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## **Tully Rinckey PLLC Managing Partner Greg T. Rinckey discusses Generals breaking the rules in Air Force Times.**

**Generals breaking the rules: Does rank garner privilege or increased scrutiny?**

**By Kristin Davis 2:58 PM, Jun. 24, 2014**

**The offenses span the spectrum. Wasteful spending. Affairs and inappropriate relationships. Violating ethics and travel regulations. Abusing authority and mistreating subordinates. Reprisal. Showing up drunk to work. The Air Force inspector general substantiated allegations against 13 general officers and general officers-select between September 2012 and October 2013, the most recent data available. The Air Force rarely names and shames senior leaders whose conduct is unacceptable — unlike the Navy, which is open about relieving commanders for indiscretions. The investigation reports provide a singular snapshot into wrongdoing by the highest Air Force brass. Outside of courts-martial, the documents, most of which were released in response to a Freedom of Information Act request, are among the only public accounting of how those at the top are disciplined. That could be changing. An amendment included in the House version of the fiscal 2015 defense authorization bill would require the military to release Defense Department inspector general reports on misconduct by top leaders. A majority of Air Force brass follow the rules. Substantiated allegations against this cadre of high-ranking officers and their civilian counterparts, which are handled exclusively by a team of investigators at the Pentagon, have hovered around 20 to 30 a year for a decade, said Col. Matthew Bartlett, director of senior official inquiries for the inspector general. “We’re very proud of our service, and we’re very proud of the**

individuals in our service. We admire them, and we work for them. They serve us," Bartlett said.

"Although you see headlines every day about this general officer did this, this general officer was fired, it is a very small percentage of the overall population that tend to garner those headlines" — about 2 percent to 3 percent a year. Some incidents of the substantiated misconduct appear to be no more than missteps or momentary bad judgment, said Greg Rinckey, a former Army judge advocate and now a managing partner for the law firm of Tully Rinckey. Brig. Gen. Roger Teague, for example, was verbally counseled for handing out numbered Air Force coins to government contractors at the 2012 Wargame at Schriever Air Force Base, Colorado. The contractors, the IG found, weren't authorized to receive these "government-procured organizational coins." Other violations are more grievous. Brig. Gen. David Uhrich, director of communications at Air Combat Command headquarters, kept a bottle of vodka underneath his desk, imbibed during work hours and became physically sick during a director's call in January 2012, probably from using alcohol, the IG found. Brig. Gens. Derek Rydholm and Robert Polumbo — while assigned to Homestead Air Reserve Base, Florida, before pinning on their first stars — abused their authority when they meted out a series of punishments against a captain based on allegations they knew to be untrue, according to an IG report. And while commander of the NATO Airborne Early Warning and Control Force Command in Belgium from April 2009 to August 2012, Maj. Gen. Stephen Schmidt screamed and swore at his subordinates. Discipline against the 13 generals and O-7 selects ranged from verbal counseling to letters of reprimand. Ten of the 13 remain in the Air Force, most of them in positions of authority. Whether the punishment fits the crime is a matter of debate. "Romantic relationships, being drunk at work or at a work event, initiating letters of reprimand and reassignment of officers without evidence — those are concerning. The question is: Has their rank corrupted them or given them a sense of entitlement?" Rinckey said. "More concerning," he continued, "are the actions taken against them. Some were allowed to retire, and some are still active duty. You have the ones at the top violating regulations and the law in certain cases, and Private Snuffy down the line misuses his government credit card and he gets an Article 15. These are officers who should know better. Some have been in situations where they've been adjudicating punishments" for violations they are now found to have committed. While the military

should take into account general officers' decades of service, "I think there is an officer's discount, even in cases where they go to court-martial," Rinckey said. "That's very demoralizing to the military as a whole." But the highest-ranking officials face the greatest amount of scrutiny, Bartlett said. "From my experience as a commander and experience working senior official complaints, I won't say they become a target, but they are the person that is most visible in the unit or organization. Everyone is looking at that individual, watching every move they make. They become more vulnerable to complaints," Bartlett said. While IG allegations against senior officials are handled separately from all other complaints, the same criteria apply from airman basic to four-star, Bartlett said. "There is not a set of general officer regulations and an everybody-else set of regulations," he said. "I would certainly never say [senior officials] have a pass for misconduct. We look at every complaint based on its own merits. [An allegation against a senior official] receives the same level of scrutiny as an airman who makes an allegation against a noncommissioned officer." When an IG complaint is lodged against a general officer or general-officer select, their careers are put on hold whether or not the claims are eventually substantiated, Bartlett said. That includes professional development, new assignments, promotions and retirement. "Any movement comes to a stop. If they are planning on retiring, that's going to be put on hold by merely filing a credible complaint against a senior official," he said. "About 30 percent of complaints that come into our office are substantiated misconduct. A hundred percent of complaints do impact [their] lives."