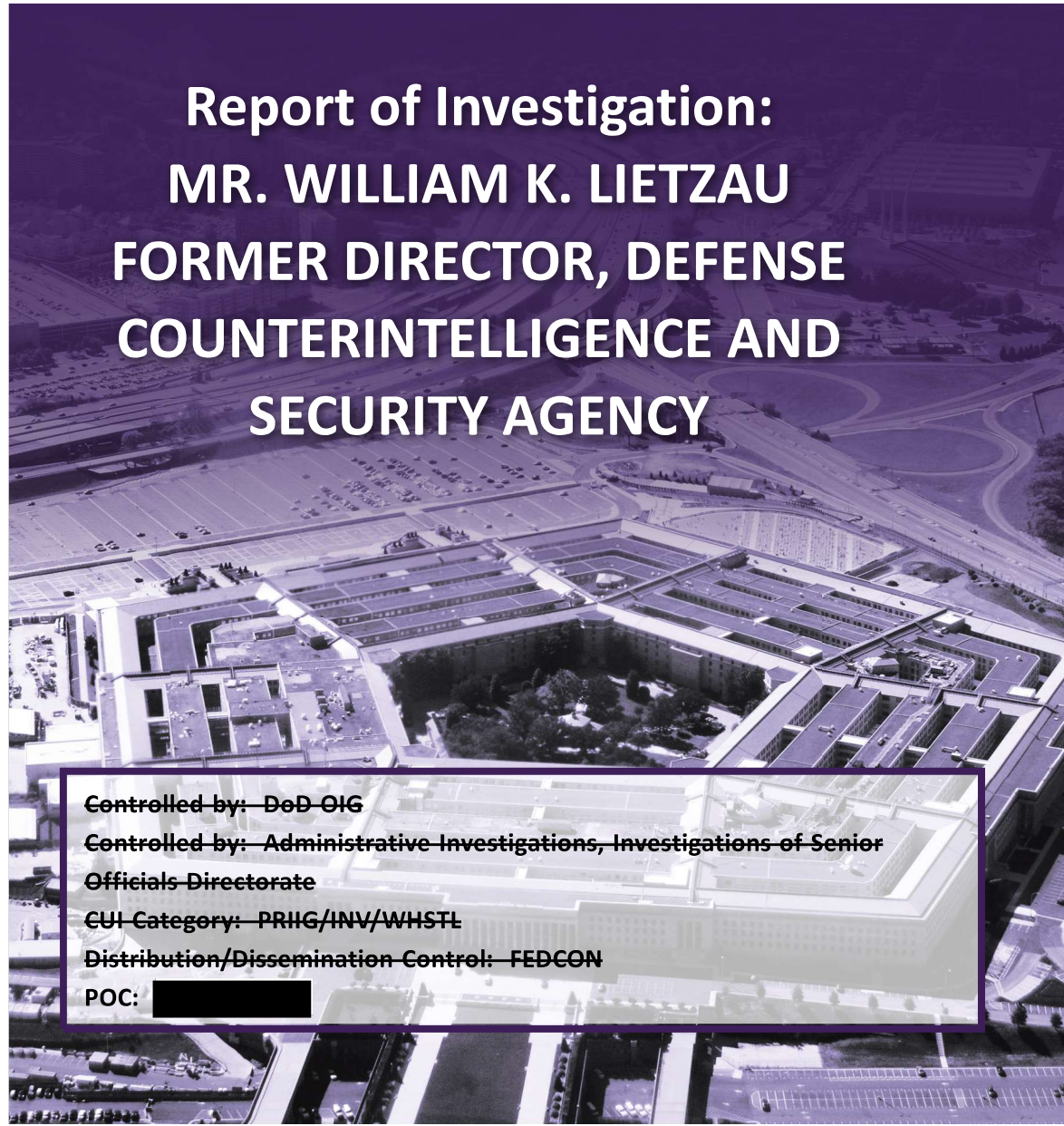




INSPECTOR GENERAL

U.S. Department of Defense

DECEMBER 18, 2023



Report of Investigation: MR. WILLIAM K. LIETZAU FORMER DIRECTOR, DEFENSE COUNTERINTELLIGENCE AND SECURITY AGENCY

~~Controlled by: DoD-OIG~~

~~Controlled by: Administrative Investigations, Investigations of Senior
Officials Directorate~~

~~CUI Category: PRIG/INV/WHSTL~~

~~Distribution/Dissemination Control: FEDCON~~

~~POC: [REDACTED]~~

INTEGRITY ★ INDEPENDENCE ★ EXCELLENCE

The document contains information that may be exempt from
mandatory disclosure under the Freedom of Information Act.





Table of Contents

Introduction and Summary

Complaint Origin and Allegations.....	1
Investigation Scope and Methodology.....	2
Summary of Conclusions.....	2
Detailed Results of Our Investigation.....	5

Background.....

Mr. William Lietzau.....	6
Defense Counterintelligence and Security Agency.....	6

Analysis of the Allegations.....

Chronology of Significant Events.....	7
A. Sexual Harassment by Engaging in Unwelcome Conduct and Making Comments That Created a Hostile Work Environment.....	7
B. Other Misconduct Allegations.....	52

Overall Conclusions.....

Recommendations.....

Appendixes

Appendix A: Standards.....	71
Standards Related to Sexual Harassment.....	71
Standards Related to Misuse of Official Position and Unauthorized Disclosure Privacy Act-Protected Information.....	75
Standards Related to Political Activity.....	79
Standards Related to Use of Position and Use of Government Resources.....	82
Standard Related to Consuming Alcohol in the Workplace.....	85
Appendix B: Other Matters.....	86

Acronyms and Abbreviations.....



REPORT OF INVESTIGATION: MR. WILLIAM K. LIETZAU FORMER DIRECTOR, DEFENSE COUNTERINTELLIGENCE AND SECURITY AGENCY

Introduction and Summary

Complaint Origin and Allegations

The DoD Hotline received an anonymous complaint on April 9, 2021, against Mr. William K. Lietzau, former Director, Defense Counterintelligence and Security Agency (DCSA). The DoD Office of Inspector General (DoD OIG) initiated an investigation on May 26, 2021, into allegations that Mr. Lietzau created a hostile work environment by:

- failing to treat employees with respect,
- sexually harassing female employees,
- having sexual relationships with one or more female subordinates,
- making inappropriate gender-based comments about women, and
- exhibiting favoritism.

Additionally, we investigated allegations that Mr. Lietzau:

- disclosed Privacy Act-protected information regarding an individual's security clearance,
- used Government resources to engage in prohibited political activity,
- used his official time and title, and used his subordinates' official time to support Non-Federal entities (NFE), and
- consumed alcohol in the workplace without written authorization.

We evaluated the alleged misconduct against the standards summarized throughout this report. We present the applicable standards in Appendix A.

Investigation Scope and Methodology

We interviewed 20 witnesses who had direct interaction with Mr. Lietzau or had information relevant to the allegations. We reviewed applicable standards, official emails from Mr. Lietzau and other DCSA employees, personnel documents, memorandums for record, and recorded telephone conversations between Mr. Lietzau and a subordinate. Additionally, we reviewed text messages Mr. Lietzau sent from his personal phone to a subordinate and a recording of a public speech Mr. Lietzau gave as the DCSA Director on April 9, 2021.

We initially interviewed Mr. Lietzau on November 19, 2021. At the beginning of the interview, Mr. Lietzau read from a prepared statement and then abruptly ended the interview. Mr. Lietzau submitted a 41-page statement addressing the allegations against him on December 6, 2021. We conducted a 9 hour follow up interview with Mr. Lietzau on December 15, 2021. On February 3, 2022, Mr. Lietzau submitted a 25-page supplement to his original statement.

For some of the allegations, we determined that the evidence did not support the allegations or that the actions did not violate a standard. We discuss those matters in Appendix B.

Summary of Conclusions

Sexual Harassment by Engaging in Unwelcome Conduct and Making Comments That Created a Hostile Work Environment

We substantiated that Mr. Lietzau's overall course of conduct included sexually harassing a subordinate (Subordinate A) by engaging in unwelcome conduct and making comments that created a hostile work environment for Subordinate A. These behaviors violated DoD and other U.S. Government policies.¹ Specifically, we found that Mr. Lietzau sexually harassed Subordinate A over a 19-month period, first during his tenure as the Personnel Vetting Transformation Office (PVT0) Director and then as the DCSA Director.

During this period, in a hotel room during official travel, Mr. Lietzau placed himself physically on top of Subordinate A in an attempt to initiate intimacy. He testified to us that Subordinate A did not welcome his advances on that occasion, although he indicated that this surprised him because he assumed that she was "looking for a more intimate relationship." However, we found that Mr. Lietzau continued to harass Subordinate A over an extended period of time following this incident, even after she repeatedly refused his sexual advances. Subordinate A said that Mr. Lietzau's sexual harassment and other workplace conduct caused her to withdraw from consideration for two senior DCSA positions and transfer to another office to avoid further harassment from him.

¹ DoD Directive 1440.1, "The DoD Civilian Equal Employment Opportunity (EEO) Program," May 21, 1987 (Incorporating Through Change 3, April 17, 1992).

Mr. Lietzau's overall course of conduct toward Subordinate A over a 19-month period constituted sexual harassment that was unwelcome and negatively affected Subordinate A in her assigned duties. Mr. Lietzau created a work environment that traumatized Subordinate A and caused her distress. In a recorded February 2021 telephone conversation we reviewed, Mr. Lietzau admitted to Subordinate A that his behaviors contributed to the workplace toxicity she experienced. He acknowledged his behavior when he told her, "And if you want to hear me say—and I crossed the line anyway and I shouldn't have, sure. I'll say that and take full responsibility. I have no excuses for that." He further demonstrated his awareness that his harassment contributed to the workplace perception that he was having an affair with her.

Mr. Lietzau also made discriminatory gender-based comments that disparaged women. In some instances, Mr. Lietzau made these comments to and around Subordinate A. Mr. Lietzau engaged in an overall course of conduct that created a hostile work environment for Subordinate A in which he failed to treat her with dignity and respect. Mr. Lietzau's behavior towards Subordinate A also created the appearance of preferential treatment and violated the Joint Ethics Regulation (JER).

We concluded that Mr. Lietzau engaged in an overall course of conduct in which he sexually harassed Subordinate A by engaging in unwelcome conduct and making comments that created a hostile work environment, and created the appearance that he favored her and engaged in a sexual relationship with her.

Other Allegations of Misconduct

Misuse of Official Position and Unauthorized Disclosure

We concluded that Mr. Lietzau made an unauthorized disclosure of an individual's security clearance status without that individual's written consent, which violated the Privacy Act and DoD policies.² We also concluded that Mr. Lietzau used his public office for the benefit of a relative and, in connection with Federal employment, for the benefit of a family friend. In one instance, Mr. Lietzau, without written consent, released the family friend's security clearance status, which was Privacy Act-protected information, to a third party. He also admitted to us that, in a second instance, he had done a similar favor for his brother.

We found that after Mr. Lietzau made the unauthorized disclosures, he demonstrated awareness that he was engaging in misconduct when, in his email reply, he cautioned his sister-in-law not to further disseminate the information because his unauthorized disclosure "violate[d] many privacy regulations."

Accordingly, we substantiated the allegation that on at least two occasions, Mr. Lietzau made unauthorized disclosures of Privacy Act-protected information as personal favors. In so doing, Mr. Lietzau used his public office for the benefit of a relative and for the benefit of a family friend, in connection with Federal employment.

² The Privacy Act of 1974, as amended, section 552a, title 5, United States Code.

Using Government Resources to Engage in Prohibited Political Activity

We concluded that Mr. Lietzau engaged in political activity using Government resources, which violated the Hatch Act, DoD and DCSA policies, and specific guidance from the Under Secretary of Defense for Intelligence and Security (USD[I&S]).³ Mr. Lietzau used his official email account and his government-furnished computer to share his political views of the 2020 presidential election candidates with his family, friends, nongovernmental individuals, and at least two DCSA subordinates. These emails included Mr. Lietzau's official signature block reflecting his position as the DCSA Director, an Agency head within the DoD, within days before the 2020 election.

Mr. Lietzau confirmed to us that he sent emails containing his political views of the presidential candidates to relatives, in-laws, a friend, and two subordinates. Accordingly, we substantiated the allegation that Mr. Lietzau engaged in prohibited political activity using Government resources.

Using Official Time and Title, and Using Subordinates' Official Time, to Support a Non-Federal Entity

We concluded that Mr. Lietzau used his official title and time, and his subordinates' time, to support an NFE, which violated laws, regulations, and DoD rules. In the instances we identified, Mr. Lietzau either directly tasked his subordinates to perform these tasks or knew they were performing them for him in support of the NFE. Mr. Lietzau asserted to us that his subordinates performed these tasks for him voluntarily. However, the applicable standards for support of an NFE prohibited him from encouraging his employees to use their official time to support the NFE on his behalf.

In addition, Mr. Lietzau's emails used his official email signature block containing his title and agency, implying Government endorsement, at least four times when he emailed NFE representatives. Mr. Lietzau also admitted that he accessed one or two NFE meetings virtually during DoD work hours, from his Government computer.

Mr. Lietzau characterized his use of Government resources and his use of subordinates' time to support the NFE as "de minimis [minimal]." We disagree. While we acknowledge that Mr. Lietzau's use of Government resources and his subordinates' time was limited, the applicable standard does not establish a "de minimis" permissible level of support DoD employees can give to an NFE using their official time and titles, workplace resources, DoD communications systems, or subordinates' time. Accordingly, we substantiated the allegation that he misused his official title and time, and misused his subordinates' official time, to support an NFE.

³ The Hatch Act of 1939, as amended, sections 7321-7326, title 5, United States Code.

Consuming Alcohol in the Workplace Without Written Authorization

We concluded that Mr. Lietzau consumed and encouraged subordinates to consume alcohol in the DCSA workplace without written authorization, in violation of title 41 Code of Federal Regulations (CFR) section 102-74.405. We found that Mr. Lietzau stored alcohol in his office, consumed it himself, and offered it to his subordinates during “Friday evening happy hours” and other celebratory events. Mr. Lietzau acknowledged that he consumed alcohol “in moderation” with his subordinates after work hours in the workplace. Mr. Lietzau also acknowledged awareness that he needed a signed waiver authorizing the possession and consumption of alcohol and that, on one occasion, he documented such a request. However, he did not know if he kept a copy of it because “it’s a bit silly,” since he believed he was the authorizing official.

We did not locate a copy of a waiver, nor did we identify a written exemption provided to the building manager and law enforcement representatives as required. Accordingly, we substantiated the allegation that Mr. Lietzau consumed and encouraged subordinates to consume alcohol in the DCSA workplace without the required written authorization.

Mr. Lietzau’s Responses to Tentative Conclusions Letter

We provided Mr. Lietzau our tentative conclusions on June 2, 2023, for his review and comment before finalizing our report. On July 12, 2023, Mr. Lietzau provided us with an extensive response, in which he disagreed with our conclusions.⁴ We carefully considered Mr. Lietzau’s comments in response to our tentative conclusions, conducted an additional interview and related document reviews, reexamined our evidence, modified our report where appropriate, and included his comments, in part, throughout this report.

Detailed Results of Our Investigation

The following sections provide the detailed results of our investigation. We first provide background information about Mr. Lietzau and the DCSA. Second, we present the complaint and facts associated with the allegations that Mr. Lietzau created a hostile work environment by sexually harassing female employees, failing to treat subordinates with dignity and respect, having sexual relationships with one or more female subordinates, making inappropriate gender-based comments, and exhibiting favoritism. We then discuss the allegations that Mr. Lietzau disclosed Privacy Act-protected information regarding an individual’s security clearance; used Government resources to engage in prohibited political activity; used his official time and title, as well as his subordinates’ official time, to support NFEs; and consumed and encouraged subordinates to consume alcohol in the workplace without written authorization. Finally, we present our overall conclusions and recommendations.⁵

⁴ On July 19, 2023, Mr. Lietzau announced his retirement. Mr. Lietzau retired from Government service on October 30, 2023.

⁵ We based our conclusions on a preponderance of the evidence, consistent with the law and our normal process in administrative investigations.

Background

Mr. William Lietzau

Mr. Lietzau's military and Government career spanned nearly 40 years. From 1983 through 2010, he served in the U.S. Marine Corps in a variety of roles, including infantry officer, judge advocate, battalion Commander, installation Commanding Officer, and Chief Circuit Judge. During his time as a judge advocate, he served as a prosecutor and as a defense counsel. From 2010 to 2013, he served as the Deputy Assistant Secretary of Defense for Rule of Law and Detainee Policy, in which position he led efforts to implement the DoD's Women, Peace, and Security program.⁶ From 2013 through 2018, Mr. Lietzau served in several senior level positions in the private sector, such as Vice President and Deputy General Counsel at Pacific Architects and Engineers, a general services contractor overseeing security, contracting, international trade, and compliance. Mr. Lietzau became the PVTTO Director on April 29, 2019, and managed the PVTTO's transfer to the DCSA in March 2020.⁷ On March 29, 2020, the USD(I&S) appointed Mr. Lietzau as the DCSA Director, leading a workforce of approximately 12,000 Federal and contract support personnel worldwide.

Defense Counterintelligence and Security Agency

The DCSA's mission is to secure the trustworthiness of the U.S. Government's workforce, the integrity of its cleared contractor support, and the uncompromised nature of its technologies, services, and supply chains through vetting, industry engagement, education, counterintelligence, and insider threat support. The DCSA services over 100 Federal entities, oversees 12,500 cleared facilities, and conducts approximately 2 million background investigations each year. In March 2020, the DCSA absorbed the PVTTO into its mission, and the PVTTO became the Chief Strategy Office (CSO) within the DCSA.

⁶ On December 19, 2011, President Obama issued Executive Order 13595, Instituting a National Action Plan on Women, Peace, and Security. The plan included integrating women into U.S. defense and foreign policy to help address conflict prevention, resolution, and recovery. For more information, see National Defense University Press, *Women on the Frontlines of Peace and Security*, 2015.

⁷ Mr. Lietzau was a senior executive—Defense Intelligence Senior Executive Service (DISES), Tier 3. Mr. Lietzau obtained career status on March 29, 2022.

Analysis of the Allegations

Chronology of Significant Events

Table 1 lists the significant events related to this investigation.

Table 1. Chronology of Significant Events

Date	Event
April 29, 2019	Mr. Lietzau assumes duty as the PVTO Director.
October 22, 2019	Incident # 1—Mr. Lietzau allegedly sexually harasses Subordinate A during official travel.
March 29, 2020	Mr. Lietzau assumes duty as the DCSA Director.
March 2020	The DCSA absorbs the PVTO; the PVTO transforms to the CSO within the DCSA.
December 24, 2020	Incident # 2—Mr. Lietzau allegedly sexually harasses Subordinate A after she tells him to stop pursuing her romantically.
January 13, 2021	Subordinate A records a telephone call with Mr. Lietzau discussing sexually harassing behavior.
February 3, 2021	Subordinate A records another telephone call with Mr. Lietzau discussing sexually harassing behavior and the perception their relationship has created in the DCSA.
April 9, 2021	The DoD Hotline receives an anonymous complaint against Mr. Lietzau.
May 26, 2021	The DoD OIG initiates this investigation.

Source: The DoD OIG.

A. Sexual Harassment by Engaging in Unwelcome Conduct and Making Comments That Created a Hostile Work Environment

The anonymous complaint stated that Mr. Lietzau sexually harassed DCSA female subordinates. The complaint described a perception within the DCSA that Mr. Lietzau had or was currently having one or more sexual relationships with his subordinates. The anonymous complaint also stated that Mr. Lietzau made inappropriate and offensive comments concerning gender and other topics. Additionally, the complaint stated that Mr. Lietzau's conduct created a negative and hostile work environment for DCSA employees, and there was a widespread perception of favoritism.

Allegations of Sexually Harassing a Female Subordinate

Before we present the facts about this allegation, we summarize the laws, rules, and instructions concerning sexual harassment and harassment prevention, ethics, and treatment of employees.⁸ Understanding these requirements will help the reader place in proper context the facts about Mr. Lietzau's actions that we present later in this section of our report.

29 CFR Section 1604.11(a), "Sexual Harassment," states, "Harassment on the basis of sex is a violation of section 703 of title VII. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when ... such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment."⁹

DoD Directive 1440.1, "The DoD Civilian Equal Employment Opportunity (EEO) Program," May 21, 1987, prohibits discrimination based on sex. The Directive defines "sexual harassment" to include "unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature" that "interferes with an individual's performance or creates an intimidating, hostile, or offensive environment." It further states, "Any person in a supervisory or command position who uses or condones implicit or explicit sexual behavior to control, influence, or affect the career, pay, or job of a military member or civilian employee is engaging in sexual harassment. Similarly, any military member or civilian employee who makes deliberate or repeated unwelcomed verbal comments, gestures, or physical contact of a sexual nature is also engaging in sexual harassment."

DoD Instruction 1020.04, "Harassment Prevention and Responses for DoD Civilian Employees," June 30, 2020, states that the DoD will "[n]ot tolerate or condone harassment, to include harassment that is not unlawful but adversely affects the work environment." Prohibited harassing behaviors may include unwanted physical contact, intimidating acts, threatening or provoking remarks, racial or other slurs, and derogatory remarks about a person's accent or disability.

We also considered DCSA-specific guidance concerning workplace harassment and treatment of employees signed by Mr. Lietzau and his predecessor as the DCSA Director.¹⁰ Policy Memorandum 20-004, executed by Mr. Lietzau on December 23, 2020, states that the "DCSA maintains a 'zero tolerance' policy against all forms of workplace harassment" and also states that DCSA supervisors "are responsible for fostering a culture in the workplace that promotes treating all personnel professionally and with dignity and respect."

⁸ See Appendix A for more detailed presentation of authorities introduced in this section.

⁹ The Equal Employment Opportunity Commission uses 29 CFR 1604.11 during its investigation and review of sexual harassment cases brought against Federal agencies, including the DoD. See, for example, *Ricky S. v. Austin*, No. 2022001282, 2022 EEO PUB LEXIS 3094 (EEOC Dec. 20, 2022) and *Nancey D. v. Austin*, No. 2022000526, 2022 EEO PUB LEXIS 1956 (EEOC Sept. 28, 2022).

¹⁰ Policy Memorandums 19-009, 20-004, and 22-004, titled "Workplace Harassment."

The JER provides a single source of standards of ethical conduct and ethics guidance for DoD employees. Chapter 2, “Standards of Ethical Conduct,” Section 1, “Office of Government Ethics Regulation,” incorporates 5 CFR section 2635 in its entirety.¹¹ Section 2635.101(b) states, “Employees shall act impartially and not give preferential treatment to any private organization or individual.” JER chapter 12, “Ethical Conduct,” Section 4, “Ethical Values,” states, “Ethics are standards by which one should act based on values. Values are core beliefs such as duty, honor, and integrity that motivate attitudes and actions.”

Mr. Lietzau and the Subordinate’s Relationship Before the [REDACTED] Trip

In the course of our investigation, one of Mr. Lietzau’s subordinates, Subordinate A, told us that Mr. Lietzau sexually harassed her, in his hotel room, while they were on official travel in [REDACTED].

Mr. Lietzau became the PVTO Director in March 2019. Subordinate A became [REDACTED]. From June until October 2019, Mr. Lietzau and Subordinate A worked closely together building the new PVTO workforce. The PVTO was realigned under the DCSA and Mr. Lietzau became the DCSA Director in March 2020. Subordinate A continued to work with Mr. Lietzau, becoming the [REDACTED].

In October 2019, Mr. Lietzau and Subordinate A traveled on official business to [REDACTED] to attend a conference. The trip also included site visits to different DCSA field offices in California. While at the conference, Mr. Lietzau and Subordinate A took part in an early morning work phone call in Mr. Lietzau’s hotel room. According to Subordinate A, after the completion of the phone call, Mr. Lietzau sexually harassed her by sitting next to her on the bed and climbing on top of her.

Subordinate A also asserted that she experienced a pattern of harassing behaviors from Mr. Lietzau. We summarize her testimony about the incidents and Mr. Lietzau’s behaviors in the following subsections. We also present Mr. Lietzau’s testimony and our analysis of recorded conversations and text messages we reviewed as evidence. We did not find messages of a personal nature between Mr. Lietzau and Subordinate A in Mr. Lietzau’s official emails.

Mr. Lietzau submitted a 41-page statement to us on December 6, 2021. After our December 15, 2021 interview, Mr. Lietzau submitted a 25-page supplement to his original statement, providing additional details about the allegations. We summarize his written statements and his testimony about the incident in [REDACTED] in this section.

In our December 15, 2021 interview, Mr. Lietzau stated that he was bothered by Subordinate A’s “excessively suggestive” behaviors before the official trip to [REDACTED] in October 2019. Specifically, Mr. Lietzau told us that Subordinate A was flirtatious with him in various ways, including with regard to her attire and her conduct toward him. We summarize his written statements and his testimony about the alleged behaviors in the section “Subordinate A’s Alleged Behaviors.”

¹¹ Section 2635.101, “Basic Obligation of Public Service.”

██████████ – Incident #1

Subordinate A's Testimony About the ██████████ Incident

Subordinate A told us that after Mr. Lietzau sexually harassed her, she was distraught and traumatized, and she found herself crying all the time. In an effort to preserve the details of the incident, she drafted a memorandum for record (MFR) soon after the incident and sent it to herself.¹² Thereafter, Subordinate A created additional MFRs documenting her interactions with Mr. Lietzau when she believed Mr. Lietzau exhibited harassing behaviors toward her after she refused his sexual advances.

In her initial MFR dated November 15, 2019, Subordinate A wrote that the sexual harassment incident in ██████████ occurred on October 22, 2019, after an early morning weekly team call that she and Mr. Lietzau took from his hotel room.¹³ She could not remember who suggested taking the call from Mr. Lietzau's room, but they agreed to take it privately because it was a sensitive discussion. After the call, she and Mr. Lietzau briefly recapped the discussion. When she was about to leave, Mr. Lietzau adjusted the pillows on the bed that she was sitting on and asked her to stay a little longer and chat because he had been up for some time due to the time difference. Subordinate A wrote in her MFR:

We kept talking and after a few minutes, Mr. Lietzau got up and came over to the bed where I was sitting, grabbed me with his arms and created a tight circle around me while telling me that he was in love with me. I gently pushed him away and put my hands on his shoulders to prevent him from coming any closer and from kissing me (assuming that was his intention). I told him to stop whatever he was doing or intended to do. I told him that he [is] my boss, that he is a married man, and that I was not going to reciprocate his intentions, whatever those may be. He continued to keep his arms around me and I was able to slowly turn to the right side so his face and body were mostly behind me instead of in front of me. However, his body was still next to mine. He then put a leg around my left leg, which made me feel “trapped” or like he intended to stop me from moving. This situation made me feel extremely uncomfortable and nervous. I made a reference to the position of his leg over my leg and said that perhaps this is how he learned how to block an enemy from moving when he was in the military. I believe he understood that I was extremely uncomfortable and he moved his leg away from me. ... I remained calm, I slowly got him to back away, and I freed myself from him.

Subordinate A wrote that Mr. Lietzau eventually released her and said that he was very embarrassed by what he did and she did not “do anything wrong to cause his behavior.”

During our interview, Subordinate A described this incident consistently with her MFR and in additional detail, recounting that she was sitting on one of the two queen sized beds in the room with her back against the headboard and her legs extended on the bed. She said that

¹² Subordinate A signed, sealed, and mailed the MFR to herself using the U.S. Postal Service. The MFR was date-stamped the same day Subordinate A signed it, November 15, 2019. The sealed envelope also included an email message Mr. Lietzau sent from his personal email account to Subordinate A's official email account, dated October 26, 2019. The email included a link to a *Huffington Post* article titled, “Women At Ernst & Young Instructed On How To Dress, Act Nicely Around Men,” dated October 21, 2019. Mr. Lietzau wrote, “[W]ould be curious as to your thoughts on this.”

¹³ Subordinate A wrote that the call was at 5:30 a.m. Pacific Time.

they talked for a little while and then, without any warning, Mr. Lietzau got up from the bed he was sitting on and got on top of her. She stated that she remembered him being very close to her face so she put her hands on his shoulders and stopped him from getting closer. Subordinate A told us that she believed he was trying to try to kiss her. She told us that she pushed him back and said something like, "What are you doing? What are you doing? You're my boss. What are you doing? You're married. No, no, no, no. This is not okay."

Subordinate A stated that she started turning to her right so her side faced Mr. Lietzau but that he then put his leg above her left leg. She told us that she felt trapped because his leg was blocking her from moving. She added that a large portion of his body was touching hers, and when Mr. Lietzau moved his leg from hers and started to pull back, his arm barely touched her breast. She also stated that she felt trapped by Mr. Lietzau for about 20 or 30 seconds.

She told us that, at that point, she felt terrified and traumatized. She also told us that she remembered thinking, "Okay, I don't know what's going to happen to me now. He's going to probably ruin my career. I just rejected my boss. I just told him that ... I didn't want to engage in a sexual act with him right now." She said that when he moved away, she "got up to leave and he said, 'Please don't leave. Let me explain. Let me explain what happened here.'"

According to her MFR, after Subordinate A freed herself, Mr. Lietzau told her that he had fallen in love with her, he had never told a woman such a thing "before having sex," and she was the first woman with whom he felt such "deep feelings." Mr. Lietzau told her that this was the first time "he was rejected by a woman because every other time he hit on a woman, they would always say yes." Mr. Lietzau told her that he hoped she was not thinking that he tried to rape her. In an attempt to defuse the situation, Subordinate A told him that she did not think he tried to rape her, and he was just someone who needed a hug because of his challenging situation at home. Subordinate A wrote that Mr. Lietzau divulged details about his wife and marriage.

Subordinate A wrote in her MFR that she responded that way because she needed him to think that she was fine so that she could leave the room without him feeling threatened by what she might say or do because of his behavior. While she did not think Mr. Lietzau tried to rape her, he put her in a very uncomfortable situation, and she could not believe his behavior because "he had always presented himself as a religious person, who studie[d] the bible [*sic*] and live[d] by God's principles."

According to the MFR, Mr. Lietzau again told Subordinate A that he was embarrassed and that he would not tell anyone about the incident. She told him that she would tell the truth if she were asked. Subordinate A then told Mr. Lietzau she was leaving and left the room to get ready for the workday. She wrote that she was traumatized and shaken by the experience and did not know what to think of it, and she wished Mr. Lietzau had not behaved that way.

When we asked Subordinate A about the importance of drafting and sending herself a memorandum detailing the incident, she told us that she wrote the MFR to capture her story with accurate details before forgetting them. She also told us that she consulted with an attorney soon after the incident and deliberated whether to report Mr. Lietzau. She stated that she realized if she did, “it was going to be a difficult road,” and she would have to face the fact that it might be a public matter with the potential to ruin her career. She said that she also considered the possibility that Mr. Lietzau would calm down so they could reestablish their professional relationship.

Mr. Lietzau’s Testimony About the ██████ Incident

In this section, we summarize Mr. Lietzau’s written statements and his testimony about the alleged sexual harassment incident in ██████. In his initial 41-page statement, Mr. Lietzau wrote that in October 2019, he and Subordinate A had a “direct conversation about [their] friendship and reached a clear, mutual understanding that [their] relationship would only be friend-based and professional, and that there would be no romantic or sexual component whatsoever.” Mr. Lietzau did not provide context in his written statement as to why he and Subordinate A needed to establish that their relationship would not have a romantic or sexual component.

During his interview with us, we asked Mr. Lietzau to provide context for the direct conversation about his relationship with Subordinate A. Mr. Lietzau told us that he probably exaggerated when he referenced a direct conversation, but what he meant was “maybe a small series of conversations related to one event.” He described the ██████ incident as that “event.” Mr. Lietzau said he recalled that on the morning of the event, he had a business call with an individual he wanted to hire. Subordinate A insisted on being on the call. He then suggested meeting in the lobby and Subordinate A said, “No. We can just meet in your room,” because she did not want to get dressed to go to the lobby.¹⁴

Mr. Lietzau told us that he never should have agreed to allow Subordinate A to come to his room for the call in the morning. He took the call in his room with her, but he could not recall any details or the identity of the person they spoke with on the call. Mr. Lietzau told us that before the ██████ trip, he became concerned about his relationship with Subordinate A and stated that he planned to discuss his relationship with her after the call and described what happened next:

One, I was kind of in a big picture way I was absolutely committed to let’s address this issue of intimacy because we cannot go on like this. [...] Secondly, though, I was kind of flattered by her attentions and so I confronted her in a way that I thought was face-saving for everyone. I said that I can’t believe you just came to my hotel room. And she had lied [sic] down in my bed. “I can’t believe you just lied [sic] down on my bed.” And we never really got further than that because she then said, “What do

¹⁴ In his response to our tentative conclusions, Mr. Lietzau stated that Subordinate A went to his room for the business call against his wishes.

you want me to do?” I thought this was a moment of potential intimacy. My intent was to say, “You know what? You’re very attractive person and everything else.” It seemed obvious she was hitting on me. This was not a close case in my mind, but just can’t do this and this is why. I want to tell you my background, etcetera, etcetera. That never happened. She in turn said, “What do you want me to do?”

We asked Mr. Lietzau to provide details about where Subordinate A sat when she arrived at his hotel room.¹⁵ Mr. Lietzau said:

I’m not going to be able to answer that. It was 2½ years ago. And I don’t—I don’t even recall the phone call. I don’t even know who was on the call. The significant thing was the subsequent interaction and a memorable thing for me was the subsequent interaction with [Subordinate A], not the phone call. There was nothing particularly provocative about where she sat or anything like that from my perspective. ... I mean she was dressed the way she dresses but it wasn’t anything unusually excessive or anything like that.¹⁶

We asked Mr. Lietzau to clarify what he meant when he said that Subordinate A laid in his bed. He told us that the interaction with Subordinate A “got excessive,” and he did not know what to do. He stated that Subordinate A said she was tired, looked at his bed, and asked if she could lay on it. He said that he told her she was welcome to use his room if she wanted, which “didn’t really make sense” because her room was right next door and he was headed to the gym. He stated that he laid down next to Subordinate A, with his arms around her, in a “push-up” position, and said, “I can’t believe you just laid down in my bed.” We asked Mr. Lietzau to clarify if he laid down next to Subordinate A in a push up position or if he hovered over her in a push-up position.¹⁷ He stated:

[E]ssentially, the moment that we were the closest, my left arm was over the top of her so I’m looking straight down. So we’re probably touching. I don’t know if we were touching or not. ... let’s put it this way we didn’t do any intimate touching, we didn’t kiss or anything like that. [...] It was the only time in our relationship that I closed the distance between us. Every other time we’ve ever touched, she closed the distance. This was the time that I closed the distance. And as soon as she reacted in any way that was not like I thought—but it was actually good. It was beneficial. I’m glad it worked out that way, I thought. I mean overall I thought, “Well, this worked out well.” ... except for the fact that it made it look like that I was the aggressor, and I thought, “That’s like ridiculous,” but if she wants to think that that’s fine.

Mr. Lietzau then repeated that Subordinate A responded by asking him, “What do you want me to do?” He stated that her response was not amorous “like what [he] would have anticipated.”¹⁸ He remembered being embarrassed and added:

I was guilty, humbled, humiliated all of those racing feelings. So, I just went off to the side and eventually just did like I couldn’t look her in the eye. I said [to himself], “Am I—is this

¹⁵ Mr. Lietzau could not describe with specificity whether his hotel room had one or two beds.

¹⁶ Mr. Lietzau told us that Subordinate A wore yoga pants and a T-shirt.

¹⁷ In his response to our tentative conclusions, Mr. Lietzau stated that he spent “15 seconds on [the] bed with” Subordinate A.

¹⁸ Mr. Lietzau repeated a few times that Subordinate A’s reaction was not amorous. Merriam-Webster defines “amorous” as a term being “indicative of love,” “relating to love,” and “strongly moved by love and especially sexual love.”

for real? Did I misread her or is this just her—it could be any number of things. It could be her doing this on purpose because it did seem pretty overt and on purpose, for what reason, I don't know, or did I just embarrass her by what was said and she's backing off because she's humiliated? And that's it, or did I really just misread her?" Maybe this is like a cultural thing, I don't know. All those things were racing through my head at the time.

Mr. Lietzau explained that his head was racing and his mind was all over the place because Subordinate A, who he said "had been hitting" on him for the last 3 months, was laying on his bed. Mr. Lietzau said that he was in a place in his life in which marital faithfulness was important to him, yet it was a temptation he had never experienced before. He added that if he were asked the day before or at any other time if he wanted to be intimate with Subordinate A, he would have responded, "No," but that "people do crazy things at moments in time." He added, "Fortuitously, it didn't happen." Furthermore, he stated:

She didn't reposition. She didn't do anything. She said, "What do you want me to do?" And it just seemed like a weird—just a weird response and I don't recall the back and forth. [...] I said, "Well that was not what I was expecting you to say. Did I misread the situation here? I have assumed that you were looking for a more intimate relationship and you're suggesting you're not." I don't know what I said. That was the thrust of it. I don't know what words came out. I had not planned this. This is—this was something that every inch of it caught me off guard.

Mr. Lietzau told us that he told Subordinate A that he believed she "wanted to be intimate" with him, and she responded, "No, you misunderstood me. I'm not being intimate with you." Mr. Lietzau said that he got up, and then they "sort of talked it through." He said that Subordinate A did not seem to be uncomfortable and acted as if it was not a "big deal," and he said to her, "Well, you work for me and you just got into my bed in my hotel room." According to Mr. Lietzau, she responded, "We hugged. People hug. People have to hug every once in a while because they need comfort. We hugged." Mr. Lietzau stated that Subordinate A also responded, "No. I have very high morals and I would never do that. And you're married."

During our interview, Mr. Lietzau speculated that Subordinate A reacted in a face saving way. In his supplemental statement, he also said that face saving was the "exact inverse" of the talk he had intended to have with Subordinate A before the business call. He also wrote that suddenly he "was the presumed lead in wanting an inappropriately intimate relationship with her, when for the better part of the [previous] 4 months, it would have seemed to any observer to have been the opposite."

Mr. Lietzau told us that when they left the hotel room, they "had a very clear mutual understanding that there would never be a sexual relationship between [them] ever." He added, "I was happy with that. I thought the event went a little more [awkwardly] than I had even planned, but that was good. Now, it did not necessarily change her behaviors immediately after that."

Mr. Lietzau also told us that Subordinate A “didn’t want to ever talk about that event again,” and he agreed by telling her, “Okay, yeah, I’m good with that.” He believed that Subordinate A wanted to be perceived as a woman with very high morals who was “attractive by nature, but unattainable by choice.” Mr. Lietzau stated that during the trip he also talked to her about why marital faithfulness was important to him.

We asked Mr. Lietzau if he and Subordinate A ever discussed the incident later in their professional or personal relationship. Mr. Lietzau responded that they discussed it a couple of times. He told us that he distanced himself from Subordinate A after the incident, and when she confronted him about it, he told her he was being respectful of her. She asked for their relationship to go back to how it was before the incident, as being “good friends.” He responded, “Sure.” He said that he ignored the flirtatious behavior and decided it was something he could not understand, and maybe the flirtatious behavior was a “cultural thing.” He told us:

It would come up ... in times that she would get upset and say, “I hate you.” Or, “Why do you hate me so much?” And I would answer back, “No. Heck you know the problem. I’m excessively fond of you. You saw that—I told you I was fond of you back in [REDACTED] I don’t say these things but it was the implication is [sic], “Hey even back there when we talked this through I told you, you are very [sic] attractive person. There’s always reasons why anyone would want to be with you [and] where I am in my life and where I am with my current beliefs and everything else, it’s important to me that I not do this, but you are a very attractive person.” [...] So that’s how it was implicitly coming up. I don’t think we ever actually mentioned [REDACTED] But it gave me the freedom, freedom that I wish I didn’t take or have, which is probably in all of these text messages, to be a little more comfortable with her. There was kind of humor back and forth. There was [jocularity] back and forth that I didn’t have to worry about as much. So I can’t imagine—I don’t remember any other man or woman in my career where I could be as—kind of jesting back and forth. That’s not my style. ... You can talk to every other women I’ve ever worked with, and you’ll never find any who will ever reflect on a text message like any of the ones that [Subordinate A] sent. Why was I able to do that with her? Because that was her style and we had this clear understanding, and that’s what put me in the place I am right now.

Recorded Telephone Conversations: Discussions About the [REDACTED] Incident

We obtained from Subordinate A audio recordings of two telephone conversations, totaling approximately 2.5 hours, between Mr. Lietzau and Subordinate A, and had a DoD OIG Court Reporter transcribe them.¹⁹ We then listened to the audio recordings and reviewed the

¹⁹ We requested from Subordinate A all recordings that she had made of her interactions with Mr. Lietzau, and she provided and we reviewed three additional recordings of conversations between her and Mr. Lietzau. The first recording included a conversation discussing official DCSA matters. The second recording included a conversation on February 3, 2021, discussing the logistics for setting up the February 3, 2021 phone call described in this report. The third recording was the beginning of the February 3, 2021 conversation described in the report but ended abruptly 8 minutes into the conversation when it appears there was an interruption in cell service. This third recording included statements similar to and consistent with the other recorded conversations we describe in this report.

transcripts. The conversations took place approximately 15 months after the [REDACTED] incident, on January 13 and February 3, 2021, while Mr. Lietzau travelled from his office in Quantico, Virginia, to his home in northern Virginia.²⁰

As detailed below, Mr. Lietzau and Subordinate A discussed the following topics in both conversations: Mr. Lietzau’s continued pattern of harassing behavior, the resulting allegations of a toxic work environment, the perception that their relationship created within the DCSA work environment, and their individual leadership styles. In addition, they alluded to the incident in [REDACTED] in their February 3, 2021 discussion. We include relevant excerpts of this telephone conversation in Table 2.

Table 2. February 3, 2021 Telephone Conversation Excerpts from Mr. Lietzau and Subordinate A Alluding to the Incident in [REDACTED]

Quotes ¹	
Subordinate A	Well, you know I think ... back in [REDACTED] we had a long conversation. I told you everything about what I was thinking that I was very, very clear, right? And you said so yourself. So you know how I felt, what my position was, and you know how I am about these things, right?
Mr. Lietzau	And if you want to hear me say—and I crossed the line anyway and I shouldn’t have, sure. I’ll say that and take full responsibility. I have no excuses for that.
Mr. Lietzau	I thought we were friends, and I’m just saying as a friend it would be nice if you didn’t—if you looked at the fact that telling me that I should know better because we had a lengthy conversation in [REDACTED] a year and a half ago, okay. But I’m just saying as a friend you could remind me especially after I said, please promise me you’ll tell me if I ever offend you, that you wouldn’t rely on having been clear back in [REDACTED] a year and a half. That’s my only point. It would be nice if you could feel comfortable enough to just be open with me
Subordinate A	I think I responded to these things right away, right? That—so the example of Christmas Eve [2020], I said that right away to you, right?²
Mr. Lietzau	I would like to go to my boss and say, “Look. This is what I did. This is what happened in [REDACTED] It never—I never rectified it appropriately. It probably could have been a one time thing and went away but it didn’t.” [...] So, I can’t effectively run the Agency when that’s a perception out there.
Mr. Lietzau	I think it may not matter at this point, because if this has gone as far down the road, I think I’m kind of undermined as a [D]irector anyway. And that’s not your fault. It’s just consequences I pay for what happened in [REDACTED] but that said, I want to at least be clear, and it would help me if you at least understood to some degree because what I don’t feel—when I asked you—if I can remember back to times that you were less than professional, okay?

Source: The DoD OIG.

¹ Not all excerpted quotes follow a question and answer flow. We bolded selected quotes for emphasis.

² We describe the Christmas Eve 2020 incident in the next section of the report.

²⁰ Virginia and Washington, D.C., both permit recordings with the consent of one party to the conversation.

Subordinate A's Testimony About Interactions with Mr. Lietzau After the [REDACTED] Incident

In her MFR, Subordinate A wrote that Mr. Lietzau talked about the incident numerous times during the rest of their trip. She said that after a conference the afternoon of the incident, Mr. Lietzau repeated to her that he was embarrassed, he wanted to make sure they were okay, he had fallen in love with her, and he thought she felt a similar way toward him. She indicated that she asked him why he believed she felt that way, and he responded with the following examples.

- During a meeting in which Mr. Lietzau expressed being happy with results they accomplished on a project, he told her that while he initially did not want to take the Director, PVT0, position, that perhaps “God ultimately wanted” them to meet. After interpreting that Mr. Lietzau was happy with her work and expertise, she told him that perhaps it was God’s will, and she believed that God had a plan for everything. Mr. Lietzau then told her that he was not complimenting her work, but instead made the comment to “flirt” with her.
- She participated in an official event and asked Mr. Lietzau to take pictures of her during the event. She provided him with her cell phone password. Mr. Lietzau told her that he would not remember the password, so she told him that she used the phrase [REDACTED]” to remember it. Mr. Lietzau mentioned that he believed her cell phone password was a sign that she was in love with him. Subordinate A told him that he was “completely wrong” in his interpretation and asked him what would make him think that a phone password she had for a long time was now meant to be a code word for him, and it was absurd that he thought she tried to communicate a personal message to him using a code.

Subordinate A wrote that Mr. Lietzau asked if they were okay, and he told her he was sorry and she had not done anything wrong. She also said that during the evening of the incident, she called Mr. Lietzau as she normally would to act as if everything was normal between them. She wrote that she sent him a message after he did not respond to her call to let him know that she was heading to dinner with the rest of the conference attendees. He joined them later that evening.

Subordinate A told us that the day after the incident, Mr. Lietzau brought up the incident again. Mr. Lietzau pressed her to tell him whether she had feelings for him. At a later date in California, she told him, “No. I don’t feel the same way about you. I’m not in love with you.”

In her MFR, Subordinate A wrote that Mr. Lietzau shared details about alleged affairs with women. In particular, he mentioned one he had with a woman “who turned out to be a crazy woman,” while he was serving as counsel at the White House.

Subordinate A wrote that on October 24, 2019, Mr. Lietzau realized there was a conflict between a scheduled meeting and their flight back home and suggested staying an extra night in California. She wrote that after one of the individuals they were meeting with came up with an agreed-on solution to the conflict, Mr. Lietzau asked her to change their flights to later that evening because he wanted to stick to the original plan. She wrote that the options available were not viable, and Mr. Lietzau then suggested changing their flight to the next day, a Saturday. Subordinate A told Mr. Lietzau that doing so would cause her to miss a personal appointment, and he agreed with keeping their original flights, but he told her that he was “enamored” with her and would have liked to stay an extra day in California.

Subordinate A told us that on the Tuesday after returning from the trip, she and Mr. Lietzau had lunch and he brought up the incident again. She told him that she wanted to go back and have the professional relationship they had before the incident without negatively affecting her career or suffering retribution. Mr. Lietzau promised that he would never harm her career or retaliate against her. She wrote in her MFR that this was the first conversation they had on how to move forward with their professional relationship. She wrote that he apologized again and told her it was not her fault, and it was his. He realized he made a bad decision by making sexual overtures towards her, and he understood why it is never a good idea to engage in this type of behavior in the workplace.

Subordinate A also told us that she initially noticed a positive difference in Mr. Lietzau’s behavior, but after a while, he resumed flirting with her, at times subtly—for example, touching her hand. She said that at other times he was more explicit or completely out of line, like making comments about the way she dressed or her being attractive, and inviting her on a personal trip. Subordinate A said that these examples were ongoing, and she would remain silent, not respond, “dance around it,” or make a joke in response. We discuss these examples in more detail in other sections of this report.

Mr. Lietzau’s Testimony About Interactions with Subordinate A After the [REDACTED] Incident

In his supplemental statement to us, dated February 3, 2022, Mr. Lietzau described that days after the incident, while still on official travel, Subordinate A continued to demonstrate a desire for a close personal relationship. He wrote:

Over the next couple days, I pondered whether perhaps I had it right all along and [Subordinate A] had been actively hitting on me, but perhaps I had then embarrassed her with my question about her having come to my room and gotten into my bed.²¹ I later feared she had staged the entire event to make me feel guilty so I would capitulate to more of her desires at work. But I saw no value in presuming any interpretation other than that I had just misread her.

²¹ Mr. Lietzau wrote that he asked Subordinate A lightheartedly, “I can’t believe you came to my room, and got into my bed; what were you thinking? or words to that effect.”

Mr. Lietzau wrote that he struggled to interpret the situation because Subordinate A did not appear to be in any type of distress. She continued to interact with him during the official trip and social gatherings, including asking others for whiskey recommendations to buy him a drink. He described two interactions with Subordinate A that he saw as noteworthy. A couple of days after the incident, while still on official travel, he took an early morning walk on the beach. Subordinate A called him during his walk and asked him to guide her to his location so she could join him. She showed up in “revealing” yoga pants, and he believed she was “well aware of the indecent appearance.” On the way to the airport, he expressed an interest in finding a place where he could change from his suit into travel clothes. Subordinate A offered to avert her gaze so he could change in the car. He wrote:

Of course, I did not do that, but I again found no way to comprehend her suggestion, which seemed entirely inappropriate. The point in these examples is similar to that of her subsequent requests to have dinner with me, forwarding pictures of herself to me, and invitations to go to her house or go on walks with her in remote locations, which are all detailed in my previous statement: she showed no signs of being uncomfortable with me whatsoever.²²

Christmas Eve 2020 – Incident #2

Subordinate A’s Testimony About the Christmas Eve 2020 Incident

Subordinate A told us that Mr. Lietzau occasionally asked her to go on walks with him and discuss work. She told us that she agreed to go on walks in public with him because it was better than being alone with him in the office or somewhere else.

According to Subordinate A, during one of these walks at Costco on Christmas Eve 2020, Mr. Lietzau told her “I’m madly in love with you.”²³ She added:

I started crying. It was Christmas Eve [2020]. [Subordinate A cries while retelling the story.] Probably the worst Christmas Eve I ever had in my life [crying]. I went home. I was so distraught. I said, “I just can’t live like this anymore.” I just hit my limit, and when I got home he called me, texted me, called me, and I said, “Bill, you’ve got to stop. You just can’t do this anymore. You are my boss. You’re married. You are the head of an agency. You have a national security mission. This is a no go. You have to stop. You can’t say these things to me.”

We reviewed the relevant text messages exchanged between Mr. Lietzau and Subordinate A. The exchange starts the evening of December 24th, after they met as described above, and continues until the early hours of December 25th. Table 3 summarizes the text message exchange.

²² We summarize these examples in the section “Subordinate A’s Alleged Behaviors.”

²³ According to text messages we reviewed between Mr. Lietzau and Subordinate A, Subordinate A planned on Christmas shopping at Costco.

Table 3. December 24–25, 2020 Text Message Exchange Between Mr. Lietzau and Subordinate A

Mr. Lietzau	Subordinate A
[After Mr. Lietzau and Subordinate A meet, Mr. Lietzau sends Subordinate A a picture of his son playing the piano.]	
Self taught kid	
	Beautiful. He looks like a younger version of you.
	I just opened the little bag you gave and it's filled with my favorite chocolate! Thank you!
	[Subordinate A then sends Mr. Lietzau a long text message about a personnel matter they discussed when they met at Costco.]
I would rather talk about your first two texts than the last ... on Christmas Eve. But I want to support you. Really. More then [sic] you know. So will address it. [...] Until irrevocable decisions are made, don't let talk bother you. (I know this is super hard; but I say it with you—only you—in mind. I care about you, and I want you to be the best leader ... you can be.	
Now. What movie are you watching tonight?	
	Thank you Bill but I know for a fact that this option was dead and [a colleague] agreed that it was dead. [...] This was handled poorly and I need to put a stop to these types of unnecessary disruptions. Really need to put a STOP to it. Seriously.
You didn't answer my question.	
	[Subordinate A continues to talk about the personnel concern.] I really want this behavior [an office personnel matter not directly involving Mr. Lietzau's conduct or behavior] to stop.
	I am watching Miracle on Christmas and praying that these office dynamics will stop impacting the [...] team and our work for the sake of the organization and national security. God protect our small team and help us to achieve our enterprise mission.
You have a beautiful face. A beautiful mind. And a beautiful heart. I am glad I got this job, if for no other reason than yo [sic] have met you.	
To. Not yo.	
	This is probably the saddest and most difficult Christmas Eve ever. I can't recall in my entire career a time when I have been so worried about my job, my team and whether I should trust the people I work with. I spend entire nights completely sleepless and I feel very lonely in facing my challenges. [...] Something has. [sic] to change. And I need your help to do it.

Table 3. December 24–25, 2020 Text Message Exchange Between Mr. Lietzau and Subordinate A (cont’d)

Mr. Lietzau	Subordinate A
	That’s nice that you say that. I am struggling and I am feeling suffocated by this situation. [Subordinate A continues to discuss the personnel matter.]
<p>My Dear [Subordinate A], I have now read everything you wrote—even though I was only really interested in what movie you were watching—and as you can imagine, I have all kinds of responses. But none of them are very important. What is important is that—I really do have a pretty decent perspective on much of what is going on—including the shading that you so passionately provide—and I am quite confident that things are much better than you think. In that, I really do wish you could just trust me for now. I would be more than willing to work through every detail at the right time and place. I certainly don’t know all the facts. But I know many of them. And I have a different perspective, which you should appreciate more. Because it is useful. More important than that is what I think of you—and who you are. Something I have gone out of my way to say so much that [I] have kind of humiliated myself in front of you—something I have never done in this way with anyone else in my life. You may not appreciate the fact of it, but you could be slightly less dismissive to at least acknowledge the cost to me. Finally, the really important thing tonight is described in chapter 2 of Luke. I read it every Christmas Eve. It makes the bad behavior of “senior” leaders turn into mist.</p>	
<p>And soon you will awake. I fear the absence of reply may indicate that you found my missive patronizing. I hope not. That was not in any way the sentiment. Having gotten older, I realize that life is short, and I do not want to [l]eave words unsaid. Now as you awake, allow me to be one of the first to say Merry Christmas. [Subordinate A does not respond to Mr. Lietzau’s messages.]</p>	

Source: The DoD OIG.

In an MFR dated March 4, 2021, Subordinate A wrote that after the Christmas Eve incident, she realized Mr. Lietzau was “incapable of controlling himself” and was not going to stop pursuing her, even after promising he would. She felt nauseated and was terrified of going to work after the incident. Therefore, she started limiting her interactions with Mr. Lietzau in the office and worked from home as much as possible, attempting to avoid him. She stopped answering his personal messages and calls. She said that Mr. Lietzau told her multiple times that he was hurt and upset that she did not respond to his personal messages.

Mr. Lietzau's Testimony About the Christmas Eve 2020 Incident

In his first written statement, Mr. Lietzau wrote that he and Subordinate A met at the Pentagon Costco parking lot on Christmas Eve 2020 to exchange gifts and to sponsor her guest admission into Costco to facilitate her Christmas shopping. He wrote that the meeting resulted in Subordinate A getting extremely upset because they discussed [REDACTED] staff's perceptions of her as a leader. He wrote that Subordinate A believed [REDACTED] staff were speaking badly of her and exaggerating the number of employees "who were trying to get away from her" in an attempt to make her fail so Mr. Lietzau would fire her. He explained that Subordinate A also believed [REDACTED] staff were preventing her from doing her job by managing her access to Mr. Lietzau. Mr. Lietzau wrote that he suggested to Subordinate A that no one was against her and that [REDACTED] staff were probably limiting her time with him to protect him from the perception that he favored her. He said that this perception existed because she spent an "excessive" amount of time in his office.

According to Mr. Lietzau, Subordinate A responded, "[Y]ou don't favor me, you hate me." Mr. Lietzau said that he contested her assertion by saying that the staff thought she and Mr. Lietzau were having an affair. Mr. Lietzau wrote, "This was an exaggeration as no one had said that to me, but I feared exactly that perception, and comments to me at least implied it." Mr. Lietzau wrote that his comment outraged Subordinate A, and she suggested that he was the one perpetrating the affair perception to hurt her and asked him why he hated her so much.

Mr. Lietzau wrote that he asked Subordinate A why he would want to create the false perception that he was having an affair with Subordinate A, which caused her to become "hyper emotional." He continued:

I added words to the effect of, "look at us now, we're meeting in the parking lot of a store outside working hours. I don't meet like this with anyone else, and if someone saw us meeting like this, they might very well suspect we were having an affair."

According to Mr. Lietzau, Subordinate A later "turned [his] perception concern on its head" and "said something like 'we have not had an affair, we are not having an affair, and we are never going to have an affair.'" He then asked her if she was upset "because she thought [he] wanted to have an affair with her. She said yes, or words to that effect." Additionally, Mr. Lietzau wrote that when they discussed the personnel matters during their Costco encounter, he asked Subordinate A, "Why would you want to keep someone who doesn't want to work where they are?" Subordinate A claimed that he was trying to make her fail and fire her, and again asked, "Why do you hate me so much?" He stated that he contested her statement and said, "Are you kidding? I don't hate you, I love you. Why would I want [you] to fail?"²⁴

²⁴ Mr. Lietzau wrote that his intent in stating "I love you" was not to be romantic, sexual, or personal, but to counter Subordinate A's use of the word "hate."

During our interview, Mr. Lietzau told us that when Subordinate A asked him why he hated her, he responded with words like, “You know I don’t hate you. Heck, I’m excessively fond of you as we talked about in [REDACTED].” He also told us that the conversation he had with Subordinate A on Christmas Eve 2020 was “the most impactful conversation [he ever] had with anyone.” He added that what upset and distressed Subordinate A was being told she was too close to him. He said that he told her it caused the favoritism perception.

Mr. Lietzau wrote in his statement that for several months before that, he had been trying to “reset” his relationship with Subordinate A to better serve the DCSA and to avoid the misperception that he favored her. Mr. Lietzau wrote:

Although I had not intended to raise this matter at the time, the flow of the conversation was such that I gently but honestly relayed the misperception concern. This very much upset her, yielding a claim that I was the one creating that misperception.

The conversation also touched on another sensitive subject—the fact that several of [Subordinate A’s] employees had been asking to be reassigned and [REDACTED]. This too resulted in a hyper-emotional response from [Subordinate A]—including asserting that several people at DCSA had created a hostile work environment for her and should be investigated for casting her in a bad light. On previous occasions, I had been able to calm down [Subordinate A] when she was having these reactions—usually with flattery, which she regularly solicited from me. That night, however, I was unable to calm her.

Additionally, Mr. Lietzau wrote that Subordinate A stopped engaging with him in her usual way over the next several weeks. He added:

When I inquired as to her altered affect, she claimed that I had contributed to her perception of a toxic work environment because she inferred (entirely incorrectly) that I wanted to have an affair with her. I was shocked and tried to make clear that was false—without heightening her emotional state.

Mr. Lietzau wrote that he stayed awake Christmas Eve trying to figure out what caused Subordinate A to turn on him and exclaim so emotionally, “I’ll never have an affair with you.” He also wrote that on Christmas morning he decided “to give her as genuine an apology as [he] could muster,” assuming “the best of intentions on her part (that is, sincerity in perceived hurt).” He added that the “post complaint/apology relationship proved to have significant benefits” because they stopped having dinners after work, and Subordinate A stopped requesting late night calls like asking him to call her on the way home from the office.²⁵

Recorded Telephone Conversations About the Christmas Eve 2020 Sexual Harassment Incident

During the January 13, 2021 telephone call, Mr. Lietzau and Subordinate A discussed the Christmas Eve 2020 incident. Mr. Lietzau questioned why Subordinate A stopped taking his calls or communicating with him after “a very lengthy text message exchange.”²⁶ Mr. Lietzau

²⁵ Mr. Lietzau stated that during the pandemic, he and Subordinate A both drove north after work, so they usually stopped at a fast food restaurant, went to the drive-through, parked beside each other, stayed in their respective cars, and talked with their doors open.

²⁶ Subordinate A told us that she recorded her first telephone call with Mr. Lietzau after the Christmas 2020 incident because she knew he was calling to discuss the incident, and she “wanted to have a record of it.”

also acknowledged that he told Subordinate A that he was “madly in love” with her to “win over arguments.” He also told her it was an attempt to show her that he was managing the toxicity in a way that it did not affect her because he was “quite fond” of her and would not allow her to be hurt. In addition, Mr. Lietzau talked about weaknesses in Subordinate A’s leadership of her own subordinates.

During the conversation, Subordinate A referenced a follow up telephone conversation they had after the Christmas Eve 2020 incident, in which Mr. Lietzau called and asked her why she was upset, and she stated that she used the words “It’s a no-go” when their conversations veered away to the unethical. Table 4 contains excerpts of the telephone conversation regarding the Christmas Eve 2020 incident.

Table 4. January 13, 2021 Telephone Conversation Excerpts from Mr. Lietzau and Subordinate A Discussing the Christmas Eve 2020 Incident

Quotes*	
Mr. Lietzau	Like we had a very lengthy text message exchange where you had gotten pretty upset and I think like the last thing I texted you is like Merry Christmas or something and then I never heard back and you stopped talking to me, you stopped calling me. I just wanted to try to figure out did I say something or what? I don’t know what caused this.
Subordinate A	Well, you know, what caused this was the last verbal exchange we had where I think that this is a number of things that are very concerning to me which I did share with you. I felt that we had a good conversation but after I said goodbye it was one negative thing after the other I never will have an affair with you but the fact that [REDACTED] staff, is convinced of that is profoundly insulting to me and honestly damaging to my role within the organization, and then, you know, when you saw me completely distraught because you knew that this was going to kill me, right, just hearing this stuff. You even told me that, to hear that it turns you on, that I’m like that distraught, and that you would tell me again that you are madly in love with me. When we talked about it several times and I told you, and I continue to say, “You are a married man. You are my boss, and you are the head of an agency. This should not even ever come up ever again.” Yeah, I was traumatized after that. That’s the reason why I stopped talking to you
Mr. Lietzau	[I] fully accept that I should not have said things to you about being attracted to you and stuff like that. Totally wrong. I shouldn’t have done it. It’s just a fact of life and it was what it was and I’m wrong, okay? But I’m sorry.
Mr. Lietzau	I think I said, “For some reason I find you attractive when you get upset.” And I’ll just tell you what it is. It’s a normal thing. It’s because you’re vulnerable and I don’t see you as being a tough person. That’s all.
Mr. Lietzau	And I should not have said I’m madly in love with you and I just take it back, okay? I’m sorry.

Table 4. January 13, 2021 Telephone Conversation Excerpts from Mr. Lietzau and Subordinate A Discussing the Christmas Eve 2020 Incident (cont'd)

Quotes*	
Mr. Lietzau	I wasn't trying to get you further upset with that. I mean I was trying to calm you down, and I hate to say it, this will sound ridiculous and it should, but even when I was saying, "Hey, I'm madly in love with you." What I was doing a little bit, I hate to say it was reacting to your being upset and appearance, and it's a weird thing, it's my way of like winning an argument. If the appearance that you won't believe me when I say, "No. They're not saying bad things behind your back." What I'm kind of saying is, "I wouldn't lie to you because I am quite fond of you and I wouldn't do that. I wouldn't allow it to happen. I wouldn't allow you to be hurt."
Subordinate A	I don't know if it makes sense for me, but I do appreciate the explanation, because, you know, I—that's not how I handle or approach things. [...] I just need to feel okay, safe in my work environment to be able to perform at the level that I ought to, and I after Christmas Eve I, you know, I had doubts before. I think my doubts went off the roof after Christmas Eve and I needed a break from all of that to really be at peace because I have not felt at peace in a while. And so I definitely appreciate the explanation. It's important for me that I get back to a place where I am feeling safe and at peace in my work environment.
Mr. Lietzau	So because that's the time that we're here for and it's really—I do think of it this way, and I don't think of it this way because I'm madly in love with you. I think of it this way because it's the way we planned it. We were going to—together—go transform this agency.

Source: The DoD OIG.

* Not all excerpted quotes follow a question and answer flow. We bolded selected quotes for emphasis.

The day after the conversation, Mr. Lietzau texted Subordinate A the following message:

Dear [Subordinate A], [y]ou and I have both seen the toxicity of DCSA and other places. My goal has been to change DCSA's culture, as you know. It is not a quick process. I certainly never thought that I would contribute to the toxicity. Now, however, I see that I have done just that with respect to you. And I know I have done it more than once. Please forgive me. And please know that I would never intentionally do anything to hurt you. You certainly should not have to deal with my personal problems. You deserve a boss who can mentor you and help you be the very best that you can be. If I cannot be that boss for you, and you want to get out of the environment, then I completely understand. And I want to help you. Sincerely. But until you tell me that, my intent is to again try to be the best boss I can be. You could help me in that regard, because I know I sometimes have a tin ear. Regardless of what happens, I will always try to be the best friend I can be to you. Always. That will always be a higher priority for me, even if my twisted mind sometimes heads me down a path that is not particularly helpful. It is never intentional. And I can learn.

Mr. Lietzau's Alleged Pattern of Harassing Behaviors

Subordinate A stated that Mr. Lietzau harassed her starting in October 2019 and continuing until May 2021. Subordinate A told us that Mr. Lietzau harassed her during almost every interaction they had, that it was constant and pervasive, and that it included telling her he

was madly in love with her several times. We provide details of Mr. Lietzau's harassment in this section.²⁷ We also present additional details in the recorded telephone conversations and text messages sections of this report.

Used Religion to Flirt with Her

Subordinate A told us that she and Mr. Lietzau shared a belief in religious principles. Mr. Lietzau once thanked her for doing a great job with a challenging project she worked on. Mr. Lietzau stated that he initially did not want his current position but that maybe God put him there so he could meet Subordinate A. After the [REDACTED] incident and during their discussions while still on the trip, Mr. Lietzau told her that he was flirting with her and not complimenting her when he made the statement.

Told Her to Buy a Dress

Subordinate A told us that she and Mr. Lietzau were meeting outside the office once, and Mr. Lietzau told her to buy a dress so that they could go dancing. We reviewed text messages related to this exchange between Mr. Lietzau and Subordinate A and found that they coordinated via text message on June 22, 2020, to meet at a local shopping area. When coordinating logistics, Mr. Lietzau texted Subordinate A and told her that he was at the barbershop, and if she arrived early, to buy "a dress and we'll go dancing. Or not." Subordinate A responded by telling him that she was close and to take his time at the barbershop.

Asked Her if She Wanted to Kiss Him Before He Shaved His Beard

Subordinate A told us that on November 19, 2020, Mr. Lietzau sent her a text message asking her if she wanted to kiss him before he shaved his beard. She said that he sent her an email the next day, asking her to call him to discuss a personal matter. She told us that Mr. Lietzau questioned her about her "cold" and "avoidant" response to his text during this conversation. She said that she reminded him of her values and what she stood for, and Mr. Lietzau told her he understood her position on the matter and hung up.

We reviewed the text message exchange and found that Mr. Lietzau told Subordinate A that he planned on shaving his beard because he was going to have his picture taken, and Subordinate A replied, "I kind of like it." Mr. Lietzau then texted, "You're no doubt just upset that you might lose the chance to kiss me with a beard." Subordinate A replied, "Ha ha ..in that case you should shave," and "It sounds like that opportunity will be gone tomorrow." Mr. Lietzau texted, "Well. If you insist :)."

Invited Her on a Personal Trip and Offered to Pay for the Plane Ticket

Subordinate A told us that Mr. Lietzau invited her both orally and via text message on a personal trip to visit his mother. She said that Mr. Lietzau offered to pay for the plane ticket and "pressed" her several times as if he did not get the message when she responded.

²⁷ As detailed below, several of these behaviors involved comments of a sexual nature or comments that were based on Subordinate A's gender, while others involved comments on other matters that contributed to the creation of a hostile work environment.

December 11, 2020 text messages between Mr. Lietzau and Subordinate A showed that Mr. Lietzau texted Subordinate A, “Ok. We can leave at 8:30 Saturday from National and get back at 2pm Sunday. If you give me your date of birth I can buy your ticket :)” Subordinate A responded, “Ha ha it would be nice to get out of town but probably an unnecessary risk!”

Told Her She was Like a “Dessert at the End of the Day”

Subordinate A told us that before December 2020, Mr. Lietzau scheduled their meetings in the evening and told her he did so because she was “like his dessert at the end of the day.” She said that he also told her that she was the best part of his day. She believed that Mr. Lietzau tended to keep meetings with her long because he did not want to go home. She said that at times, he wanted to continue the meetings over dinner, which she was fine with because they were in public.

Manipulated and “Gaslighted” Her

Subordinate A told us that Mr. Lietzau would look her in the eye and say things like “I never said that,” which made her believe he tried to manipulate her, lied to her, or “gaslighted” her.²⁸ For example, Subordinate A stated that Mr. Lietzau repeatedly told her that her colleagues hated her because [REDACTED] she was good at her job, she was not qualified, and said they wanted to “take [her] down.” Subordinate A told us that she felt that Mr. Lietzau was either exaggerating or lying to her about what her colleagues said about her so she would depend on him to protect her. However, Subordinate A told us that she confirmed her suspicions months later when Mr. Lietzau admitted that he exaggerated and “twisted the truth” to show her that he had her back and was her hero, who wanted to protect her from the individuals who made the alleged comments. In her March 4, 2021 MFR, while documenting her interactions with Mr. Lietzau, Subordinate A wrote, “He also apologized for all the negative and malicious things he said to me in the past and admitted that some were exaggerated.”

Made Fun of [REDACTED] and Called Her [REDACTED]

Subordinate A told us that during her promotion ceremony, Mr. Lietzau made comments she believed were inappropriate. She said that Mr. Lietzau made fun of [REDACTED] and called her [REDACTED] and she stated that the DCSA would not have trusted her as [REDACTED] in her position unless she deserved it.

Made “Disparaging” Remarks About Her to a Colleague

Subordinate A told us that Mr. Lietzau asked a DCSA senior leader to deliver to her the news that he had removed her from a project, because she was going to be upset. Subordinate A stated that Mr. Lietzau had no problem calling or meeting with her “to sexually harass [her] even though that made [her] profoundly upset,” yet he sent her male colleague to

²⁸ Merriam Webster defines “gaslighting” as the “psychological manipulation of a person usually over an extended period of time that causes the victim to question the validity of their own thoughts, perception of reality, or memories and typically leads to confusion, loss of confidence and self-esteem, uncertainty of one’s emotional or mental stability, and a dependency on the perpetrator.”

handle the situation, casting her in a “negative and likely sexist, manner.” Subordinate A explained to us how she felt this incident was disparaging and negatively affected her in the workplace. She said:

Now I can see that he’s damaging my reputation by making me look like I’m the one who’s emotional, who gets upset. He doesn’t want to deal with me directly. He wants someone else to deal with me. That’s pretty damaging to my reputation [...] [male colleague] is now the chair of the panel for the Deputy Director [hiring] and that’s another position that I’m a pretty competitive candidate for and I’m supposed to interview with [male colleague] after he heard that the boss wants to send him to speak with me because I get upset. So how does that sound like a fair [hiring] process for me?

Subordinate A’s Alleged Behaviors

During his interview and in his supplemental statement, Mr. Lietzau described to us behaviors he witnessed in Subordinate A that bothered him. For example, Mr. Lietzau told us that, within the first few months of meeting him, Subordinate A asked if she could accompany him to his law school reunion, asked him several times to be her “date” to a professional dinner, and shared with him that her phone password was “[REDACTED].”

Mr. Lietzau also asserted that Subordinate A displayed the following behaviors.

- Subordinate A invited him to her house several times and requested rides home from him.
- Subordinate A talked about joining him for his morning workouts.
- Subordinate A often stayed in the office as late as he did and asked him to wait for her so they could leave together, despite his request that no one stay as late as he did.
- Subordinate A talked about the length of her eyelashes and “batted them” close to his face.
- Subordinate A once told a colleague that she did not “kiss and tell” and then looked and winked at Mr. Lietzau.

Mr. Lietzau told us that Subordinate A changed into relatively tight and revealing yoga pants in the office. He also told us that Subordinate A “excessively” crossed her legs when wearing a short skirt.

He also told us that some of these behaviors “were clearly outside of the bounds” and were observable by others—for example, the way she sat right next to him at times. Mr. Lietzau told us that at one point, he talked to a female senior leader and asked her if she could talk to Subordinate A about her behaviors and how she dressed.

Mr. Lietzau told us that during their flight to [REDACTED] Subordinate A asked the individual sitting next to him to switch seats with her. Mr. Lietzau stated that he used the time to talk to Subordinate A about her fitness report and her tendency of “getting upset” at [REDACTED]. He told us that she dismissed the criticism, and instead, she “giggled and leaned in and touched [his] forehead with her head.” He said that up to that point in their relationship, the touching heads was the closest they had come to “being inappropriately intimate.” He told us that after they touched foreheads, he knew their relationship dynamics had to stop given his personal convictions.

In his supplemental statement, Mr. Lietzau wrote that before the official travel in October 2019, Subordinate A “pursued an intimate friendship that was also flirtatious and physical.” He added that he tried to manage the situation himself without humiliating her, but that if he “had it to do over again, [he] would ask for help in dealing with her.”

Effect of Mr. Lietzau’s Sexual Harassment on Subordinate A

Aside from the trauma Subordinate A told us that she experienced, she told us that she also believed refusing Mr. Lietzau’s behavior negatively affected her work and her advancement opportunities.²⁹ We describe the effect Mr. Lietzau’s behavior had on Subordinate A’s work in the following sections.

Dissuaded Her from Applying for Senior DCSA Positions

Subordinate A told us that Mr. Lietzau tried to dissuade her from applying for the DCSA Deputy Director and Chief of Staff positions. She said that although Mr. Lietzau encouraged all other potential applicants to apply for both positions, he told her the opposite. She had conversations with Mr. Lietzau expressing her interest in applying for the positions. She said that he told her that the Chief of Staff position did not require the refined skills that were required for her current position, and it did not make sense for her to apply for the Chief of Staff job. She told us that when Mr. Lietzau found out that she had applied for the Chief of Staff position, he told her that he did not understand why she applied because the position was “beneath” her.

Although she believed that she was a qualified candidate for the positions and applied for both of them, she stated that she could not bear the thought of working closely with Mr. Lietzau. She also believed that she would be the target of even more harassment from Mr. Lietzau and [REDACTED] staff due to the perception their relationship had created.

Subordinate A told us that she withdrew her name from consideration for both positions because she wanted to “avoid the risk of more trauma,” and she began to look for another assignment outside of the DCSA to get away from Mr. Lietzau. She also did not want to go through a selection process in which Mr. Lietzau could potentially exercise undue influence.

²⁹ We did not further investigate these assertions because they involved hiring actions, based on management discretion. However, in this section, we included Mr. Lietzau’s testimony related to him dissuading Subordinate A from applying for the DCSA Deputy Director position.

She told us that she applied for these positions because she believed DCSA's leadership would change either because Mr. Lietzau was looking for a political appointment or because of this investigation. She told us:

The bottom line for me is that there's a part of me that feels like I'm entitled to a fair selection process. I'm entitled to apply for the position that I'm qualified for and I am entitled to not be discriminated [against] during the process. [Subordinate A cries while speaking] However, I don't think there could be a good outcome for me here because I can't work for that guy and those positions report to him. That's the bottom line. So I'm not getting a fair chance to—let me take this back—I don't think even though those opportunities are there for everyone to apply to and they're there for me too, I think I am in the worst situation than everybody else who applied to that position.

Shifted Her Responsibilities to Male Colleagues

Subordinate A told us that Mr. Lietzau stripped her of responsibilities and assigned them to male colleagues who she believed were unqualified. She said that specifically, Mr. Lietzau tasked a male colleague with an ongoing project her team had developed and prepared to deploy. When she spoke to Mr. Lietzau about her concerns, she said that he told her that he wanted the male colleague to continue leading the project, but he wanted her and her team to execute the work for the male colleague. Subordinate A said that she was not given a clear explanation except, "That's how it's going to be."

Subordinate A also said that Mr. Lietzau assigned another project she had helped initiate to a male colleague who did not work on it previously and did not understand it. Subordinate A said that she felt like Mr. Lietzau favored the male colleague and undermined her. She said that Mr. Lietzau told her she would not present DoD senior leadership with a slide she developed, but the male colleague would present it.³⁰

Similarly, Subordinate A told us that Mr. Lietzau tasked another male colleague with a project she worked on for 2 years because, according to him, she was too busy and had personal commitments. She said that in addition, Mr. Lietzau expected her to assist and support the male colleague because she had worked on the project. Subordinate A asked the Chief of Staff, who gave her the news, why, after she worked on the project for 2 years, it was being transferred to a colleague who was being removed from his position for having performance issues. She also asked him why she was too busy to work on the project but not too busy to support her male colleague, which did not make sense to her. She told us that the Chief of Staff told her Mr. Lietzau asked him to talk to her about his decision because he knew how she would react.

³⁰ Subordinate A also provided a few other examples about her name or team being left out of DCSA slides used to brief DoD senior leadership.

Moreover, Subordinate A said that Mr. Lietzau told her he could not assign her new roles or responsibilities as he could for others because it would create the perception that they were having an affair, or it would offend two male senior leaders.

Discouraged Subordinate A from Cooperating with This Investigation

Subordinate A told us that Mr. Lietzau called her in early May 2021 and shared details about an alleged ongoing DCSA sexual harassment investigation. She said that Mr. Lietzau told her a DCSA employee was being pushed out of the organization and isolated for reporting wrongdoing. She told us that Mr. Lietzau said to her that when it comes to stories like these, “[I]t’s always a misunderstanding.” She also thought that what Mr. Lietzau told her was too much of a coincidence because it sounded a lot like what she had experienced.

Furthermore, Subordinate A told us that, later that month, she had a similar conversation with Mr. Lietzau after he learned he was under investigation.³¹ She said that he called her to discuss a work meeting that took place earlier in the day, and then Mr. Lietzau brought up conversations they had earlier that year in which they discussed his behavior, and he admitted to his sexually harassing behavior. She said that Mr. Lietzau said it was all a misunderstanding, and he had no idea she was so uncomfortable with his actions. Subordinate A stated that she thought he was coming up with a new narrative for his “constant and pervasive sexual harassment.”

Shortly after the DoD OIG initiated this investigation, USD(I&S) Ronald S. Moultrie issued Mr. Lietzau a memorandum on June 10, 2021, with the subject “Whistleblower Rights and Protections,” reminding him of the importance of an independent and effective investigation and of the DoD OIG’s responsibility to investigate allegations against him fairly and appropriately. The USD(I&S) also directed him to avoid any action that might be perceived as reprisal or threat of future reprisal against any individual involved in this investigation, and to avoid any action that might otherwise interfere with this investigation. Despite the USD(I&S)’s direction to avoid interfering with the investigation, Mr. Lietzau wrote in his response to our preliminary conclusions that he spoke to individuals and witnesses about the investigation, and discussed their testimony as reflected in our analysis of his response below.³²

Mr. Lietzau’s Testimony About His Alleged Pattern of Harassing Behavior

In the sections below, we summarize Mr. Lietzau’s testimony and written statement about his harassing behaviors. We also summarize statements Mr. Lietzau made while publicly speaking during Subordinate A’s promotion ceremony. Furthermore, we summarize Mr. Lietzau and Subordinate A’s discussions during their recorded telephone conversations related to the sexually harassing behaviors.

³¹ This conversation occurred on May 28, 2021, 2 days after the DoD OIG initiated this investigation and notified Mr. Lietzau.

³² Given the status of this investigation and Mr. Lietzau’s recent retirement from Government service, we did not conduct further review of this matter.

Repeatedly Told Her He Loved Her

When asked if he recalled telling Subordinate A he was madly in love with her, Mr. Lietzau told us:

That doesn't—it just doesn't make sense. I've never—let's put it this way. I'm not madly in love with her. You've got to understand something. At this point I'm trying to get away from her. I'm not trying to—it just doesn't even make sense. Other than to tell her, "No. I don't hate you. It's the opposite. This is craziness."

Manipulated and "Gaslighted" Her

We asked Mr. Lietzau to respond to the assertion that he exaggerated things he told Subordinate A, including remarks from others about [REDACTED], because he wanted to be her hero. Mr. Lietzau responded, "I have no idea what you're talking about." He admitted that he exaggerated when he told her about [REDACTED] staff's perception of their relationship. He added that he never exaggerated to Subordinate A "that people were saying bad things about her at all," but he acknowledged in our interview that Subordinate A believed he exaggerated. We also asked him if he ever told Subordinate A he wanted to be her hero or he wanted her to see him as a hero. He responded, "No."

Made Fun of [REDACTED] and Called Her [REDACTED]

We reviewed a recording of Subordinate A's promotion ceremony. Mr. Lietzau made the following statement during his speech:

And we have [REDACTED] who has spent most of her life [REDACTED] of [REDACTED] [REDACTED] as [a key employee] for that agency. That says a lot about this country. It also says a lot about [Subordinate A] because when we talk about that one guy that was also on the list that doesn't maybe quite deserve it, obviously we're not going to pick somebody to be [a key employee] of this nation's gatekeeper who happens to be [REDACTED] unless she darn well deserves it

During his speech, Mr. Lietzau stated that it only took 20 seconds of talking to Subordinate A to recognize [REDACTED]. He also told the story of how during the hiring process, when Subordinate A was being considered for her position, the recommending official told Mr. Lietzau he would not "[REDACTED]

We asked Mr. Lietzau to respond to referencing Subordinate A's [REDACTED] while speaking at her promotion ceremony. Specifically, we asked him what relevance it had to her promotion, and he stated, "I mean I'd have to see the whole context of it. It would be something I would tease her about and joke about." He also said that the context was not adverse whenever he made comments about [REDACTED].

Dissuaded Her from Applying for Senior DCSA Positions

Mr. Lietzau told us that he was aware of Subordinate A's interest in becoming the DCSA Deputy Director the first time he announced the position. Mr. Lietzau stated that he discouraged her from applying for the position and told her she should take one career step at a time due to her [REDACTED] and her lack of seasoning [REDACTED].³³ Subordinate A also [REDACTED] Mr. Lietzau thought would not benefit her. Mr. Lietzau told us that this was a dilemma for him because the DCSA had a [REDACTED] shortage. [REDACTED] would appear to other DCSA employees as favoritism towards Subordinate A, and not [REDACTED] would appear as retaliation to Subordinate A given the timing of [REDACTED] and the DoD OIG's investigation of him.

Mr. Lietzau told us that he consulted with an attorney on the way forward. To address his dilemma, Mr. Lietzau told us that he supported Subordinate A's [REDACTED] [REDACTED] although he did not tell her he believed it was a bad idea for her career. He said that he also recused himself from the hiring panel selection process "leaving for a later day how the final hiring decision would be made." Mr. Lietzau stated that during the DCSA Deputy Director competition process, Subordinate A told him she applied for the position, and he responded, "Good. I expected you to." In addition, he stated that she told him she did not apply for the Chief of Staff position, and he responded, "Well, good and fair."

According to Mr. Lietzau, he believed Subordinate A was not interested in applying for the Chief of Staff position because it was a senior executive service Tier 2 position, not Tier 3. However, Mr. Lietzau stated that he also told Subordinate A, "I've encouraged everyone to apply for both. I can see why you don't want to apply for the Chief of Staff, no big deal." He said that based on that conversation, Subordinate A went ahead and applied for the Chief of Staff position. Mr. Lietzau stated that Subordinate A withdrew her name from competition for the positions. He also said that Subordinate A applied for a third position, a Tier 3, but when called for an interview, she withdrew her name for that one as well.

Recorded Telephone Conversations: Discussions About Sexually Harassing Behavior

In the January 13, 2021 conversation, Subordinate A discussed with Mr. Lietzau that he continued to tell her that he was "madly in love" with her despite her having been "very clear" with him previously about why she refused his advances. She also discussed the following points with Mr. Lietzau.

- Mr. Lietzau told her that DCSA staff hated her.
- Mr. Lietzau questioned her high morals because it made her look inhuman.
- Their relationship became negative and toxic and was exacerbated by his personal comments, which crossed "redline territory."
- Mr. Lietzau told her he was "turned on" when she became distraught in their conversation.

³³ Subordinate A's testimony relates to the second time Mr. Lietzau announced the DCSA Deputy Director position.

In the February 3, 2021 conversation, Subordinate A discussed that she had endured a toxic and negative work environment and had to beg Mr. Lietzau to stop the toxicity. She also discussed that she had reminded Mr. Lietzau multiple times of the inappropriateness of his behavior toward her, telling him:

I can bring up other examples where I reminded you where I stand, my values, where I don't cross the line. I even remember a day ... when I said, "You know, Bill, I took an oath of office. I'm in a national security position. I abide by the rules. That's what I do." And so I said it in so many ways so I need you also to understand that I did my part, the best I possibly could to let you know where the line was in so many different ways.

During this conversation, Mr. Lietzau acknowledged that his sexually harassing behaviors contributed to the toxicity Subordinate A experienced and to the perception around the office that he was having an affair with her. Mr. Lietzau stated:

I was being foolish and not paying attention to my own words and your words and everything else. I get that and I deserve whatever comes of it and I 100 percent believe that, period. All I'm asking now is to be understood not to fix it, right? If it can't be fixed it can't be fixed, and that's what I was saying in that text. I accept what you say at face value. I accept that I am the cause of it, and I am the cause of the toxicity. I can honestly and genuinely say that up until then I certainly did not think of myself as the cause of the toxicity. That was a ... was an eye-opener to me but I took it at face value and I said, "If that toxicity is such that you can't stand it anymore, then I will help out in any way I can because I will always be your friend." [...] And I was letting you know that that would 100 percent be the case even if you were somehow so bothered by my toxicity, but and I did ... by the way when I wrote it [the Christmas Eve 2020 text] I did not comprehend how much of it was related to my essentially being attracted to you. That I wasn't tracking. You did mention it but I didn't think that was the main thing.

Additionally, Mr. Lietzau told her that he was not "tracking" how his behaviors, like telling her he was "madly in love" with her or that it "attracted" him to her when she was upset, crossed the line and affected Subordinate A negatively. He stated:

I think that for instance when you just described those things the only one I accept the blame for in a clear way is the one about me saying flirty things that crossed the line. That is my fault 100 percent period. ... this is why one should never cross that line they get sandwiched together. Like the comments about the affair thing earlier I was expressing that concern. They haven't been bringing it up to you. They're bringing it up to me with subtle comments and they don't say, "We think you're having an affair." Obviously. [...] I viewed it as a comment that we would make as friends where, "Hey this is a perception that people need to worry about."

Mr. Lietzau requested that Subordinate A agree to have a "normal professional relationship" with him and disagreed with Subordinate A's concerns about the perception of an affair between them and the toxic work environment. However, Mr. Lietzau also told her, "[I]f I told you I will never, never be attracted to you in any way again, that you shouldn't trust."

Table 5 includes other excerpts of the telephone conversation between Mr. Lietzau and Subordinate A discussing Mr. Lietzau’s behavior.

Table 5. Other Excerpts from Mr. Lietzau and Subordinate A Discussing Mr. Lietzau’s Behavior

Quotes*	
Toxic work environment and Sexually harassing Subordinate A	
Subordinate A	It’s not that I—it’s not that I cannot live with it, and no, Bill. Okay. So then that’s it. Sorry, I should not have to endure toxic or negative behavior in order to be
Mr. Lietzau	Then you’ve got a great out. You could say I sexually harassed you. And you’re off the hook. If that’s what [sic] you want to play it, we’ll do it that way.
Subordinate A	I am trying to. I’m just—I’m trying to because my intent is not here to make you feel like an idiot. My intent here is to, okay. How do we—this happened. It happened, all right? [sic] So I am trying to look for a way to move forward because I don’t know honestly, I don’t know where to go from here. I don’t know what to do. I’m lost. I’m lost and I’m freaked out. Right? So that’s where I am.
Mr. Lietzau	Well, you don’t need to be because here’s the good news. The good news is that you were, you know, harassed or whatever by somebody who will in the end always do the right thing. So I will, now, that doesn’t mean I can make everything better because I can’t necessarily, but I will always do what’s in your interest.
Affair perception and crossing the line	
Subordinate A	Yeah. All of that is where I felt, okay. “This is like a crossing the line again and you know what? These things that he shared about [redacted] staff being convinced that we have an affair is deeply insulting, and very dangerous for my reputation, and for my ability to perform my job. And this is getting in the way of my professional career and my integrity.” And it’s just not right. I should not be the subject of this kind of gossiping. I should not be subject of retaliation, or whatever you want to call it being kept away from your office on the basis of things that are not true. [...] I’ve done nothing wrong, so why would I have to be the subject of consequences of things that I’ve never done, and on top of that I felt you crossed the line with your words and that was when I said, “Okay. You know what? I don’t think this is ever going to stop.” I mean I’m [sic] lost hope that this is going to stop. I said, “This is just not a healthy, professional relationship. That’s not the professional relationship I want to have with you because I think that if I ought to be your senior advisor as my role, you know, asked me to be, then I need to be able to be free from these kinds of situations.” [...] That’s where I’m coming from. Like I shouldn’t have these uncomfortable conversations with you.
Mr. Lietzau	That’s one of the things I was thinking about when I’m seeing how people perceive things, and then there were the comments That’s why I’m trying to be protective of that perception. Now, at the time ... I thought you and I were like on a team to protect against that. I was certainly not using that to get you upset. I was using that as here’s something we have to guard against if [sic] so that someone doesn’t get this perception

Table 5. Other Excerpts from Mr. Lietzau and Subordinate A Discussing Mr. Lietzau’s Behavior (cont’d)

Quotes*	
Mr. Lietzau	I did make the comment that I thought was a perfectly appropriate comment about the perception that we need to avoid. Done. I didn’t know that was—upset you and made the wrong way. ... I was just trying to make a point. You could have also made a clearer statement to me if that’s what you meant because it was not as clear all along. It was clear that one time. Now that I reflect back on it, which I have to admit I almost like forgot immediately because I asked you if you were okay.
Mr. Lietzau	But I don’t, honestly, I don’t know how we can. If you—so I can understand the two times that I’ve crossed the line or even more, but at least on the more you told me that none of it bothers you so I didn’t—I’m tracking—
Mr. Lietzau	I can understand my crossing the line. I can understand your perceptions of it. I can even understand how, “Oh I wasn’t really fully tracking how these things are being connected.” Like the comment about the affair and all that. I wasn’t connecting those two.
Saying that he was “madly in love” with Subordinate A and that he was attracted to her when she was upset	
Mr. Lietzau	Maybe I say things I shouldn’t say, or they don’t carry well for some people and blah, blah, blah, I get that, but I certainly never tried to offend or hurt you, and that’s by the way what drove me to say things, “I’m madly in love with you. Why would I ever hurt you?” That’s where I was going with that, by the way. I’m trying to say the opposite. “No, I would not try to hurt.”
Mr. Lietzau	[Y]ou know I can say I wish you had been clearer, but frankly, that shouldn’t be your thing to worry about. You were clear about 10 months ago or more than that, over a year ago you were very clear then. That’s the last time you should have had to be clear, and you probably were clear enough. In my head, I was a little bit stupid and I wasn’t really tracking. [...] I thought, “Okay. She interpreted my I’m madly in love with you as along those lines.” I get it. I should’ve never said anything like that and boom, I was done. Yeah. Probably I wasn’t done enough because I always just keep flirting with you and I did that for like the last year and it was wrong. But I wasn’t—but I never, never was trying—if I had known—I should have known, but if I had known it was making you feel uncomfortable I would not have done it.
Subordinate A	That’s when you brought up the [personnel] thing, but then you went on and then the one that really upset me was when you exaggerated the story by [REDACTED] staff that they were convinced that we’re having an affair, and then when you end up saying, “Oh, it really turns me on when you’re so upset and I’m madly in love with you.”
Mr. Lietzau	[B]ut I think I said I was attracted to you when you did that.
Exaggerating	
Subordinate A	No, you said that you create hyperboles and exaggerate things
Mr. Lietzau	Okay.
Subordinate A	But then that to me is like, “Okay. You’re manipulating the truth in a different way.” So you said that you do that.
Mr. Lietzau	Okay. Okay. Fine, fine but I’m not—I guess what I’m getting at is my intent. My intent is not to manipulate, like consciously do that.

Table 5. Other Excerpts from Mr. Lietzau and Subordinate A Discussing Mr. Lietzau’s Behavior (cont’d)

Quotes*	
Subordinate A	[B]ut I just don’t know your intent. Like what I keep saying to you is I hear what I hear, Bill, so I don’t presume intent. I don’t read your mind. I don’t know. All I—I just look at what’s coming at me and you have to assume that everyone does the same, right? So, that’s what I said to you ... and that’s what I heard.
Mr. Lietzau	Okay. So, what I need to get you to agree to is that we have to then truly have a normal professional relationship, and I am absolutely ... I miss more than you know talking to you because I’ve had so many issues come up that I would have loved your advice on that I can’t talk to you. It’s driven me crazy. It’s unrelated to anything else.
Subordinate A	I need to be able to do my job and to help out with these kind of issues. I want to do that.
Mr. Lietzau	Well, some of those issues ... are frankly not directly related to your job. They’re kind of related to being your friend. And we don’t have to have that but I miss it. But the other thing is ... I think COVID has ruined my brain. I keep getting distracted. [...] I can’t have us go into a relationship where I’m your boss or anything else where you believe malicious intent of me. Like yes, you know I’m critical. Yes, I’m going to criticize you. Frankly, I am doing it in a mentoring way.

Source: The DoD OIG.

* Not all excerpted quotes follow a question and answer flow. We bolded selected quotes for emphasis.

In her MFRs, Subordinate A wrote that Mr. Lietzau called her on February 4, 2021, the day after this conversation, and in an unrecorded conversation, apologized for everything he did. Mr. Lietzau told her he was in denial when she reminded him that she told him previously to stop the “sexual advances and his inappropriate behavior” numerous times. To draw a parallel, he told her a story about when he was a lawyer in the Marine Corps and had to defend an individual who just kept making excuses for his behavior. Mr. Lietzau told her that he behaved like the individual who made excuses.

Text Messages Between Mr. Lietzau and Subordinate A

We independently extracted from Subordinate A’s cell phone over 2,000 personal text messages between Mr. Lietzau and Subordinate A sent between June 2019 and June 2021. We identified 34 messages between July 2019 and January 2021 in which Mr. Lietzau openly expressed his affection for Subordinate A and commented on her appearance.³⁴ For example, he referred to his feelings for Subordinate A as “unrealized affections” and “excessive affections or the unrequited nature thereof.” He also texted Subordinate A, “I love your green dress.”

Additionally, we identified messages, mostly initiated by Mr. Lietzau, which showed him and Subordinate A coordinating casual activities like walking, hiking, or shopping. We also identified messages about Mr. Lietzau personally visiting Subordinate A and assisting her with personal tasks.

³⁴ The 34 messages were part of conversation threads.

We also identified messages in which Mr. Lietzau and Subordinate A discussed a toxic work environment within the DCSA. For example, in one conversation Subordinate A told Mr. Lietzau, “I never felt more of a [*sic*] ugly duckling like I felt over the last few months at DCSA. And I know I am not an ugly duckling—it’s the way I am being treated or being told how other people see me, which is toxic, hurtful, and negative in a way that I have not experienced in a work environment before.”

Table 6 summarizes the 34 conversations or messages we reviewed in which Mr. Lietzau and Subordinate A communicated about these topics.

Table 6. Summary of Text Message Topics Between Mr. Lietzau and Subordinate A

Dates	# of Messages	Context
Jul. 11, 2019, and May 22, 2020	2	Mr. Lietzau sends Subordinate A flowers and helps her hang a mirror in her apartment.
Feb. 19, 2020–Dec. 24, 2020	8	Mr. Lietzau tells Subordinate A “miss you,” “I always love seeing you,” and “I always wish we left earlier to have more time with you.” He also makes comments about his affection for her, like “... the reason you have the power to hurt me, is because I am so fond of you. Sorry[.]”
May 4, 2020–Dec. 24, 2020	12	Mr. Lietzau and Subordinate A coordinate to either meet at her house or go for a walk, for a hike, for coffee, or shopping. Mr. Lietzau initiates a few of these messages with, “Am I buying you a hamburger or are you going straight home. ?,” or “... Perhaps will go for hike. (just letting you know in case you’re interested. No pressure. ... ,” or “:). I wanted to ask you if you wanted to go on a hike today”
May 23, 2020–Dec. 25, 2020	6	Mr. Lietzau comments on his or Subordinate A’s physical appearance. For example, he tells Subordinate A, “... You are beautiful and nice and smart” and “Not very clearly [out of shape] from my perspective.”
Oct. 15, 2020–Jan. 14, 2021	4	Mr. Lietzau and Subordinate A discuss a toxic work environment within the DCSA. For example, Subordinate A texts Mr. Lietzau, “... which is toxic, hurtful, and negative in a way that I have not experienced in a work environment before” and “... am fearful of more retaliation against me and my team and losing more people because of the toxic behaviors.”
Dec. 10, 2020	1	Mr. Lietzau talks about holding Subordinate A in such high regard and placing her on a high pedestal. Part of the message reads, “... I hold you in such high regard—have you on such a high pedestal—that it prevents any intimacy or human interaction. (I know this wrong, but it feels this way). So I sometimes want to knock you down to the place where I am. I suspect you had no desire to awaken to these selfish reflections. :).”
Dec. 11, 2020	1	Mr. Lietzau invites Subordinate A on a personal trip and offers to pay for her plane ticket.

Source: The DoD OIG.

* Not all excerpted quotes follow a question and answer flow. We bolded selected quotes for emphasis.

Mr. Lietzau's Testimony About Text Messages with Subordinate A

Mr. Lietzau stated that the text messages between him and Subordinate A showed the clear “mutual” nature of their relationship. He stated that they included some embarrassing flattery and light hearted humor and showed no indication that the messages involved unwelcomed words or actions on his part. Mr. Lietzau added that the text messages were “replete” with her responses to his flattery like, “Thank you. It’s nice to hear that,” or “That’s nice that you say that.” He specifically highlighted a response from Subordinate A to one of his messages in which she told him his comments were not offensive. Table 7 displays a summary of this text conversation, which was initiated by Mr. Lietzau.³⁵

Table 7. May 23, 2020 Text Message Conversation Summary

Quotes	
Mr. Lietzau	So I awoke with three concerns. Some you may be able to allay. Some maybe not. 1) Did I somehow offend you yesterday? (Perhaps by saying you did not do a good job of looking ugly). I hope you, of course know that that was not criticism in any way. I was teasing. You are a beautiful person in every way—including physically. And it is absurd to treat that as anything than something to celebrate.
Subordinate A	Hi! Thanks so much again for your help yesterday! On number 1) I am good. I didn’t think your comments were offensive at all.
Mr. Lietzau	Well you failed. The goal here was to allay/reduce my concerns, not add to them. 1) started out ok. Could have been slightly improved by identifying unrealized affections, but I can settle for not offended.

Source: The DoD OIG.

* Not all excerpted quotes follow a question and answer flow. We bolded selected quotes for emphasis.

Mr. Lietzau's Comments on Alleged Sexual Harassment of a Female Subordinate

During our interview, Mr. Lietzau described Subordinate A as his best friend. He stated that he was hurt and shocked because she turned on him, and it caught him by surprise. Mr. Lietzau believed that Subordinate A leveraged her friendship with him to advance her career. He speculated that Subordinate A’s claim of sexual harassment and hostile work environment stemmed from the fact that he would not make her his Deputy, and she was upset about this. Mr. Lietzau asserted that it was a “counterclaim” or “counterattack” because Subordinate A was considered [REDACTED]. Mr. Lietzau added that he criticized Subordinate A on [REDACTED] [REDACTED] which made her question whether he would fire her.

³⁵ This conversation included personal and work related comments; we highlighted only the personal comments.

Throughout his written statements submitted to us, Mr. Lietzau described Subordinate A or her actions with words such as hyper emotional, unhinged, delusional, defensive and animated, and as having an altered affect. Mr. Lietzau described his relationship with Subordinate A as evolving in three different phases: as a “professional relationship and close friendship,” “gradual distancing in friendship,” and a “Christmas Eve encounter yielding [a] sexual harassment allegation” and an allegation of a hostile work environment. He also mentioned a “fourth and final” phase in which he described his relationship with Subordinate A as “more of a normal supervisor subordinate relationship with a more limited personal friendship.” In the sections below, we summarize Mr. Lietzau’s description of the first two phases. We describe the third phase related to the Christmas Eve 2020 incident throughout other parts of this report.

Professional Relationship and Close Friendship with Subordinate A

According to Mr. Lietzau, Subordinate A came to work for him [REDACTED] with “some professional baggage,” and she told him she had acquired enemies with no other explanation than that she was naturally slender and looked much younger than she was. He stated that because Subordinate A [REDACTED] she spent a lot of time in his office, sat very close to him, and often closed the door, which was not his policy unless he planned to discuss a sensitive topic. Mr. Lietzau stated that this created a perception concern for him.

Mr. Lietzau stated that by the time he became the DCSA Director, Subordinate A was his best friend, and he “intended to assist her with career advancement.” He told us that he later found mentoring her to be difficult because she did not accept criticism. Mr. Lietzau said that his first concern was [REDACTED] and [REDACTED]. He believed that she wanted others to see her as perfect and reacted to criticism or perceived disrespect by [REDACTED] with hyper emotional responses. Mr. Lietzau said that flattery was the best way to calm her down, and she regularly solicited compliments from him. Mr. Lietzau added that she publicly humiliated [REDACTED], was sometimes excessively harsh [REDACTED], and snapped and screamed [REDACTED].

He also stated that during this phase of their relationship, Subordinate A frequently sought to attend social functions with him.

Gradual Distancing in Mr. Lietzau’s and Subordinate A’s Friendship

Mr. Lietzau stated that when he became the DCSA Director, he “should have tried to reset” his relationship with Subordinate A more abruptly and forcefully. He stated that [REDACTED], she was expected to be his closest colleague. He stated:

I simply did not have the time to play the role of [Subordinate A’s] emotional support when she was in crisis. While at PVT0, when she was [REDACTED] I could carefully phrase any critique of her work, sandwiched in with substantial praise. As Agency Director, I simply did not have the time.

Mr. Lietzau stated that with his new role, Subordinate A became [REDACTED], against the advice of other DCSA senior leaders. On three separate occasions, DCSA senior leaders expressed concerns about Subordinate A [REDACTED] due to [REDACTED] weaknesses. He stated that she [REDACTED] because he was not aware firsthand of the extent of [REDACTED] weaknesses and he had no other choice. Mr. Lietzau stated that his move into the DCSA Director position allowed him to become more aware of the extent of concerns DCSA leaders had about Subordinate A's [REDACTED] and the level of disrespect Subordinate A had garnered for herself throughout her career.

Mr. Lietzau further stated that when USD(I&S) leadership decided to merge the PVT0 under the DCSA, it created friction areas that began to deteriorate his relationship with Subordinate A. These frictions included Subordinate A having to [REDACTED], instead of Mr. Lietzau advocating for her to have a lateral move, which, according to Mr. Lietzau, is what Subordinate A thought was appropriate. Mr. Lietzau identified this friction area as his main conflict with Subordinate A, and she believed a "severe injustice" had been done to her despite Mr. Lietzau not having the authority to move her position laterally without [REDACTED].

Mr. Lietzau stated that at that time, he also was competing the DCSA Deputy Director position, and Subordinate A made it clear that she was the obvious choice for that position. Once Subordinate A [REDACTED], she again insisted on becoming his deputy. In other areas, Subordinate A "appeared to feel slighted by the actions of others in the office." These included [REDACTED] staff reducing the time she spent in his office because it was "excessive," and when she lobbied to have a supply closet converted to an office closer to his, she came up "empty handed."

Mr. Lietzau asserted that these friction areas, the close nature of their relationship, the perception of favoritism within his staff, and Subordinate A interpreting his attempts at dealing with the situation as undermining her probably resulted in the "toxic environment/sexual harassment" claim against him after the Christmas Eve 2020 incident.

Mr. Lietzau stated, "Even taken in the least favorable light possible, there is no action or comment made by me to [Subordinate A] that comes close to meeting the definition of sexual harassment; and none of them was ever 'unwelcome.'"

Mr. Lietzau told us that even when he wrote his 41-page statement that he submitted to us, he did not actually think or believe that he sexually harassed Subordinate A in [REDACTED]. He added that it did not mean that Subordinate A could not misunderstand, and if that were the case, it was his fault and needed to be addressed. He stated, "But that comment presumes that I in fact harassed her or did something unwanted to her, or unwelcome by her at some point. I don't believe I ever did that. I never have believed that."

We asked Mr. Lietzau if he ever thought of his relationship as Director with Subordinate A as an issue. He stated:

So you've got to understand something. When I was PVT0 my goal, I was only going to be there a few more months and I was going to leave that job. I wasn't going to be, so this whole thing in [REDACTED] was So all these things that I described her doing that were kind of forward, that we're hitting on, everyone would have seen it as that way, as hitting on me. They were in a fairly concentrated period of time I mean my law school reunion was going to be like the month before something like that. So this is all fairly close in and to me it had to be addressed. [...] The relationship with [Subordinate A] was still in my opinion a little too close. It had led to this event in [REDACTED]. That's not an event like I've ever had, and I needed to, "How do you level set?" One easy way to level set is I'm gone, and then suddenly they offered me the DCSA Director job, and I started trying to slowly distance myself from [Subordinate A] but I had this problem with her getting all upset periodically that I didn't like her. I mean this is why you never want to let something like this happen. Because I needed to—I had to both flatter her [and] at the same time try to get more distant from her.

Witness Testimony About Alleged Sexual Harassment of a Female Subordinate

One witness told us that in the summer of 2020, Subordinate A told the witness that Mr. Lietzau made unwanted sexual advances towards her. The witness told us that Subordinate A told the witness about the incident that occurred in Mr. Lietzau's hotel room while they were at a conference. The witness indicated that Subordinate A told the witness that, after the work phone call and while Subordinate A was still sitting on the bed, Mr. Lietzau got up and took a step on one side of one of her legs and then took another step on the side of her other leg and straddled her and went in to kiss her, and she said, "Stop."

According to the witness, Subordinate A also showed the witness multiple text messages from Mr. Lietzau that supported what she shared with the witness, corroborating her story. The witness also told us that, in the text messages, Mr. Lietzau admitted to the harassment using words like, "I am sorry. I've harassed you," and "You have a harassment claim." The witness also told us that Subordinate A was "fairly paralyzed" with what to do about the incident and was traumatized with what she had experienced.

The witness told us that Subordinate A was traumatized because Mr. Lietzau was not only her boss, but was also married, and she was fearful of what could potentially happen to her. The witness believed that Subordinate A shared these details with the witness because Subordinate A trusted the witness.

A second witness told us that Subordinate A told the witness she felt uncomfortable around Mr. Lietzau. Specifically, the witness stated that Subordinate A told the witness she was very uncomfortable with some things that were going on and asked the witness "not to leave her alone with Mr. Lietzau." The witness told us that Subordinate A first mentioned this

discomfort to the witness in February 2020 and again in April 2021. The witness stated that they asked Subordinate A if Mr. Lietzau made advances at her, and Subordinate A said that she could not discuss it but she did not feel comfortable around Mr. Lietzau. The witness told us that they worked as late every day as Mr. Lietzau and Subordinate A, but there were times when the witness left the office before Mr. Lietzau and Subordinate A.

Additionally, the second witness stated that in April 2021, Subordinate A asked the witness to come with her to Mr. Lietzau's front office because she was scared and did not want to go by herself. The witness told us that Subordinate A "finally" told the witness that Mr. Lietzau made "several passes at her" and she turned him down. According to the witness, Subordinate A told Mr. Lietzau "that she was not going to sleep with him, and so she's afraid to be left by herself with him." The witness also told us that Subordinate A was holding back from crying and her hands were shaking. The witness added that Subordinate A mentioned she was [REDACTED] because of Mr. Lietzau's behavior. Additionally, the witness stated that Subordinate A told the witness she was afraid to report Mr. Lietzau's sexual harassment, as she was afraid of retaliation because of "his position and all the people he knew."

A third witness told us that, although they had not witnessed Mr. Lietzau "eyeing [other subordinates] up and down," they witnessed Mr. Lietzau doing it a few times to Subordinate A when she walked in the office. The witness said that Mr. Lietzau was not the only one the witness noticed whose "eye gaze" did not always meet Subordinate A's eyes. The witness told us that they noticed other male colleagues doing the "stereotypical glance of looking up and down at the person as a package versus as a person." The witness attributed this to the way Subordinate A dressed, in stiletto shoes, tight skirts, and "low cut" or "very short outfits"; the witness considered it unprofessional to wear "dinner and then go to the club" outfits to work. The witness said that they also believed it was a "very bad image" for Subordinate A and other women too.

Allegations of Making Discriminatory Gender-Based Comments

In reviewing the allegation that Mr. Lietzau made gender-based comments, we considered DoD Directive 1440.1, which prohibits discrimination based on sex. The Directive states that "any military member or civilian employee who makes deliberate or repeated unwelcomed verbal comments, gestures, or physical contact of a sexual nature is also engaging in sexual harassment." We also considered DoD Instruction 1020.04, which states, "Behavior that is unwelcome or offensive to a reasonable person and that interferes with work performance or creates an intimidating, hostile, or offensive work environment is prohibited." It also states that in some circumstances, "a single incident of harassing behavior is prohibited harassment whereas, in other circumstances, repeated or recurring harassing behavior may be required

to constitute prohibited harassment.” Prohibited harassing behaviors may include offensive jokes, ridicule or mockery, insults or put downs, and stereotyping. The Instruction specifies that the harassment can be oral, visual, written, physical, or electronic.

The anonymous complaint stated that Mr. Lietzau made inappropriate and offensive comments concerning gender and other topics.

In addition to Mr. Lietzau’s remarks about Subordinate A’s appearance, Subordinate A told us that Mr. Lietzau made a few gender-based remarks to her and in front of her.³⁶ She told us that Mr. Lietzau discussed his plans for selecting a DCSA senior leader for the Acting Deputy Director position. She said that he told her, “I could never appoint you to that position because people will think that I’m playing favorites and [that] I have a special relationship/affair with you” and that selecting her would be an affront to DCSA male senior leaders. Subordinate A thought that this remark was completely inappropriate and unfair given her professional experience and reputation, compared to DCSA male senior leaders.

Subordinate A also stated that Mr. Lietzau told her a DCSA male senior leader told him that he hated women, and another one told him that women should stay at home and not be in the workplace. Mr. Lietzau did not appear to address such behaviors with the senior leaders. Additionally, she remembered being in a meeting with Mr. Lietzau and a DCSA male senior leader, in which Mr. Lietzau made a comment to the effect of, “Of course if it’s wrong it must have been done by a woman.”

Another witness told us that she once transferred a call from Mrs. Lietzau to Mr. Lietzau. The witness remembered Mr. Lietzau commenting, “[T]hat’s a woman for you,” after he hung up. The witness believed that Mr. Lietzau was referring to his wife, but could not remember additional context and said that it was a “one-off” comment. The witness stated that she considered “that to be somewhat of a sexist remark”; however, she believed it was not directed at her. The witness also told us that someone else might have been in the office when Mr. Lietzau made the comment, but could not confirm who it was.

In our review of Mr. Lietzau’s DoD email account and official emails, we identified an email in which Mr. Lietzau made a disparaging comment about women and a gender-based comment about a subordinate’s name. In an email to a colleague who asked about Mrs. Lietzau’s health, Mr. Lietzau wrote, “Although her official claim is that she has a higher pain threshold because she has been through childbirth—total bulls**t, but commonly used by the weaker gender.” In another email, a DCSA senior leader informed Mr. Lietzau of a mentoring request the leader received. Mr. Lietzau read the email and assumed the requester was a female, and the DCSA senior leader corrected him and told him it was a male. He then wrote, “Mentor him to change his name to be more aligned with being a he....”

³⁶ Mr. Lietzau’s remarks about Subordinate A’s appearance are referenced throughout Section A of this report.

Mr. Lietzau's Comments on Alleged Discriminatory Gender-Based Comments

When asked how he responded to the allegation that he made gender-based comments to or around his subordinates, Mr. Lietzau responded, "Completely false allegation."

Mr. Lietzau told us:

I cannot think of a single such comment ... Obviously, there's something someone said. I know of nothing, and that's one too where I'd say, well shoot if I said something that's taken out of context, I don't know, but go interview every single person I've ever worked for, or worked with, or had working for me and ask them, "is he the kind of guy that makes gender-based comments that are inappropriate?" No. ... I was in charge of Women, Peace, and Security. I'm going to the White House every day [in a previous appointment] in charge of women's rights for the Pentagon. And that—I'm sensitive enough to not do stupid things like that. I joke around a lot. It's conceivable that I said something in humor, but I don't know of any.

Allegations of Exhibiting Favoritism

In reviewing the allegation that Mr. Lietzau engaged in favoritism, we considered the JER. The JER incorporates provisions of 5 CFR sec. 2635.101(b), which, in part, requires DoD employees to avoid the appearance of violations of law or ethical standards. The JER also requires employees to act impartially and not give preferential treatment to any private organization or individual. It establishes ethical values DoD employees should consider in carrying out their official responsibilities, including accountability and fairness. The JER states that accountability "includes avoiding even the appearance of impropriety because appearances affect public confidence." The JER also states that fairness requires that individuals "be treated equally and with tolerance."

The anonymous complaint stated that Mr. Lietzau's alleged conduct created a widespread perception of favoritism. Of the 19 witnesses we interviewed, 6 told us that they believed Mr. Lietzau exhibited favoritism, or they heard rumors about Mr. Lietzau exhibiting favoritism mainly towards 2 female subordinates (Subordinate A and a former subordinate).³⁷ Three of the six witnesses also told us that they believed Mr. Lietzau favored subordinates from his previous office, the PVTO.

Witness 1 told us that Mr. Lietzau appeared to show preferential treatment to subordinates who were brought in from the PVTO to become part of the Chief Strategy Office (CSO), because it appeared that he treated them "with more respect in public" and allowed these subordinates to look into DCSA operations they did not know anything about. Witness 1 also stated that Mr. Lietzau publicly humiliated her by singling her out and directing sarcasm at her during staff meetings. During a staff meeting, Mr. Lietzau made a statement about the witness's work. Mr. Lietzau also counseled the witness on how her subordinates needed "to get along better with the PVTO."

³⁷ We discuss the former subordinate in Appendix B.

Witness 2 told us that DCSA staff shared rumors that Mr. Lietzau favored the PVT0 team given how he brought them over to the DCSA and the way he set things up. The witness added that DCSA staff was “upset about it, because it was in plain sight,” with which the witness agreed.

Witness 3 told us that he once heard that Mr. Lietzau’s ██████████ “got the SES [senior executive service]” promotion for the newly created DCSA mission lead, the CSO, because of her previous working relationship with Mr. Lietzau. However, the witness also stated that Mr. Lietzau selected the previous ██████████ to lead the CSO because she was the most qualified person from a pool of about 13 applicants.

Witness 4 told us that she heard rumors about Mr. Lietzau showing Subordinate A preferential treatment, that she was his favorite, and that other subordinates believed that Mr. Lietzau had a special relationship and friendship with Subordinate A. The witness told us that Subordinate A had the habit of “commandeering” Mr. Lietzau’s time and attention. For example, during meetings with Mr. Lietzau, the witness said that Subordinate A went over her scheduled time, which affected other meetings. This caused other DCSA senior leaders and subordinates to take notice. Also, several times Mr. Lietzau “waved” the witness off when she interrupted them, meaning Mr. Lietzau was okay allowing Subordinate A’s meeting to run over. As a result, the witness believed that Mr. Lietzau showed preferential treatment to Subordinate A, in comparison to his treatment of male subordinates and other senior leaders, because “he allows her to stomp on other senior leaders’ time.” However, the witness also told us that Mr. Lietzau asked her to make sure she got him out of a couple of meetings with Subordinate A.

Witness 5 told us that Subordinate A was “always getting on the calendar” and had many meetings with Mr. Lietzau due to the nature of her work. Therefore, the witness could see how others might see that as constituting favoritism.

Witness 6 told us that Mr. Lietzau was “very open and giving of his time,” and he had a hard time saying no to people who wanted his time. The witness also mentioned that some individuals took advantage of that and took up too much of his time—in particular, Subordinate A and ██████████. The witness added that she had not seen Mr. Lietzau give more face time to any subordinate because he wanted to, but because of mission needs.

Mr. Lietzau’s Comments on Alleged Favoritism

In his written statement dated December 6, 2021, Mr. Lietzau wrote, “I have not knowingly shown inappropriate favoritism toward any employee.” He wrote, “I understand that someone has accused me of favoritism, perhaps related to sexual issues based on [evidence presented]. I am not aware of any such event.” He also wrote that he never engaged in conduct that met the definition of 29 CFR sec. 1604.11(g), and made every endeavor to be impartial in all decisions he made about the DCSA.³⁸

³⁸ 29 CFR sec. 1604.11(g): “Other related practices: Where employment opportunities or benefits are granted because of an individual’s submission to the employer’s sexual advances or requests for sexual favors, the employer may be held liable for unlawful sex discrimination against other persons who were qualified for but denied that employment opportunity or benefit.”

During our interview, we asked Mr. Lietzau how he responded to the allegation that he exhibited favoritism. Mr. Lietzau told us that this allegation was “completely false.” Mr. Lietzau described Subordinate A as a close and best friend. Specifically, he described her as being the closest person to him when he became the DCSA Director and said, “[S]he’s my best friend,” and he was probably closer to her than any other subordinate with whom he ever worked.

Mr. Lietzau told us that his relationship with Subordinate A created the perception within [REDACTED] staff that they were too close and were having an affair. Mr. Lietzau told us that Subordinate A was upset about the perception because [REDACTED] staff was telling him that they were concerned that it would look like he was favoring Subordinate A because she spent so much time in his office. Mr. Lietzau said that he told [REDACTED] staff that he agreed and asked them to come up with a plan to manage his meetings with Subordinate A.

He stated that although he had not made any decisions to favor Subordinate A, he recognized that the “perception could have existed ... due to her access to [him], and [his] praise of the work done by her and [REDACTED] [PVTO].” He added that he did this because he was “trying to overcome the recalcitrance of many [DCSA senior] leaders who did not want to change and did not want to cooperate with the [PVTO office],” which he intended to task with the DCSA’s transformation efforts.

Mr. Lietzau’s Comments on Sexually Harassing a Subordinate by Engaging in Unwelcome Conduct and Making Comments That Created a Hostile Work Environment

We asked Mr. Lietzau how he responded to the allegation that he sexually harassed female subordinates by engaging in unwelcome conduct. He responded, “Completely false allegation.” In addition, we asked Mr. Lietzau how he responded to the allegation that he made comments that created a hostile working environment. We also asked Mr. Lietzau how he responded to the allegation that he failed to treat employees with dignity and respect. To both, he responded, “Completely false allegation.”

In his written statement, Mr. Lietzau wrote that, despite his many successes, he had “on occasion, revealed leadership weaknesses as well.” He wrote that among them “has never been that of creating a hostile or toxic work environment, and I have never sexually harassed anyone—ever. This is the case regarding sexual harassment both as the term is commonly understood colloquially, and as I understand that concept under the law.” He also wrote:

I believe that I have never engaged in unwelcome sexual advances, and I have certainly never requested sexual favors or other verbal or physical conduct of a sexual nature in relation to an individual’s employment or to unreasonably interfere with an individual’s work performance or to create an intimidating, hostile, or offensive working environment.

He further explained that he wholeheartedly believed that he never:

- failed or refused to hire or to discharge any individual, or otherwise discriminated against any individual because of such individual's race, color, religion, sex, or national origin;
- took any adverse employment actions motivated by sex or gender;
- conditioned employment benefits on submission to sexual advances; or
- engaged in sexual favoritism.

Moreover, he wrote:

On only one occasion have I ever heard anything close to a complaint regarding a toxic work environment, and that is with respect to one employee, [Subordinate A], with whom I had a professional working relationship and a close, mutual friendship. That occurred with respect to a conversation I had with her on Christmas Eve, December 24th, of 2020.

We summarized Mr. Lietzau's testimony on the 2020 Christmas Eve conversation in a previous section of this report.

DoD OIG Preliminary Conclusions on Sexually Harassing a Subordinate by Engaging in Unwelcome Conduct and Making Comments That Created a Hostile Work Environment

We substantiated that Mr. Lietzau's overall course of conduct included sexually harassing Subordinate A by engaging in unwelcome conduct and making comments that created a hostile work environment for Subordinate A. These behaviors violated DoD and other U.S. Government policies, including Mr. Lietzau's own DCSA workplace harassment policy to foster a work environment that is free from harassment. Specifically, we found that Mr. Lietzau sexually harassed Subordinate A repeatedly, first during his tenure as the PVTTO Director and then as the DCSA Director, over a period of more than 19 months.

During this period, in a hotel room during official travel, Mr. Lietzau placed himself physically on top of Subordinate A, "in a push up" position, in an attempt to initiate intimacy. He also testified to us that Subordinate A did not welcome his advances on that occasion, and that this surprised him because he assumed she was "looking for a more intimate relationship." Mr. Lietzau restricted Subordinate A from moving freely away from him for approximately half a minute. We found that Mr. Lietzau continued to harass Subordinate A following this incident, even after she repeatedly refused his sexual advances. In subsequent conversations, Mr. Lietzau told Subordinate A that he was madly in love with her and that she was physically attractive.

Mr. Lietzau engaged in a pattern of harassing behavior toward Subordinate A that included flirting with her, making remarks about her physical appearance and the way she dressed, offering to buy her a plane ticket so she could travel with him, manipulating and "gaslighting"

her, calling her [REDACTED] and making remarks about [REDACTED]. Subordinate A said that Mr. Lietzau's sexual harassment and other workplace conduct caused her to withdraw from consideration for two senior DCSA positions and transfer to another office to avoid further harassment from him.

Mr. Lietzau's overall course of conduct toward Subordinate A over a 19-month period constituted sexual harassment that negatively affected Subordinate A in her assigned duties. Mr. Lietzau created a work environment that traumatized Subordinate A and caused her distress. In communications we reviewed, Mr. Lietzau admitted to harassing Subordinate A. Specifically, in a February 2021 telephone conversation we reviewed, Mr. Lietzau admitted to Subordinate A that his behaviors contributed to the workplace toxicity she experienced. During that conversation, he also admitted that, until the Christmas Eve 2020 incident, he did not comprehend how the toxicity was related to him "essentially being attracted" to her. He further demonstrated awareness that his harassment contributed to the workplace perception that he was having an affair with her. He told Subordinate A that he was not "tracking" how telling her he was "madly in love" with her crossed any lines or affected her negatively. Furthermore, Mr. Lietzau told Subordinate A that the "good news" about being harassed by him was that he would always do right by her.

Mr. Lietzau made comments to and around Subordinate A and created a perception that he had a low opinion of and did not respect women or their professional qualifications and achievements. Mr. Lietzau engaged in an overall course of conduct that created a hostile work environment for Subordinate A, and in which he failed to treat her with dignity and respect.

Mr. Lietzau's behavior toward Subordinate A and close relationship established while they both worked at the PVTO also created the appearance of preferential treatment and violated the JER. Mr. Lietzau's relationship with Subordinate A also created the perception that he engaged in an affair with her.

In summary, Mr. Lietzau engaged in an overall course of conduct in which he:

- created a hostile work environment for Subordinate A that negatively affected her work and advancement opportunities by sexually harassing her;
- made discriminatory gender-based comments to Subordinate A about women in the workplace and comments that failed to treat her with dignity and respect; and
- created the appearance in the workplace that he favored Subordinate A and engaged in a sexual relationships with her.

Mr. Lietzau's Response to Our Preliminary Conclusions on Sexually Harassing a Subordinate by Engaging in Unwelcome Conduct and Making Comments That Created a Hostile Work Environment

Mr. Lietzau responded to our tentative conclusions about him sexually harassing a subordinate by engaging in unwelcome conduct and making comments that created a hostile work environment. In his response, Mr. Lietzau submitted an extensive packet of information disagreeing with our analysis of the facts and conclusions.

In summary, Mr. Lietzau wrote that our report “minimizes the exculpatory evidence,” lacks “necessary context,” and is “completely inaccurate.” Specifically, he also stated that we failed to interview witnesses he identified, we did not prove his conduct toward Subordinate A was unwelcome, and Subordinate A was “flirtatious” toward him. His submission also provided written statements from several witnesses providing positive observations about Mr. Lietzau’s general character in the office, as well as opinions about Subordinate A’s leadership abilities.

Mr. Lietzau also indicated that the witnesses he identified could provide information about Subordinate A, but there was no evidence that they had direct or relevant information about the incident in [REDACTED] or the texts and phone calls between Mr. Lietzau and Subordinate A.³⁹ By contrast, his admissions in his statements to us and his admissions in his texts and recorded conversations provide strong direct evidence of his conduct.

Despite Mr. Lietzau’s assertions and after considering all of the evidence that he provided, we did not find evidence sufficient to justify his conduct or suggest that he did not sexually harass Subordinate A, create a hostile work environment, or fail to treat her with respect. On the contrary, in numerous instances both in texts and recorded conversations with Subordinate A, Mr. Lietzau repeatedly professed over a period of a year or more that he was “madly in love” with Subordinate A. He also made numerous other similar comments and related actions, for example, telling her that she was “beautiful,” sending her flowers, saying he was attracted to her when she was upset, and texting her that she was about to lose the chance to kiss him while he still had a beard.

Mr. Lietzau wrote in his response that he was “set up,” and everything he said to Subordinate A in this phone call or wrote to her in texts was meant merely to “flatter,” “mollify,” “calm,” and “appease” Subordinate A when she was being “emotional,” and to take his words as a “confession” would be taking them “out of context.” The totality of evidence we reviewed did not support this as a credible explanation.

³⁹ In his TCL response, Mr. Lietzau provided copies of written statements from some of those witnesses addressing Subordinate A’s managerial techniques and other behavior and conduct in the office. Those statements provided comments in support of Mr. Lietzau’s leadership and conduct in the office, and a majority of the letters also disparaged Subordinate A’s work performance, character, and workplace conduct. We determined that those statements included no relevant information about the incident in [REDACTED] or the texts and phone calls between Mr. Lietzau and Subordinate A.

In his response, Mr. Lietzau also stated that the most “egregious error” in our report was a failure to determine whether his conduct was unwelcome. Without reservation, we determined that his continued conduct over an extended period of time was unwelcome. This is corroborated by the contemporaneous evidence, including extensive recordings and text exchanges, and Mr. Lietzau himself admitted that his conduct was unwelcome when he told Subordinate A, “[Y]ou were clear about 10 months ago or more than that, over a year ago you were very clear then. That’s the last time you should have had to be clear.” Despite knowing that his ongoing conduct was not welcome, Mr. Lietzau admitted, “I always just keep flirting with you and I did that for like the last year and it was wrong.”

DoD OIG Final Conclusions on Sexually Harassing a Subordinate by Engaging in Unwelcome Conduct and Making Comments That Created a Hostile Work Environment

After carefully considering Mr. Lietzau’s response, we conclude that he engaged in an overall course of conduct in which he sexually harassed Subordinate A by engaging in unwelcome conduct and making comments that created a hostile work environment, and created the appearance that he favored her and engaged in a sexual relationship with her.

B. Other Misconduct Allegations

1. Misuse of Official Position and Unauthorized Disclosure

Before we present the facts about this allegation, we summarize the laws, rules, and instructions that DoD employees are required to follow to protect private individual information stored in DoD records from unauthorized disclosure. Understanding these requirements will help the reader place in proper context the facts of Mr. Lietzau's actions that we present later in this section of our report.

The Privacy Act of 1974, as amended, 5 U.S.C § 552a, governs Federal agencies' collection, maintenance, use, and dissemination of information about individuals. Section 552a establishes that an agency will not disclose records **without a written request or prior written consent** from the individual to whom the record pertains.⁴⁰ However, the agency can disclose records with certain exceptions, including when agency officers or employees need the record to perform their duty. In addition, DoD Instruction 5400.11, Section 5, "DoD Rules of Conduct," outlines how to handle records protected by the Privacy Act for DoD personnel.⁴¹ The Rules include: "Disclosing records pertaining to an individual from a system of records is prohibited in the absence of the individual's consent except as authorized by the Privacy Act of 1974 and the Freedom of Information Act."

Furthermore, 5 CFR sec. 2635.702 states, in part, that "[a]n employee shall not use his public office for his own private gain, ... or for the private gain of friends, relatives" Additionally, 5 CFR sec. 2635.705(b) prohibits an employee from "encourag[ing], direct[ing], coerc[ing], or request[ing] a subordinate to use official time to perform activities other than those required in the performance of official duties or authorized in accordance with law or regulation."

In accordance with 5 CFR sec. 2635.703(a), an employee will not "allow the improper use of nonpublic information to further his own private interest or that of another, whether through advice or recommendation, or by knowing unauthorized disclosure."⁴² Also, "Use of Government Property," 5 CFR Sec. 2635.704(a), requires employees to protect and conserve Government property, including Government records, and "shall not use such property, or allow its use, for other than authorized purposes." Moreover, on July 20, 2020, the Secretary of Defense published a memorandum addressing the importance of preventing unauthorized disclosures. In this memorandum, he reminded all DoD personnel that any transmission or communication of nonpublic information to the public or an unauthorized recipient was considered an unauthorized disclosure, which could result in adverse personnel action.

⁴⁰ As noted in 5 U.S.C. § 552a(i)(1), violations of the Privacy Act have potential civil remedies and criminal penalties, including if an officer or employee, knowing the disclosure is prohibited, willfully discloses it, he or she faces a misdemeanor conviction with a fine of up to \$5,000.

⁴¹ DoD Instruction 5400.11, "DoD Privacy and Civil Liberties Programs," January 29, 2019 (Incorporating Change 1, December 8, 2020).

⁴² For purposes of section 2635.703, nonpublic information is defined as "information that the employee gains by reason of Federal employment and that he knows or reasonably should know has not been made available to the general public. It includes information that he knows or reasonably should know: (1) Is routinely exempt from disclosure under 5 U.S.C. § 552 or otherwise protected from disclosure by statute, Executive order or regulation; (2) Is designated as confidential by an agency; or (3) Has not actually been disseminated to the general public and is not authorized to be made available to the public on request."

In our review of Mr. Lietzau's DoD email account and official emails, we identified an email conversation in which Mr. Lietzau appeared, as a personal favor, to have made an unauthorized disclosure of Privacy Act-protected information regarding an individual's security clearance status.⁴³

On Saturday, August 29, 2020, Mr. Lietzau received an email with the subject, "Favor for Sister ██████." The message read, "Hey, thanks again for checking on this, Bill!! [The individual] is applying for security clearance for the first time and process has dragged on interminably." The message included the individual's name and social security number. On that same day, Mr. Lietzau emailed a subordinate with the subject, "request for info," asking for the individual's clearance status. The subordinate responded, "Sir ... We will look into this case and get you an update soonest," and subsequently tasked another subordinate with the inquiry.

On September 1, 2020, the tasked subordinate informed Mr. Lietzau about the individual's clearance status. A few hours later, Mr. Lietzau forwarded the email conversation disclosing the status to "Sister ██████" and wrote, "As requested." Mr. Lietzau also sent a follow up email stating, "Please do not forward this to anyone. It violates many privacy regulations. Thanks." "Sister ██████" responded that she did not know the rules and had already forwarded the email to another person who "probably forwarded" the information to the individual to whom it applied. Mr. Lietzau then responded, "I'm not allowed to reveal that another agency is withholding info."

Mr. Lietzau's Comments on Misuse of Official Position and Unauthorized Disclosure

Mr. Lietzau told us that the person who requested the favor was his sister-in-law. He also told us that the individual for whom she requested the clearance information was a family friend. He stated:

I don't know all of the rules of that. What I do know is that it happens all the time. People call—we are the agency that houses people's security clearances. So all the time we get calls from individual people, from relatives, from businesses, from Government agencies saying, "Can you fill us in on this guy's clearance ... or my clearance." [...] Every once in a while, someone writes to me.

When we asked Mr. Lietzau if he talked to the family friend and requested permission to release his clearance status information, Mr. Lietzau responded, "[N]ot to my recollection" and "I assumed it [permission]." Mr. Lietzau added his opinion that "there is nothing wrong with the information being revealed to the persons who received it in this case." He said:

Well, the reason is because I now know that everyone involved had permission to get this information. If you want to—I think you'd be correct to say you should have confirmed that in writing before forwarding it. That would be probably the proper way to do it.

⁴³ DoD Manual 5200.01, Volume 3, "DoD Information Security Program: Protection of Classified Information," February 24, 2012, defines an unauthorized disclosure as the "[c]ommunication or physical transfer of classified or controlled unclassified information to an unauthorized recipient."

In this case, I trust my sister-in-law so I assumed she is not asking to get information on someone who didn't ask for it. The fact that someone asked for it to get it from her means there is absolutely no harm that was done in this case. What I didn't do as you've kind of correctly pointed out is what I should have done is, "██████ I trust you as a human being that you don't do malicious things and you wouldn't do a wrong thing. But, I would like to personally confirm that [the individual] is okay with you knowing this." Now, in hindsight we know that he was and that's why he asked for it. So I don't think there was any violation after the fact. That doesn't mean that it was the ideal way to do it. [...] Like there's no way I'm going to read through that whole email trail and say, "Wait a second. I would like a letter signed by [the individual] to make sure that he wants you to get the intermediary step of knowing the information before he gets it." I don't have time for that. I don't want to be in that business. So that's—I kind of put a stop to it, unrelated to this investigation but just because I shouldn't be doing that.

We also asked Mr. Lietzau if he disclosed security clearance information with other third party individuals. He stated:

I want to say no but you can see my memory is not always directly on target with this. If somebody asks me—it does not happen very much, certainly not anymore. I cannot think of a specific. Now this one I was probably more lackadaisical with because of my sister-in-law. She's not a spy. I am not worried that she was doing something without his authority. [...] Anyone else I would be a little bit. So they would kind of have to have a need to know.

Mr. Lietzau compared this favor to a previous one in which his brother asked him for an update on his security clearance status. Mr. Lietzau said that instance was "cleaner" than the one for his sister-in-law because no documentation showed that he released information to his brother. Mr. Lietzau stated, "[T]here was no piece of paper that went into someone's hand" He added, "My brother—my brother directly asked me once and I—but that's a cleaner one because he's my brother and it's direct, and it was all by phone"

We asked Mr. Lietzau to explain what he meant by his comment in his response to "Sister ██████" when he wrote to her by email, "I'm not allowed to reveal that another agency is withholding info." He stated:

What had happened I believe if I'm recollecting correctly is [the Adjudications Deputy Assistant Director] probably called me after sending it and said, "Hey the other agencies don't like us revealing when they withhold something." And she probably told me which agency was withholding something. I don't think it would have been in the email because [the Adjudications Deputy Assistant Director] would have shared it. So again I was scaring—because once I got that and I said, "Well, shoot. I forwarded it back." And I wrote, "This violates privacy regulations." It's not really privacy regulations it's probably—it might violate them I don't know. I'm inappropriately trained but it violates not a regulation just say an agreement that we have

When we asked Mr. Lietzau to respond to the allegation that he made an unauthorized disclosure, he told us:

I certainly was not knowingly violating any regulation even when I say [it in] the email, that was not the intent of the email. I have to be more familiar with those regulations to know exactly what I may or may not have done when forwarding the information.

DoD OIG Initial Conclusion on Misuse of Official Position and Unauthorized Disclosure

We concluded that Mr. Lietzau made an unauthorized disclosure of an individual's security clearance status without that individual's written consent, which violated the Privacy Act and DoD policies. We also concluded that Mr. Lietzau used his public office for the benefit of a relative and, in connection with Federal employment, for the benefit of a family friend.

In one instance, Mr. Lietzau released the family friend's security clearance status, which was Privacy Act-protected information, as a personal favor for a relative, his sister-in-law. Mr. Lietzau admitted to us that, to the best of his recollection, he had not requested or received written consent from the individual to release information in the individual's records, but assumed he had such permission. Mr. Lietzau tasked his subordinates to research the family friend's security clearance status using a Government information system.

He also admitted to us that, in a second instance, he had done a similar favor for his brother when his brother requested an update on his security clearance status. Mr. Lietzau explained that this request was "cleaner" than the one for the family friend because there was no documentation of his unauthorized disclosure.

We found that after Mr. Lietzau made the unauthorized disclosures, he demonstrated awareness that he was engaging in misconduct. In his email reply to his sister-in-law, he cautioned her to not further disseminate the information because his disclosure "violat[e]d many privacy regulations." In his interview with us, Mr. Lietzau attempted to minimize his actions by asserting to us that what he did happened "all the time" in the DoD and that his sister-in-law was "not a spy" and therefore could be trusted to receive his unauthorized disclosure of Privacy Act-protected information. We also found that his sister-in-law further disseminated the disclosed protected information before noting his warning to her not to do so.

Mr. Lietzau also exhibited awareness that his release of security clearance status information to his brother was unauthorized when he told us that the release was "cleaner" because he did not document the request or his response. This statement and his attempt to minimize the seriousness of his unauthorized releases demonstrate his unwillingness to accept that he had made a mistake or violated DoD standards. Rather, he made the mistake of documenting his violation when he released the information to his relative.

Accordingly, we substantiated the allegation that on at least two occasions he confirmed to us, Mr. Lietzau made unauthorized disclosures of Privacy Act-protected information as personal favors. In so doing, Mr. Lietzau used his public office for the benefit of a relative, and for the benefit of a family friend, in connection with Federal employment.

Mr. Lietzau's Response to Our Initial Conclusions on Misuse of Official Position and Unauthorized Disclosure

In his response to our tentative conclusions, Mr. Lietzau disagreed with our conclusion that he misused his official position and made unauthorized disclosures. In addition to his assertions above, Mr. Lietzau made the argument that the “disclosure of information about the status of security clearance investigations without a signed Privacy Act release happens routinely, especially when it is obvious from the circumstances of the request that the subject is the one seeking the information.” He stated that this instance was not different because “family members and friends were involved [which was] equally of no relevance and in fact show[ed] that the disclosures were made with permission.” Mr. Lietzau also stated that he showed no favoritism and everyone got the same treatment.

DoD OIG Final Conclusion on Misuse of Official Position and Unauthorized Disclosure

Mr. Lietzau's statements that the DCSA discloses information about the status of security clearance investigations to requestors without a signed Privacy Act release, if true, could result in systemic Privacy Act and DoD policy violations. Mr. Lietzau not only made the disclosure, but also used his position to task his subordinates to research the individual's security clearance status, as a favor to his sister-in-law. Having fully considered Mr. Lietzau's response, we conclude that, on at least two occasions, Mr. Lietzau made unauthorized disclosures of Privacy Act-protected information without written consent, as personal favors. In so doing, Mr. Lietzau used his public office for the benefit of a relative, and, in connection with Federal employment, for the benefit of a family friend.

2. Using Government Resources to Engage in Prohibited Political Activity

Before we present the facts about this allegation, we summarize the laws, regulations, ethics rules, and policies that DoD employees are required to follow to avoid engaging in prohibited political activity in DoD workplaces. Understanding these requirements will help the reader place in proper context the facts of Mr. Lietzau's actions that we present later in this section of our report.

The Hatch Act, sections 7321-7326, title 5, United States Code; 5 CFR part 734; and DoD policy govern the political activities of DoD civilian employees. The Hatch Act prohibits Federal employees from engaging in political activity in a Federal workplace; while on duty; while wearing a Government uniform, badge, or insignia; and while using a Government vehicle.⁴⁴ An employee may not "use his official authority or influence for the purpose of interfering with or affecting the result of an election."⁴⁵ Possible penalties for DoD civilian employees who violate the Hatch Act include disciplinary action including removal, reduction in grade, debarment from Federal employment for a period not to exceed 5 years, suspension, and reprimand.

In addition, the DoD Standards of Conduct Office (SOCO) administers the DoD's ethics program and publishes ethics guidance for DoD employees. The SOCO's *Partisan Political Activity Rules for "Further Restricted" DoD Civilians* for the 2020 presidential election remind specific DoD employees that they are prohibited from engaging in partisan political activity while in a Federal building, while on duty, or when using Government equipment. The SOCO rules state that DoD employees, including senior leaders, are prohibited from using their official authority or influence to interfere with or affect the result of an election. Furthermore, the SOCO's *Guidance on Political Activity and DoD Support 2020* states, "Employees may never use government equipment to engage in political activities."

Similarly, the Secretary of Defense published a memorandum on February 5, 2020, reminding DoD employees of the oath they took to uphold the DoD's longstanding tradition of remaining apolitical in carrying out their official responsibilities. Additionally, the JER states that Government communication systems and equipment must only be for official use and authorized purposes. Furthermore, when Mr. Lietzau became the DCSA Director, he signed a user agreement agreeing to use DCSA information systems for authorized purposes and

⁴⁴ 5 CFR sec. 734.101 defines political activity as "an activity directed toward the success or failure of a political party, candidate for partisan political office, or partisan political group."

⁴⁵ Mr. Lietzau, who served as a noncareer senior executive when he drafted the November 1, 2020 email discussed in the following paragraphs, was subject to further restrictions under DoD policy and the JER, to a similar extent as career senior executives. Noncareer senior executives "may not engage in activities that could be interpreted as associating DoD with any partisan political cause or issue." In addition to the rules for normal civilian employees, "further restricted" employees are prohibited from taking an active part in partisan political management or political campaigns. For the purposes of this report, we use the terms "covered" and "further restricted" interchangeably.

in accordance with Defense Security Service Regulation 21-30.⁴⁶ The regulation prohibits and reminds DCSA employees that engaging in political activity is a prohibited use of DCSA information systems.

We identified five official emails in Mr. Lietzau's Government email account between March and August 2020, from different DoD agencies containing updated ethics guidance on political activity by DoD employees in the workplace and updated guidance on political activity while teleworking. These messages contained ethics guidance, which included a list of allowed and prohibited behaviors for DoD employees.

In our review of Mr. Lietzau's DoD email account and official emails, we also identified a two and a half page message dated Sunday, November 1, 2020, addressed to his children. In this email, Mr. Lietzau shared his political views and analyzed the 2020 presidential election to be held 2 days later.⁴⁷ Mr. Lietzau compared both presidential candidates for the pending election using the following criteria: physical appearance, personality, character, and political philosophy. We provide quotes below of some of Mr. Lietzau's comments in the message sent from his DoD email account.

- Biden is calm and friendly (usually); Trump is combative, acerbic, and narcissistic.
- Trump is self-centered beyond any politician I have ever observed. But Biden is corrupt.
- Biden's corruption is extreme and directly related to his public service. And it is consistent with decades of previous, known, and documented lesser examples of corruption.
- In this case the democrats have abandoned all ties to the Government so wisely instituted by our Nation's founders.
- Democrats want to immediately alter our position (or the nature of the ship itself)—almost certainly undermining the ship, its passengers, and its voyage in the process.

Mr. Lietzau signed the email, "Love, Dad." The email included his official DCSA Director signature block. Mr. Lietzau sent the email to his children and copied his wife. On Sunday, November 1, 2020, and the evening of Wednesday, November 4, 2020, Mr. Lietzau, an Agency head within the DoD, also forwarded this email from his official account to two of his subordinates and four non-Government individuals. Soon after sending the email with his political views to his family, he forwarded it to one of his subordinates, who he told us "was kind of a rabid Trump supporter," and wrote, "My likely failed attempt at persuasion."

⁴⁶ Defense Security Service Regulation 21-30, "Acceptable Use of Information Technology Resources," December 15, 2014. Effective July 2019, the Defense Security Service became the DCSA.

⁴⁷ The 2020 presidential election took place on Tuesday, November 3, 2020.

Mr. Lietzau's Comments on Using Government Resources to Engage in Prohibited Political Activity

Mr. Lietzau acknowledged that he sent his 2020 election candidate analysis email bearing his DCSA Director signature block to relatives, in-laws, a friend, and two DCSA subordinates. Mr. Lietzau told us that he “probably” sent the email from his government-furnished computer while at home or in his office after making final edits. He told us that he forwarded the email to his in-laws and his friend because he believed they had shared similar political concerns with their own children. Mr. Lietzau told us that he forwarded the email to his subordinates because he believed they did not have a special interest in the election. He said that he may have spoken to them on the phone before forwarding the email and felt like forwarding it because he was feeling “a little bit proud of [his] thoughtful analysis.” He believed that his email had “zero” impact on his subordinates, had no impact on the others (non-Government individuals) he sent it to, and no one’s mind or political views changed because of his email.

We asked Mr. Lietzau to clarify what he meant in his forwarded email to his subordinate when he wrote that his email was his “failed attempt at persuasion.” He told us that he “likely failed to persuade [his] children to be more thoughtful. That’s all.” When we asked Mr. Lietzau about political conversations in his workplace, he responded:

Not in the workspace usually. It could have been on the drive home. Somebody calls, somebody shot an email, I don’t know. But it could happen in the workspace too. ... let’s put it this way—other than these people you could ask people at DCSA what my political views are and I don’t think that they would be able to tell you. Because when I’m acting as Director, I’m—I have to be completely neutral. I have to. I write a weekly, biweekly, every three weeks message to the workforce. [...] You could see how I deal with all of these political issues in each of those workforce messages. I also write a monthly Gatekeeper message, that’s our magazine. I don’t think there’s political issues there but you can bet when things like the first Black Lives Matter riots happened or something like that, or when the election happened, or when they announced the Secretary of Defense, or when they—all of those kinds of things I write to the entire workforce. Memorial Day, Veterans Day, July 4th. I write a note to the workforce personally written by me. Everybody kind of knows it’s personally written by me, and that’s where I address political issues. And you can go read them, and you will not be able to figure out what my political views are by reading those messages. I hope you wouldn’t.⁴⁸

DoD OIG Initial Conclusion on Using Government Resources to Engage in Prohibited Political Activity

We concluded that Mr. Lietzau engaged in political activity using Government resources, which violated the Hatch Act, DoD and DCSA policies, and specific guidance from the USD(I&S). Mr. Lietzau used his official email account and his government-furnished computer to share

⁴⁸ We reviewed Mr. Lietzau’s official emails to corroborate his comment about messages to the workforce on political issues and did not find messages that contradicted his testimony. For example, we found a July 4, 2021 message to the DCSA staff that appeared nonpartisan. One witness told us that Mr. Lietzau was “very conservative so, of course, he liked Trump,” and that she knew this because he once said something about Trump in the office and she stated that she hated Trump, and that they “joke[d] around about stuff like that.” The witness also stated, “[W]e have different political views. ... for fun, we’ll have a debate on some political issue because, you know, he just likes to kind of do that. ... It’s actually a stress reliever for him sometimes ... we can kind of banter back and forth about whatever issue.”

his political views of the 2020 presidential election candidates with his family, friends, non-Government individuals, and at least two DCSA subordinates. These emails included Mr. Lietzau's official signature block reflecting his position as the DCSA Director, an Agency head within the DoD. He sent the original email on a Sunday, 2 days before the presidential election. He also forwarded the email to others between November 1 and November 4, 2020.

Mr. Lietzau confirmed to us that he sent emails containing his political views of the presidential candidates to relatives, in-laws, a friend, and two subordinates. Mr. Lietzau engaged in prohibited political activity using Government resources when he used his Government email account to share his political views and 2020 presidential candidate preferences with his family, friends, and two subordinate DCSA employees.

Accordingly, we substantiated the allegation that Mr. Lietzau engaged in prohibited political activity using Government resources.

Mr. Lietzau's Response to Our Initial Conclusion on Using Government Resources to Engage in Prohibited Political Activity

In his response to our tentative conclusion, Mr. Lietzau disagreed that he engaged in political activity using Government resources. Specifically, Mr. Lietzau argued, "[t]he fact that I allowed my signature block to remain on an email to my children during the one week that I worked from home due to having COVID does not equate to political activity in violation of the Hatch Act." Mr. Lietzau also wrote that he "mistakenly used a government computer for a personal email" because he was working from home that week. We determined that although Mr. Lietzau sent the email to his children (including his wife), he also forwarded it to six other individuals (including two subordinates). The SOCO's *Guidance on Political Activity and DoD Support 2020* states, "Employees may never use government equipment to engage in political activities." Government equipment includes Government computers and email systems. The partisan political content Mr. Lietzau wrote in the email to convince recipients, sending it using a Government email system, and sending it to subordinates, all violated elements of applicable standards.

Mr. Lietzau also wrote that he is viewed as an apolitical leader. Mr. Lietzau told us in his interview that he did not "think that [DCSA staff] would be able to tell" what his political views were. However, one witness told us that she and Mr. Lietzau debated political views, Mr. Lietzau was "very conservative," and she knew that Mr. Lietzau liked Trump.

DoD OIG Final Conclusion on Using Government Resources to Engage in Prohibited Political Activity

Having fully considered Mr. Lietzau's response, we concluded that he engaged in partisan political activity using Government resources, which violated the Hatch Act, DoD and DCSA policies, and specific guidance from the USD(I&S).

3. Using Official Time and Title, and Using Subordinates' Official Time to Support a Non-Federal Entity

Before we present the facts about this allegation, we summarize the laws, regulations, and policies that DoD employees are required to follow for the ethical use of official time, use of subordinates' time, and endorsement of non-Federal entities (NFE) while in an official capacity. Understanding these requirements will help the reader place in proper context the facts of Mr. Lietzau's actions that we present later in this section of our report.

The Office of Government Ethics regulations, specifically 5 CFR sec. 2635.702, prohibit employees from using public office for private gain, "for the endorsement of any product, service or enterprise," or "for the private gain of friends, relatives, or persons with whom the employee is affiliated in a non-governmental capacity, including nonprofit organizations of which the employee is an officer or member." Specifically, 5 CFR sec. 2635.702(a) prohibits an employee from using or permitting "the use of his Government position or title or any authority associated with his public office in a manner that is intended to coerce or induce another person, including a subordinate, to provide any benefit, financial or otherwise, to himself or to friends, relatives, or persons with whom the employee is affiliated in a nongovernmental capacity." Section 2635.702(c) also prohibits, with few exceptions, an employee from "us[ing] or permit[ting] the use of his Government position or title or any authority associated with his public office to endorse any product, service, or enterprise."

In addition, 5 CFR sec. 2635.705(b) states that employees "shall not encourage, direct, coerce or request a subordinate to use official time to perform activities other than those required in the performance of official duties or authorized in accordance with law or regulation." Furthermore, the JER, Chapter 3, "Activities with Non-Federal Entities," paragraph 3-209, states that "[e]ndorsement of an [NFE], event, product, service, or enterprise may be neither stated nor implied by DoD or DoD employees in their official capacities, titles, or positions"

In our review of Mr. Lietzau's DoD email account and official emails, we identified at least nine messages related to the NFE, the International Christian Concern (ICC). According to its website, the ICC is a Section 501(c)(3) charity whose mission is to serve the religiously persecuted through assistance, advocacy, and awareness. During the time of our investigation, Mr. Lietzau did not have an official connection to the ICC as the DCSA Director.

In the nine messages, we found that Mr. Lietzau either tasked subordinates to add meetings with the ICC to his official calendar or copied his subordinates on his communications with the ICC so his staff could track his scheduling arrangements.⁴⁹ In some instances, the subordinates contacted ICC representatives to finalize meeting details for Mr. Lietzau. In some instances, the subordinates not only scheduled ICC meetings on his calendar, but also helped prepare Mr. Lietzau for the meetings and added attachments to the calendar invite, or tested video

⁴⁹ Mr. Lietzau's email traffic showed that Mr. Lietzau sought ethics advice on his potential role with another NFE, however; we did not find similar evidence in regard to his role with the ICC.

conferencing capability for him. In two instances, Mr. Lietzau's official signature block was included in emails to ICC representatives, containing his official Government title and position as the DCSA Director.

Two witnesses told us that they did not recall communicating with the NFE. One told us that occasionally Mr. Lietzau asked [REDACTED] to schedule meetings that [REDACTED] suspected were not official business, but [REDACTED] did not recall specifics. The other witness told us that, on occasion, Mr. Lietzau copied [REDACTED] on emails about his interactions with the NFE for [REDACTED] awareness to help [REDACTED] manage his schedule.

Another witness told us that Mr. Lietzau asked [REDACTED] twice to add NFE meetings to his calendar and once asked [REDACTED] to set up a call with an NFE board member. The witness also once emailed an NFE board member and asked for a virtual meeting link to add to Mr. Lietzau's calendar invite in preparation for the meeting.

We reviewed Mr. Lietzau's ethics training records and found that on August 26, 2021, he confirmed with the DCSA General Counsel that he completed his ethics training, which included an example of misuse of position and official title similar to Mr. Lietzau's use of official time and title, and using subordinates' official time to support an NFE. The example asked if a DoD employee may hold a position on their college's alumni association. The example's answer was that the DoD employee could hold the position in their personal capacity, "but [they] may not use Government time, resources, or equipment for this purpose nor can [they] use [their] official title, position, or authority in connection with this outside activity."

Mr. Lietzau's Comments on Using Official Time and Title, and Using Subordinates' Official Time to Support a Non-Federal Entity

We asked Mr. Lietzau about ethics training he received regarding Government employees supporting non-Federal entities. He stated:

I don't remember any specific training on that but my gut instinct would be, don't do it. I would just say that. I don't recall. I mean I get the annual ethics training and stuff that people get. I used to give that training. I don't remember that being part of it but it doesn't matter. I do not believe that Government workers should support non-Federal entities. That's a personal position, regardless of what the regulation is. Shouldn't do it.

Mr. Lietzau stated that he was a board member for the ICC. He stated that board meetings for the NFE were in the afternoons and that because he was usually in the office until about 8 or 9 p.m., he accessed one or two ICC virtual board meetings using his Government computer. He further stated that he might have accessed one of the ICC meetings using his Government computer while working from his home.

Mr. Lietzau stated that he did not receive any type of compensation or reimbursements for his affiliation with the ICC. He told us that he did not task his subordinates with duties to support NFEs, but they probably added the meetings on his calendar "to make sure [he] didn't

miss it or they didn't schedule something [official] on top of it." We asked Mr. Lietzau if he recalled his subordinates performing tasks to support NFEs on his behalf, outside of adding meetings on his calendar. He stated, "If they did, they did that on their own. I don't recall it."

Mr. Lietzau told us that he did not benefit personally from his subordinates' efforts to coordinate and schedule NFE meetings, but their efforts ensured that his schedule was in order and did not have conflicts. He told us that he remembered an instance in which a subordinate volunteered to show him how to join a virtual meeting during official time on his government-furnished computer because he was having technical difficulty. He told us that he asked the subordinate how to join the meeting, and the subordinate responded, "Let me come show you, sir." Mr. Lietzau said that he responded, "No, don't show me. This is a personal thing." Mr. Lietzau said that the subordinate told him it was easier if the subordinate just walked over, "clicked something," and left. Mr. Lietzau told us that he viewed this as a voluntary favor from the subordinate.

We asked Mr. Lietzau what impact tasking his subordinates to schedule or coordinate meetings to support NFEs had on their workload, and he said, "Zero." When asked how he responded to the allegation that he inappropriately used his official title and position to support NFEs, Mr. Lietzau said, "No, absolutely false." Additionally, when we asked him how he responded to the allegation that he misused subordinates' time to support NFEs, Mr. Lietzau stated, "No, false. It was to support the scheduling of the activities in the business and the agency." Mr. Lietzau also stated that he would not have hesitated to use a Government telephone or computer to support his responsibilities as an NFE board member. When we asked Mr. Lietzau why he included his official title and position signature block in the email correspondence discussing NFE business, he explained, "It's because it was from my Government account and it automatically puts it there" and that it had nothing to do with his title and position as the DCSA Director.

Mr. Lietzau told us that he viewed his use of Government resources and his use of subordinates' time to support NFEs as "de minimis," and it allowed him to get his Government work done, which was a "no-brainer." He classified it as "using a little bit of electricity in the office" and compared it to someone using his Government computer to shop, which he said was the "same kind of thing" but shopping would be a "much bigger use" of resources.

DoD OIG Initial Conclusion on Using Official Time and Title, and Using Subordinates' Official Time to Support a Non-Federal Entity

We concluded that Mr. Lietzau used his official title and time, and his subordinates' time, to support an NFE, which violated laws, regulations, and DoD rules. Mr. Lietzau's subordinates scheduled and coordinated meetings supporting the NFE on his behalf during official Government work hours. In the instances we identified, Mr. Lietzau either directly tasked his subordinates to perform these tasks or knew they were performing them for him in support of the NFE. Mr. Lietzau asserted to us that his subordinates performed these tasks

for him voluntarily. However, the applicable standards for support of an NFE prohibited him from encouraging his employees to use their official time to support the NFE on his behalf. By not correcting his employees and directing them not to use their official time in this manner, Mr. Lietzau encouraged them to continue doing so.

In addition to encouraging his subordinates to use their official time to support his NFE meeting scheduling, Mr. Lietzau's emails used his official email signature block containing his title and agency, implying Government endorsement, at least two times when he emailed NFE representatives. Mr. Lietzau also admitted that he accessed one or two NFE meetings virtually during DoD work hours and from his Government computer.

Mr. Lietzau characterized his use of Government resources and his use of subordinates' time to support the NFE as "de minimis." We disagree. While we acknowledge that Mr. Lietzau's use of Government resources and his subordinates' time was limited, the applicable standard does not establish a "de minimis" permissible level of support DoD employees can give to an NFE using their official time and titles, workplace resources, DoD communications systems, or subordinates' time. Mr. Lietzau engaged in all of these prohibited activities to support the NFE. Accordingly, we substantiated the allegation that he misused his official title and time, and misused his subordinates' official time, to support an NFE.

Mr. Lietzau's Response to Our Initial Conclusion on Using Official Time and Title, and Using Subordinates' Official Time to Support a Non-Federal Entity

In his response to our tentative conclusions, Mr. Lietzau disagreed that he used his official title and his subordinates' time to support an NFE. He asserted that our conclusions were "biased" and "unfounded." In his response, Mr. Lietzau justified his actions by stating that they related to his work with a religious institute and "to teach immigrants English."

DoD OIG Final Conclusion on Using Official Time and Title, and Using Subordinates' Official Time to Support a Non-Federal Entity

We determined that Mr. Lietzau's volunteer work is not part of his official duties under applicable standards, and, therefore, he could not use his official title or task subordinates to support the organization for which he volunteered. Having fully considered Mr. Lietzau's response, we conclude that he used his official title and time, and his subordinates' time, to support an NFE.

4. Consuming Alcohol in the Workplace Without Written Authorization

Before we present the facts we obtained about this allegation, we summarize the laws, regulations, and policies that DoD employees are required to follow when consuming alcohol in the workplace.

41 CFR sec. 102-74.405 governs alcoholic beverages in Federal buildings. This regulation states that anyone “on Federal property [is] prohibited from being under the influence or using alcoholic beverages” unless “the head of the responsible agency or his or her designee has granted an exemption *in writing* for the appropriate official use of alcoholic beverages.” (emphasis added) The regulation also states, “The head of the responsible agency or his or her designee *must* provide a copy of all exemptions granted to the buildings manager and the highest ranking representative of the law enforcement organization, or other authorized officials, responsible for the security of the property.”

Subordinate A told us that she remembered having a “completely inappropriate conversation” during a one on one meeting with Mr. Lietzau, in which he told her that he was drunk because he drank too much whiskey. She told us that Mr. Lietzau showed her how much whiskey he drank while pointing to the bottle sitting on a table in his office. Subordinate A remembered that on another occasion she had a video conference with Mr. Lietzau and saw his front office staff drinking whiskey in his office. She also remembered seeing numerous whiskey bottles on his desk; however, she did not witness Mr. Lietzau drinking during the video conference. Subordinate A stated that she later joined Mr. Lietzau and his front office staff. There, she noticed that Mr. Lietzau was drinking and appeared to have been drinking “because he had red, glassy eyes, and he appeared a bit tipsy.” According to Subordinate A, Mr. Lietzau repeatedly said that he had the authority to make the rules in the DCSA and had made the decision that drinking was allowed.

Another witness referenced that same “celebration” and told us that ■■■ remembered Mr. Lietzau and his front office staff celebrating in the office with alcohol, cookies, and cupcakes. The witness stated that it was a Friday around 6:00 p.m. One member of Mr. Lietzau’s front office staff offered the witness a homemade alcoholic drink and told the witness that Mr. Lietzau “tried to get [another subordinate] to get a drink.”

Another witness told us that Mr. Lietzau had “informal happy hours” in the office with his front office staff about once a month on Fridays after work hours. The witness stated that Mr. Lietzau kept whiskey in his office and shared it with his front office staff. The witness also told us that Mr. Lietzau kept sparkling water and did not push alcohol on anybody. ■■■ had no reason to believe the drinking occurred during work hours, and ■■■ never smelled alcohol on Mr. Lietzau during working hours.

Another witness, a DCSA senior leader, told us that Mr. Lietzau drank a lot or “heavily” in the office. The witness told us that Mr. Lietzau’s drinking was a regular occurrence and that it happened no less often than biweekly. The witness also told us that Mr. Lietzau once told the witness that he “own[ed] the SCIFs,” and that he had gotten the waiver approved. However, the witness told us that in a later conversation, Mr. Lietzau told the witness that he had not finalized the waiver. Additionally, the witness remembered thinking, “The Director of DCSA is going to get a DWI coming out of his own agency.” Furthermore, the witness told us that it was noticeable that Mr. Lietzau drank because Mr. Lietzau had glassy eyes and slower or slurred speech.

Mr. Lietzau’s Comments on Consuming Alcohol in the Workplace Without Authorization

Mr. Lietzau confirmed to us that he kept whiskey and wine in his office for “Friday evening happy hours,” which he had done for most of his career. He stated that there was no “magic schedule” for drinking alcohol. He said that drinking alcohol normally happened whenever it was an appropriate time like “big events at the end of the day” or a “fitting occasion.” He added that he learned the practice of happy hours from various senior leaders throughout his career, and he never drank alcohol at work outside of happy hours or without his subordinates because he is not a “big drinker.”

When asked about consuming alcohol while on duty, Mr. Lietzau stated, “I do not recall consuming alcohol on duty [as the DCSA Director] but I certainly have in the past.” Additionally, when asked if DCSA policy authorized him to have alcohol in the office, Mr. Lietzau stated that he and his staff once looked into identifying any regulation against having alcohol in a secured office after a subordinate inquired about the issue. Mr. Lietzau stated that they identified that he was the authorizing official for such requests, so he emailed his Chief Operating Officer saying, “I’m hereby authorizing alcohol in the SCIF [sensitive compartmented information facility]” to document the request.⁵⁰ He also stated, “Now I don’t know that we’ve kept it anywhere. Because I am the authorizing official it doesn’t—it’s a bit silly.” He added that if another subordinate wanted an authorization, the request would go to him.

⁵⁰ Mr. Lietzau’s office is a SCIF.

In reviewing Mr. Lietzau’s official emails, we identified a message from his Chief Operating Officer forwarding the determination from the Director, Security, Insider Threat, and Mission Assurance office. In the August 4, 2020 email, the Director stated that there was no specific policy related to alcohol in secured areas and that “not consuming alcohol in a SCIF or the workplace in general is just an expected behavior.” The Director added that if “there is a special event that we would like to hold in the SCIF and we would like alcohol served, typically an event specific waiver (signed by [Mr. Lietzau]) is drafted to allow for beer, wine, or liquor in a work space. It outlines the date, time, and rules that apply to the situation.” On August 10, 2020, the Director, Security, Insider Threat, and Mission Assurance sent a follow-up email to the Chief Operating Officer stating that after further research, she identified 41 CFR sec. 102-74.405 as the standard supporting the waiver she mentioned in her initial response. The Chief Operating Officer forwarded the determination to Mr. Lietzau and his Executive Officer on August 11, 2020. However, we did not identify an email from Mr. Lietzau authorizing the request.

We asked him if he had a copy of the email. He said:

I don't. I don't. It might have been a piece of paper. I don't know. The issue is not in the building. The issue was, "Can we do it in the SCIF [Sensitive Compartmented Information Facility]?" And that's what we looked up. You know, you can do it in building. I'm the senior person in the building.

Furthermore, when asked to respond to the allegation, Mr. Lietzau added that he certainly did not knowingly store alcohol in his office in violation of a rule, and he was not aware of a rule he violated. Finally, we asked him to respond to the allegation that he consumed alcohol while on duty. Mr. Lietzau responded, "I don't think it's a violation, but I don't think I ever did it either."

In his written statement to us, Mr. Lietzau asserted that to the best of his knowledge and while at the DCSA, he only consumed alcohol at work after hours and always in moderation. Mr. Lietzau also wrote, "I have attempted to replicate what I consider to be the good leadership examples that I observed over the years," such as a Friday afternoon happy hour, which, in his experience, was "a common practice, including at the Pentagon and during duty hours." Mr. Lietzau added that he usually provided scotch, as well as sparkling water for subordinates who did not drink alcohol. Finally, Mr. Lietzau wrote that he was not aware of "any guidance applicable to DCSA headquarters that prohibits the moderate consumption of alcohol under [those] circumstances."

DoD OIG Initial Conclusion on Consuming Alcohol in the Workplace Without Written Authorization

We concluded that Mr. Lietzau consumed and encouraged subordinates to consume alcohol in the DCSA workplace without written authorization, and that this violated 41 CFR sec. 102-74.405. We found that Mr. Lietzau stored alcohol in his office, consumed it himself, and offered it to his subordinates during "Friday evening happy hours" and other celebratory events, not restricted to special occasions when an exception to generally expected behavior might be warranted. Mr. Lietzau acknowledged that he consumed alcohol "in moderation" with his subordinates after work hours in the workplace. Mr. Lietzau also demonstrated awareness that he needed a signed waiver authorizing the possession and consumption of alcohol and that he once documented such a request. However, he did not know if he kept a copy of it because "it's a bit silly," because he believed he was the authorizing official. We reviewed evidence of an inquiry very similar to the one Mr. Lietzau described. However, we found no follow up email requesting to consume alcohol in a SCIF or any other area in the DCSA, including Mr. Lietzau's office, for an official or unofficial event.

Additionally, we did not locate a copy of a waiver in our review of Mr. Lietzau's official emails, and he could not produce one for this investigation. Nor did we identify a written exemption Mr. Lietzau signed and provided to the building manager and law enforcement representative for an appropriate official use of alcoholic beverages as 41 CFR sec. 102-74.405

requires. As described above, what we found was a forwarded email from Mr. Lietzau's Chief Operating Officer with the advisement that the consumption of alcohol in a SCIF is not consistent with generally expected behavior and that he needed a sanctioned event-specific waiver for the consumption of alcohol. Accordingly, we substantiated the allegation that Mr. Lietzau consumed and encouraged subordinates to consume alcohol in the DCSA workplace without the required written authorization.

Mr. Lietzau's Response to Our Initial Conclusion on Consuming Alcohol in the Workplace Without Written Authorization

Mr. Lietzau disagreed with our tentative conclusion that he consumed and encouraged subordinates to consume alcohol in the DCSA workplace without written authorization. Mr. Lietzau asserted that he was the authorizing official and there was a written decision. However, Mr. Lietzau did not provide any additional information to support that he submitted "a copy of all exemptions granted to the buildings manager and the highest ranking representative of the law enforcement organization, or other authorized officials, responsible for the security of the property," as the standard requires.

DoD OIG Final Conclusion on Consuming Alcohol in the Workplace Without Written Authorization

After fully considering Mr. Lietzau's response, we conclude that he consumed and encouraged subordinates to consume alcohol in the DCSA workplace without the required written authorization, in violation of 41 CFR sec. 102-74.405.

Overall Conclusions

Mr. Lietzau engaged in an overall course of conduct in which he sexually harassed Subordinate A by engaging in unwelcome conduct and making comments that created a hostile work environment, and created the appearance that he favored her and engaged in a sexual relationship with her, in violation of DoD and other U.S. Government policies.

Mr. Lietzau misused his position and made unauthorized disclosures for the benefit of a relative and, in connection with Federal employment, for the benefit of a family friend when he made unauthorized disclosures of Privacy Act-protected information as personal favors in violation of the Privacy Act and DoD policies.

Mr. Lietzau used Government resources to engage in prohibited political activity in violation of the Hatch Act, DoD and DCSA policies, and specific guidance from the USD(I&S).

Mr. Lietzau misused his official title and time, and misused his subordinates' official time, to support an NFE in violation of laws, regulations, and DoD rules.

Mr. Lietzau consumed and encouraged subordinates to consume alcohol in a DoD workplace without written authorization in violation of 41 CFR sec. 102-74.405.

Recommendations

We will provide a copy of our report to the USD(I&S) with a recommendation that he review this report and determine whether a review of DCSA's handling of Privacy Act-protected information and reporting of unauthorized disclosures is warranted. We also recommend that the USD(I&S) determine whether DCSA personnel require additional training on the handling of Privacy Act-protected information and reporting of unauthorized disclosures.⁵¹

Mr. Lietzau retired from Federal service on October 30, 2023. Accordingly, we will provide a copy of our report to the Director, Washington Headquarters Services, for inclusion in Mr. Lietzau's personnel file.

We will also provide a copy of our report to the Secretary of Defense for his review.

⁵¹ We will provide a copy of this Report of Investigation to the DoD OIG Audit Component for its information and consideration in any future related oversight by our office.

Appendix A: Standards

Standards Related to Sexual Harassment

29 CFR Section 1604.11, “Sexual Harassment”

Subsection 1604.11(a) states: “Harassment on the basis of sex is a violation of section 703 of title VII. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when

- (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment,
- (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
- (3) such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment.”

Subsection 1604.11(b) states: “In determining whether alleged conduct constitutes sexual harassment, the Commission will look at the record as a whole and at the totality of the circumstances, such as the nature of the sexual advances and the context in which the alleged incidents occurred. The determination of the legality of a particular action will be made from the facts, on a case by case basis.”

DoD Directive 1440.1, “The DoD Civilian Equal Employment Opportunity (EEO) Program,” May 21, 1987 (Incorporating Through Change 3, April 17, 1992)

The Directive prohibits discrimination based on sex. This applies to civilian employees and applicants in the Office of the Secretary of Defense and activities supported administratively by the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Unified and Specified Commands, the Defense agencies, the Army and Air Force Exchange Service, the National Guard Bureau, the Uniformed Services University of the Health Sciences, the Office of Civilian Health and Medical Programs of the Uniformed Services, and the DoD Dependents Schools.

E2.1.10. Sexual Harassment. A form of sex discrimination that involves unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- E2.1.10.1. Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of a person’s job, pay, or career; or

E2.1.10.2. Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person, or

E2.1.10.3. Such conduct interferes with an individual's performance or creates an intimidating, hostile, or offensive environment.

Any person in a supervisory or command position who uses or condones implicit or explicit sexual behavior to control, influence, or affect the career, pay, or job of a military member or civilian employee is engaging in sexual harassment. Similarly, any military member or civilian employee who makes deliberate or repeated unwelcomed verbal comments, gestures, or physical contact of a sexual nature is also engaging in sexual harassment.

Office of the Secretary of Defense Memorandum, "Reaffirming Our Values and Ethical Conduct," March 1, 2021

On March 1, 2021, the Secretary of Defense issued a memorandum to all DoD personnel titled, "Reaffirming Our Values and Ethical Conduct," emphasizing the core values DoD members should uphold: honesty, integrity, character, and selflessness. The Secretary of Defense also lists his expectations for DoD members, including himself, and states, "[W]e will make ethical decision making an integral part of our daily conversations, meetings, and engagements. We must ask ourselves at every point in our processes and procedures: Is this the right thing to do ... and are we going about it in the right way?"

DoD Instruction 1020.04, "Harassment Prevention and Responses for DoD Civilian Employees," June 30, 2020

Section 3.1 discusses harassment adversely affecting the work environment. "The conduct prohibited by this policy includes, but is broader than, the legal definitions of harassment and sexual harassment. Behavior that is unwelcome or offensive to a reasonable person and that interferes with work performance or creates an intimidating, hostile, or offensive work environment is prohibited. All allegations of harassment must be evaluated under the totality of the circumstances, to include an assessment of the nature of the conduct and the context in which the conduct occurred. In some circumstances, a single incident of harassing behavior is prohibited harassment whereas, in other circumstances, repeated or recurring harassing behavior may be required to constitute prohibited harassment."

Section 3.2 lists prohibited harassment behaviors. These behaviors may include unwanted physical contact, intimidating acts, threatening or provoking remarks, racial or other slurs, and derogatory remarks about a person's accent or disability. Also, unlawful harassing conduct may include unlawful discriminatory harassment, sexual harassment, and stalking.

Section 3.3 specifies that "[h]arassment can be oral, visual, written, physical, or electronic."

Defense Counterintelligence and Security Agency Workplace Harassment Policy

On March 24, 2022, Mr. Lietzau revised and signed DCSA Policy Memorandum 22-004, “Workplace Harassment,” which states, “DCSA maintains a ‘zero tolerance’ policy against all forms of workplace harassment, whether that harassment constitutes unlawful criminal activity, inappropriate discrimination, or interference with an efficient workplace. This prohibition applies to all methods and forms of communication, whether verbal, non verbal, or written communications. Employees in a supervisory role, as leaders in this agency, are responsible for fostering a culture in the workplace that promotes treating all personnel professionally and with dignity and respect. When leaders are made aware of any incident of workplace harassment, they must take swift and appropriate corrective action. Leaders must also maintain the privacy and confidentiality of individuals who report harassment to the greatest extent possible. The memorandum states that the DCSA defines workplace harassment consistent with DoD Instruction 1020.04, “behavior that is unwelcome or offensive to a reasonable person and that creates conditions that interfere with work performance or creates an intimidating, hostile, or offensive work environment.”

Previous versions of the memorandum include Policy Memorandums 20-004 dated December 18, 2020 also signed by Mr. Lietzau, and 19-009 dated August 1, 2019. The latter one, signed by Mr. Lietzau’s predecessor, states, “All DCSA employees, contractor personnel, and detailed personnel are entitled to a work environment that is free from harassment. DCSA prohibits harassment on the basis of race, color, national origin, religion, sex (whether or not of a sexual nature, and including pregnancy and gender identity), disability, age (40 years or older), reprisal, protected genetic information, marital status, parental status, political affiliation, sexual orientation, and on participation in protected activities. All DCSA personnel must conduct yourselves in a manner that is beyond reproach when interacting with each other and with anyone conducting business with DCSA.”

DoD 5500.7-R, “Joint Ethics Regulation (JER),” August 30, 1993 (Incorporating 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, “Standards of Ethical Conduct,” Section 1, “Office of Government Ethics Regulation,” incorporates 5 CFR sec. 2635 in its entirety.

Section 2635.101(b), “Basic Obligation of Public Service,” states:

- (5) Employees shall put forth honest effort in the performance of their duties.
- (8) Employees shall act impartially and not give preferential treatment to any private organization or individual.

- (9) Employees shall protect and conserve Federal property and shall not use it for other than authorized activities.
- (13) Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age, or handicap.
- (14) Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards set forth in this part. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.

Chapter 12, "Ethical Conduct," Section 4, "Ethical Values," states, "Ethics are standards by which one should act based on values. Values are core beliefs such as duty, honor, and integrity that motivate attitudes and actions. ... Ethical values relate to what is right and wrong and thus take precedence over non-ethical values when making ethical decisions. DoD employees should carefully consider ethical values when making decisions as part of official duties." These values include accountability, fairness, caring, and respect.

Section 4, Paragraph 12-401, "Primary Ethical Values," elaborates on those characteristics as follows.

- Accountability "includes avoiding even the appearance of impropriety because appearances affect public confidence."
- "Open-mindedness and impartiality are important aspects of fairness." Fairness requires that "[i]ndividuals must be treated equally and with tolerance,"
- Caring requires "[c]ourtesy and kindness, both to those we serve and to those we work with," to help "ensure that individuals are not treated solely as a means to an end. Caring for others is the counterbalance against the temptation to pursue the mission at any cost."
- Respect involves treating people with dignity, honoring privacy, and allowing self determination. Respect is critical in a government of diverse people. "Lack of respect leads to a breakdown of loyalty and honesty within a government and brings chaos to the international community."

Standards Related to Misuse of Official Position and Unauthorized Disclosure Privacy Act-Protected Information

Privacy Act of 1974, as amended, 5 U.S.C. § 552a

The Privacy Act of 1974, Public Law 93-579, section 552a, title 5, United States Code (U.S.C.), was enacted with the purpose of providing “certain safeguards for an individual against an invasion of personal privacy by requiring Federal agencies, except as otherwise provided by law, to ... permit an individual to determine what records pertaining to them are collected, maintained, used, or disseminated by such agencies” The Act was also enacted, in part, to “permit an individual to prevent records pertaining to him obtained by such agencies for a particular purpose from being used or made available for another purpose without his consent.”

Section 552a, title 5, United States Code, “Records Maintained on Individuals,” states that “[n]o agency shall disclose any record which is contained in a system of records by any means of communication to any person, or to another agency, except pursuant to **a written request by, or with the prior written consent of,** (emphasis added) the individual to whom the record pertains” (emphasis added) It states that an agency can disclose records with certain exceptions, for example, when agency officers or employees “have a need for the record in the performance of their duties.” This section defines potential civil remedies and criminal penalties for the handling and disclosure of information protected by the Privacy Act.

Section 552a(g)(1) states that whenever an agency “fails to comply with any other provision of this section, or any rule promulgated thereunder, in such a way as to have an adverse effect on an individual, the individual may bring a civil action against the agency, and the district courts of the United States shall have jurisdiction in the matters under the provisions of this subsection.”

Section 552a(i)(1) states, “Any officer or employee of an agency, who by virtue of his employment or official position, has possession of, or access to, agency records which contain individually identifiable information the disclosure of which is prohibited by this section or by rules or regulations established thereunder, and who knowing that disclosure of the specific material is so prohibited, willfully discloses the material in any manner to any person or agency not entitled to receive it, shall be guilty of a misdemeanor and fined not more than \$5,000.” Section 552a(i)(3) states, “Any person who knowingly and willfully requests or obtains any record concerning an individual from an agency under false pretenses shall be guilty of a misdemeanor and fined not more than \$5,000.”

5 CFR Part 2635, “Standards of Ethical Conduct for Employees of the Executive Branch”

Section 2635.702, “Use of Public Office for Private Gain,” states that “[a]n employee shall not use his public office for his own private gain, for the endorsement of any product, service or enterprise, or for the private gain of friends, relatives, or persons with whom the employee is affiliated in a nongovernmental capacity, including nonprofit organizations of which the employee is an officer or member, and persons with whom the employee has or seeks employment or business relations.” This section lists specific prohibitions that apply the general standard, but are not intended to be exclusive or to limit the application of this section.

(a) *Inducement or coercion of benefits.* An employee shall not use or permit the use of his Government position or title or any authority associated with his public office in a manner that is intended to coerce or induce another person, including a subordinate, to provide any benefit, financial or otherwise, to himself or to friends, relatives, or persons with whom the employee is affiliated in a nongovernmental capacity.

(d) *Performance of official duties affecting a private interest.* To ensure that the performance of his official duties does not give rise to an appearance of use of public office for private gain or of giving preferential treatment, an employee whose duties would affect the financial interests of a friend, relative or person with whom he is affiliated in a nongovernmental capacity shall comply with any applicable requirements of § 2635.502.

Section 2635.703 includes the applicable prohibitions and provides the definition of “nonpublic information.”

(a) *Prohibition.* An employee shall not engage in a financial transaction using nonpublic information, nor allow the improper use of nonpublic information to further his own private interest or that of another, whether through advice or recommendation, or by knowing unauthorized disclosure.

(b) *Definition of nonpublic information.* For purposes of this section, nonpublic information is information that the employee gains by reason of Federal employment and that he knows or reasonably should know has not been made available to the general public. It includes information that he knows or reasonably should know:

- (1) Is routinely exempt from disclosure under 5 U.S.C. [United States Code] 552 or otherwise protected from disclosure by statute, Executive order or regulation;
- (2) Is designated as confidential by an agency; or
- (3) Has not actually been disseminated to the general public and is not authorized to be made available to the public on request.

Section 2635.704 includes the applicable standard and provides the definitions of “Government property” and “authorized purposes.”

(a) *Standard.* 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.

(b) *Definitions.* For purposes of this section:

(1) *Government property* includes any form of real or personal property in which the Government has an ownership, leasehold, or other property interest as well as any right or other intangible interest that is purchased with Government funds, including the services of contractor personnel. The term includes office supplies, telephone and other telecommunications equipment and services, the Government mails, automated data processing capabilities, printing and reproduction facilities, Government records, and Government vehicles.

(2) *Authorized purposes* are those purposes for which Government property is made available to members of the public or those purposes authorized in accordance with law or regulation.

Office of the Secretary of Defense Memorandum, “Reinforcing Operations Security and the Importance of Preventing Unauthorized Disclosures,” July 20, 2020

On July 20, 2020, the Secretary of Defense issued a memorandum to all DoD personnel titled “Reinforcing Operations Security and the Importance of Preventing Unauthorized Disclosures,” emphasizing that proper operations security is critical to protecting our forces, ensuring mission success, and implementing the National Defense Strategy. The Secretary of Defense also emphasizes that unclassified information is not publicly releasable until it is approved for release by an appropriate authorizing official. He adds that poor operations security practices within the DoD resulted in the unauthorized disclosure or “leaks” of controlled unclassified information in the past.

The Secretary of Defense reiterates that “[u]nauthorized disclosures jeopardize our DoD personnel, operations, strategies, and policies to the benefit of our adversaries”; and that they “distract from mission priorities by redirecting the attention and resources of military commanders.” Further, he states that “[a]ny transmission or communication of non-public information to the public or an unauthorized recipient is considered an unauthorized disclosure,” which “can result in adverse personnel action, including unsatisfactory performance evaluations, records of formal counseling, the loss of security clearances or termination of employment, or even criminal prosecutions.”

DoD Instruction 5400.11, “DoD Privacy and Civil Liberties Programs,” January 29, 2019 (Incorporating Change 1, December 8, 2020)

The Instruction establishes policy, assigns responsibilities, and prescribes procedures for administering DoD privacy and civil liberties programs. It states that all DoD Components will comply with all applicable, “[p]rivacy and civil liberties related laws, regulations, and policies, including the requirements of Section 552(a) of Title 5, U.S.C., also known and referred to in this issuance as ‘the Privacy Act of 1974,’” It also states that all DoD Components will “[m]aintain all records with PII [Personally Identifiable Information] in accordance with applicable records retention or disposition schedules approved by the National Archives and Records Administration.”

The Instruction outlines the “DoD Rules of Conduct” as established by the Directorate for Oversight and Compliance under the Chief Management Officer of the DoD. These rules apply to “DoD personnel involved in designing, developing, operating, or maintaining any system of records, or in maintaining any record in accordance with Subsection (e)(9) of the Privacy Act of 1974.” The DoD Rules of Conduct section specifically states, “Disclosing records pertaining to an individual from a system of records is prohibited in the absence of the individual’s consent except as authorized by the Privacy Act of 1974 and the Freedom of Information Act.”

DoD 5500.7-R, “Joint Ethics Regulation (JER),” August 30, 1993 (Incorporating Changes 1-7, November 17, 2011)

Chapter 2, “Standards of Ethical Conduct,” Section 3, “DoD Guidance,” paragraph 2 301, “Use of Federal Government Resources,” states that U.S. Government communication systems and equipment are for official use and authorized purposes only, which include not putting U.S. Government communications systems to uses that would reflect adversely on the DoD. Examples of these include unofficial advertising, soliciting, violations of statute or regulation, and other uses that are incompatible with public service.

DoD Manual 5200.01, Volume 3, “DoD Information Security Program: Protection of Classified Information,” February 24, 2012 (Incorporating Change 2, March 19, 2013)

The Manual implements policy, assigns responsibilities, and provides procedures for the designation, marking, protection, and dissemination of controlled unclassified information and classified information. The Manual defines unauthorized disclosure as the “[c]ommunication or physical transfer of classified or controlled unclassified information to an unauthorized recipient.”

The Manual defines PII as “[u]nique information about an individual that can be used to distinguish or trace his or her identity. It includes, but is not limited to, name, social security number, date and place of birth, mother’s maiden name, home address and phone number,

personal email address, biometric records, financial transactions, medical history, criminal or employment history, and other information to which a security manager may have access.” It also states that PII is a type of Controlled Unclassified Information and must be protected from public disclosure in accordance with Federal policy.

Standards Related to Political Activity

The Hatch Act (5 U.S.C. §§ 7321-7326)

The Hatch Act (5 U.S.C. §§ 7321-7326) prohibits Federal employees from engaging in political activity in a Federal workplace; while on duty; while wearing a Government uniform, badge, or insignia; and while using a Government vehicle. Section 7323, “Political Activity Authorized,” states, “[a]n employee may take an active part in political management or in political campaigns, except an employee may not ... use his official authority or influence for the purpose of interfering with or affecting the result of an election”

Section 7324, “Political Activities on Duty; Prohibition,” subsection (a), states, “An employee may not engage in political activity – (1) while the employee is on duty; (2) in any room or building occupied in the discharge of official duties by an individual employed or holding office in the Government of the United States or any agency or instrumentality thereof”

Section 7326, “Penalties,” outlines penalties for DoD civilian employees who violate the Hatch Act, which include “(1) disciplinary action consisting of removal, reduction in grade, debarment from Federal employment for a period not to exceed 5 years, suspension, or reprimand; (2) an assessment of a civil penalty not to exceed \$1,000; or (3) any combination of the penalties described in paragraph (1) or (2).”

5 CFR Part 734, “Political Activities of Federal Employees”

Section 734.101 defines political activity as “an activity directed toward the success or failure of a political party, candidate for partisan political office, or partisan political group.” Additionally, it defines political purpose as “an objective of promoting or opposing a political party, candidate for partisan political office, or partisan political group.”

Section 734.203, “Participation in Nonpartisan Activities,” states that employees may participate in nonpartisan activities “in a manner which does not compromise his or her efficiency or integrity as an employee or the neutrality, efficiency, or integrity of the agency”

Section 734.406, “Participation in Political Activities While on Duty, in Uniform, in any Room or Building Occupied in the Discharge of Official Duties, or Using a Federal Vehicle; Prohibition,” establishes that covered employees may not participate in political activities while on duty.

Section 734.407 establishes prohibited activities for covered employees that include using his or her official authority or influence for the purpose of interfering with or affecting the result of an election. Pursuant to DoD policy, covered employees include non career senior executives.

Office of the Secretary of Defense Memorandum, “Ethical Conduct and Political Activities,” February 5, 2020

On February 5, 2020, the Secretary of Defense issued a memorandum to all military personnel and DoD employees titled “Ethical Conduct and Political Activities,” stating that ethical conduct is fundamental to the DoD’s ethos and to the National Defense Strategy’s success. He reminds DoD employees that, as citizens, they exercise their right to vote and participate in government. However, he also reminds them that, as public servants who have taken an oath to defend those principles, they should uphold the DoD’s longstanding tradition of remaining apolitical in carrying out their official responsibilities.

DoD Standards of Conduct Office, “Partisan Political Activity Rules for ‘Further Restricted’ DoD Civilians,” January 2020

The DoD Standards of Conduct Office (SOCO) January 2020 handout, *Partisan Political Activity Rules for “Further Restricted” DoD Civilians*, outlines political activity rules that apply to “Further Restricted” DoD civilian employees, including non-career senior executives. In the handout, the SOCO clarifies that all DoD employees are prohibited from participating in political activity while on duty or in any room or building occupied in the discharge of official duties by an individual employed by DoD. The SOCO also clarifies that employees are on duty during the time period when they are: (1) in a pay status other than paid leave, compensatory time off, credit hours, time off as an incentive award, or excused or authorized absence (including leave without pay) or (2) representing an agency or instrumentality of the U.S. Government in an official capacity.

The SOCO handout also states, “All DoD employees are prohibited from engaging in partisan political activity while in a Federal building, while on duty, or when using Government equipment. Therefore, an employee may never send a partisan political email while in a Federal building.” Furthermore, it states, “All DoD employees, including Further Restricted employees, are prohibited from using their official authority or influence for the purpose of interfering with or affecting the result of an election. This prohibition includes using one’s official authority to coerce any person to participate in partisan political activity.”

SOCO Guidance on Political Activity and DoD Support 2020

In its 2020 guidance on political activity, the SOCO specifies that employees “[m]ay not send or forward political emails, post political messages to social media, such as a Facebook account or political ‘tweeting’ while in a Federal building (including when off-duty), even if the employee is using her personal smartphone, tablet, or computer. Employees may never use government equipment to engage in political activities.”

U.S. Office of Special Counsel, Hatch Act Federal Employees Activity in the Workplace: Frequently Asked Questions

Q: What is a partisan political email?

A: A partisan political email is an email that is directed at the success or failure of a partisan group or candidate in a partisan race.

Q: May a Federal employee—while on duty or in the workplace—receive a partisan political email?

A: Yes. Simply receiving a partisan political email while at work, whether to a personal or Government email account, without more, does not violate the Hatch Act. However, Federal employees must not send or forward partisan political emails to others while on duty or in the workplace.

Q: May a Federal employee—while on duty or in the workplace—forward a partisan political email from her Government email account to her personal email account?

A: Yes. If a Federal employee receives a partisan political email in her Government email account, she may send that email to her personal email account while at work. Simply forwarding such an email to one’s personal email account, without more, does not violate the Hatch Act.

Q: May a Federal employee—while on duty or in the workplace—send or forward a partisan political email from his Government email account or his personal email account to others?

A: No. A Federal employee cannot send or forward a partisan political email from either his Government email account or his personal email account (even using a personal device) while at work.

Q: Can Federal agencies discipline their employees for violating an internal email or computer policy even though OSC [Office of Special Counsel] is also investigating the same activity for a Hatch Act violation?

A: Yes. OSC has exclusive jurisdiction to investigate and prosecute complaints alleging a violation of the Hatch Act, 5 CFR section 734.102. Thus, while a Federal agency may discipline an employee for violating an internal policy, such action by the agency does not preclude OSC from also investigating and/or prosecuting the matter.

Q: May a Federal employee send or forward a partisan political email to subordinate employees?

A: *No. It is an improper use of official authority for a supervisor to send or forward a partisan political email to subordinates, at any time.*

DoD 5500.7-R, “Joint Ethics Regulation (JER),” August 30, 1993 (Incorporating Changes 1-7, November 17, 2011)

The JER provides a single source of standards of ethical conduct and ethics guidance for DoD employees. Chapter 6, “Political Activities,” Section 2, “Political Activities of DoD Employees,” states, “The policy governing the political activities of civilian DoD employees is derived from the Hatch Act Amendments, 5 U.S.C. 7321 through 7326” According to this section, DoD Components have the responsibility to investigate allegations of prohibited political activity by excepted service employees; however, the Office of Special Counsel has primary enforcement responsibility. It also states that employees in “non-career Senior Executive Service positions may not engage in activities that could be interpreted as associating the DoD with any partisan political cause or issue.”

Defense Security Service Regulation 21-30, “Acceptable Use of Information Technology Resources,” December 15, 2014

The Regulation establishes policy and assigns responsibilities for the use and control of Defense Security Service information technology resources. The regulation establishes that Defense Security Service information technology resources will be provided to users for authorized, official purposes only. The regulation lists prohibited uses of Defense Security Service information technology resources, unless performed for authorized purposes. These uses include engaging in any unauthorized fund-raising activity, endorsing any product or service, participating in any lobbying activity, and engaging in any prohibited partisan political activity.

Standards Related to Use of Position and Use of Government Resources

5 CFR Part 2635, “Standards of Ethical Conduct for Employees of the Executive Branch”

Section 2635.701, “Overview,” contains provisions relating to the proper use of official time and authority, and of information and resources to which an employee has access because of his or her Federal employment. This subpart sets forth standards relating to: (a) use of public office for private gain; (b) use of nonpublic information; (c) use of Government property; and (d) use of official time.

Section 2635.702 states that an “employee shall not use his public office for his own private gain, for the endorsement of any product, service or enterprise, or for the private gain of friends, relatives, or persons with whom the employee is affiliated in a nongovernmental capacity, including nonprofit organizations of which the employee is an officer or member, and persons with whom the employee has or seeks employment or business relations.” This section, quoted in the following paragraphs, lists specific prohibitions that apply the general standard, but are not intended to be exclusive or to limit the application of this section.

(a) *Inducement or coercion of benefits.* An employee shall not use or permit the use of his Government position or title or any authority associated with his public office in a manner that is intended to coerce or induce another person, including a subordinate, to provide any benefit, financial or otherwise, to himself or to friends, relatives, or persons with whom the employee is affiliated in a nongovernmental capacity.

(b) *Appearance of governmental sanction.* Except as otherwise provided in this part, an employee shall not use or permit the use of his Government position or title or any authority associated with his public office in a manner that could reasonably be construed to imply that his agency or the Government sanctions or endorses his personal activities or those of another.

(c) *Endorsements.* An employee shall not use or permit the use of his Government position or title or any authority associated with his public office to endorse any product, service or enterprise except:

- (1) In furtherance of statutory authority to promote products, services or enterprises; or
- (2) As a result of documentation of compliance with agency requirements or standards or as the result of recognition for achievement given under an agency program of recognition for accomplishment in support of the agency’s mission.

(d) *Performance of official duties affecting a private interest.* To ensure that the performance of his official duties does not give rise to an appearance of use of public office for private gain or of giving preferential treatment, an employee whose duties would affect the financial interests of a friend, relative or person with whom he is affiliated in a nongovernmental capacity shall comply with any applicable requirements of § 2635.502.

(e) *Use of terms of address and ranks.* Nothing in this section prohibits an employee who is ordinarily addressed using a general term of address, such as “The Honorable”, or a rank, such as a military or ambassadorial rank, from using that term of address or rank in connection with a personal activity.

Section 2635.703, quoted in the following paragraphs, includes the applicable prohibitions and provides the definition of “nonpublic information.”

(a) *Prohibition.* An employee shall not engage in a financial transaction using nonpublic information, nor allow the improper use of nonpublic information to further his own private interest or that of another, whether through advice or recommendation, or by knowing unauthorized disclosure.

(b) *Definition of nonpublic information.* For purposes of this section, nonpublic information is information that the employee gains by reason of Federal employment and that he knows or reasonably should know has not been made available to the general public. It includes information that he knows or reasonably should know:

- (1) Is routinely exempt from disclosure under 5 U.S.C. 552 or otherwise protected from disclosure by statute, Executive order or regulation;
- (2) Is designated as confidential by an agency; or
- (3) Has not actually been disseminated to the general public and is not authorized to be made available to the public on request.

Section 2635.704, quoted in the following paragraphs, includes the applicable standard and provides the definitions of “Government property” and “authorized purposes.”

(a) *Standard.* 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.

(b) *Definitions.* For purposes of this section:

(1) *Government property* includes any form of real or personal property in which the Government has an ownership, leasehold, or other property interest as well as any right or other intangible interest that is purchased with Government funds, including the services of contractor personnel. The term includes office supplies, telephone and other telecommunications equipment and services, the Government mails, automated data processing capabilities, printing and reproduction facilities, Government records, and Government vehicles.

(2) *Authorized purposes* are those purposes for which Government property is made available to members of the public or those purposes authorized in accordance with law or regulation.

Section 2635.705(a), “Use of an Employee’s Own Time,” states, “Unless authorized in accordance with law or regulations to use such time for other purposes, an employee shall use official time in an honest effort to perform official duties.”

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

***DoD 5500.7-R, “Joint Ethics Regulation (JER),” August 30, 1993
(Incorporating Changes 1-7, November 17, 2011)***

Chapter 3, “Activities with Non Federal Entities,” Section 1, “Office of Government Ethics Regulation,” paragraph 3-209, “Endorsement,” states that “[e]ndorsement of a non-Federal entity, event, product, service, or enterprise may be neither stated nor implied by the DoD, or DoD employees in their official capacities” It also states that “titles, positions, [and] organization names may not be used to suggest official endorsement or preferential treatment of any non Federal entity” without specific exception.

Standard Related to Consuming Alcohol in the Workplace***41 CFR Sec. 102-74.405, “What is the Policy Concerning the Use of Alcoholic Beverages?”***

41 CFR sec. 102-74.405 answers, “What is the policy concerning the use of alcoholic beverages?” It states that “[e]xcept where the head of the responsible agency or his or her designee has granted an exemption in writing for the appropriate official use of alcoholic beverages, all persons entering in or on Federal property are prohibited from being under the influence or using alcoholic beverages. The head of the responsible agency or his or her designee must provide a copy of all exemptions granted to the buildings manager and the highest ranking representative of the law enforcement organization, or other authorized officials, responsible for the security of the property.”

Appendix B: Other Matters

The anonymous complaint stated that DCSA employees perceived that Mr. Lietzau had or was having one or more sexual relationships with female subordinates. The complaint also stated that Mr. Lietzau's alleged conduct created a widespread perception of inappropriate relationships and favoritism.

Four witnesses told us that they heard a story about Mr. Lietzau having an inappropriate relationship with a former subordinate, identified here as Subordinate B.⁵² All four witnesses described the rumored story differently. However, all the stories involved Mr. Lietzau and the Subordinate B both being allegedly naked together during a deployment. Mr. Lietzau told us that he learned that the rumored story, in which he allegedly took Subordinate B "to orgies in Afghanistan," was shared within the agency. Mr. Lietzau told us, "There is zero to the rumor. I've never traveled with [Subordinate B]. I've never been to Afghanistan with her." Mr. Lietzau also told us, "I was never in Iraq with her or anywhere else. ... I've never even traveled with her."

Three witnesses told us that they either believed Subordinate B had access to Mr. Lietzau, had "his ear," or that Mr. Lietzau helped fast track her security clearance. In our review of Mr. Lietzau's DoD email account and official emails, we did not find evidence supporting that Mr. Lietzau helped fast track Subordinate B's security clearance; however, we identified messages directly to and from Subordinate B, including messages reminding him to call his parents. Four emails discussed DCSA issues and the DCSA work environment, and one was a draft from Mr. Lietzau to his supervisors addressing questions on his potential selection for DCSA leadership.

Mr. Lietzau told us Subordinate B was a close friend who had his ear and treated him "as somewhat of a father figure" and a mentor. Although reviewing Mr. Lietzau's draft emails was not part of Subordinate B's official duties, Mr. Lietzau told us that he rarely sent "an important email without bouncing it off someone who [understood his] situation." He also told us that he did not recall the emails, but if he and Subordinate B had spoken about his father, she would have recommended that Mr. Lietzau call him.

We found insufficient evidence to determine that Mr. Lietzau's alleged conduct concerning Subordinate B violated a standard. Accordingly, we did not address these allegations in the body of the report.

⁵² Multiple attempts to interview the former subordinate were met with negative results.

Acronyms and Abbreviations

CFR	Code of Federal Regulations
CSO	Chief Strategy Office
DCSA	Defense Counterintelligence and Security Agency
DoD OIG	DoD Office of Inspector General
ICC	International Christian Concern
JER	Joint Ethics Regulation
MFR	Memorandum for record
NFE	Non-Federal entities
OSC	Office of Special Counsel
PII	Personally Identifiable Information
PVTO	Personnel Vetting Transformation Office
SCIF	Sensitive compartmented information facility
SOCO	Standards of Conduct Office
U.S.C.	United States Code
USD(I&S)	Under Secretary of Defense for Intelligence and Security





Whistleblower Protection

U.S. DEPARTMENT OF DEFENSE

Whistleblower Protection safeguards DoD employees against retaliation for protected disclosures that expose possible fraud, waste, and abuse in Government programs. For more information, please visit the Whistleblower webpage at <http://www.dodig.mil/Components/Administrative-Investigations/Whistleblower-Reprisal-Investigations/Whistleblower-Reprisal/> or contact the Whistleblower Protection Coordinator at Whistleblowerprotectioncoordinator@dodig.mil

For more information about DoD OIG reports or activities, please contact us:

Congressional Liaison

703.604.8324

Media Contact

public.affairs@dodig.mil; 703.604.8324

DoD OIG Mailing Lists

www.dodig.mil/Mailing-Lists/

Twitter

www.twitter.com/DoD_IG

DoD Hotline

www.dodig.mil/hotline



D-CATSe 20210409-070630-CASE-01



DEPARTMENT OF DEFENSE | OFFICE OF INSPECTOR GENERAL

4800 Mark Center Drive
Alexandria, Virginia 22350-1500
www.dodig.mil
DoD Hotline 1.800.424.9098