

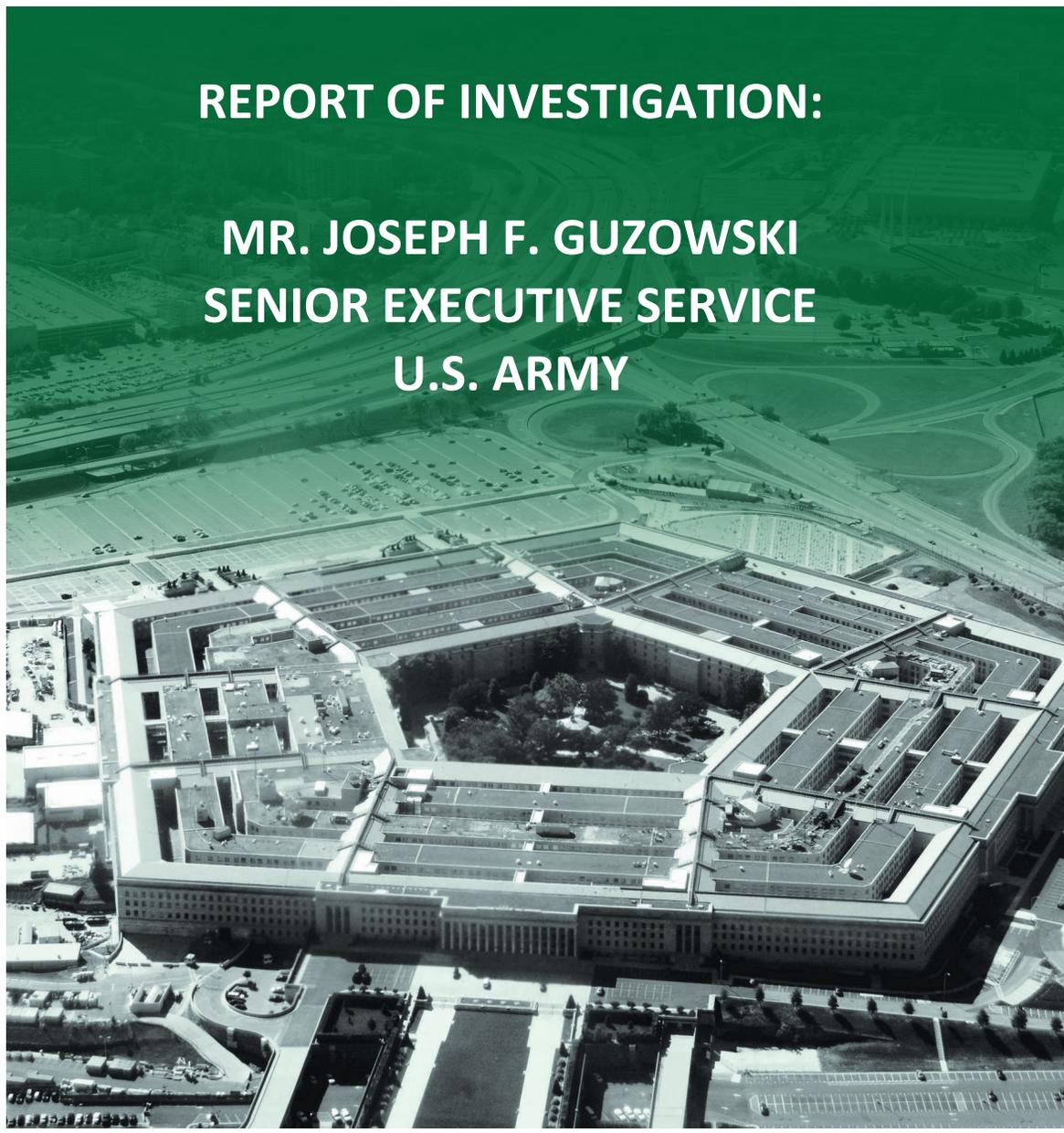
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INSPECTOR GENERAL

U.S. Department of Defense



January 9, 2018



REPORT OF INVESTIGATION:

**MR. JOSEPH F. GUZOWSKI
SENIOR EXECUTIVE SERVICE
U.S. ARMY**

INTEGRITY ★ EFFICIENCY ★ ACCOUNTABILITY ★ EXCELLENCE

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I. INTRODUCTION AND SUMMARY

We initiated this investigation to address an allegation that Mr. Joseph F. Guzowski, Senior Executive Service (SES), Principal Director to The Inspector General for Inspections (PDTIGI), Headquarters, Department of the Army Inspector General Agency (DAIG), failed to treat an employee with dignity and respect. During our investigation, we identified three additional complainants who alleged additional instances in which Mr. Guzowski engaged in a course of conduct that failed to treat employees with dignity and respect. If substantiated, this allegation would violate standards summarized throughout this report. The applicable standards are presented in full in the Appendix.

We substantiated the allegation. We summarize our findings in this introduction and summary, then provide in more detail the facts and analysis underlying these findings in Section IV.¹

Treating Employees With Dignity and Respect

Instances Involving Physical Contact

April 2012 - Kissing a Female Employee Without Consent

Complainant 1 told us that [REDACTED] in April 2012, Mr. Guzowski told her that he was going to be her “special protector” because of an unrelated incident between herself and another DAIG staff member, and invited her to join him after duty hours at a local restaurant in Alexandria, Virginia for a celebratory [REDACTED] drink and to discuss some work-related matters.² Complainant 1 told us that because Mr. Guzowski was “going to be looking out for [her],” and for this reason only, she agreed to meet him on this occasion after duty hours.

Complainant 1 told us that Mr. Guzowski said to her, “How about we go home and...you change out of your work clothes and I’ll change and we’ll meet back [at the restaurant].” Complainant 1 said that she told Mr. Guzowski that there was “no way I’m doing that. If you want to buy me a [REDACTED] drink and we’ll talk about these [special protector issues]...[w]e can do that on the way home, but I’m not going to go home, and change into girl clothes, and meet you at the [restaurant].” She told us that she asked Mr. Guzowski, “Where is your wife?” She said Mr. Guzowski replied that his wife was away on temporary duty (TDY) travel. Complainant 1 told us that she did not consider the invitation a date, but

¹ Generally, allegations concerning sexual harassment are handled through Equal Employment Opportunity offices, where the evidentiary standard is “severe and pervasive.” The complainants in this case did not submit sexual harassment complaints against Mr. Guzowski to an Equal Opportunity Office. However, our office conducted an administrative investigation regarding the allegations raised, and we substantiated that Mr. Guzowski engaged in conduct that failed to treat employees with dignity and respect, based on a preponderance of the evidence standard.

² We initiated this investigation based on Complaint 2’s allegation. During the conduct of our investigation we received information about Mr. Guzowski’s actions with Complainants 1, 3, and 4. We address the complainants in this report based on the date the incidents occurred.

she did find it strange that he asked her to go home and change her clothes. She stated that she and Mr. Guzowski drove separately to the restaurant in their respective personal vehicles.

Complainant 1 told us that after meeting at the restaurant, she and Mr. Guzowski sat at the bar and that Mr. Guzowski was “continuously reaching over...trying to get me to take my jacket off.” She told us that she told Mr. Guzowski to “[s]top doing that. I’m not taking off my jacket.” She told us that at this point in their interaction, she became uncomfortable.

Complainant 1 told us that after she consumed one alcoholic drink she told Mr. Guzowski she was ready to go home. She told us that she had a personal policy not to drive if she consumed any alcoholic beverages, so she tried to call a family member to pick her up and take her home. She told us that she was not able to reach the family member, so she accepted Mr. Guzowski’s offer to drive her to her nearby residence.

Complainant 1 told us that after Mr. Guzowski pulled into her driveway they both exited his vehicle and Mr. Guzowski approached her as she stood at the front of his vehicle. She told us that she initially believed Mr. Guzowski was about to wish her a good night, but without any warning or her consent, Mr. Guzowski leaned toward her and kissed her on her mouth. Complainant 1 demonstrated to our investigators how she used her hand to wipe the kiss from her mouth and stared at Mr. Guzowski to express her disapproval. She told us that Mr. Guzowski returned to his vehicle and departed without having said anything to her after the kiss.

Complainant 1 told us she did not want Mr. Guzowski to kiss her, was “shocked” that he did so, and was unhappy about the kiss. She told us that she realized when he repeatedly asked her to remove her jacket that she had made a mistake by agreeing to meet Mr. Guzowski after duty hours at the restaurant. She also stated that because of Mr. Guzowski’s position in DAIG, “you want to keep your job and maintain what you do at work. You don’t want to be in an adversarial relationship with the guy now supposed to protect me.” She told us that at work the following morning she told a co-worker about the unwanted kiss.

The co-worker told us that the morning after the kissing incident the witness appeared upset and told the co-worker that Mr. Guzowski had kissed her the previous evening. The co-worker said he thought that Complainant 1 told him that Mr. Guzowski “started getting a little friendly hands-on and [that Mr. Guzowski] tried to kiss her” at the restaurant. The co worker said he thought Complainant 1 told him that she pushed Mr. Guzowski away when he tried to kiss her.

Mr. Guzowski told us he did not recall going to the local restaurant with Complainant 1 or kissing Complainant 1 in her driveway. Mr. Guzowski told us that the specific local restaurant mentioned by Complainant 1 was close to his residence and he went there with his wife for brunch and other events; however, he said he did not recall going there with Complainant 1. Mr. Guzowski told us that he did not recall having any conversations with Complainant 1 about being her “[special] agency protector.”

We asked Mr. Guzowski whether he drove Complainant 1 home and kissed her as she stood in her driveway and he responded “Not even.” Mr. Guzowski told us that he did not remember kissing Complainant 1. He told us that his physical contact with Complainant 1 occurred “at DAIG social events if she came up and gave me a hug or shakes my hand.”

In a June 6, 2017, e-mail to our investigators, subject "Interview Follow-Up," Mr. Guzowski wrote, "BLUF [bottom line up front]: I did not touch [Complainant 1] inappropriately...numerous years ago!"

April 2012 - Touching a Female Employee's Buttocks Without Consent

Complainant 1 told us that on a different day during the same [REDACTED] week as the unwelcome kissing incident, she stood in an office doorway in The Inspector General of the Army's (TIG) front office area talking to another DAIG staff member. She told us that as Mr. Guzowski quickly walked past her on his way into the TIG's private office, Mr. Guzowski touched her buttocks. Complainant 1 said that when Mr. Guzowski touched her buttocks, her initial reaction was to immediately comment to the DAIG staff member that Mr. Guzowski had "just grabbed my ass." After a few years to reflect on the 2012 incident, during our interview she told us that Mr. Guzowski's touch happened very quickly and when the DAIG staff member asked her if she wanted him to do something about the incident she told him she did not want to pursue the matter because Mr. Guzowski had already entered the TIG's private office. Complainant 1 told us that Mr. Guzowski's touch was "very subtle," like a "brush [with his hand]...like it's the kind of thing like, if I did it to somebody, like on the train or something, I would say, 'Oh, my God. I didn't mean to do that.'" Complainant 1 told us she believed the touch was intentional because there was plenty of room in the hallway, and Mr. Guzowski could have passed her easily without any contact.

We measured the hallway where Complainant 1 said she stood and determined it was approximately 4 feet 6 inches wide at its narrowest point where Mr. Guzowski walked past her.

The DAIG staff member with whom Complainant 1 was talking when the incident occurred told us that he saw Mr. Guzowski walk past the doorway very close to Complainant 1 and that as soon as Mr. Guzowski passed her, Complainant 1 commented to the staff member that Mr. Guzowski had "just touched my ass."

Another witness told us that Complainant 1 described the incident to him when she returned to her office area shortly after it occurred. This witness told us Complainant 1 thought the touch was not innocent, was a deliberate act, and that she felt "violated." This witness also told us Complainant 1 stated, "Mr. Guzowski's actions were inappropriate and . . . not some casual, just, brush against you."

Mr. Guzowski told us that he did not recall touching Complainant 1's buttocks.

In his e-mail to our investigators, Mr. Guzowski wrote, "BLUF: I did not touch [Complainant 1] inappropriately ... numerous years ago!"

December 22, 2016 – Touching a Second Female Employee's Buttocks

Complainant 2 told us that on December 22, 2016, the TIG, Deputy TIG (DTIG), and other TIG staff members traveled from the DAIG offices in the Pentagon to the DAIG Technical Inspections (TI) conference room in the Taylor Building located in Crystal City, Virginia to receive a briefing.

Complainant 2 told us that she entered the TI conference room just before the briefing concluded to speak with the TIG regarding an inspection schedule matter. Complainant 2 told us that once the briefing concluded, she approached the TIG, who was seated next to Mr. Guzowski at the head of the conference table. She said that as she positioned herself next to the TIG, Mr. Guzowski stood up

and offered his chair to the Complainant. Complainant 2 said that Mr. Guzowski then placed his right hand on the right side of her waist just above her hip, squeezed her waist, then slid his hand down onto the right side of her buttocks.

Complainant 2 told us that she did not visibly react to Mr. Guzowski's touch when it occurred because she was in the TIG's presence. She described Mr. Guzowski's touch as "intentional" and "inappropriate."

Complainant 2 told us Mr. Guzowski's touch was very quick and she was not sure whether the few DAIG personnel remaining in the conference room at that time saw what happened. We interviewed the TIG, DTIG, and DAIG personnel who attended the briefing. None of the witnesses saw Mr. Guzowski touch Complainant 2 or saw any reaction from Complainant 2 that indicated to them that something had occurred.

Approximately an hour after the incident, Complainant 2 told a female military officer [hereafter "confidant"] with whom she was having lunch, that Mr. Guzowski had touched her inappropriately. The confidant told us Complainant 2 "tensed up," was visibly upset, and that her eyes teared up as she told the confidant that Mr. Guzowski "deliberately did it because he actually, you know, it was almost like he held it there." The confidant stated that Complainant 2 told her, "I know the difference between someone mistakenly touching me and deliberately."

Later on the day of the incident, Complainant 2 exchanged text messages with her mentor, a retired Army general officer, describing what Mr. Guzowski had done to her and seeking advice. The mentor told us Complainant 2 texted her that Mr. Guzowski had touched her buttocks, she was "very startled" by his actions, and asked the mentor for advice on how to proceed. The mentor advised Complainant 2 via text message to "document it [Mr. Guzowski's unwanted touch]," and to tell Mr. Guzowski she did not appreciate physical contact from a senior leader. We present the entire text message exchange in Section IV of this report.

Complainant 2's spouse told us that after Complainant 2 arrived home that evening, she had a "highly displeased" look on her face and told him that Mr. Guzowski had touched her buttocks at work that day. The spouse told us that Complainant 2 was clearly upset about the incident. The spouse said Complainant 2 told him Mr. Guzowski's touch was "unnecessary" and "inappropriate," and "I think what he did could fall under sexual harassment." Complainant 2 started scheduled holiday leave from [REDACTED], through [REDACTED], and returned to work January 3, 2017.

On January 3, 2017, Complainant 2 returned to work and attended Equal Opportunity (EO) training with other DAIG personnel. Complainant 2 approached the DTIG at the end of the training and told him that Mr. Guzowski had touched her buttocks at the conclusion of the December 22, 2016, briefing. She later sent the DTIG an e-mail with an attached Memorandum for Record (MFR) explaining how Mr. Guzowski touched her buttocks. The DTIG directed his staff to refer the allegation to the U.S. Army Criminal Investigation Command (CID) for review and appropriate action.³

³ We discuss the CID investigation in Section IV below.

Mr. Guzowski told us that he did not touch Complainant 2's waist or buttocks. Mr. Guzowski denied making any physical contact with Complainant 2. He told us that he did not know why she made the allegation against him.

In his e-mail to our investigators, Mr. Guzowski wrote, "BLUF: I did not touch [Complainant 2] inappropriately in 2016."

Instances Not Involving Physical Contact

July 2016 - Derogatory Comment to a Female Army Inspector General Employee

On July 14, 2016, while TDY to attend and speak at a conference at Army Materiel Command (AMC), Redstone Arsenal (RSA), Alabama, Mr. Guzowski and other personnel entered an elevator that was already occupied by an African-American female passenger. The passenger (hereafter Complainant 3) was one of many detailed Army IGs who attended the conference. Complainant 3 stood closest to the elevator's control panel. Complainant 3 told us that after Mr. Guzowski entered the elevator, he commented to her that she was either an "elevator boy" or that she was an "elevator attendant." She told us Mr. Guzowski's comment had a "racial tone" and a "derogatory tone," because "back in the day ... you know ... most black folks were kind of operating the elevators." She told us that she was "extremely irritated" by Mr. Guzowski's comment. Complainant 3 said that she did not speak to him about the incident because the elevator was full of people and she did not want to make a scene. She also said she did not speak out "because of Mr. Guzowski's rank and position," and she felt she would be putting her Redstone Arsenal IG office in jeopardy if she made an issue of his comment to her.

Another African-American female IG present in the elevator (hereafter Complainant 4) told us Mr. Guzowski's comment was upsetting to her and "very inappropriate." She said she did not recall the exact comment, but "it was something to the effect of... 'Don't you know how to [operate the elevator]?'". She stated that Complainant 3 appeared "visibly shaken" by it. Complainant 4 said Mr. Guzowski's comment made her feel "less than...kind of condescending and disappointing ... offensive ... definitely condescending and kind of 'I'm superior.'"

Complainant 2 told us she was also on the elevator. She told us that after Mr. Guzowski and those with him got on the elevator, "the lady [Complainant 3] asked [Mr. Guzowski], 'Well, what floor?'" Complainant 2 told us Mr. Guzowski made a comment to Complainant 3 in front of "all the people who were on the elevator" because "she [Complainant 3] was standing closest to the knobs." Complainant 2 stated Mr. Guzowski's comment was something to the effect of "we need to put a chair there and you become the, almost like an elevator attendant or something like that." She said, "[Complainant 3] was an African-American woman. So, of course that was inappropriate because when you think about the connotation of this comment." Complainant 2 stated that she observed Complainant 3's demeanor change noticeably after Mr. Guzowski made his comment to her. Complainant 2 said that she apologized to Complainant 3 and later, after a meeting they both attended, she visited Complainant 3 in her office. Complainant 2 told us she apologized again for Mr. Guzowski's elevator remark and that Complainant 3 went "ballistic," expressing her anger about Mr. Guzowski's remark.

Complainant 2 told us that after the TDY travel concluded and they returned to DAIG headquarters she told Mr. Guzowski his comment in the elevator was inappropriate. She stated that Mr. Guzowski took the matter as a joke, and that she advised him, "that was not joking because if you

understand the connotation ... that was wrong. It was wrong. I don't care how you look at it." Complainant 2 told us Mr. Guzowski responded, "Well ... if it becomes an issue or if she says something about it, let me know."

Mr. Guzowski told us that Complainant 2 did inform him that his comment was inappropriate; however, he told us that he meant the remark as a joke because he thought, "it would be great to have a job working in the elevator. You can sit on the seat and press the buttons. That's what I want to do on retirement ... you have the opportunity to interface with people, chit-chat, learn things." He said he did not mean his comment in a derogatory way.

July 2016 - Throwing Money at a Female Army Inspector General Employee

Complainant 4 told us that during Mr. Guzowski's July 2016 TDY visit to AMC, there was a professional development luncheon at which he made a presentation to the attending IGs. Complainant 4 coordinated the luncheon for all the attendees and prepaid the lunches for the TDY visitors, including Mr. Guzowski, who were supposed to reimburse her upon their arrival. She said she coordinated with Mr. Guzowski's office and obtained his menu selection in advance, and she reminded Mr. Guzowski at various times after his arrival that he needed to reimburse her for his lunch meal.

Complainant 4 told us that she set up a table at the entrance to the luncheon so those who had not paid for their lunch could do so on their way into the event.⁴ She said Mr. Guzowski's lunch was prepositioned at the head table and she again reminded him as he entered the luncheon area that he needed to reimburse her for his meal. She said Mr. Guzowski responded, "Oh, okay, you'll get your money," and proceeded to his table. Complainant 4 said at or near the end of lunch, Mr. Guzowski began his presentation to the attendees. She told us that Mr. Guzowski walked around the room during his presentation. Complainant 4 said, "My back was to him, and about maybe three-quarters of the way into his presentation, as I'm taking notes, I see a [\$10 bill] and a [\$5 bill] come over my shoulder and land on the table." She said, "I immediately [turned] to see where the money was coming from, and I realized that [Mr. Guzowski] had...tossed, flung, threw the money over my shoulder onto the table." Complainant 4 said, "I was turning to say something, the first person I saw was [Complainant 3] ... [a]nd [Complainant 3] turned ... shook her head [no] ... because I was going to say something [to Mr. Guzowski]...[but] I didn't say anything."

Complainant 4 told us she did not "appreciate [Mr. Guzowski] throwing the money" and that he "could have handed it" to her. She said, "There were other opportunities, but to be in the middle of a presentation ... pull money out and to toss it, I thought that was unprofessional and disrespectful." Complainant 4 said she did not know why Mr. Guzowski threw the money but said, "For me, it goes back to my belief that he is an SES and I am staff."

Complainant 4 told us that nine months later during April 2017, while at the DAIG Worldwide IG Conference, she saw Mr. Guzowski and as he "walked by one day and I said, 'Oh, good morning, Mr. Guzowski.'" She said that Mr. Guzowski immediately responded, "Oh, I know you – you're the lunch lady." Complainant 4 said Mr. Guzowski's comment was "offensive" because "[t]here are only IGs that attend the IG conference." She told us "I think it's inappropriate for leadership ... when you're in a

⁴ Mr. Guzowski was the most senior member to attend the luncheon.

setting where we are all IGs.” She said Mr. Guzowski may not have intended for his comment “to be condescending, but again, just based on interactions [with him] ... it was [condescending] for me.”

Complainant 3 told us that the gathering was a “lunch and learn” type of setting and as Mr. Guzowski was preparing to speak to the assembled group, “he just took his money out of his wallet and basically threw it over [Complainant 4’s] shoulder ... instead of giving it to her.” Complainant 3 told us that when Mr. Guzowski threw the money, Complainant 4 looked at her with the expression of, “I can’t believe he did that.” Complainant 3 told us that she also “couldn’t believe he [threw the money].”

Commenting About Female Employees’ Diet, Weight and Belly Fat

Witnesses told us that Mr. Guzowski avoided eating carbohydrates in an effort to either maintain or lose weight. Complainant 1 told us that once she had a brief discussion with Mr. Guzowski near one of the building’s escalators regarding SES performance measurements and how they were weighted. She said Mr. Guzowski then commented, “And speaking of weight, you know, you should go ahead and do what I’m doing so that you can lose weight.” She said she told Mr. Guzowski, “Really? Really?” She told us that after he made the comment she was “beside myself. I’m furious.”

A witness told us she had heard Mr. Guzowski make a comment to an employee that “I guess you don’t want to eat any of this donut because you don’t want to be fat.” The witness said she immediately told Mr. Guzowski, “Sir, you can’t say that.” Another witness recalled Mr. Guzowski’s eating habits and frequent comments about food; however, this witness told us that he did not recall hearing Mr. Guzowski comment about weight or an individual being fat. No other witnesses remembered hearing Mr. Guzowski make such a comment.

Another witness said Mr. Guzowski would occasionally observe employees’ belly fat and say, “somebody’s belly is hanging over the belt.” This witness said she could not recall a specific employee Mr. Guzowski referred to with his comments about belly fat and weight. This witness said although Mr. Guzowski generalized his comments, she did not think comments regarding employees’ weight and body fat were appropriate “in any setting.”

Mr. Guzowski told us he did not make any comments to anyone about their weight or losing weight. He told us that he does not eat foods such as pasta and breads and that he is often asked about his eating habits. He said he might have made a general comment that “we’ve got to make sure we don’t get Dunlap disease.”⁵ He said people have asked him “why aren’t you eating donuts?” and he responds that he does not “want Dunlap disease” and wants to prevent medical issues [REDACTED]. He denied making any specific comments to any females about their weight or losing weight. Further, he told us that he believed the only time it would be appropriate to discuss a person’s weight or recommend they lose weight would be if the individual was determined to be overweight after a military physical fitness test.

In his e-mail to our investigators, Mr. Guzowski wrote:

Diet: I eat a certain way because of [REDACTED] and what my wife cooks.
When I am in groups I am asked why I eat the way I do. I basically let people

⁵ “Dunlap disease” is a colloquialism for obesity, derived from the expression, “His stomach has ‘done lapped’ over his belt.”

understand why, no lecturing or telling people they are fat and they should eat similar to how I eat.

Conclusion on Treating Employees With Dignity and Respect

We concluded that Mr. Guzowski failed to treat Complainants 1 and 2 with dignity and respect. The Joint Ethics Regulation (JER) emphasizes primary ethical values, including fairness, caring, and respect, that should guide all DoD employees. The JER states that respect involves treating people with dignity and honoring privacy. It states that respect is critical and that the lack of respect leads to a breakdown of loyalty and honesty. The JER also outlines the expectation that Government employees should treat others with dignity and respect. Army Regulation (AR) 600-100, "Army Leadership," requires every Army leader to treat subordinates with dignity, respect, fairness, and consistency; build cohesive teams; empower subordinates; inspire confidence; and foster a healthy command climate.

We concluded that in April 2012, Mr. Guzowski intentionally and without her consent touched Complainant 1 on the buttocks and kissed her on the mouth, and in December 2016, he intentionally and without her consent touched Complainant 2 on the buttocks. As described below, we also determined that in the 7 months leading up to Mr. Guzowski touching Complainant 2 on the buttocks, he had completed four separate training courses or refreshers in ethics and anti-sexual harassment programs. Mr. Guzowski also acknowledged to us a detailed awareness of such policies during his long military and civilian leadership career. Nevertheless, in these instances we substantiated the allegations that he engaged in unwelcomed and intentional touching of Complainants 1 and 2. We considered his violation of the standards particularly egregious because of his DAIG SES position, and he leads or oversights quality control inspections of Army programs, including its Sexual Harassment Assault Response & Prevention (SHARP) program.

We also concluded that in addition to the physical contact with Complainants 1 and 2, Mr. Guzowski violated the JER and AR 600-100 on other occasions. At the AMC Redstone Arsenal in Alabama, Mr. Guzowski made a derogatory comment to Complainant 3 that Complainant 3 and witnesses who heard it considered offensive and condescending. During the same visit to Alabama he ignored multiple requests to reimburse Complainant 4, who had prepaid his luncheon costs, and then stopped during his presentation on professional development and threw money at her in view of a room full of attendees to reimburse his lunch. Witnesses uniformly described his conduct in Alabama as unprofessional and disrespectful.

Finally, we concluded that Mr. Guzowski made remarks to female employees about other employees' belly fat, their need to follow his diet, to lose weight, and to avoid donuts because they "do not want to get fat." Mr. Guzowski's overall course of conduct toward employees discussed in this report exhibited his failure to treat them with dignity and respect.

Mr. Guzowski's Response to our Tentative Conclusions Letter

On October 3, 2017, we provided Mr. Guzowski our Tentative Conclusions Letter (TCL) containing our preliminary conclusions. On November 14, 2017, Mr. Guzowski provided us with a 17 page response to our preliminary conclusion. Mr. Guzowski wrote that "the conduct described in the allegations is clearly inappropriate," but disagreed with our conclusion. He wrote that he "did not commit this alleged conduct." In his response, Mr. Guzowski questioned the Complainants' motivations

and credibility. He also asserted that the Complainants did not follow required reporting procedures regarding his alleged actions. Mr. Guzowski did not provide any new evidence for us to investigate other than to assert that safes and cabinets present in the hallway to the TIG's office in 2012 made the hallway more narrow than we established.

In his response, Mr. Guzowski asserted that he did not do the following:

- “kiss, intentionally touch, or engage in any other unprofessional activities with Complainant 1;”
- touch Complainant 2's buttocks;
- make any “racially insensitive statement” to Complainant 3;
- recall throwing money over Complainant 4's shoulder to pay for his luncheon;
- call Complainant 4 “the lunch lady” to be condescending; or
- comment about the “diet, weight, or belly fat of female employees.”

We reviewed the information Mr. Guzowski presented and conducted additional fieldwork concerning the width of the hallway.

We initially concluded that Mr. Guzowski compounded his disrespect toward Complainant 4 at a conference nine months after the AMC luncheon when he saw her and greeted her as “the lunch lady.” We reviewed Mr. Guzowski's TCL response and found credible his explanation that he called Complainant 4 “the lunch lady” only because he recognized Complainant 4 as the person who organized the AMC luncheon and did not remember her name. We concluded it was more likely than not that Mr. Guzowski did not intend to treat Complainant 4 with disrespect when he called her “the lunch lady.” Nevertheless, we stand by our conclusion that he failed to treat Complainant 4 with respect when he paid for his lunch by throwing money over her shoulder.

Although we modified our tentative conclusion about Mr. Guzowski's “lunch lady” comment to Complainant 4, we stand by our overall conclusion that he failed to treat subordinates with dignity and respect.

The following sections of this report present our findings, conclusion, and Mr. Guzowski's response to our tentative conclusions in more detail. We based our conclusion on a preponderance of the evidence.⁶

II. BACKGROUND

Mr. Guzowski's Career

Mr. Guzowski, a retired U.S. Army lieutenant colonel, received his SES appointment in November 2004, and subsequently served as the Army's Principal Deputy Chief of Legislative Liaison. In

⁶ We included a synopsis of Mr. Guzowski's response. We recognize that any attempt to summarize risks oversimplification and omission. Accordingly, we included Mr. Guzowski's comments throughout this report and provided a copy of Mr. Guzowski's response to his supervisor.

October 2009, Mr. Guzowski assumed duties as the PDTIGI. He serves as the Army's principal authority regarding Army Inspection Policy.

As the senior DAIG civilian, Mr. Guzowski's primary duties include but are not limited to: assisting both the TIG and DTIG in carrying out their duties, providing oversight to the Army's inspection function, serving as the "principal champion" for Army Regulation 1-201, "Army Inspection Policy," and guiding, directing, and integrating the DAIG Inspections Division's functions. He is also charged with leading DAIG's inspection oversight of various Army programs, including the SHARP program. Other responsibilities include developing and maintaining productive relationships with inspection and audit counterparts within the DoD OIG, other military service IGs, the Army Audit Agency, and with key DoD stakeholders. Mr. Guzowski is also charged with providing leadership, oversight, mentorship, and guidance focused on workforce development for all Army civilian IGs and military IG leaders worldwide, including career plan development.

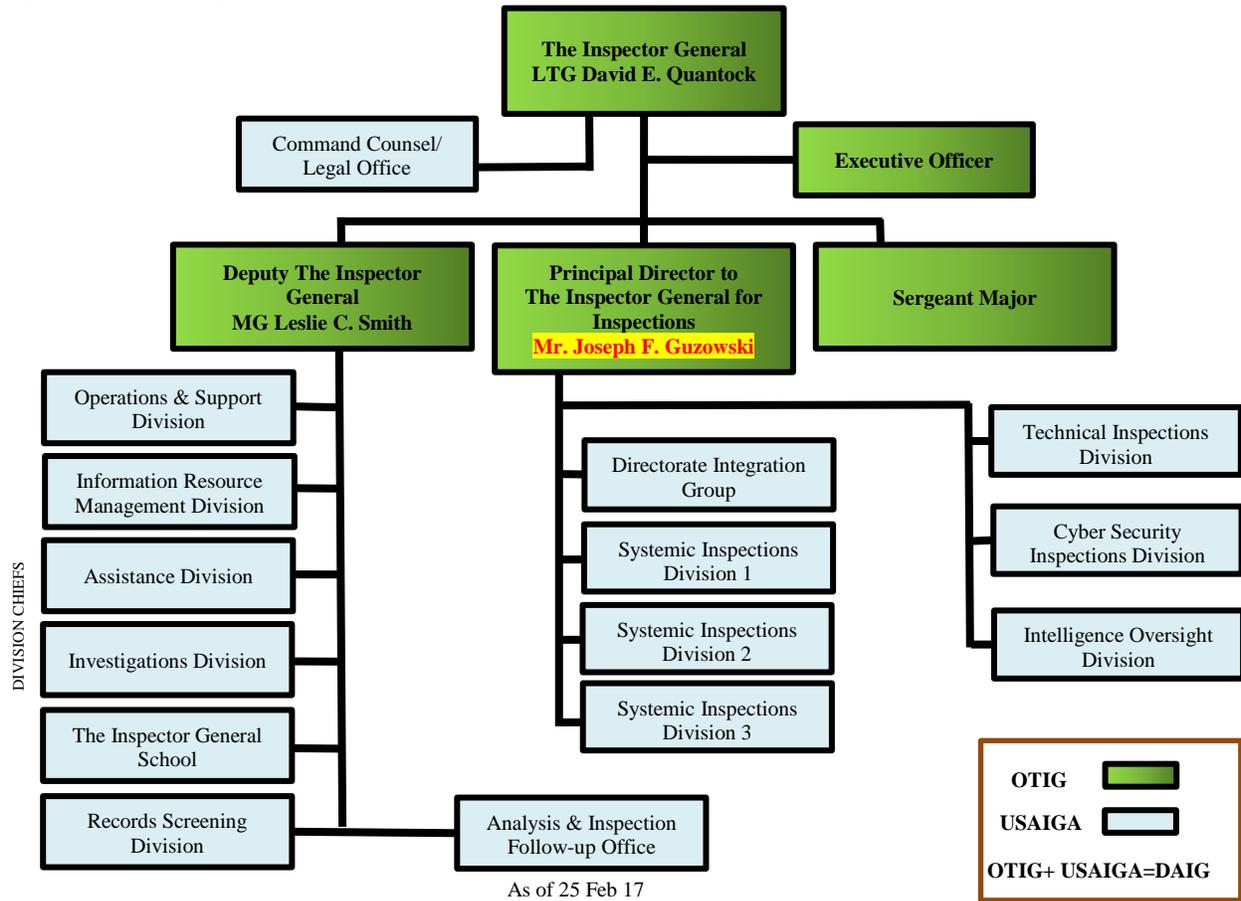
The Department of the Army Inspector General Agency

According to DAIG's official Army website, DAIG's mission is to be the Army's eyes, ears, voice, and conscience across the spectrum of operations, and to inquire into, and periodically report on the discipline, efficiency, economy, morale, training, and readiness throughout the Army, to the Secretary of the Army, and the Chief of Staff, Army. According to DAIG's official Army website, DAIG accomplishes this mission by conducting thorough, objective, and impartial inspections, assessments, and investigations; providing assistance and training; and advising and assisting Army leaders to maintain Army values, readiness, and effectiveness in the promotion of well-being, good order, and discipline.

The TIG serves as a confidential advisor to both the Secretary of the Army and the Chief of Staff, Army. The Office of the TIG (OTIG) consists of the TIG, DTIG, PDTIGI, a sergeant major, an executive officer, executive assistants, and administrative support personnel.

The DAIG is comprised of the OTIG; the Command Counsel and Legal Office; and the U.S. Army Inspector General Agency (USAIGA), an Army field operating agency. The DTIG and PDTIGI provide leadership to USAIGA's two major directorates, each of which contains seven separate divisions. Figure 1 below shows DAIG's organizational structure and Mr. Guzowski's leadership position in the agency.

Figure 1. DAIG Organizational Chart



Mr. Guzowski’s Recent Equal Opportunity/Sexual Harassment Assault Response and Prevention Training

Our review of Mr. Guzowski’s training records revealed that during the period from May 2016 through January 2017, Mr. Guzowski completed the following EO/SHARP training:

- May 19, 2016 - SHARP Annual Refresher Training
- May 24, 2016 - SHARP Standing Strong Training
- Unknown Date - 2016 Annual Ethics Training
- August 9, 2016 - EEO Anti-Harassment & No Fear For Supervisors Training
- January 3, 2017 - SHARP Annual Refresher Training

Mr. Guzowski told us that as an SES, he also completed an EO course at the Defense Equal Opportunity Management Institute (DEOMI) sometime after he became an SES employee, which occurred in 2004. When asked how well he understood the materials presented during these various EO and SHARP training sessions, Mr. Guzowski told us that the training reiterated “the different things

between sexual harassment, sexual assault, the parameters, the different means of how the complaint can be, whether it's closed, open complaint, and what you can and cannot do, who you go [to] through the reporting channels." Mr. Guzowski told us that the training was "pretty detailed" and that personnel had to be "reminded and re-educated" on the Army's policies.

Origin of the DoD OIG investigation

On January 3, 2017, Complainant 2 approached the DTIG and told him that Mr. Guzowski touched her buttocks at the conclusion of the December 23, 2016, TI briefing. Complainant 2 later e-mailed the DTIG a MFR explaining how Mr. Guzowski touched her buttocks. In accordance with Army regulations, the DTIG directed his staff to refer the potential criminal offense to CID for review and to notify DoD OIG.

On January 11, 2017, CID initiated a criminal investigation of Complainant 2's allegation, which concluded on February 7, 2017. Because this incident took place in Arlington, VA and Mr. Guzowski's civilian status, CID coordinated its investigation with an Arlington, Virginia Assistant Commonwealth Attorney, Commonwealth of Virginia, who opined there was no probable cause to believe Mr. Guzowski committed a criminal offense.

On February 22, 2017, DoD OIG obtained a copy of the CID Law Enforcement Report for review.⁷ The DoD OIG initiated this investigation on February 28, 2017.

III. SCOPE

We interviewed Complainants 1 through 4, Mr. Guzowski, and 19 witnesses. We reviewed the CID LER, Mr. Guzowski's Equal Opportunity and sexual harassment training records, travel records, and the 2017 DAIG Command Climate Survey. We photographed the DAIG TI Conference Room located on the 12th Floor, Taylor Building, 2530 Crystal Drive, Arlington, Virginia 22202 and the hallway leading to the TIG's office in the Pentagon, [REDACTED]. We reviewed e-mails, text messages, and relevant standards.

We provided Mr. Guzowski with our tentative conclusions (TCL) and an opportunity to comment before we issued our final report. Mr. Guzowski's TCL response included his written response; a Memorandum for Record (MFR) from a witness regarding Mr. Guzowski's character; a signed memorandum from an individual Mr. Guzowski "surmised" was a witness in our investigation (but who was in fact unrelated to the events covered in this report); a copy of Army Regulation 20-1, "Inspector General Activities and Procedures," dated July 3, 2012; DAIG Policy Memo #3, "USAIGA Commander's Critical Information Requirements/Priority Information Requirements (CCIR/PIR)," dated October 18, 2016; and a copy of the Army Inspector General Oath of Office.

⁷ The CID report is marked as "For Official Use Only/Law Enforcement Sensitive." CID investigated whether there was a potential sexual assault. Based on the CID report, local prosecutors concluded that there was not probable cause to believe a sexual assault occurred. For our investigation, which was not a criminal investigation, we reviewed the CID report, and the witness interviews, but we conducted our own interviews with these and additional witnesses. The CID report, and the witnesses's testimony in that report, was not inconsistent with what we found, but we obtained additional detail due to the broader scope of our administrative investigation.

Matter Not Investigated

We also evaluated an incident that Complainant 2 told us was another example of Mr. Guzowski improperly touching females. Complainant 2 provided us with a photograph of Mr. Guzowski posing for a group photograph with a few employees and their spouses in a restaurant. In the photograph, Mr. Guzowski was seated behind an employee's wife, with his hands around the wife's shoulders. Complainant 2 asserted that Mr. Guzowski's touch was inappropriate and the employee's wife appeared uncomfortable and did not welcome physical contact from Mr. Guzowski. We interviewed the employee whose wife was depicted in the photograph. He told us he attended the dinner with his wife and she was never uncomfortable with Mr. Guzowski during the dinner. He said his wife had known Mr. Guzowski for over four years, was very familiar with him, and conversed with him regularly. He also told us his wife was not offended by Mr. Guzowski touching or hugging her. In its separate review of Complainant 2's assertion regarding the group photograph, Army CID interviewed the employee's wife, and she told CID that Mr. Guzowski's touching did not offend her and he had never touched her inappropriately. Accordingly, we determined the matter did not warrant further investigation.

IV. ANALYSIS OF THE ALLEGATION

Chronology

Table 1 lists dates of significant events associated with the allegation in this report.

Table 1. Chronology of Significant Events

Date	Key Event
November 2004	Mr. Guzowski appointed to the SES
October 2009 to present	Mr. Guzowski assumed duties as the PDTIGI
April 2012	Mr. Guzowski kissed Complainant 1 in the driveway of her residence
April 2012	Mr. Guzowski touched Complainant 1 on the buttocks
May 6, 2016	Mr. Guzowski completed 2016 Annual Ethics Training
May 19, 2016	Mr. Guzowski completed Face-to-Face FY16 Sexual Harassment Assault Response & Prevention (SHARP) training
May 24, 2016	Mr. Guzowski completed SHARP Standing Strong Training
July 14, 2016	Mr. Guzowski made derogatory comments on an elevator and threw money at a female IG while at AMC
August 9, 2016	Mr. Guzowski completed EEO Anti-Harassment & No Fear Training for Supervisors
December 22, 2016 10:00 a.m.	TIG, DTIG, and Mr. Guzowski attended a briefing at the DAIG TI Conference Room
December 22, 2016 10:45 a.m.	Mr. Guzowski touched Complainant 2's waist and buttocks
December 22, 2016	Complainant 2 told a confidant about Mr. Guzowski touching her
December 22, 2016 5:20 p.m.	Complainant 2 told her mentor, via text message, about the touch and sought guidance on what to do about it
December 22, 2016	Complainant 2 prepared a Memorandum For Record (MFR) documenting the touching incident

Date	Key Event
December 22, 2016	Complainant 2 arrived home during the evening hours and told her spouse that Mr. Guzowski touched her
December 23, 2016	Complainant 2 started scheduled holiday leave
January 3, 2017	Complainant 2 returned to work
January 3, 2017 8:00 a.m. - 12:00 p.m.	Complainant 2, Mr. Guzowski, and others attended FY17 SHARP training
January 3, 2017 12:00 -1:00 p.m.	Complainant 2 told the DTIG that Mr. Guzowski touched her on December 22, 2016
January 3, 2017 1:48 p.m.	Complainant 2 e-mailed her MFR to DTIG describing Mr. Guzowski touching her buttocks
January 3, 2017	DTIG forwarded Complainant 2's MFR to DAIG Investigations
January 4, 2017	DAIG Investigations forwarded the complaint to CID and notified the DoD OIG, Investigations of Senior Officials (ISO)
February 7, 2017	CID completed its criminal investigation; a legal review opined there was no probable cause to believe Mr. Guzowski committed a criminal offense; CID provided the DAIG leadership a copy of its final report
February 22, 2017	CID provided the DoD OIG a copy of its Law Enforcement Report (LER)
February 28, 2017	DoD OIG initiated this investigation
April 2017	Mr. Guzowski called Complainant 4 "the lunch lady" at the DAIG Worldwide IG Conference

Treating Employees With Dignity and Respect

Instances Involving Physical Contact

April 2012 - Kissing a Female Employee

Complainant 1 told us that [REDACTED] in April 2012 Mr. Guzowski invited her to a local restaurant for a "[REDACTED] drink" and to discuss some work matters. She told us that she agreed to meet Mr. Guzowski at the restaurant because during a prior conversation, Mr. Guzowski told her that he would be her "special agency protector." Complainant 1 told us that because of an unrelated incident that had occurred in the past between herself and another DAIG staff member, she understood Mr. Guzowski's "special agency protector" comment to mean that he would protect her from the other DAIG member. She told us that she "would not have had this kind of interaction [meeting at the restaurant] with [Mr. Guzowski] in any other way." She told us that because Mr. Guzowski was "going to be looking out for [her]," she agreed to meet him at the restaurant.

Complainant 1 told us that when Mr. Guzowski asked her to go to the restaurant he told her, "how about we go home and ... you change out of your work clothes and I'll change and we'll meet back [at the restaurant]." Complainant 1 said that she told Mr. Guzowski that there was "no way I'm doing that. If you want to buy me a [REDACTED] drink and we'll talk about these [issues] ... [w]e can do that on the way home, but I'm not going to go home, and change into girl clothes, and meet you at the [restaurant]."

Complainant 1 told us that she asked Mr. Guzowski, "Where is your wife?" She told us that Mr. Guzowski replied that his wife was TDY. She told us that she did not feel as if Mr. Guzowski was asking her out on a date; however, she did find it strange that he asked her to go home and change her clothes.

Complainant 1 told us that after work that day she and Mr. Guzowski drove to the restaurant separately in their own vehicles. She told us, "It took about two minutes [after she arrived at the restaurant] for me to realize ... I was wrong" about Mr. Guzowski's intentions. She told us that she and Mr. Guzowski sat at the bar on adjacent bar stools and Mr. Guzowski told her to "[t]ake your jacket off." She told us that Mr. Guzowski was "continuously reaching over ... trying to get me to take my jacket off." She told us that she told Mr. Guzowski, "Stop doing that. I'm not taking off my jacket." She told us that at this point in her interactions with Mr. Guzowski she became uncomfortable.

Complainant 1 told us that after having one drink she told Mr. Guzowski, "I've got to go. I'm going home." She told us that her personal policy is not to drive if she consumed any alcoholic beverages so she attempted to call a family member to drive her home from the restaurant. She told us that when she was not able to reach her family member for a ride home, she told Mr. Guzowski that she would "just wait here [at the restaurant]" but Mr. Guzowski told her, "I'll just take you home." She told us that she accepted Mr. Guzowski's offer of a ride because it was a short distance from the restaurant to her residence.

Complainant 1 told us that when they arrived at her residence, Mr. Guzowski pulled into her driveway, she exited his vehicle, and walked towards her residence. She told us that Mr. Guzowski then exited his vehicle, walked behind it toward the passenger side, and walked toward her in front of his vehicle. She told us that she thanked Mr. Guzowski for the ride home as he approached her.

Complainant 1 told us that Mr. Guzowski then leaned in toward her and kissed her on her mouth. She demonstrated for our investigators how she used her hand to wipe the kiss from her mouth and stepped back and away from Mr. Guzowski because she was "rather unhappy about [the kiss]." She told us she had no doubt that Mr. Guzowski intended to kiss her on the mouth. She told us that her facial expression after the kiss was clear that she did not want him to kiss her and that Mr. Guzowski then reentered his vehicle and drove away without saying anything to her.

Complainant 1 told us she thought initially that Mr. Guzowski "would hug me, yes, and I would have tolerated that." Complainant 1 told us, "I fully expected he would hug me." She told us that she did not expect that Mr. Guzowski would kiss her and, "that's why I didn't move away when he moved in [for the kiss]." She told us that Mr. Guzowski's kiss "shocked" her and that she "never thought he would [kiss her] on my mouth." She told us, "[A]ll I can say ... is you want to keep your job and maintain what you do at work. You don't want to be in an adversarial relationship with the guy [who is] now supposed to protect me."

Complainant 1 told us that she was "sure" she spoke with another DAIG staff member about the incident the next day at work.

The DAIG staff member told us that Complainant 1 appeared upset when she arrived at work the day following the kissing incident. The staff member said that during his conversation with Complainant 1, she told him that she accepted Mr. Guzowski's invitation to the restaurant. The staff member said he thought that Complainant 1 told him that Mr. Guzowski "started getting a little friendly

hands-on and [that Mr. Guzowski] tried to kiss her” at the restaurant. The staff member said he thought Complainant 1 told him that she pushed Mr. Guzowski away when he tried to kiss her. He told us that Complainant 1 was “still upset” about the incident. He told us that Complainant 1 told him, “Here [Mr. Guzowski] is. This guy says he’s going to help me.” The staff member told us that he understood from Complainant 1 that she went to the restaurant because she believed Mr. Guzowski “wanted to let her know that he was going to protect her but he wanted to talk about it.”

Mr. Guzowski told us that he did not recall having any conversations with Complainant 1 about being her “[special] agency protector.”

Mr. Guzowski told us, “I do not recall” going to any local restaurants with Complainant 1. Mr. Guzowski told us that the specific local restaurant mentioned by Complainant 1 was close to his residence and he went there with his wife for brunch and other events; however, he said he did not recall going there with Complainant 1.

We asked Mr. Guzowski whether he recalled being in front of Complainant 1’s residence for anything and he responded, “No, I never went. I never went. I don’t recall anything like that.” He told us that Complainant 1 told him she once lived “close to [REDACTED]” but that she had since moved to the [REDACTED], Virginia. We then asked Mr. Guzowski whether he had ever given Complainant 1 a ride, and he responded, “No.”

We asked Mr. Guzowski whether he drove Complainant 1 home and kissed her as she stood in her driveway and he responded “Not even.” Mr. Guzowski told us that he did not remember kissing Complainant 1. He told us that his physical contact with Complainant 1 occurred “at DAIG social events if she came up and gave me a hug or shakes my hand.” Mr. Guzowski told us that he did not have non-work discussions with Complainant 1 and was not aware of her birth date.

In his e-mail to our investigators, Mr. Guzowski wrote: “BLUF: I did not touch [Complainant 1] inappropriately ... numerous years ago!”

Mr. Guzowski’s TCL Response Regarding Kissing a Female Employee

In his TCL response, Mr. Guzowski wrote, “as previously stated, I did not kiss, intentionally touch, or engage in any other unprofessional activities” with Complainant 1. He wrote that he and Complainant 1 “did not go to a restaurant, we did not have drinks,” and that he “did not drive her home.”

Mr. Guzowski asserted that Complainant 1 was not credible because she had previously filed an “unfounded allegation.” In his TCL response, Mr. Guzowski wrote that Complainant 1 “may harbor personal animus” against him and that she had continued to approach and hug him at social events. In his interview, Mr. Guzowski told us, “The only other physical contact [between him and Complainant 1] would have been at DAIG social events if [Complainant 1] came up and gave me a hug, or shakes my hand, or you know, etcetera.” Mr. Guzowski told us that his relationship with Complainant 1 had been “professional.”

In his TCL response, Mr. Guzowski asserted that Complainant 1’s testimony conflicted with that of the DAIG staff member she allegedly told about the alleged kiss the next day. Mr. Guzowski wrote:

According to DODIG, Complainant 1 said that I tried to get her to take off her jacket at the restaurant she falsely claimed that we both went to, that this made her uncomfortable, and that when I pulled into her driveway, I kissed her, which “shocked” her. [emphasis in original]

The DAIG staff member who Complainant 1 supposedly told about this incident stated that Complainant 1 told him that I tried to kiss her at the restaurant, but that he thought Complainant 1 pushed me away. [emphasis in original]

These two statements: (a) that I kissed her at the restaurant, and (b) that I tried to kiss her in the driveway of her home, are plainly and completely inconsistent. Most notably, it does not seem credible that someone tried to kiss or kissed Complainant 1 at the restaurant, that Complainant 1 would then be “shocked” if that person also kissed her in the driveway. This material inconsistency demonstrates that the story is not true and that Complainant 1 lacks veracity.

Based on Mr. Guzowski’s TCL response, we reviewed the interview transcripts of both Complainant 1 and the staff member whom she told of the incident the next morning. Complainant 1 told us Mr. Guzowski kissed her while in her driveway and that she told the staff member what happened the following morning. The staff member told us Complainant 1 arrived at work the following day, appeared upset, and said she and Mr. Guzowski “were at the bar and they were talking, and he started getting more forward, and he tried to kiss her.” The staff member remembered Complainant 1 told him the kiss happened at the bar.

Mr. Guzowski wrote that there was no basis to find that he was not credible and that the only available evidence was Complainant 1’s “five-year old allegation.” Although the incident took place about five years before this investigation, Complainant 1 was specific during her interview about the details of what took place inside the restaurant and later in the driveway of her residence. Complainant 1 never told us that Mr. Guzowski tried to kiss her at the restaurant; instead, she told us that he asked her to remove the jacket she wore and made attempts to get her to remove it. The next morning after she arrived at work, Complainant 1 told the staff member that Mr. Guzowski had kissed her the previous evening. Although the staff member’s recollection of where the kiss took place differed from that of Complainant 1, the staff member remembered that Complainant 1 arrived at work upset and told him that Mr. Guzowski kissed her the previous night.

April 2012 - Touching a Female Employee’s Buttocks

Complainant 1 told us that in April 2012, Mr. Guzowski touched her buttocks without her consent as she stood in the TIG’s front office hallway area talking with another DAIG staff member. She told us that she was standing in the staff member’s office doorway engaged in a conversation when Mr. Guzowski quickly walked past her on his way into the TIG’s office and he touched her buttocks as he passed. She told us that Mr. Guzowski’s touch was “very subtle,” like a “brush [with his hand]...like it’s the kind of thing like, if I did it to somebody, like on the train or something, I would say, ‘Oh, my God. I didn’t mean to do that.’” She told us that she “actually said to [the DAIG staff member], ‘I think [Mr. Guzowski] just grabbed my ass.’” She said the DAIG member replied, “Jesus, [Complainant 1] ... You want me to do something?” She said she told the DAIG staff member, “No.” She told us that she felt there was no point in saying anything to Mr. Guzowski because he was already in the TIG’s office.

Complainant 1 told us there was plenty of room in the hallway, and Mr. Guzowski could have passed her without any contact.

Our investigators visited the TIG's office [REDACTED], the Pentagon. Just inside the main entrance is a reception desk. To the left of the reception desk is a hallway that leads to the TIG's private office. Along the right side of the hallway are offices for the Sergeant Major, Mr. Guzowski, and the TIG's Executive Officer (XO). Just past the XO's office and just before entering the TIG's private office is an open desk area used by the TIG's aides. A large copy machine is directly across from the entrance to the XO's office. To the left of the reception desk is a waiting area, an office, another open desk area, and the DTIG's private office. The hallway leading from the reception area to the TIG's private office measured approximately 4 feet 6 inches wide (54 inches) at the narrowest point where Complainant 1 stood when Mr. Guzowski passed her.

Photograph 1 depicts the hallway leading from the reception desk to the TIG's private office. Photographs 2 and 3 depict the hallway view from the XO's office.

Photograph 1. Hallway leading to the TIG's private office



Photograph 2. Hallway view from inside the XO's office



Photograph 3. Hallway view from the XO's office entrance



The DAIG staff member told us he recalled the incident Complainant 1 described but did not recall the specific day it occurred. He told us that he was sitting at his desk engaged in a conversation with Complainant 1, who stood in his office doorway. The staff member told us that he did not see Mr. Guzowski touch Complainant 1 but that he saw Mr. Guzowski walk quickly past her and that she commented, "I think he just touched my ass."

The staff member told us:

[s]he's in the doorway, so I couldn't see what she did – what he did. I couldn't tell if it was a [touch] on the back, or whatever. If he just, kind of, just, whatever. Not that any of that's appropriate of course, but I do recall she had a reaction.

The staff member snapped his fingers to illustrate how quickly the incident happened. The staff member told us that he thought he asked Complainant 1 if she was "okay" and that she replied, "Yeah, whatever."

The staff member described Complainant 1 as "very trustworthy" and as someone who "does not lie." He told us that she "would never make any kind of accusation or relay something like that... [t]hat didn't have a level of validity to it."

The staff member told us that Complainant 1 would handle a public incident, for example the touching of her buttocks, by laughing or joking about it. He told us that "it wasn't like she fell apart at the time ... that's just not who she is."

A co-worker of Complainant 1 told us that Complainant 1 told him that Mr. Guzowski touched her buttocks while she was in the TIG's front office area. The co-worker told us there was "plenty of space" in the hallway for two people to walk without touching each other. He told us that Complainant 1 told him about Mr. Guzowski touching her buttocks when she returned to her office area shortly after the incident occurred. He said Complainant 1 told him that she was standing in an office doorway and that Mr. Guzowski walked by and "grabbed her butt." He told us that he knew Complainant 1 well, and that when she said that Mr. Guzowski "grabbed her butt," she could mean that he brushed or hit her buttocks.

The co-worker told us that Complainant 1 did not think Mr. Guzowski's touch was innocent and that she felt it was a deliberate act. He told us that Complainant 1 told him that she felt "violated." He told us that Complainant 1 told him that "Mr. Guzowski's actions were inappropriate and ... not some casual, just, brush against you."

Mr. Guzowski told us that he did not recall touching or brushing against Complainant 1's buttocks. Mr. Guzowski described the hallway area in which Complainant 1 said the touch occurred as being "tight in that you have safes there." He told us the office doors opened inward and that the area could become crowded if a large group were there waiting to brief the TIG. We then asked Mr. Guzowski whether it was possible to brush up against someone if there was a large gathering in the TIG's front office area and he told us "It could be a possibility, but again, I don't recall."

Mr. Guzowski told us that he did not know why Complainant 1 would report that he touched her. He told us "I have no idea." Mr. Guzowski said there had been some frustrations between himself and Complainant 1 but they had remained professional. He told us that although Complainant 1 would hug or shake his hand during social events, he did not know why she said that he kissed her or touched her buttocks.

In his e-mail to the DoD OIG, Mr. Guzowski wrote: "BLUF: I did not touch [Complainant 1] inappropriately ... numerous years ago!"

Mr. Guzowski's TCL Response Regarding Touching a Female Employee's Buttocks

In his TCL response, Mr. Guzowski wrote that he "did not kiss, intentionally touch, or engage in any other unprofessional activities with Complainant 1." Mr. Guzowski wrote that he did not believe there was evidence to show that he touched the employee's buttocks and wrote that "the accounts of eyewitnesses and even Complainant 1 herself demonstrate that any touching of her buttocks was accidental and incidental, and not all [sic] intentional." He wrote that he had "no recollection of the supposed incident" and described it as "an insignificant walk to the TIG's office (based on Complainant 1's account of where I was going)." Mr. Guzowski wrote that he "did not intentionally touch Complainant 1's buttocks and [I] am certain I would recall such an event had it occurred."

In questioning Complainant 1's credibility, Mr. Guzowski wrote:

According to the DAIG member to whom Complainant 1 was speaking when the incident occurred, Complainant's 1 initial reaction was to say, "I think he just touched my ass." The qualification with the word "think" demonstrates she was not sure whether any such touching occurred and would demonstrate any such touching, if it even occurred, was incidental and unintentional. Please note that her use of the word "touch" contradicts her later statements in which she accuses me of "grabbing" her buttocks.

Mr. Guzowski wrote that "any touching would have been entirely accidental," that "the hallway was very narrow," and that "Complainant 1 could not have known how much room I had to pass [her]." He continued by writing that Complainant 1 told DoD OIG personnel "I think he just touched my ass" and that if he did touch Complainant 1, the touch could have happened as he may have been "swinging my arms as I walked because of the need to arrive at the TIG office as quickly as possible." He continued by writing that he may have been carrying a "folder" in his hand and "given the narrow width of the hallway, it seems possible that an inanimate object, like a folder, that I was carrying could have accidentally touched Complainant 1."

In his response, Mr. Guzowski addressed the width of the hallway and wrote that Complainant 1's co-worker told DoD OIG personnel "that there was plenty of space in the hallway for two people to walk without touching each other, and that [Mr. Guzowski] grabbed Complainant 1's buttocks." Mr. Guzowski wrote that, during this time period, there were safes or cabinets located in the hallway and that the amount of walking space would have depended on whether the safes or cabinet drawers "were open or closed, how far into the hallway [Complainant 1] was encroaching, and possibly other factors of which [Complainant 1] would have also been unaware."

During his interview, Mr. Guzowski told us:

[The hallway] is tight in that you've got safes there. If there's other people there you've got the doorway. The doorway – the door opens in. You could have somebody standing at the counter. I don't know how many bodies or who was in there, but normally if it's a big briefing to the boss and stuff you could have other divisions chiefs there.

You could have other individuals. You could have other people in there because they're either in a reception area, you're standing up front there. It could be to the point sometimes [REDACTED] people are invited down to come down

as a result of somebody in the front office has a birthday, or whatever the case is.

They'll have a cake or they'll have some type of luncheon that she'll come down with some of the other individuals and sorts, and it's really tight in there.

In her interview, Complainant 1 told us that the hallway was about six feet wide. Complainant 1 said that in 2012, there was some office furniture present along the hallway's walls; however, she said there was plenty of room for Mr. Guzowski to pass without touching her. Complainant 1 told us that when Mr. Guzowski touched her buttocks, she immediately commented to the staff member about what happened. She told us, "I know when [Mr. Guzowski's touch] happened I know my reaction was, "Wow, this just happened." She further told us, "I struggle with even saying that. I am not, of course, I am not trying to, you know, hurt someone."

During his interview, the staff member in whose doorway Complainant 1 stood at the time told us Mr. Guzowski "had plenty of room to clear [Complainant 1]" and that Mr. Guzowski "would have to move over to the side towards [Complainant 1]" to touch her." Further, the staff member said there were no large groups in the hallway at the time Mr. Guzowski walked past and touched Complainant 1's buttocks.

To respond to Mr. Guzowski's assertion that safes or cabinets present at the time may have restricted his movement through the hallway, we asked the staff member to review Photographs 1 through 3 and comment on any furniture, particularly any safes or cabinets, that were present in the hallway in 2012. In an e-mail dated November 17, 2017, the staff member responded:

I know that the printer/copier was not there at that time. I remember there being filing cabinets that did not extend much (if at all) beyond the wall. We had a fire inspector go through the office when I was [there] so I know that there was plenty of room in that hallway for movement. Nothing was in the hallway that would have obstructed or caused someone to divert there [sic] path toward the [office] door [where Complainant 1 stood].

We also contacted the Office of the Pentagon Fire Marshal (OPFM) to determine if it conducted any inspections of the TIG's front office area in 2012 and, if so, whether it noted any file cabinets or other obstructions were present in the hallway. The OPFM told us that it would have identified any significant findings, such as a hallway obstruction, in its inspection report. We reviewed an OPFM Fire/Life Safety Inspection Report that documented the results of a February 21, 2012, inspection of the area in question. The report did not note any obstructions such as file cabinets or other office items in the TIG's hallway.

December 2016 - Touching a Second Female Employee's Buttocks

In a MFR dated January 3, 2017, titled, "Re: Inappropriate Touch," Complainant 2 reported to the DTIG that Mr. Guzowski touched her waist and buttocks on December 22, 2016. In the MFR, the Complainant wrote:

On 22 December 2016 @ approximately 1045 [10:45 a.m.], I was in the conference room attending a brief to [the] TIG [and] awaiting the opportunity to brief him. When it was my turn to brief, I stood next to [the] TIG and Mr. Guzowski placed his hand around my waist and then slid it down to my buttocks area and stated, "here [Complainant 2], sit right here," which was the chair he was sitting in. I was furious, but did not want to draw attention to the incident and continued to stand up and speak with [the] TIG regarding my topic. After the meeting, I had an additional meeting at the Pentagon, so I did not address the issue with Mr. Guzowski. After allowing it to resonate, I was in shock and disbelief as I could not believe he touched my buttocks area.

On 22 December 2016, still shocked that I was touched inappropriately, I spoke with one of my mentors and told her what had transpired and asked for advice. She advised me to speak with my boss and inform him of his actions and that I did not appreciate being inappropriately touched by my supervisor. Later that day when I got home, I spoke with my husband about it and described what happened. He could still see that I was furious and advised me that I needed to say something about it.

DAIG Technical Inspections Conference Room Description

The DAIG TI conference room is located in the Taylor Building in Crystal City, Virginia. The Taylor Building is a Government-leased building that provides office space for DAIG and other DoD entities. The TI conference room is spacious and contains a V-shaped conference table with 10 to 15 conference room chairs down each side and approximately 35 chairs positioned along the conference room walls. The head of the table is nearest to the room's two entrances. The room contains a speaker's podium and two video screens at the opposite end of the room from the head of the conference table.

Photographs 4 and 5 depict where the TIG, Mr. Guzowski, and Complainant 2 sat during the briefing. Photograph 6 depicts where Complainant 2 stood when Mr. Guzowski touched her buttocks.

Photograph 4. DAIG Technical Inspections Conference Room in the Taylor Building



Photograph 5. Seating Locations: The Inspector General, Mr. Guzowski, and Complainant 2



Photograph 6. Where Complainant 2 stood between The Inspector General and Mr. Guzowski



Complainant 2 told us that once the formal briefings concluded on December 22, 2016, Mr. Guzowski informed the TIG that she needed his concurrence on an action she was working. She said Mr. Guzowski “got up from his chair” as she “walked over and stood next to the TIG.” She said Mr. Guzowski told her, “Here, [Complainant 2], sit right here.” She said “my intent was not to sit down because what I had to say was going to happen so fast that all I needed for [the TIG] to say was ‘yes’ or ‘no.’” She told us that as she began to talk to the TIG, Mr. Guzowski touched her waist and buttocks. She said, “[Mr. Guzowski’s touch] was “maybe about 2 to 3 seconds.”

Complainant 2 told us Mr. Guzowski stood beside her the entire time as she spoke to the TIG. She described the incident as follows:

So, [Mr. Guzowski’s] standing here, and once he slides his chair back I come around. I come around him. And as he’s sliding, so, he slides his chair back. He gets up and at the same time he’s talking to the TIG about me coming over. And when he slides his chair back and I come up next to him he grabs me around my waist like, “Here, [Complainant 2], sit here.” And [Mr. Guzowski] tried to force me to sit down. You know, and so – and it caught me off guard. I was like, you know, “What are you doing?” And so I’m saying this to myself, but the TIG had already started talking to me. So, of course I continued to talk to [the TIG], but I’m like, “What did [Mr. Guzowski] just do to me?” And I’m sitting there saying this in my head.

Complainant 2 told us that Mr. Guzowski “grabbed the chair itself with one hand, and then grabbed me around my waist with his other hand to try to get me to sit down.” She said that she never sat down in the chair. She told us that “he tried to make me sit down, and you know ... when he

grabbed me around my waist and slid his hand, he was actually pulling me to sit down ... my intent was never to sit down, and so I don't even remember if I stumbled or what I did, but I do remember my body tensing up because my intent was never to sit down. It was always to stand." She told us that when the incident happened, "everyone else had already walked out of the [conference] room." Complainant 2 identified the TIG, DTIG, Mr. Guzowski, herself, and possibly two other staff personnel as the only people remaining in the conference room when Mr. Guzowski touched her.

Complainant 2 told us that Mr. Guzowski did not grab her buttocks. She said, "he slid his hand down my butt, and I think that's what really startled me was when he touched my butt, because I was like 'This guy just touched my butt.'" She told us that Mr. Guzowski "grabbed" her waist above her beltline and described his grab as being "hard enough." She told us, "I don't really know [if he meant the touch to be sexual in nature] ... It wasn't an accident. I know [his touch wasn't accidental] because I just don't believe that ... the way that he grabbed me around my waist, you just don't do [that] to a subordinate." Complainant 2 told us that this was the first time any such physical contact occurred between her and Mr. Guzowski, and that she was "pissed."

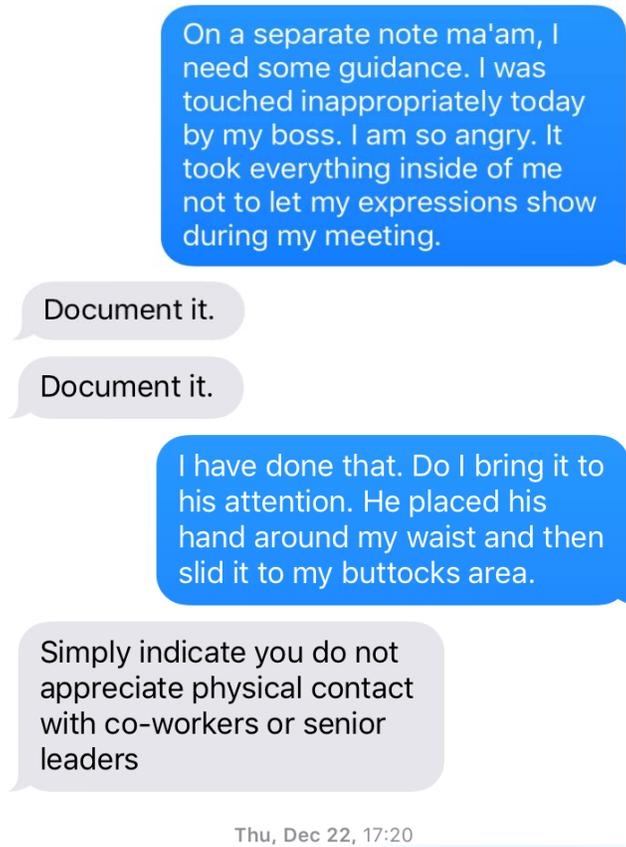
Complainant 2 told us that at the conclusion of her discussion with the TIG, she rode with the TIG, DTIG, and staff personnel to the Pentagon. She told us that during the ride she debated with herself whether she should mention the incident to the TIG and DTIG; however, she decided not to mention it.

Complainant 2 told us that that shortly after she arrived at the Pentagon, she ate lunch with a confidant, a military officer friend, who asked her what was wrong. Complainant 2 told us that she told her confidant what happened and that her confidant encouraged her to say something to Mr. Guzowski about the incident or to report what happened.

Complainant 2 told us that toward the end of her workday she sent a text message to her mentor, a retired Army major general, explaining what happened during the incident with Mr. Guzowski and seeking her mentor's advice on what to do about it. She told us that the mentor responded to her text message by telling her, "You know you need to say something about it."

Photograph 7 is a screen shot of the Complainant 2's text message exchange with her mentor about the incident with Mr. Guzowski.

Photograph 7. Screen shot of the December 22, 2016, text messages between Complainant 2 and her mentor.



We asked Complainant 2 what she believed Mr. Guzowski's intent was when he touched her. Complainant 2 told us that she believed Mr. Guzowski knew and realized what he was doing when he touched her. She told us, "you can't tell me that this is the first time [Mr. Guzowski inappropriately touched someone]. I will not believe that because the way he did it was so smooth that you wouldn't have caught it with the naked eye." She told us, "And so I just don't believe that it was the first time he's done it. Can I prove it? No, I can't. I can't prove it, but just the way that it happened it was – it was all in one smooth motion, and I think that's what really caught me off guard."

Complainant 2 told us that she intended to talk to Mr. Guzowski about the incident on January 3, 2017, after she returned from holiday leave and before they attended EO training that morning but Mr. Guzowski was not in his office.

Complainant 2 told us that Mr. Guzowski did not intimidate her and that she had no desire to move to another duty position that was not under his supervision. She told us that Mr. Guzowski never acknowledged or apologized for touching her.

On January 3, 2017, Complainant 2 approached the DTIG and told him that Mr. Guzowski had touched her buttocks on December 23, 2016. Complainant 2 later e-mailed the DTIG a MFR, dated January 3, 2017, titled, "Re: Inappropriate Touch," explaining how Mr. Guzowski touched her buttocks. The DTIG directed his staff to refer the potential criminal offense to CID for review and to notify the

DoD OIG. On February 28, 2017, the DoD OIG initiated this investigation after CID concluded its criminal investigation.

Our investigation determined that no witness present in the conference room at the time of the incident saw Mr. Guzowski touch Complainant 2.

The TIG told us that Complainant 2 approached him to discuss an action right before he exited the conference room. He said the briefings were completed “for all intents and purposes.” The TIG told us that he did not recall Mr. Guzowski’s whereabouts during his discussion with Complainant 2. The TIG told us, “I don’t have a clue [whether Mr. Guzowski inappropriately touched Complainant 2]. I didn’t notice any reaction. [Complainant 2] didn’t change. Her reaction didn’t change, nothing.” The TIG told us that Complainant 2 did not display any type of look that would have alerted him that something might have been wrong. The TIG said Complainant 2 rode with him and his staff back to the Pentagon but gave no indication “at all that something might have been wrong.”

We asked the TIG to describe Mr. Guzowski’s reaction when the TIG first informed him that CID had initiated a criminal investigation into Complainant 2’s allegation. The TIG told us, “Well, ... I mean obviously [Mr. Guzowski] was upset” The TIG recalled Mr. Guzowski responding by saying, “I don’t know what they’re talking about. I may have bumped into her. I may have, you know, basically inappropriately, accidentally incidentally touched her, but nothing was – nothing meant anything.”

The DTIG told us that he was present for the briefings and that Complainant 2 briefed the TIG after the formal briefings concluded. The DTIG told us that at the time, he was not made aware that Mr. Guzowski touched Complainant 2. The DTIG told us that he “saw nothing” on December 22, 2016, that would have indicated to him that Mr. Guzowski had touched Complainant 2. He told us that from his viewpoint, there was no reaction from either Complainant 2 or Mr. Guzowski and that there was no outward reaction from Complainant 2 that something had occurred. He said Complainant 2 returned to the Pentagon with him, the TIG, and the staff but that she did not mention the incident at that time.

The DTIG told us that on January 3, 2017, Complainant 2 approached him in a Pentagon hallway and told him “Sir, I have a problem.” He said she told him that once the December 22, 2016, briefings concluded, Mr. Guzowski “put his hand on her buttocks ... and [that] it felt really uncomfortable.” He told us that Complainant 2 asked him, “What do I need to do, sir?” The DTIG told us that he directed Complainant 2 to send him the MFR she had written about the incident and that she did so. After receiving the MFR, the DTIG, after consulting the TIG, directed his staff to refer the MFR to CID and to notify DoD OIG.

A witness told us that he recalled that Complainant 2 needed to speak to the TIG once the briefings concluded. This witness told us he did not recall seeing Mr. Guzowski touch Complainant 2. The witness told us, “I’m not even sure if I was in the room when [Complainant 2] came up [to brief the TIG].” The witness told us that nothing happened that caught his attention or that would have led him to believe something was wrong. The witness stated, “I’m not saying [Mr. Guzowski’s touch] didn’t happen. All I’m saying is I did not see it.”

Another witness told us that she was “probably” at the briefing but did not see the alleged incident. She told us that she heard unspecific rumors that something involving Complainant 2 and Mr. Guzowski happened during the December 22, 2016, briefing.

The confidant who met with Complainant 2 for lunch on December 22, 2016, told us that during a general lunch conversation she asked Complainant 2, "How's everything going?" The confidant told us:

[e]verything was fine [with Complainant 2] ... then she kind of clouded over, if you will, and she shared with me ... that Mr. G [Mr. Guzowski] put his hand on her back [during a meeting that morning]. Like the small of her back, and then he touched her, her butt. And so, I asked, I said, "Did he brush it like, you know, sometimes you may try to move past someone and they kind of just brush against you mistakenly and don't really know that they have actually touched you?" And she said, "Nope. I know the difference between someone mistakenly touching me and deliberately." And she said, "He deliberately did it because he actually, you know, it was almost like he held it there, or whatever." She was just – she was angry, shocked.

The confidant told us that normally Complainant 2 is "very chatty" during their conversations but that on December 22, 2016, she "tensed up" when the confidant asked how her work was going. The confidant told us that when she used the word "cloudy" she meant that Complainant 2's eyes teared or "[k]ind of mist[ed], if you will." The confidant told us that Complainant 2 did not tell her whether anyone witnessed Mr. Guzowski's touch and that Complainant 2 did not give any specific details regarding how Mr. Guzowski touched her. The confidant told us that Complainant 2 said she was "shocked and angry" about Mr. Guzowski's touch and asked herself, "Did he just do that? Did that just happen?" The confidant told us that Complainant 2 was clear that Mr. Guzowski's touch "was not a mistake" and said that it was "deliberate." The confidant told us that Complainant 2 never told her that Mr. Guzowski's touch was of a sexual nature; only that it was "inappropriate."

The mentor told us that on December 22, 2016, she received and responded to a text message from Complainant 2 regarding Mr. Guzowski's touch. The mentor reviewed the text message depicted in Photograph 7 and told us it was the exact text message exchange she had with Complainant 2 and that this was the only text message exchange that took place between her and Complainant 2 regarding the touching incident. The mentor said Complainant 2 felt that Mr. Guzowski's touch was intentional. The mentor told us that Complainant 2 was "very startled" by Mr. Guzowski's touch and did not know what to do. The mentor told us that Complainant 2 did not provide any additional details regarding the incident and that she did not describe Mr. Guzowski's touch or how long it lasted.

Complainant 2's spouse told us that after Complainant 2 arrived home on December 22, 2016, and after dinner and when they were away from their children, Complainant 2 told him that "something happened today." He told us that as he looked at Complainant 2, she "had a look on her face that she wasn't pleased that it happened," a "highly displeased" look on her face. He told us that she then told him that "Mr. G. [Mr. Guzowski] inappropriately touched her." He said that she then told him that as she was about to speak to the TIG, Mr. Guzowski put his hands on her to "move her [into position next to the TIG]," and while doing so, Mr. Guzowski touched her inappropriately.

Complainant 2's spouse told us that he asked Complainant 2 for more details about Mr. Guzowski's touch and that she told him that Mr. Guzowski "put his hand on me and on my butt." He told us that Complainant 2 stated that Mr. Guzowski put his hand around her waist and slid his hand down onto her buttocks. He told us that she "did not say anything at that time because she didn't want to speak too soon to throw something out there that wasn't true." He told us that Complainant 2 continued her briefing to the TIG and that she was not sure if anyone saw what happened because her

focus was on the TIG. He told us that Complainant 2 told him that she did not believe the TIG saw what happened because the TIG was still seated and everyone else was moving or leaving the room.

Complainant 2's spouse did not recall whether Complainant 2 described the touch as being sexual in nature; however, he said that she told him, "I think what [Mr. Guzowski] did could fall under sexual harassment." He told us that Complainant 2 told him that she "replayed the incident in her mind."

Mr. Guzowski told us that he did not have any physical contact with Complainant 2. When we asked Mr. Guzowski whether he touched Complainant 2 on her buttocks, Mr. Guzowski replied, "I didn't do it."

Mr. Guzowski told us that Complainant 2 was one of his subordinates within the Inspections Division. He described her as a "closed individual" and "more of a reserved individual." Mr. Guzowski told us that on an unknown day prior to December 22, 2016, he had asked Complainant 2 to bring an action to the TIG's attention at the scheduled briefing's conclusion. He said that he told Complainant 2 that this would be "an opportunity" for her to brief the TIG and said the action would result in a "quick decision by the boss." He said he asked Complainant 2 to, "just come in [and] ... sit to the back side" of the conference room until the formal briefing concluded.

Mr. Guzowski told us that Complainant 2 entered the conference room just before the briefing concluded and sat "off to the side" along the wall while he sat at the conference table next to the TIG. He told us that when the formal briefing concluded, he "immediately went to the seat [along the wall] behind [his seat next to the TIG] and [Complainant 2] moved into [his] seat [next to the TIG]."

Mr. Guzowski told us that he did not remember where everyone in attendance sat during the briefing but said that at the briefing's conclusion all the attendees were released. He said at the time the attendees were released Complainant 2 left her chair along the wall and that as she walked toward where he and the TIG sat, "there would have been people walking past her, or in between her, or whatever going out" of the main conference room door. He told us that he "got up from my seat [next to the TIG] and moved directly to that seat behind [where he had sat next to the TIG]."

Mr. Guzowski told us that he did not recall whether the TIG remained seated when Complainant 2 approached the TIG and began briefing him. He said, "I think I just went immediately to sit [in the seat behind his seat at the conference table]. Again, I can't recall." Mr. Guzowski told us that he did not have any discussions with anyone when Complainant 2 moved to talk to the TIG.

Mr. Guzowski told us that he did not recall whether Complainant 2 actually sat in his chair next to the TIG. Mr. Guzowski told us that he did not recall offering Complainant 2 his chair and that he "just got up and moved" so she could "have access to the TIG." Mr. Guzowski told us that he did not pull his chair at the conference table out so that Complainant 2 could sit down and that he only heard the conversation between Complainant 2 and the TIG in "background." He told us that he heard the TIG tell Complainant 2 that her change request was approved. Mr. Guzowski told us that the interaction between the TIG and Complainant 2 lasted "[a] minute or two at the most. It didn't take that long, because [the TIG] was already prepped on it, and the boss is pretty easy if it's an easy type decision."

We asked Mr. Guzowski how much space there was between his chair at the conference table and the chair against the wall where he sat. He told us, "There's not a lot of space ... Maybe a chair, a

chair and a half-length, because those chairs are kind of tight against that back wall in there, and if you've got people that are sitting in the chairs [at the head of the conference table] and they move back on it, they could be bumping the individuals' legs or sorts [sic] and that."

We asked Mr. Guzowski why Complainant 2 would report that he touched her and he told us "I have no idea." He told us that he did not have any physical contact with Complainant 2 in the conference room.

In his e-mail to our investigators, Mr. Guzowski wrote, "Gentlemen ... BLUF: I did not touch [Complainant 2] inappropriately in 2016."

Mr. Guzowski's TCL Response Regarding Touching a Second Female Employee's Buttocks

In his TCL response, Mr. Guzowski wrote, "I reiterate that I did not touch [Complainant 2] as she alleges." He wrote that "the CID and the Virginia Assistant Attorney, for the state of Virginia" investigated this matter and they "found no probable cause [to believe he committed a criminal offense]." In a footnote within his response, Mr. Guzowski wrote:

Admittedly, this is a lower standard than the preponderance of the evidence standard that DODIG has applied to review the current allegations. Nevertheless, even under the preponderance of the evidence standard, the allegations lodged against me cannot be sustained.

Mr. Guzowski further wrote:

I submit that bad faith and unusual job tensions as described below are motivating [Complainant 2] to make false allegations, or to perceive nonexistent intent behind unintentional actions that are the subject matter of her allegations and of your investigation.⁸

In his response, Mr. Guzowski explained that by "bad faith," he meant that Complainant 2 was "lying, as opposed to simply being mistaken." He identified the "unusual job tensions" as five times that he asserted Complainant 2 was counseled for her actions or for inappropriate behavior towards subordinates. Mr. Guzowski wrote he believed this tension led Complainant 2 "to have vindictive feelings" against him or "led [Complainant 2] to make false allegations against [him] and encourage others to make similarly false allegations."

In her interview, we asked Complainant 2 how any counselings she received from Mr. Guzowski affected her relationship with him. Complainant 2 told us Mr. Guzowski counselled her twice and that the counseling did not affect their relationship or her, either personally or professionally. Complainant 2 told us:

Like I said I, you know, my whole intent for this is not -- was never to get Mr. Guzowski in trouble, or get him fired, or anything like that. That was not

⁸ In his response, Mr. Guzowski introduced the terms "bad faith" and "unusual job tensions" as part of a discussion of the "Douglas Factors" supervisors must consider when determining an appropriate penalty to impose for employee misconduct. We note that these factors are elements for determining an appropriate penalty for substantiated misconduct, not elements for determining whether misconduct occurred.

my intent. My biggest thing is that he needs to recognize that especially a person in his position, you cannot touch your subordinates inappropriately.

In his TCL response, Mr. Guzowski wrote that others present in the conference room, including the TIG and DTIG, did not see him touch Complainant 2. Mr. Guzowski wrote that he offered to apologize if the CID investigation found that he did touch Complainant 2. He wrote:

At the time an investigation into Complainant 2's allegation began, I stated that I would be willing to issue an apology if it was found that I touched her or did something. As I have previously stated, it is possible that I briefly touched her unintentionally, so I did think it was possible there could be a finding that technically I touched her. My offer to apologize was not an admission of guilt or wrongdoing. Rather, my offer was motivated by the Army motto of "mission first", which I believe includes the possibility of apologizing if it will help the Army accomplish its mission, and if not apologizing can compromise the mission.

Mr. Guzowski also wrote that "even assuming *arguendo* that some touching occurred, any touching would have been accidental, and not motivated by Complainant 2's gender in any way, or by a lack of respect for Complainant 2." He wrote that Complainant 2, during her interview with DoD OIG, "admitted she did not know if the touch was meant to be sexual in nature." He wrote that "I would tend to think if she thought any touch was sexual in nature that it would have been evident to her. Instead, only she seems to believe that any touch occurred whatsoever."

Mr. Guzowski attached to his TCL response a Memorandum for Record (MFR) signed by an individual whom we interviewed as part of this investigation. In the MFR the witness wrote that almost immediately after being assigned to DAIG in [REDACTED], he noticed that Complainant 2 had a "strong disdain" for Mr. Guzowski. The witness wrote that Complainant 2's "obvious disdain" towards Mr. Guzowski was "very unprofessional."

In the MFR, the witness wrote that in January 2017, Complainant 2 told him that Mr. Guzowski had inappropriately touched her buttocks during the December 2016 briefing. The witness wrote that he asked Complainant 2 if she felt like "she was sexually assaulted," and Complainant 2 responded "yes" and that she was tired of Mr. Guzowski "touching on women." The witness wrote:

I found her explanation very strange, just based on my experience with her I knew she was looking for a way to get [Mr. Guzowski] relieved as her boss. My initial thought after hearing her state that she was sexually assaulted was why someone (Mr. Guzowski) inappropriately touched someone else [Complainant 2] in a meeting with his supervisor [TIG].

In the MFR, the witness wrote that he believed Complainant 2's actions toward Mr. Guzowski were "very vindictive in nature" and that "her obvious distain for Mr. Guzowski was very unprofessional." He wrote that he believed that Mr. Guzowski was "a man of good character" and that he did not believe Mr. Guzowski touched Complainant 2's buttocks.

During his interview with our investigators about six months prior to preparing his MFR, the witness told us he was on leave on December 22, 2016, and that Complainant 2 told him of the incident when he returned to work after the Christmas and New Years holidays. The witness told us, "I can't tell

you anything [about Mr. Guzowski touching Complainant 2's buttocks]. I wasn't involved in the actual briefing."

During his interview, the witness told us "I don't think the working relationship [between Mr. Guzowski and Complainant 2] was the best." The witness also told us "I don't think it was anything hostile or anything, but I just think sometime it was a little bit of tension," but that their relationship was "very professional." However, the witness did not identify any issues regarding his opinion of Complainant 2's truthfulness or motivations. Additionally, the witness did not tell us that Complainant 2 was "unprofessional" towards Mr. Guzowski or that she regarded him with "disdain." As we generally do at the conclusion of every interview, we asked the witness whether there was anything "that you think may be important for us to know," and if there was "anything that we haven't asked that you think might be appropriate?" The witness responded "No" to both questions.

Instances Not Involving Physical Contact

Derogatory Comment to a Female Army Inspector General Employee

Complainant 2 told us that during a temporary duty assignment to AMC, Redstone Arsenal, Alabama, during July 2016, Mr. Guzowski made an inappropriate comment to an African-American female IG (Complainant 3) while they were on an elevator.

According to Mr. Guzowski's 2016 travel itineraries, he was TDY to Redstone Arsenal, Alabama, July 12 through 17, 2016. The visit itinerary revealed that Mr. Guzowski attended a "Lunch With [Redstone Arsenal, Alabama] Inspectors General" at the Villar Conference Room, Headquarters, AMC, on Thursday, July 14, 2016, from 1115 through 1245. From 1300 through 1430 that same day, Mr. Guzowski attended a "Sensing Session with [Redstone Arsenal, Alabama] Combined [Department of the Army Civilians] with Recruitment Action."

Complainant 2 told us that she, Mr. Guzowski, and other DAIG and AMC personnel entered an elevator with Complainant 3, who was already present in the elevator. Complainant 2 described what happened next:

[Complainant 3] was an [AMC] IG. I didn't realize that the people...who had gotten in the elevator with us w[ere] IGs because we were going to do a briefing and I didn't know anyone there. So, it was these people who got on the elevator and so the lady asked, "Well, what floor?" And to all the people who were on the elevator, because she was standing closest to the knobs ... I was standing next to her, again, I had no idea who she was. And Mr. Guzowski made a comment, and I looked at him, and I looked at her, and I could just see her whole demeanor just ... change ... [Mr. Guzowski's comment] was something to the effect of, we need to put a chair there and you become the, almost like an elevator attendant or something like that. And she was an African-American woman. So, of course that was inappropriate because when you think about the connotation of this comment ... so, I turned and I looked at her and I looked at him, and I turned back and I looked at her, and I apologized to her. I said, "I am so sorry ..." so afterwards ... when I saw the expression on her face I was like, "This is not good." And she just shook her head at me. So we were going down into the meeting and I realized who she was. I realized that she was an IG, and that she was coming down to the same

meeting that we all were going to, because [Mr. Guzowski] was briefing them. So, after the meeting I follow her upstairs, because now I'm realizing that she's one of the AMC IGs and I go and talk to her ... and I say, "I am so sorry for what was said in the elevator." And she goes ballistic. She was like, "I cannot believe he said something like that." And so, I'm trying to talk her off the ledge. I'm like, "Maybe he didn't just realize what he said." And I'm saying to myself, "I cannot believe he just said that to her." And so, I mean, I wind up talking to her for about an hour ... and I give her my card. And I said, you know, "If you want to report this or anything like that, just get in contact with me or whatever the case may be." So, after we get back from AMC maybe a couple of days later I go into [Mr. Guzowski's] office, and I said ... "Sir, remember when we were...[at Redstone Arsenal] in the elevator?" And I said, "Sir, what you said was inappropriate." And he took it as a joke. And I said, "Sir, that was not joking because if you understand the connotation." And so he said, "Well ... if it becomes an issue or if she says something about it, let me know." And I was like, "Yes, sir, I will." I said, "But that was wrong. It was wrong. I don't care how you look at it."

Mr. Guzowski told us that he recalled Complainant 2 bringing this matter to his attention. Mr. Guzowski said he did not direct his comment at Complainant 3 and instead, he was talking about a job he would like to have after he retired. He said when Complainant 2 brought it to his attention, he asked her, "Did you tell her that I was referring to myself. I was not referring to her?" He told us his comment was that "it would be a great to have a job working in the elevator. You can sit on the seat and press the buttons. That's what I want to do on retirement ... you have the opportunity to interface with people, chit-chat, learn things." He told us Complainant 3 did not say anything in response to his comment and never said she was offended. Mr. Guzowski said his comment was meant as a joke to himself and not to anyone on the elevator.

In his e-mail to our investigators, Mr. Guzowski wrote:

Redstone: [Complainant 2] brought it to my attention and provided no name [of Complainant 3]. AMC did not provide any information that there was an issue. [Complainant 2] is the only one who brought it up and I clarified to her what I said that it would be a good retirement job for me similar to what individuals do on Capitol Hill (Senate and House side). I got back to [Complainant 2] as follow up with the unknown individual to close the loop and later asked for any follow up from her and there was no other feedback or issue. BLUF: I did follow up, not directly with the individual, but with [Complainant 2] given the impression from her there was no need to contact the individual that everything was resolved.

Based on Mr. Guzowski's explanation of his comment, we located and interviewed Complainant 3, who told us the interaction with Mr. Guzowski took place on Thursday, July 14, 2016, before the scheduled luncheon. She said she was on the elevator when Mr. Guzowski and others entered. She said after Mr. Guzowski entered the elevator, he commented that she was either the "elevator boy" or "elevator attendant." She said there was no conversation between them after this remark.

Complainant 3 told us that Mr. Guzowski was with others, one of whom was Complainant 2, when he entered the elevator. She said when Mr. Guzowski made the comment she and Complainant 2

looked directly at each other. She described Mr. Guzowski's comment as having "kind of have a racial tone to it ... a derogatory tone to it" and that she was "extremely irritated" by the comment. She said she did not know what prompted Mr. Guzowski to make the comment, that he gave no explanation for making the comment, and that no one said anything afterwards. She said she did not make it known to Mr. Guzowski at that time that his comment was inappropriate because the elevator was "full of people" and she did not want to make a scene. Complainant 3 said, "I think had it been one of those things where he had said something more than that, or I guess it wasn't enough for me to really – you know, it was irritating. It felt derogatory, but nothing to the point – I mean I've had worse things said." She said because of Mr. Guzowski's rank and position, "it [the elevator incident] wasn't enough for me to put [the Redstone Arsenal IG Office] in jeopardy ... to really just go any farther [confronting Mr. Guzowski] ... than that."

Complainant 3 told us that later in the day, Complainant 2 came to her office and said, "Well, I noticed that [Mr. Guzowski's comment] kind of irritate[d] – that comment kind of irritated you." Complainant 3 said she responded, "Yes, you know how things were back in the day. You know, most black folks were kind of operating the elevators." She said she told Complainant 2, "Yeah, [Mr. Guzowski's comment] just seemed to be a little derogatory" and described his comment as "hav[ing] a racial tone to it ... a derogatory tone to it." Complainant 3 told us she did not raise the issue to anyone in her chain of command because she thought her conversation with Complainant 2 "was probably enough for me." She said she understood that Complainant 2 was going to say something to [Mr. Guzowski] about [his comment]." Complainant 3 told us that she did not ask for an apology and did not receive any feedback regarding any conversations that Complainant 2 had with Mr. Guzowski regarding his comment. Further, she said Mr. Guzowski never apologized for his comment and that no one apologized to her on Mr. Guzowski's behalf for his comment.

Complainant 4, another African-American female IG who was on the elevator and witnessed Mr. Guzowski's comment to Complainant 3, told us that although she did not remember Mr. Guzowski's exact comment, it was upsetting and inappropriate. Complainant 4 said, "I believe ... it was something to the effect of, 'Can't you operate [the elevator]?' or 'Don't you know how [to operate the elevator]?'". She was sure Mr. Guzowski's comment "had to do with the elevator." Complainant 4 said when Mr. Guzowski made the comment, she immediately looked at Complainant 3 "just to see if she w[as] okay. I could tell she was visibly shaken, so when we stepped off the elevator I said to her, you know, 'don't let this get to you. This is just more of, you know, how [Mr. Guzowski] is.'" Complainant 4 told us Complainant 3 was "very upset," and described "very upset" as "[t]he way you would look at a person when you can't believe they said something to you... [w]hen someone has said something and you – and it's not necessarily that you respond verbally, but kind of your body language, tilting the head like, 'I don't believe you said that to me.'"

Complainant 4 told us that there were other people in the elevator and that Mr. Guzowski's comment was loud enough for everyone to hear. She said the only reaction she remembered was that of Complainant 3 because she immediately turned and looked at her. Complainant 4 said there was no conversation before or after Mr. Guzowski made the comment and that he never told anyone within the elevator what he meant by the comment. We asked Complainant 4 why she believed Mr. Guzowski made the comment and she told us she believed Mr. Guzowski had a "disregard" and did not think through his comments before saying them.

We asked Complainant 4 how Mr. Guzowski's comment made her feel. She told us "I'm not sure if – it just seemed like a – we're in the support arena, and so that was a comment...that made me feel

less than ... kind of condescending and disappointing ... [and] offensive.” She said “I don't know if I would classify [Mr. Guzowski's comment] as racial ... how I see it is [we are] less than ... [and he is] superior to” She said “nothing was said that ... was geared toward ethnicity or gender, so I can't speak to that. But definitely condescending and kind of 'I'm superior' or 'I'm me.'” She told us that during their conversation, Complainant 3 expressed that she felt Mr. Guzowski's comment was inappropriate. She said Complainant 3 continued by saying “[Mr. Guzowski] can't continue to treat [subordinates] this way; it's just not okay, it's not acceptable.” We asked Complainant 4 why she did not make it known to Mr. Guzowski at that time that his comment was inappropriate and she told us “I don't know [that it was] fear, but definitely apprehension.”

Mr. Guzowski's TCL Response Regarding Derogatory Comment to a Female Army Inspector General Employee

In his TCL response, Mr. Guzowski denied that he referred to Complainant 3 “as an “elevator boy,” “elevator attendant,” or made some similarly racial insensitive statement.” He wrote that “what still has not come out is exactly what I said in the elevator.” To explain his comment in the elevator, Mr. Guzowski wrote:

I mentioned that when I worked on Capitol Hill, in the Capitol there were operators for the elevators on the Senate/House sides of the Capitol and that when I retire I wouldn't mind operating the elevator, e.g., sitting down and listening to what is being said. The persons operating the elevators on Capitol Hill were of many races, including Caucasians. The situation on Capitol Hill, which is the only situation I was describing, was not one in which, as [Complainant 2] described, “most[ly] black folks were ... operating the elevators.” I genuinely believe that I would have made the same statement to anyone of any race who happened to be closest to the elevator's control panel.

We carefully reviewed Mr. Guzowski's TCL response, his interview transcript, and the interview transcripts of the three complainants. Although the three complainants remembered Mr. Guzowski's comment differently, Mr. Guzowski and all three complainants told us that he made a comment, and all three complainants told us Mr. Guzowski's comment offended them.

Mr. Guzowski wrote that he found “it interesting, considering the past five incidents that Complainant 2 has had with me, that my comment(s) were twisted around this way.” He wrote that because of Complainant 2's “frustration and resentment towards [him],” the information provided to DoD OIG personnel was “warped.” Mr. Guzowski wrote that he “never took the situation ‘as a joke’” and that he “would never say anything to intentionally suggest that I felt ‘superior’ to another employee based either on my race or on her race.”

Mr. Guzowski wrote that when Complainant 2 approached him about the matter after they returned from the TDY, he apologized to Complainant 2 for his comment and told Complainant 2 he wanted to contact Complainant 3. Complainant 2 then told him that “she would take care of it...no other action was needed.” Complainant 2 told us that when she approached Mr. Guzowski about his comment, Mr. Guzowski told her to let him know “if it becomes an issue or if [Complainant 3] says something about it.” In his TCL response, Mr. Guzowski wrote that he spoke with another subordinate

about the matter; however, he never again heard from Complainant 2 or anyone from AMC about the matter.

July 2016 - Throwing Money at a Female Army Inspector General Employee

Complainant 4 also told us that during Mr. Guzowski's July 2016 TDY visit to AMC, there was a professional development luncheon and that she coordinated the lunch for all attendees. She said typically she prepays for the lunches of those individuals who traveled to the event and they reimburse her upon their arrival. She said she coordinated with Mr. Guzowski's office in advance and obtained his menu selection, and that she reminded Mr. Guzowski more than once after his arrival that he needed to reimburse her for his lunch costs.

Complainant 4 told us that she set up a table at the entrance to the luncheon so those who had not paid for their lunch could do so.⁹ She said Mr. Guzowski's lunch was prepositioned on the head table and she again reminded him, as he entered the luncheon area that he had to reimburse her for his meal. She said Mr. Guzowski responded, "Oh, okay, you'll get your money," and proceeded to his table without paying her. Complainant 4 said that at or near the end of lunch, Mr. Guzowski began his professional development presentation to the attendees. She told us that during the presentation, Mr. Guzowski walked around the room. She said "[m]y back was to him, and about maybe three-quarters of the way into his presentation, as I'm taking notes, I see a [\$10 bill] and a [\$5 bill] come over my shoulder and land on the table." She said, "I immediately [turned] to see where the money was coming from, and I realized that [Mr. Guzowski] had ... I don't want to say threw or flung, but he had to be probably about three or so feet away, and he tossed, flung, threw the money over my shoulder onto the table. Complainant 4 said as "I was turning to say something, the first person I saw was [Complainant 3] ... [a]nd [Complainant 3] turned ... shook her head ... because I was going to say something [to Mr. Guzowski] ... [but] I didn't say anything."

Complainant 4 told us she did not "appreciate [Mr. Guzowski] throwing the money" and that he "could have handed it" to her. She said "there were other opportunities, but to be in the middle of a presentation ... pull money out and to toss it, I thought that was unprofessional and disrespectful." She said the bills were "crumpled" when they landed on the table and that Mr. Guzowski gave no warning that he was about to throw them. Complainant 4 did not know why Mr. Guzowski threw the money but said "for me, it goes back to my belief that he is an SES and I am staff."

Complainant 4 told us that nine months later, in April 2017, while at the DAIG Worldwide Conference, she saw Mr. Guzowski and he "walked by one day and I said, 'Oh, good morning, Mr. Guzowski.'" She said Mr. Guzowski immediately responded, "Oh, I know you – you're the lunch lady." She said Mr. Guzowski's comment was "offensive" because "there are only IGs that attend the IG conference." She told us that this was another example that "he's an SES and I'm not." Complainant 4 told us "I think it's inappropriate for leadership, and when you're in a setting where we are all IGs, that if I don't know your name, I can't remember – I know your location, AMC, and I know you're an IG, and I know I can say, 'Oh, I remember you' or not say that at all – simply say, 'Hello.'" She said Mr. Guzowski may not have intended for his comment "to be condescending, but again, just based on interactions [with him] ... it was [condescending] for me."

⁹ Mr. Guzowski was the most senior luncheon attendee.

Complainant 3 told us that the gathering was a “lunch and learn” type of setting and that the IGs in attendance had to pay Complainant 4 for the prearranged lunch. She said as Mr. Guzowski was preparing to speak to the assembled group, “he just took his money out of his wallet and basically threw it over [Complainant 4’s] shoulder ... instead of giving it to her.”

Complainant 3 told us that when Mr. Guzowski threw the money, Complainant 4 looked at her with the expression of, “I can’t believe he did that.” Complainant 3 said she also “couldn’t believe he [threw the money].” She told us:

I guess it dawned on [Mr. Guzowski], like he made contact with her or whatever, or saw [the female IG who coordinated the lunch], and to me, it was like, “Oh, I owe – I still owe her [money]...And in that instant, it’s like, “Okay. I owe her the money. Let me pull it out.” And he takes his wallet out, gets the money out, and comes over and just tosses it across her shoulder.

Mr. Guzowski’s TCL Response Regarding Throwing Money at a Female Army Inspector General Employee

In his TCL response, Mr. Guzowski wrote that he attended the luncheon, but that “I genuinely do not recall how I made the payment.” He wrote that no one expressed any concerns at the time and that he did not remember “tossing” the money over Complainant 4’s shoulder. He wrote that “if I somehow did do what they allege, the action would never have been intended to demean the individual, but to pay her. No disrespect was intended.”

Mr. Guzowski also wrote that he referred to Complainant 4 as the “lunch lady” in April 2017, not to be condescending, but because he did not remember Complainant 4’s name and was “placing where and for what purpose I had met her, not diminishing or reducing her status as an IG.”

Comments to Female Employees about Dieting, Weight, and Belly Fat

Witnesses told us that Mr. Guzowski attempted to avoid, or avoided, eating carbohydrates in an effort to maintain or lose weight. Complainant 1 told us that once, while in a hallway adjacent to an escalator, she had a brief discussion with Mr. Guzowski regarding SES performance measurements and how they were weighted. She said Mr. Guzowski acknowledged the performance measurement weights, and then commented, “And speaking of weight, you know, you should go ahead and do what I’m doing so that you can lose weight.” Complainant 1 said she responded to Mr. Guzowski, “Really? Really?” She told us that after he made the comment she was “beside myself. I’m furious.”

A witness said Mr. Guzowski would occasionally observe employees’ belly fat and comment about “... someone’s belly hanging over [their] belt” This witness told us she could not recall Mr. Guzowski making these comments directly to a specific person. The witness said she did not think such comments regarding employees’ weight and belly fat were appropriate in the office setting.

Another witness told us she had heard Mr. Guzowski make a comment to an employee that “... I guess you don’t want to eat any of this donut because you don’t want to be fat.” This witness said she immediately told Mr. Guzowski, “Sir, you can’t say that.” Another witness recalled Mr. Guzowski’s eating habits and his commenting frequently about food; however, the witness told us that he did not recall hearing Mr. Guzowski’s comment about a specific individual’s weight or being fat. No other witnesses remembered hearing Mr. Guzowski make such comments.

Mr. Guzowski told us he did not make any comments to anyone about their weight or losing weight. He told us that he does not eat foods such as pasta and breads and that he is often asked about his eating habits. He said he might have made a general comment that “we’ve got to make sure we don’t get Dunlap disease.” He said people have asked him “why aren’t you eating donuts” and he responds that he does not “want Dunlap disease” and to prevent medical issues [REDACTED]. He denied making any specific comments to any females about their weight or losing weight. Further, he told us that he believed the only time it would be appropriate to discuss a person’s weight or recommend they lose weight would be during military physical fitness.

In his e-mail to the DoD OIG, Mr. Guzowski wrote:

Diet: I eat a certain way because of [REDACTED] and what my wife cooks. When I am in groups I am asked why I eat the way I do. I basically let people understand why, no lecturing or telling people they are fat and they should eat similar to how I eat.

Mr. Guzowski’s TCL Response Regarding Comments to Female Employees about Dieting, Weight, and Belly Fat

In his TCL response, Mr. Guzowski wrote that he “did not tell Complainant 1 that she needed to lose weight” and that he never made the comments alleged in this report about female employees’ diet, weight, and belly fat. He wrote:

I never made many of the statements attributed to me, and my generalized discussions regarding dieting and nutrition have been wildly taken out of context. I never made any statements to any staff member negatively regarding that member’s weight. Additionally, I had these discussions with both male and female staff, and my statements were in no way impacted by any individual’s gender.

Mr. Guzowski wrote that he did share his fitness and nutritional successes with others; however, he never did so to demean others for their “physical body composition.”

Employee Perceptions of Mr. Guzowski

We asked the witnesses to describe the perception they had of Mr. Guzowski. One witness told us he believed Mr. Guzowski was “very conscious of the environment he’s in.” Another witness told us Mr. Guzowski recognized excellence in people and “speaks from the heart though and he’ll say things that may no[t be] appropriate for today’s time.” Another witness told us he had never known Mr. Guzowski to “abuse his power or authority in any way, shape, or form.” This witness said Mr. Guzowski was a “genuine man,” and “has no ill intent.” This witness described Mr. Guzowski as being “socially awkward,” and said, “he just doesn’t see himself in the context of a conversation with some of the terms that he uses.” This witness told us, “I just don’t see him as a bad, malic[ious], or [an] unprofessional [person]. I just see him as just a socially inept and almost a level of immaturity in being able to see himself, and recognize that as a shortfall.”

Another witness described Mr. Guzowski as a “social” and “personable” person. This witness said he thought Mr. Guzowski’s “line [of things he will do or say] is different than mine. His [line], I think

is probably a little bit looser than mine.” Two other witnesses described Mr. Guzowski as an “extrovert ... an outgoing person ... a very friendly person.” Complainant 2 told us Mr. Guzowski had a good reputation within the office while another witness said, “everybody seemed to like Mr. G [Mr. Guzowski].” Another witness told us Mr. Guzowski was “a good guy” but that he was “naïve to people’s feelings because he was very – he’s a very honest person ... so he was so naïve in reference to his self-awareness and knowing that something can offend somebody.” Two witnesses described Mr. Guzowski as a very “engaging, gregarious individual...” and as someone who tries to be a people person. One witness further described Mr. Guzowski as “awkward” and someone who “tries too hard to fit in with others.” Another witness told us Mr. Guzowski was “very friendly ... very loyal ... [and] a really good boss ... he always is going to be there sticking up for you.”

We asked the witnesses to assess Mr. Guzowski’s propensity to hug and touch employees. One witness told us they heard that Mr. Guzowski was a “touchy-feely” person but this person had never witnessed it himself. One witness said that anytime Mr. Guzowski is talking to someone, he had to touch the person. Another witness heard that Mr. Guzowski was “handsy” but he had not witnessed it himself. Another witness described Mr. Guzowski as “friendly and happy.” Another witness told us Mr. Guzowski hugged her too much and for too long during agency gatherings while yet another witness, who did not believe he was a “hugger” or “touchy-feely,” described Mr. Guzowski as a “hand-shaker” and “very loud.”

Mr. Guzowski told us that he would “shake hands I’m very cautious [about touching people].” He said he will say hello and would shake hands if someone reaches out to him first. He said he does not hug anyone in the workplace. He said in a social setting, he would hug a person only if they initiated the action and said his hug would consist of a short hug of maybe one to two seconds around the upper body. Mr. Guzowski said before he hugged anyone, he would ask the person, “You’re not going to SHARP me, are you?” He said the term “SHARP me” referred to sexual harassment complaints filed in accordance with the Army’s SHARP program.

Mr. Guzowski told us he treated everyone with dignity and respect and that he would shake a female’s hand if she “reaches out to shake [his hand].” We asked Mr. Guzowski when he thought it was appropriate for him to touch someone. Mr. Guzowski told us:

I would say it’s only – it’s not in a work environment, but some of the individuals have come and hugged or thanked me, or whichever the case is. It’s been both males and females. Appreciating, you know, the mentorship, the supervision, etcetera on that case. But again, because of SHARP and the term that, “Everybody’s going to get SHARPED,” etcetera is very literally [*sic*]. But in social environments if I know somebody and they’ve already come up and hugged me, basically they’re coming forward to me, yeah, I will give them a hug, but it’s nothing sexual. It’s just a hug them on the shoulders or whichever the case is.

Mr. Guzowski further described to us how he responded when people in the workplace would try to touch him:

No, no. I mean, it’s been even to the point where I’m walking in the Pentagon and I’ll know somebody from the past and they’re reaching out and I said, and sometimes it’s jokingly, “You’re not going to SHARP me, are you?” And they’ll just, “No, get out of here.” That type thing, I’m sure because of the cautiousness

of because being a leader, I mean I have a target on my back, and at any point somebody wants to say something or do something, etcetera, I don't know. It's kind of one of those cases.

We asked Mr. Guzowski to give us an example of when he thought it might be inappropriate to touch another person in the workplace. Mr. Guzowski told us "I guess you're close to somebody's desk and you put your arm on them, or I don't know, because I don't do it." We asked Mr. Guzowski whether he assisted others routinely in sitting down in a chair, similar to how Complainant 2 asserted he tried to assist her, and he told us he would assist in a social setting but not in the workplace.

2017 DAIG Organizational Climate Survey

A DAIG Organizational Climate Survey, dated February 26, 2017, did not reveal any specific information about the allegation against Mr. Guzowski, but contained three comments about Mr. Guzowski's general workplace conduct. In response to a question about whether DAIG members acted disrespectfully to subordinates, one respondent wrote that Mr. Guzowski often referred to military subordinates by only their last name. The respondent wrote that the individual did not believe Mr. Guzowski's practice was "purposely, outwardly disrespectful"; however, the respondent believed the practice was an example of "weak self-awareness which limits [Mr. Guzowski's] ability for empathy." Another respondent commented that Mr. Guzowski "suffers from cognitive dissonance" because he ignores TIG and DTIG decisions while "advancing his own agenda." A third respondent commented that Mr. Guzowski treated everyone fairly and set a great tone for the Inspections Division.

The TIG told us that since his arrival at DAIG in December 2014, DAIG had completed three organizational climate surveys. He told us that none of the organizational climate surveys contained derogatory information or complaints regarding Mr. Guzowski. A witness told us that the TIG directed Mr. Guzowski to spend at least four hours each day in his office within the TIG's front office area "because there were command climate issues with [DAIG personnel located at] the Taylor building versus [DAIG personnel located at] the Pentagon."

Mr. Guzowski told us the only negative comment reported in DAIG's climate surveys pertained to him not using individuals' ranks during conversation. He told us that he called individuals solely by their last name instead of using their rank and last name together and that he "apologized to everybody for lapsing in memory of not addressing [them] fully [by using their rank and last name]." Mr. Guzowski told us that nothing "came up reference inappropriate touching, anything else sexual...It was a very positive survey." He also told us that the comments about him in the "last [command climate] survey and the previous survey is all positive."

In his e-mail to our investigators, dated June 6, 2017, Mr. Guzowski wrote:

Command Climate Survey: Under [previous TIG] and [current TIG] there has been at least 4 to 5 surveys. At no time has there been any issues with the command climate in the Inspections area, no comments on advice etc., nor any sexual advance challenges ever identified within the agency. Additionally, [the current TIG] and the previous TIG had roundtable discussions with each of the divisions. No challenges were identified reference the inspection divisions, except the issue of developing easier processing of systematic/compliance inspection reports. Both of the IGs also have/had an e-mail mail box to take information on challenges outside or within the IG. I

treat all my subordinates with dignity, respect, fairness, and consistency thus fostering a healthy command climate.

Conclusion on Treating Employees With Dignity and Respect

We concluded that Mr. Guzowski failed to treat Complainants 1 and 2 with dignity and respect. The JER emphasizes primary ethical values, including fairness, caring, and respect, that should guide all DoD employees. The JER states that respect involves treating people with dignity and honoring privacy. It states that respect is critical and that the lack of respect leads to a breakdown of loyalty and honesty. The JER also outlines the expectation that Government employees should treat others with dignity and respect. Army Regulation (AR) 600-100, "Army Leadership," requires every Army leader to treat subordinates with dignity, respect, fairness, and consistency; build cohesive teams; empower subordinates; inspire confidence; and foster a healthy command climate.

We concluded that in April 2012, Mr. Guzowski intentionally and without her consent touched Complainant 1 on the buttocks and kissed her on the mouth, and in December 2016, he intentionally and without her consent touched Complainant 2 on the buttocks. Although in his TCL response Mr. Guzowski noted that "the CID and Virginia Assistant Attorney" found "no probable cause," we note that CID investigated the incident with Complainant 2 as a possible criminal act of abusive sexual contact. Our administrative investigation focused on whether Mr. Guzowski treated the Complainants with dignity and respect in accordance with the Joint Ethics Regulation and Army regulations. We determined that in the 7 months leading up to Mr. Guzowski touching Complainant 2 on the buttocks, he had completed four separate training courses or refreshers in ethics and anti-sexual harassment programs. Mr. Guzowski also acknowledged to us a detailed awareness of such policies during his long military and civilian leadership career. In these instances he nevertheless engaged in unwelcomed and intentional touching of Complainants 1 and 2. We considered his violation of the standards particularly egregious because of his DAIG SES position, and he leads or oversights quality control inspections of Army programs, including its SHARP program.

We also concluded that in addition to the physical contact with Complainants 1 and 2, Mr. Guzowski violated the JER and AR 600-100 on other occasions. At the AMC Redstone Arsenal in Alabama, Mr. Guzowski made a derogatory comment to Complainant 3 that witnesses who heard it considered offensive and condescending. During the same visit to Alabama he ignored multiple requests to reimburse Complainant 4, who had prepaid his luncheon costs, and then stopped during his presentation on professional development and threw money at her in view of a room full of attendees to reimburse his lunch. Witnesses uniformly described his conduct in Alabama as unprofessional and disrespectful.

We initially concluded that Mr. Guzowski compounded his disrespect toward Complainant 4 at a conference nine months after the AMC luncheon when he saw her and greeted her as "the lunch lady." We carefully reviewed Mr. Guzowski's TCL response and found credible his explanation that he called Complainant 4 "the lunch lady" only because he recognized Complainant 4 as the person who organized the AMC luncheon and did not remember her name. We concluded it was more likely than not that Mr. Guzowski did not intend to treat Complainant 4 with disrespect when he called her "the lunch lady." Nevertheless, we stand by our conclusion that he failed to treat Complainant 4 with respect when he paid for his lunch by throwing money over her shoulder.

Finally, we concluded that Mr. Guzowski made remarks to female employees about other employees' belly fat, their need to follow his diet, to lose weight, and to avoid donuts because they "do not want to get fat."

After carefully considering Mr. Guzowski's TCL response, re-examining previously collected evidence, and reviewing the results of additional fieldwork, we stand by our conclusion that Mr. Guzowski's overall course of conduct toward employees discussed in this report exhibited his failure to treat them with dignity and respect.

V. OVERALL CONCLUSION

Mr. Guzowski failed to treat employees with dignity and respect.

VI. RECOMMENDATION

We recommend the Army take appropriate action regarding Mr. Guzowski.

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