the Counsel to the CMC. His mission is to enable the Marine Corps to fulfill its mission by providing legal advice and counsel, effective advocacy, and creative problem solving in a changing environment.

The PACO senior counsel issued a memorandum on June 12, 2012, to the SJA, III MEF, and other judge advocates assigned to various organizations throughout Japan and Korea. In the memorandum, he reiterated the rules for GOV usage and in one paragraph emphasized that the use of (b)(5) He wrote:

(b)(5)

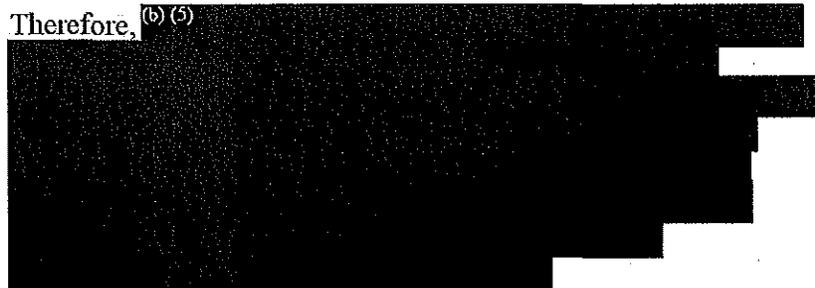
<sup>13</sup> The current SJA, III MEF, assumed his position in July 2011.

(b) (5)

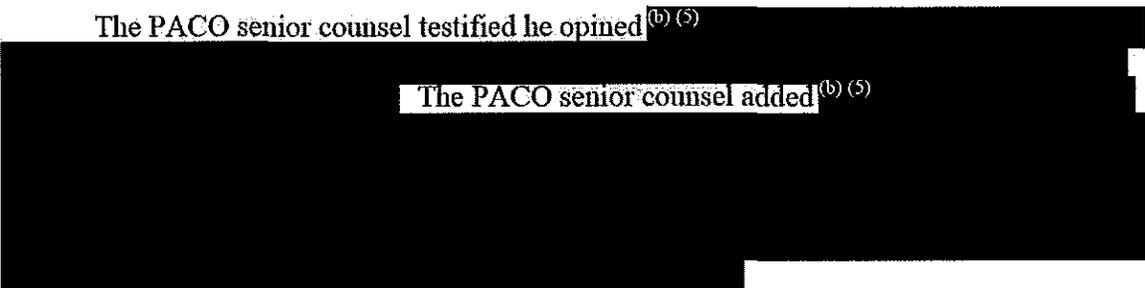


This home-to-work (i.e., 'domicile-to-duty') transportation prohibition, which does not apply to the performance of temporary additional duty, prohibits any use of the government vehicle to drive over all or any part of the route between the officer's residence and place of employment.

Therefore, (b) (5)



The PACO senior counsel testified he opined (b) (5)



The PACO senior counsel added (b) (5)

By email on June 27, 2012, the SJA, III MEF, advised Brigadier General (BGen) Craig Q. Timberlake, USMC, Deputy Commanding General (DCG), III MEF, of the contents of the memorandum. In the email, the SJA, III MEF, summarized the memorandum by stating it stood for the simple proposition that GOVs must be used only for authorized activities. He further wrote in the email that (b) (5)



*Communications between DCG, III MEF, and SJA, III MEF, Regarding the Use of GOVs*

The SJA, III MEF, testified, and BGen Timberlake confirmed, that they had several conversations about the PACO's memorandum and GOV use. While unable to recall specific details, BGen Timberlake testified he recalled the "gist" of the memorandum. The SJA, III MEF, testified that BGen Timberlake took on the task of discussing it with LtGen Glueck, but he (SJA, III MEF) was not privy to their conversations.

While unable to recall if he specifically told LtGen Glueck his GOV use was being questioned, BGen Timberlake recalled speaking to LtGen Glueck in general terms about using the GOV for personal issues. He testified that LtGen Glueck responded he was well aware of what was "permissible" and what was not, and felt like he was on "solid ground."

The SJA, III MEF, testified he understood LtGen Glueck believed using the Butler Officers Club as a pick-up point was an appropriate use of the GOV based on conversations LtGen Glueck had with staff personnel at Headquarters Marine Corps. He added he was not privy to those conversations. The SJA, III MEF, testified it was his understanding that LtGen Glueck believed his arrangements regarding DTD travel were acceptable.

The PACO senior counsel testified the SJA, III MEF, told him that LtGen Glueck was

(b)(5)

*Mr. Hogue's Involvement Regarding the Use of GOVs*

Mr. Hogue testified he routinely advised the CMC and senior USMC general officers and provided ethics training during annual General Officer Symposiums (GOS). He stated he discussed GOV transportation during the symposiums and could not recall having specifically addressed "home to work" transportation with LtGen Glueck or LtGen Wissler independent of the GOS. Mr. Hogue added he would love to say "... we have detailed notes, and we keep records and chronologies," but, "for something like this, no. That annual training is probably the most discussion I have on this issue all during the year."

We reviewed Mr. Hogue's Ethical Leadership briefing slides from the 2013 GOS. Of the 42 slides in the briefing, one addressed GOV transportation. Following is the GOV transportation slide:

- Official purpose does not include transportation from home to work, to include w/in DoD installations:
  - Except CMG
  - Except under operational exigencies
    - SecNav must approve
    - Must notify House and Senate
- DoD shall not provide transportation justified solely by rank, prestige, or personal convenience.

Mr. Hogue explained that during symposiums it would be easy for an audience member to assume he was providing personal legal advice regarding GOV use. Mr. Hogue could not recall ever being asked, "Can I be picked up at the club?" He added that if he had been asked, he would have responded (b)(5)

He further explained that (b)(5)

As to whether he ever had any discussions with LtGen Glueck or LtGen Wissler about DTD, Mr. Hogue explained that his practice was to defer to the PACO senior counsel, whom he expected to assess the place of duty far better than he could. Mr. Hogue testified:

No discussion at that level of detail has been had with General Wissler or General Glueck ... I don't think we've had that. ... I don't have a recollection of having that discussion with Kenny [LtGen] Glueck.

Mr. Hogue testified it was his predecessor's view that while the statute prohibited DTD,

(b) (5) Mr. Hogue testified he believed there were individuals who still believe "that's the answer." He added he was absolutely certain people in the Marine Corps were still operating under the assumption that "anyplace but your house is a place where you may be picked up." Mr. Hogue stated, "These officers – if they're operating under the previous regime's understanding, you know, trying to stamp that out from 7,000 miles away is kind of a difficult task."

Mr. Hogue testified it was possible he had seen the PACO senior counsel's June 12, 2012, memorandum on GOV usage but could not recall the specifics of it.

We asked Mr. Hogue if he had spoken to LtGen Glueck recently about the matter. He told us, "I have not – I don't think I've spoken to Kenny about this ever, but – you know, again – in recent weeks, I don't think so." He stated LtGen Glueck recently called to tell him DoD IG notified him about an interview and added he did not recall any specifics of their conversation.

#### *LtGen Glueck's Testimony*

LtGen Glueck testified that in January 2011 after he assumed command of III MEF, MCB Japan, and MARFORJ, he regularly drove his POV from his residence at Plaza Housing to Building 1, Camp Foster. He worked in Building 1 in the morning after which his driver drove him in a GOV to his primary office at Camp Courtney, from which they returned to Building 1 at the end of the day. LtGen Glueck recalled a "handful of times" when, instead of driving to Building 1, he drove to the Butler Officers Club to meet the GOV. LtGen Glueck explained that when he lost his office in Building 1 in the MCB Japan redesignation he made the practice of using the Butler Officers Club as a pick-up location permanent.

LtGen Glueck explained that both his predecessor, LtGen Terry G. Robling, USMC, now Commander, U.S. Marine Corps Forces, Pacific, and Mr. Hogue verbally advised him that (b) (5) LtGen Glueck told us he had recently spoken to Mr. Hogue about interviewing with DoD IG, and Mr. Hogue again told him (b) (5).

<sup>14</sup> Mr. Peter M. Murphy was Mr. Hogue's predecessor as senior legal advisor to the CMC. Mr. Murphy served in the position for 20 years (1984-2004).

LtGen Glueck testified that in May 2013 his SJA informed him of a complaint regarding his practice of using the Butler Officers Club as a pick-up location. LtGen Glueck testified he asked his SJA (b)(5) [REDACTED]. LtGen Glueck stated his SJA told him (b)(5) [REDACTED]. Further, LtGen Glueck stated he told LtGen Wissler that Mr. Hogue (b)(5) [REDACTED].

LtGen Glueck testified he was unaware of the PACO senior counsel's June 12, 2012, memorandum on GOV use and was not sure if his SJA had seen it. LtGen Glueck asserted the practice of using the Butler Officers Club as a pick-up location was (b)(5) [REDACTED] and that he never knowingly violated any regulations governing DTD.

### Discussion

We conclude LtGen Glueck misused a GOV. We found that beginning in January 2011, LtGen Glueck used a GOV driven by an enlisted Marine to travel a portion of the route between his residence and place of duty. It was an occasional practice until October 2011 when LtGen Glueck lost his office space in Building 1. After October 2011 LtGen Glueck continued the practice until he relinquished command in July 2013.

LtGen Glueck testified he believed the practice of using the Butler Officers Club as a pick-up and drop-off point for transportation to and from his duty location was permissible based on his understanding (b)(5) [REDACTED]. We found Mr. Hogue addressed DTD transportation in a GOS symposium briefing but had no recollection of discussing DTD transportation in detail with LtGen Glueck. We also found LtGen Glueck denied knowing about a June 12, 2012, memorandum by the PACO senior counsel that underscored the prohibition against using a GOV to travel over all or any part of the route between an officer's residence and place of employment.

The JER and 31 U.S.C. 1344 require that a GOV be used only for official purposes. The JER requires employees to protect and conserve Government property and prohibits the use of a GOV based solely on reasons of rank, position, prestige, or personal convenience. Title 31 U.S.C. identifies specific personnel who are authorized GOV use for DTD transportation. Both the JER and DoD 4500.36-R prohibit use of a GOV for DTD transportation unless authorized. DoD 4500.36-R further prohibits the use of a GOV over all or any part of the route between domiciles and places of duty, unless authorized.

We determined LtGen Glueck's use of a GOV for transportation between the Butler Officers Club and his place of duty constituted DTD transportation and violated the above standards.

### Response to Tentative Conclusion

By letter dated, August 15, 2014, we provided LtGen Glueck the opportunity to comment on the results of our investigation. In his response, which we received on September 11, 2014, LtGen Glueck "assumed full and complete responsibility" for his conduct. He emphasized he

“never knowingly or intentionally” violated the standards governing GOV use. LtGen Glueck further wrote he believed it important to “understand the context of my actions in three particular regards: (1) What was done before; (2) The requirements of the job; and (3) (b)(5) [REDACTED]”

LtGen Glueck asserted the manner in which he used his GOV for transportation to his place of duty was entirely consistent with that of his predecessors. He noted the local transportation challenges associated with the billets in which he served, including the unstable political situation on Okinawa (anti-US sentiment and gate protests), traffic that can rival that of the National Capitol Region, and the relatively high risk of a POV mishap during his required travel. Finally, LtGen Glueck asserted that while he had opportunity to discuss his GOV use with legal experts in the field, his recollection of the conversation differed from that of the lawyers (b)(5) [REDACTED]. He also asserted he never saw the June 12, 2012, memorandum from the PACO senior counsel and was never briefed by his SJA that his GOV use for DTD transportation was unauthorized.

We note LtGen Glueck’s regular use of the Butler Officers Club as a pick-up and drop-off point began in October 2011, 10 months after he assumed command and after he lost his office in Building 1. Travel between a duty location in Building 1 and other duty locations is not DTD transportation and could have been an established practice without violating DTD standards. We also note both LtGen Glueck’s Deputy Commanding General and SJA were aware of the PACO senior counsel’s June 12, 2012, memorandum. Both testified of discussions in which LtGen Glueck asserted his belief that he was on “solid ground” regarding DTD travel. Finally, we note Mr. Hogue’s lack of recall of specific discussions with LtGen Glueck regarding DTD transportation.

After carefully considering LtGen Glueck’s response and reevaluating the evidence, we stand by our initial conclusion. We determined that regardless of his predecessor’s practices or local transportation challenges, LtGen Glueck was not authorized DTD transportation or granted an exception for such. By driving his POV to the Butler Officers Club and then using a GOV for transportation to his place of duty, he used a GOV for a portion of the route between his residence and his place of employment, which constitutes DTD transportation in violation of the above standards.

B. Did LtGen Wissler misuse a GOV?

Standards

See Standards, Section IV A, above.

Facts

The complaint alleged LtGen Wissler required his driver to pick him up at 6:45 a.m. from the Butler Officers Club, drive him to his office at Camp Courtney, and return him to the Butler Officers Club in the evening.

*SJA Command In-brief to LtGen Wissler, July 16, 2013*

The SJA, III MEF, testified that before LtGen Wissler assumed command, he briefed LtGen Wissler on several topics, including the use of GOV. His brief included DTD and referenced the PACO senior counsel's June 12, 2012, memorandum on GOV use. The SJA, III MEF, stated that LtGen Wissler (b)(5) [REDACTED]

*LtGen Wissler's GOV Use*

Several witnesses testified that following LtGen Wissler's assumption of command in July 2013, LtGen Wissler regularly met his driver at the Butler Officers Club and was driven in a GOV to III MEF headquarters or other duty locations on Okinawa. Witnesses testified that LtGen Wissler simply continued the practice already in place.

The SJA, III MEF, testified that LtGen Wissler believed:

he was carrying on a method that was an existing method that was acceptable ... because that's how it started. I [SJA, III MEF] don't know what they [LtGen Glueck and LtGen Wissler] discussed or how they discussed it, but (b)(5) [REDACTED]

Both LtGen Wissler's aide and executive assistant testified that if LtGen Wissler's use of a GOV for transportation from the Butler Officers Club to III MEF headquarters was improper, it was not intentional, and that LtGen Wissler merely continued the practice already in place.

*Concerns by LtGen Wissler Regarding the Use of GOVs*

The SJA, III MEF, testified that he thought LtGen Wissler's continuation of the existing practice of using a GOV for transportation from the Butler Officers Club to III MEF headquarters represented "risk." He testified that LtGen Wissler was very interested in complying with the rules and wanted to make sure that whatever the rules were, he (LtGen Wissler) was following them. Several witnesses stated they believed LtGen Wissler was concerned about the existing practice and contacted Mr. Hogue for guidance.

Mr. Hogue testified he could not recall having specifically addressed "home to work" transportation with LtGen Wissler as his practice was to defer to the PACO senior counsel, whom he expected to assess the place of duty and to determine the facts and circumstances far better than he could.

*Request for Exception to Policy*

The SJA, III MEF, testified that LtGen Wissler (b)(5) [REDACTED] with the PACO senior counsel. The PACO senior counsel testified (b)(5) [REDACTED]

(b)(5) Mr. Hogue provided to LtGen Wissler and LtGen Glueck. The PACO senior counsel told us LtGen Glueck, who told LtGen Wissler (b)(5)

In an email to Mr. Hogue, dated August 22, 2013, the PACO senior counsel wrote:

(b)(5)

Mr. Hogue replied by email the same day stating (b)(5)

Mr. Hogue's email further stated, (b)(5)

In explaining what he meant by (b)(5) Mr. Hogue testified:

(b)(5)

The PACO senior counsel testified that Mr. Hogue told him (b)(5)

The PACO senior counsel testified he informed Mr. Hogue (b)(5)

The PACO senior counsel explained:

(b)(5)

The PACO senior counsel told us Mr. Hogue wanted him to get LtGen Wissler (b) [REDACTED] Meanwhile, the PACO senior counsel stated he became aware of other major subordinate element (MSE) commanders (b) who wanted to drop their POVs off at the Butler Officers Club so they too could receive GOV transportation to their duty locations "like their boss (LtGen Wissler)."

In response to an October 12, 2013, email from the PACO senior counsel to Mr. Hogue's office advising he was getting ready to (b)(5) [REDACTED]

(b)(5) [REDACTED] from Mr. Hogue's office replied by advising the PACO senior counsel to (b)(5) [REDACTED]

In an email dated October 15, 2013, the PACO senior counsel advised the SJA, III MEF, (b)(5) [REDACTED]

Several witnesses testified that on or about October 19, 2013, LtGen Wissler terminated the practice of using the Butler Officers Club to meet a GOV for transportation to and from his place of duty and began driving his POV instead.

Mr. Hogue stated that (b)(5) [REDACTED]

(b)(5) [REDACTED] Mr. Hogue told us he was (b)(5) [REDACTED] He recalled having discussed with LtGen Wissler (b)(5) [REDACTED]

On October 21, 2013, LtGen Wissler submitted his request for an exception to policy for DTD transportation to Commander, USPACOM. By second endorsement on October 22, 2013, LtGen Robling indicated he reviewed and agreed with the circumstances surrounding LtGen Wissler's request and that special consideration should be given due to the unique political situation on Okinawa. LtGen Thomas L. Conant, USMC, Deputy Commander, USPACOM, disapproved LtGen Wissler's DTD request on October 29, 2013, "in light of applicable policy and regulation."

#### *LtGen Wissler's Testimony*

LtGen Wissler testified that during an in-brief with the SJA, III MEF, on July 16, 2013, the SJA recommended (b)(5) [REDACTED]

(b)(5) [REDACTED] LtGen Wissler noted the policy had been handed down to him by both his predecessor

and predecessor's predecessor and that LtGen Glueck told him (LtGen Wissler) the practice was approved by Headquarters, U.S. Marine Corps.

LtGen Wissler explained he found it difficult to believe the practice LtGen Glueck had employed for so long, and which LtGen Glueck represented to him during their "turnover" as an approved practice, was improper. LtGen Wissler testified he immediately reached out to the office of the Counsel for CMC in July 2013 for guidance. He testified Mr. Hogue advised (b)(5)

LtGen Wissler testified that once he contacted Mr. Hogue, it reinforced in his (LtGen Wissler's) mind "that at whatever level, appropriate authorities knew what was taking place." LtGen Wissler testified that based on Mr. Hogue's (b)(5)

LtGen Wissler testified that during the remainder of July and for several weeks in August 2013 he was away from Okinawa participating in an exercise in Korea. He told us he again contacted Mr. Hogue in mid-August 2013 to discuss (b)(5)

LtGen Wissler stated Mr. Hogue again advised (b)(5)

LtGen Wissler testified he tasked the SJA, III MEF, (b)(5)

He added he submitted his request to USPACOM for consideration where it was disapproved, after which he terminated the practice and began driving himself to and from work every day.

LtGen Wissler testified he did not recall seeing the PACO senior counsel's June 12, 2012, memorandum on GOV use but thought the SJA, III MEF, mentioned it during some of their discussions. He added, "That's what caused my concern and my phone call to Mr. Hogue and all the subsequent actions." Further, LtGen Wissler asserted, "When I reached out to Mr. Hogue, who I feel has the ultimate responsibility for ethical conduct by general officers, and received his guidance, I felt I had received the senior lawyer's opinion in the United States Marine Corps."

### Discussion

We conclude LtGen Wissler misused a GOV. We found that after assuming command of III MEF and MARFORJ on July 19, 2013, LtGen Wissler used the Butler Officers Club to meet a GOV for transportation to III MEF headquarters or other duty locations on Okinawa. We found LtGen Glueck advised LtGen Wissler that using the GOV for transportation between the Butler Officers Club and III MEF headquarters was permissible and approved by Mr. Hogue.

<sup>15</sup> On December 27, 2013, Mr. Hirokazu Nakaima, Okinawa's governor, approved the start of construction for a long-delayed air base to replace Marine Corps Air Station Futenma despite strong opposition from the island's people.

We found that although LtGen Wissler relied on verbal advice he received from LtGen Glueck, he was apprehensive about the practice, and in July 2013, actively sought advice from Mr. Hogue. Although Mr. Hogue had no recollection of specifically addressing "home to work" transportation with LtGen Wissler, LtGen Wissler testified Mr. Hogue advised (b)(5) [REDACTED]. We found that in August 2013, LtGen Wissler again contacted Mr. Hogue for assistance and, at Mr. Hogue's (b)(5) [REDACTED].

We found the PACO senior counsel informed the SJA, III MEF, on October 15, 2013, (b)(5) [REDACTED] LtGen Wissler (b)(5) [REDACTED]. We further found that the SJA, III MEF, subsequently advised LtGen Wissler (b)(5) [REDACTED].

Finally, we found that the Deputy Commander, USPACOM, disapproved LtGen Wissler's request for an exception to policy on October 29, 2013, "in light of applicable policy and regulation."

The JER and 31 U.S.C. 1344 require that a GOV be used only for official purposes. The JER requires employees to protect and conserve Government property and prohibits the use of a GOV based solely on reasons of rank, position, prestige, or personal convenience. Title 31 U.S.C. identifies specific personnel who are authorized GOV use for DTD transportation. Both the JER and DoD 4500.36-R prohibit use of a GOV for DTD transportation unless authorized. DoD 4500.36-R further prohibits the use of a GOV over all or any part of the route between domiciles and places of duty, unless authorized.

We determined LtGen Wissler's use of a GOV for transportation between the Butler Officers Club and his place of duty constituted DTD transportation, was not authorized, and violated the above standards.

#### Response to Tentative Conclusion

By letter dated August 15, 2014, we provided LtGen Wissler the opportunity to comment on the results of our investigation. In LtGen Wissler's response, dated September 9, 2014, LtGen Wissler asserted that he questioned the policy of using a GOV for DTD transportation when he assumed command in July 2013.<sup>16</sup> He also asserted that he attempted to resolve the different interpretations between his predecessor, who "indicated he received approval from Headquarters Marine Corps," and the III MEF SJA and Pacific Area Counsel, and sought guidance from Mr. Hogue. He noted Mr. Hogue told him (b)(5) [REDACTED]. LtGen Wissler further noted that during an extended deployment for an exercise he again contacted Mr. Hogue, and Mr. Hogue again advised (b)(5) [REDACTED].

<sup>16</sup> LtGen Wissler referred to the policy of using a Government Owned Vehicle (GOV) for Domicile to Duty (DTD) transportation. We found the use of a GOV for DTD transportation at III MEF was a practice but not a policy.

Finally, LtGen Wissler explained that when Mr. Hogue provided him the final version of the request for exception to policy, Mr. Hogue advised him to (b) (5) LtGen Wissler added (b) (5) that he began driving himself to Camp Courtney.

We note LtGen Wissler's SJA advised him during an inbriefing of the PACO senior counsel's memorandum concerning DTD transportation. As this memorandum conflicted with information he received from LtGen Glueck, LtGen Wissler sought guidance from Mr. Hogue, who advised him (b) (5) LtGen Wissler (b) (5) Mr. Hogue (b) (5)

Mr. Hogue (b) (5)

After carefully considering LtGen Wissler's response and reevaluating the evidence, we stand by our initial conclusion. Although LtGen Wissler asserted that he received conflicting advice regarding the practice of using a GOV for DTD, LtGen Wissler was not authorized DTD transportation or granted an exception for such. By driving his POV to the Butler Officers Club and then using a GOV for transportation to his place of duty, he used a GOV for a portion of the route between his residence and his place of employment, which constitutes DTD transportation in violation of the above standards.

## V. CONCLUSION

- A. LtGen Glueck misused a GOV.
- B. LtGen Wissler misused a GOV.

## VI. OTHER MATTERS

Both LtGen Glueck and LtGen Wissler testified they relied on (b) (5)

We found Mr. Hogue (b) (5)

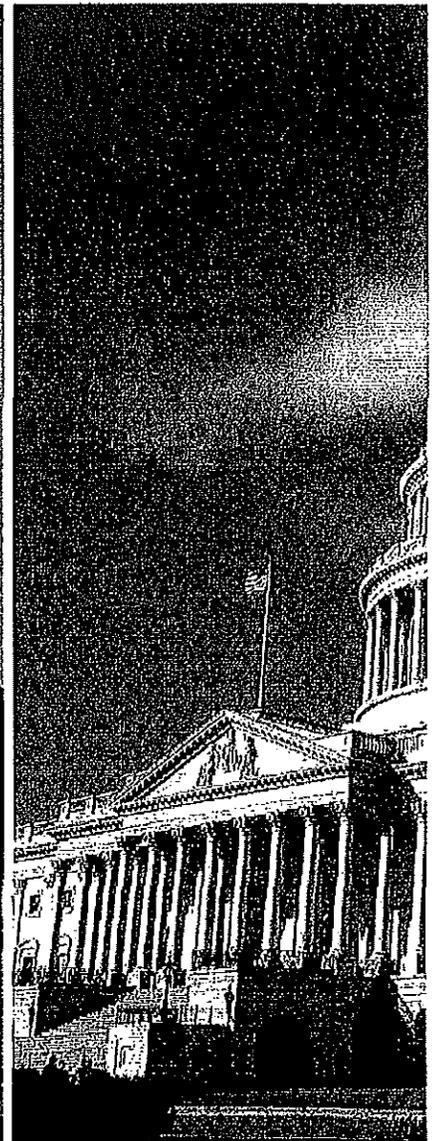
The PACO senior counsel correctly interpreted the appropriate standards and published a memorandum on June 12, 2012, that explained the standards regarding DTD transportation. Both generals in this case chose to accept an interpretation (b) (5) rather than the correct guidance published by the PACO senior counsel.

## VII. RECOMMENDATIONS

We recommend the Commandant of the Marine Corps consider appropriate corrective action regarding LtGen Glueck and LtGen Wissler.

We also recommend the Commandant publish guidance to inform all Marine leaders of the standards related to DTD transportation.

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