



UNDER SECRETARY OF DEFENSE
1100 DEFENSE PENTAGON
WASHINGTON, DC 20301-1100

COMPTROLLER

SEP 14 2012

The Honorable Gene Dodaro
Comptroller General of the United States
Washington, DC 20548

Dear Mr. Dodaro:

This letter is to report a violation of the Antideficiency Act (ADA) as required by title 31, U.S.C., section 1351. The Department of the Army violation, case number 11-05, was in the amount of \$2,957,489.00.

Enclosed are copies of the letters transmitting a report of violation of title 31, U.S.C., section 1341. Copies were submitted to the President, the President of the Senate, the Speaker of the House of Representatives, and the Director of the Office of Management and Budget.

Sincerely,

Robert F. Hale

Enclosures:
As stated



UNDER SECRETARY OF DEFENSE
1100 DEFENSE PENTAGON
WASHINGTON, DC 20301-1100

COMPTROLLER

SEP 14 2012

The Honorable Jeffrey Zients
Acting Director
Office of Management and Budget
Washington, DC 20503

Dear Mr. Zients:

Enclosed are a letter and report transmitting a violation of title 31, U.S.C., section 1341, to the President. The Antideficiency Act violation, Army case number 11-05, totaled \$2,957,489.00. This violation report is required by title 31, U.S.C., section 1351, to be submitted to the President through the Director of the Office of Management and Budget. The Army did not receive a clean audit opinion during the fiscal year in which the violation occurred.

It was determined that the violation contained no willful or knowing intent on the part of the responsible parties to violate the Antideficiency Act. To comply with the aforementioned provisions, copies of the report are also being submitted to the President of the Senate, the Speaker of the House of Representatives, and the Comptroller General of the United States.

Sincerely,

Robert F. Hale

Enclosures:
As stated



UNDER SECRETARY OF DEFENSE

1100 DEFENSE PENTAGON
WASHINGTON, DC 20301-1100

COMPTROLLER

SEP 14 2012

The President
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear Mr. President:

This letter reports a violation of the Antideficiency Act (ADA), Army case number 11-05 (enclosed), as required by title 31, U.S.C., section 1351. The violation in the Operation and Maintenance, Army (OMA) appropriation, account 2172020, occurred at the U.S. Army Installation Management Command (IMCOM). The violation totaled \$2,957,489.00.

The violation occurred when personnel at the U.S. Army Garrison (USAG) Grafenwoehr, Germany, split construction costs into four military construction projects on a new building addition. The splitting of these construction costs allowed each project to remain below the \$750,000 OMA minor construction ceiling. The projects should have been funded with Military Construction funds. The improper funding of the project resulted in a violation of title 31, U.S.C., section 1341.

Mr. Albert Hasty, Acting Director Public Works, and Mr. Benno Meier, Chief of the Design Section and Job Order Contracting Officer, were found responsible for the violation. Mr. Hasty is retired from Federal Service, however he received a verbal reprimand prior to his retirement. Mr. Meier, a German national, also received a verbal reprimand. The violation contained no willful or knowing intent on the part of the responsible parties to violate the ADA.

To prevent a recurrence of this type of violation, USAG Grafenwoehr has instituted two overarching methods to ensure project splitting does not happen again. First, there is a new business agreement that specifies the amount of oversight and who must review all projects. The second action is the removal of the ordering officer from Grafenwoehr to the U.S. Army Corps of Engineers.

Identical reports will be submitted to the President of the Senate, Speaker of the House of Representatives, Comptroller General of the United States, and Director of the Office of Management and Budget.

Respectfully yours,

Robert F. Hale

Enclosure:

As stated
GAO-ADA-12-19



UNDER SECRETARY OF DEFENSE
1100 DEFENSE PENTAGON
WASHINGTON, DC 20301-1100

COMPTROLLER

The Honorable Joseph R. Biden, Jr.
President of the Senate
United States Senate
Washington, DC 20510

SEP 14 2012

Dear Mr. President:

This letter reports a violation of the Antideficiency Act (ADA), Army case number 11-05 (enclosed), as required by title 31, U.S.C., section 1351. The violation in the Operation and Maintenance, Army (OMA) appropriation, account 2172020, occurred at the U.S. Army Installation Management Command (IMCOM). The violation totaled \$2,957,489.00.

The violation occurred when personnel at the U.S. Army Garrison (USAG) Grafenwoehr, Germany, split construction costs into four military construction projects on a new building addition. The splitting of these construction costs allowed each project to remain below the \$750,000 OMA minor construction ceiling. The projects should have been funded with Military Construction funds. The improper funding of the project resulted in a violation of title 31, U.S.C., section 1341.

Mr. Albert Hasty, Acting Director Public Works, and Mr. Benno Meier, Chief of the Design Section and Job Order Contracting Officer, were found responsible for the violation. Mr. Hasty is retired from Federal Service, however he received a verbal reprimand prior to his retirement. Mr. Meier, a German national, also received a verbal reprimand. The violation contained no willful or knowing intent on the part of the responsible parties to violate the ADA.

To prevent a recurrence of this type of violation, USAG Grafenwoehr has instituted two overarching methods to ensure project splitting does not happen again. First, there is a new business agreement that specifies the amount of oversight and who must review all projects. The second action is the removal of the ordering officer from Grafenwoehr to the U.S. Army Corps of Engineers.

Identical reports will be submitted to the President, Speaker of the House of Representatives, Comptroller General of the United States, and Director of the Office of Management and Budget.

Sincerely,

Robert F. Hale

Enclosure:

As stated
GAO-ADA-12-19



UNDER SECRETARY OF DEFENSE
1100 DEFENSE PENTAGON
WASHINGTON, DC 20301-1100

COMPTROLLER

SEP 14 2012

The Honorable John A. Boehner
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

This letter reports a violation of the Antideficiency Act (ADA), Army case number 11-05 (enclosed), as required by title 31, U.S.C., section 1351. The violation in the Operation and Maintenance, Army (OMA) appropriation, account 2172020, occurred at the U.S. Army Installation Management Command (IMCOM). The violation totaled \$2,957,489.00.

The violation occurred when personnel at the U.S. Army Garrison (USAG) Grafenwoehr, Germany, split construction costs into four military construction projects on a new building addition. The splitting of these construction costs allowed each project to remain below the \$750,000 OMA minor construction ceiling. The projects should have been funded with Military Construction funds. The improper funding of the project resulted in a violation of title 31, U.S.C., section 1341.

Mr. Albert Hasty, Acting Director Public Works, and Mr. Benno Meier, Chief of the Design Section and Job Order Contracting Officer, were found responsible for the violation. Mr. Hasty is retired from Federal Service, however he received a verbal reprimand prior to his retirement. Mr. Meier, a German national, also received a verbal reprimand. The violation contained no willful or knowing intent on the part of the responsible parties to violate the ADA.

To prevent a recurrence of this type of violation, USAG Grafenwoehr has instituted two overarching methods to ensure project splitting does not happen again. First, there is a new business agreement that specifies the amount of oversight and who must review all projects. The second action is the removal of the ordering officer from Grafenwoehr to the U.S. Army Corps of Engineers.

Identical reports will be submitted to the President, President of the Senate, Comptroller General of the United States, and Director of the Office of Management and Budget.

Sincerely,

Robert F. Hale

Enclosure:
As stated