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Description of document: **Reports produced for Congress by the Defense Commissary Agency (DeCA) 2006-2009, not posted on DeCA internet website**

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Source of document: Freedom of Information Act Request
Defense Commissary Agency
Freedom of Information Officer
Office of General Counsel
1300 E Avenue
Fort Lee VA 23801-1800
Email: FOIA@deca.mil
Fax to the FOIA Officer: (804) 734-8259

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DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

January 26, 2010
FOIA-10-030

Your Freedom of Information Act (FOIA) request, in which you requested copies of reports produced for Congress by the Defense Commissary Agency, has been processed. Copies of those documents responsive to your request are attached. However, certain information has been withheld under Title 5, United States Code, Section 552, Exemption (b)6, in that release of this information would result in an unwarranted invasion of the personal privacy of the individuals. That information is identified with the annotation "b(6)." Additional responsive information can also be found in the Agency's FOIA reading room at the following weblink:
http://www.commissaries.com/foia/foia_err.cfm.

Because information has been withheld, this is considered a partial denial. You are hereby advised of your right to appeal this determination under DoD Directive 5400.7-R. The appeal must be provided to the address listed below, in writing, no later than 60 calendar days after the date of this letter. You should be aware that fees may be associated with the processing of an appeal.

Chief of Staff
Defense Commissary Agency
1300 E Avenue
Fort Lee, VA 23801-1800

Any questions or concerns regarding FOIA policy should be directed to the FOIA Officer, Camillo DeSantis, at (804) 734-8000 Ext. 4-8116, or e-mail at camillo.desantis@deca.mil.

Sincerely,

A handwritten signature in black ink, appearing to read "William E. Sherman", is written over a horizontal line.

William E. Sherman
General Counsel

Enclosures: As stated



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

January 5, 2007

The Honorable Charlie Norwood
Member of Congress
Washington, DC 20515

Dear Representative Norwood:

This responds to your recent inquiry to the Department of Defense on behalf of multiple employees at the Fort Gordon Commissary. Your letter was referred to this Agency for a response.

We remain sensitive to the needs of the military families we serve and to the valued employees at our commissaries who deliver the commissary benefit to our military on a daily basis. An investigation was conducted at the Fort Gordon Commissary, and the employees have been briefed by our Defense Commissary Agency East Leadership on the investigation findings. Appropriate administrative action is being taken to rectify leadership and management issues. We will continue to closely monitor the Fort Gordon Commissary operations.

I trust this information assists you in responding to your constituents at the Fort Gordon Commissary.

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

January 22, 2007

The Honorable James T. Walsh
Representative in Congress
Washington, DC 20515-3225

Dear Representative Walsh:

This responds to your recent letter to the Department of Defense on behalf of your constituent, (b) (7) of Bryne Dairy, Inc., concerning his desire to sell his ice cream at the Fort Drum Commissary. Your letter was referred to this Agency for a response.

It is true that no products are accepted without researching scan data. Title 10, United States Code, Section 2484(f) grants an exception to the Competition in Contracting Act where a product offered for inclusion in the Defense Commissary Agency's (DeCA) product assortment is available in the civilian commercial marketplace. DeCA uses product movement data (scan data) provided by the offeror of the product to determine if there is a commercial presence in the civilian marketplace and whether there is sufficient product movement to consider the product. Brand name items in DeCA's product assortment compete against each other on the shelf, thus a product that has no significant presence in the civilian marketplace is not included in DeCA's product mix.

DeCA's New Product Request Form, DeCA Form 40-15, is used to introduce new products into our mix. When such a request is made, the store director must sign the request, and forward it, along with scan data, for consideration by our Marketing Business Unit. So far, that request, along with the scan data, has not been submitted.

I trust this information assists you in responding to your constituent.

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei", with a long horizontal flourish extending to the right.

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY

HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

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Office of the Inspector General

January 22, 2007

The Honorable Maria Cantwell
United States Senator
915 2nd Avenue, Suite 3206
Seattle, WA 98174

Dear Senator Cantwell:

This responds to your recent inquiry to the Department of Defense on behalf of your constituent, [REDACTED] of Emerald City Pre-Pack, Inc., regarding the recent award of the Defense Commissary Agency (DeCA) contract for fresh fruit and vegetables (FF&V). Your letter was referred to this Agency for a response.

In the past, FF&V for our 263 commissaries world wide has been acquired through a cooperative arrangement with the Defense Supply Center - Philadelphia (DSC-P), another Federal agency. In order to improve service approximately two years ago, DeCA began exploring alternative business models to provide this essential product to our facilities. This initiative resulted in a field test of a new concept for procuring these resale items for an eight-month period during 2005. After reviewing the results of the test and the business cases prepared by both DSC-P and DeCA, the Department of Defense directed that DeCA assume responsibility for contracting for its resale fresh fruit and vegetables using the test model.

The particular award that [REDACTED] addresses in her correspondence was completed on August 31, 2006, to a small business concern by the name of Spokane Produce, Inc., in Spokane, Washington. The award was subsequently protested to the Government Accountability Office (GAO) by one of the unsuccessful offerors. That case (GAO Docket # B-298790) has since been reviewed in detail, with a GAO decision, dated November 29, 2006, denying the protest in its entirety and upholding the award decision by DeCA. Performance under the contract has since been initiated by Spokane Produce, Inc.

The contention from your constituent that the contract for these products was awarded to "three large produce companies" is in error. DeCA has made every effort to publicize its plans, to include convening multiple industry round tables, issuing a request for information (RFI) to the produce industry seeking input and suggestions on how best to accomplish its objective of improving produce operations in its stores, and publishing each and every solicitation on the centralized Federal government website that is used to advertise all such government requirements. In addition, throughout this process DeCA has maintained its commitment to small concerns by restricting offers to only those from small business concerns.

I trust this information assists you in responding to [REDACTED]

Sincerely,

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY

HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

February 1, 2007

The Honorable John P. Murtha
Member of Congress
647 Main Street, Suite 401
Johnstown, PA 15901-2140

Dear Representative Murtha:

This responds to your recent letter on behalf of your constituent, (b) (6) who has requested that his ENER-GEL Insoles be added to the Defense Commissary Agency's (DeCA) stock assortment.

Detailed research was conducted during the annual November 2006 Foot Care category review in regard to DeCA's stock assortment of insoles. The DeCA Marketing Business Unit (MBU) determines which product or item will be stocked in the commissary based upon commercial category management principles, including market research, item innovation, price, potential customer demand, product distribution and other marketing factors. Due to limited shelf space available in the commissaries, DeCA cannot carry all brands of any product, including shoe insoles. Based on the category review results, DeCA currently stocks the best four selling national brands of insoles.

Mr. William Wood, Category Manager for insoles, has reviewed the ENER-GEL presentation attached to your letter and determined based upon category management principles that there is no need to add a fifth brand of insoles to our stock assortment. However, ENER-GEL may again make a presentation of its products during the next Foot Care category review in November 2007.

I trust this information assists you in responding to (b) (6)

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY

HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

February 12, 2007

The Honorable Kay Bailey Hutchison
United States Senator
1919 Smith Street, Ste. 800
Houston, TX 77002-8098

Dear Senator Hutchison:

This responds to your recent inquiry to the Department of Defense, Civilian Personnel Management Service, on behalf of your constituent, (b) (6), a former employee at the Laughlin Air Force Base (AFB) Commissary. Your letter was referred to this Agency for a response.

The Defense Commissary Agency (DeCA) took (b) (6) allegations very seriously. The local zone manager met with (b) (6). After meeting with her he decided to initiate inquiries into the matters. A thorough inquiry was conducted into the sexual harassment claim by DeCA's Region Equal Employment Opportunity (EEO) Manager. The report concluded that while remarks were made containing sexual innuendo, the employees felt there was no harm. The remarks did not affect work performance and they were not directed at any one person. Nevertheless, management found the conduct to be inappropriate for the workplace and, lacking any further evidence of harassment, instructed (b) (6) to cease and desist in all forms of contact with (b) (6). (b) (6) work schedule was also changed.

Regarding the issue of retaliation, management also conducted an inquiry into this matter. The inquiry revealed that on August 23, 2005, a new customer service manager was hired. (b) (6) was used to her previous supervisor and the changes the successor was making were not well received. (b) (6) works a full time job for the city of Del Rio and was working part-time 20 hours per week for DeCA. Since there was no work available from 8:15 p.m. - 8:30 p.m., (b) (6) duty hours were changed. (b) (6) was also written-up for errors she made. These were some of the things that (b) (6) was not accustomed to while working under the supervision of a former supervisor who, in the past, had rated her "Excellent" in her performance appraisals. (b) (6) was not the only employee that was written up. The new supervisor wanted to ensure everyone was aware of the right way to do things.

At the conclusion of the inquiries, (b) (6) informed management of her dissatisfaction with the results prior to resigning her position. Management explained that there was not sufficient evidence to determine that any additional action should be taken against the individuals charged in her allegations. (b) (6) was informed of her rights to file a formal EEO complaint if she felt that the inquiries were biased and that she was being discriminated against. However, she elected to resign without filing an EEO complaint.

I trust this information assists you in responding to (b) (6)

Sincerely,

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY

HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

February 26, 2007

The Honorable Mary Fallin
Member of Congress
120 North Robinson, Suite 100
Oklahoma City, OK 73102-7461

Dear Representative Fallin:

This responds to your recent letter on behalf of your constituent, [REDACTED] an employee at the Tinker Air Force Base (AFB) Commissary, concerning the commissary being open on January 2, the National Day of Mourning.

The President issued Executive Order 13421 to close Federal offices and excuse all Federal employees from duty for the scheduled workday on January 2, except those who, in the judgment of the head of the Agency, cannot be excused for reasons of national security, defense, or other essential public business. A decision was made that stores that would normally be open Tuesday after a legal holiday would remain open to conduct essential public business.

The Defense Commissary Agency (DeCA) has made a conscious decision to maximize the commissary benefit for our active duty, retiree and family members because they have told us it is one of their most important non-pay entitlements. DeCA believes that the commissaries should be there for the Service members and their families, especially when they are off duty and most able to use commissaries. DeCA understands the employee's desire to enjoy certain days of recognition, but they are also important DeCA team players that know their services are needed to accomplish the mission. DeCA believes in "service before self."

Our Agency must do all that we can to ensure the Service member's "most valued benefit" includes expanded hours and service where it makes sense. Please be assured that DeCA reviews this policy annually to ensure opening on specific holidays is providing optimum service to our valued patrons.

I trust this information assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei", with a horizontal line extending to the right.

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

February 26, 2007

The Honorable James M. Inhofe
United States Senator
1924 South Utica Avenue, Suite 530
Tulsa, OK 74104-6511

Dear Senator Inhofe:

This responds to your recent letter on behalf of your constituent, [REDACTED] an employee at the Tinker Air Force Base (AFB) Commissary, concerning the commissary being open on January 2, the National Day of Mourning.

The President issued Executive Order 13421 to close Federal offices and excuse all Federal employees from duty for the scheduled workday on January 2, except those who, in the judgment of the head of the Agency, cannot be excused for reasons of national security, defense, or other essential public business. A decision was made that stores that would normally be open Tuesday after a legal holiday would remain open to conduct essential public business.

The Defense Commissary Agency (DeCA) has made a conscious decision to maximize the commissary benefit for our active duty, retiree and family members because they have told us it is one of their most important non-pay entitlements. DeCA believes that the commissaries should be there for the Service members and their families, especially when they are off duty and most able to use commissaries. DeCA understands the employee's desire to enjoy certain days of recognition, but they are also important DeCA team players that know their services are needed to accomplish the mission. DeCA believes in "service before self."

Our Agency must do all that we can to ensure the Service member's "most valued benefit" includes expanded hours and service where it makes sense. Please be assured that DeCA reviews this policy annually to ensure opening on specific holidays is providing optimum service to our valued patrons.

I trust this information assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in cursive script, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

February 26, 2007

The Honorable Ralph Regula
Member of Congress
4150 Belden Village Street NW, Suite 408
Canton, OH 44718-2553

Dear Representative Regula:

This responds to your recent letter to the Department of Defense on behalf of your constituent, [REDACTED] of Park Farms, Inc., regarding his recent attempts to gather information about how to do business with the Department of Defense for poultry products. Your letter was referred to this Agency for a response.

The specific issues raised regarding [REDACTED] dealings with DLA are currently being addressed directly by the appropriate personnel at DLA. The Defense Commissary Agency (DeCA) is responsible for acquiring a wide variety of grocery products for placement within its 263 commissaries worldwide. Previous studies have shown that the commissary system is among the top-rated benefit. Because the space available within our stores is finite, DeCA must follow a structured process when considering what products to carry. Part of that process is influenced by statute; another part is based more on competition. For example, the statute at 10 U.S.C. 2486(e), Special Rule for Brand-Name Commercial Items, provides that DeCA can acquire certain items that meet the criteria for "brand name" products. This enables the Agency to provide the brands of products that our military patrons need and expect, while affording the patron with the final decision on what products sell and what products do not through their actual purchases. Essentially, products that sell are replenished, and products that do not sell are removed from the store shelves through a structured review process. Non-brand name items are normally acquired through competition, as dictated by the guidelines set forth within the Federal Acquisition Regulation and its supplements. The non-brand name acquisitions are advertised via the websites referenced by [REDACTED] namely www.fedbizopps.gov.

For poultry items such as those offered by Park Farms, DeCA acquires these under the brand-name acquisition process. When a new brand name requirement is expected (e.g., chicken, turkey, etc.) DeCA publicizes these types of actions via a Notice to the Trade (NTT) process. These notices are all posted to the DeCA website at www.commissaries.com and can be accessed by any interested party. The notices are also made available to commercial websites for industry organizations that tend to support the DeCA business requirements. One such organization is the American Logistics Association (ALA). The NTT information is readily available, at no charge, from the DeCA website. We trust that Park Farms will be able to better monitor that location in the future to identify potential business opportunities. Based on communications with the DeCA parties identified by [REDACTED] it is believed that [REDACTED] was referred to the ALA organization for the purpose of putting his firm in contact with other vendors that historically have done business with DeCA.

[REDACTED] also is encouraged to contact the DeCA Office of Small Business directly through our website or via telephone at (804) 734-8015. We look forward to Park Farm's participation in our acquisition requirements in the future.

I trust this information assists you in responding to your constituent.

Sincerely,

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

February 27, 2007

The Honorable Elizabeth Dole
United States Senator
310 New Bern Avenue, Suite 122
Raleigh, NC 27601-1441

Dear Senator Dole:

This responds to your most recent letter on behalf of your constituent, [REDACTED] of East Coast Inventory Service, regarding her Freedom of Information (FOI) request and her concern regarding a contract.

As stated in the Defense Commissary Agency's (DeCA) October 31, 2006, response to these issues, [REDACTED] assertion regarding another firm's small business status was fully resolved by the Contracting Officer and the Small Business Administration (SBA). Her concerns were fully investigated on this issue and found to be without merit by the SBA.

[REDACTED] was advised in the denial letter for her FOIA request, that the information requested was exempt from release under Title 5, USC, Section 552, exemption b(4). She was further notified that if she wished to appeal this decision she must address so in writing, no later than 60 days after the date of that letter. No appeal of that decision has been received.

I trust this information assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei", written in a cursive style.

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

March 12, 2007

The Honorable J. Randy Forbes
Member of Congress
2903 Boulevard, Suite B
Colonial Heights, VA 23834

Dear Representative Forbes:

This responds to your recent letter on behalf of your constituent, [REDACTED] a current employee of this Agency.

[REDACTED] was appointed to a permanent part-time position as a Sales Store Checker on December 2, 2003. Her appointment is generally limited to 24 hours per week although the number of hours can be increased based on the operating needs of the Commissary and its assigned budget. In addition to the information contained on the job announcement that [REDACTED] applied under to become a Sales Store Checker, she was made aware that the position of Sales Store Checker required employees to work rotating shifts. [REDACTED] was often reminded that she was required to work a rotating schedule, and there was little or no chance that a set schedule could be approved that would accommodate her continuing education requests. When her supervisor could accommodate [REDACTED] she did, but there was never any guarantee it would continue.

[REDACTED] was not harassed by commissary officials. Agency records indicate [REDACTED] has been both informally and formally disciplined for leave abuse; cited for wearing her Agency furnished smock while making a purchase in the commissary, a violation of Agency policy; and counseled for not having the required receipt necessary to show the item found on her person had been purchased outside the commissary. [REDACTED] was never accused of unauthorized possession of Government property.

Due to budget constraints, [REDACTED] hours were reduced and her schedule was changed. Budget constraints have resulted in the tightening of schedules resulting in the employees being limited to the number of hours they were originally assigned. The recent change of schedule and reduction in the number of hours worked affected other employees in the commissary in addition to [REDACTED]. It is unfortunate [REDACTED] believes Agency officials at the commissary are singling her out.

I regret this response could not be more favorable but trust this information assists you in responding to [REDACTED].

Sincerely,

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

March 12, 2007

The Honorable Ike Skelton
Member of Congress
908 Thompson Blvd.
Sedalia, MO 65301

Dear Representative Skelton:

This responds to your recent inquiry to the Department of the Air Force on behalf of your constituent, [REDACTED] a contractor employee working in the Whiteman Air Force Base (AFB) Commissary. Your inquiry was forwarded to this Agency for a response.

[REDACTED] and her husband have raised the same concerns she previously brought to your attention, to the attention of the Defense Commissary Agency's (DeCA) Inspector General (IG) and the Air Force IG at Whiteman AFB. Her allegations were thoroughly reviewed at that time. The DeCA IG determined that there was no evidence to support a conclusion that the DeCA's managers acted improperly, or otherwise not in accordance with their official duties and responsibilities. The discrimination complaints [REDACTED] refers to were filed by her former coworkers and are unrelated to her.

Our past inquiries into [REDACTED] allegations support a conclusion that the issues she continues to raise are personal in nature and involve her former and current contractor employers, not DeCA.

I regret this response could not be more favorable but trust the above information assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

March 20, 2007

The Honorable J. Randy Forbes
Member of Congress
2903 Boulevard, Suite B
Colonial Heights, VA 23834


Dear Representative Forbes:

This responds to your recent letter on behalf of your constituent, [REDACTED]
[REDACTED] an employee of the Defense Commissary Agency (DeCA) concerning his request for disability.

This inquiry does not fall under DeCA's purview. We are forwarding your inquiry to the Office of Personnel Management (OPM), Boyers, PA, for appropriate action and further response to you.

I trust this information is of assistance.

Sincerely,


John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

April 4, 2007

The Honorable John Linder
Representative in Congress
Washington, D.C. 20515-0007

Dear Representative Linder:

This responds to your recent letter to the Department of Defense on behalf of your constituent, [REDACTED] of Williamson Bros. BBQ, who desires to do business with the Defense Commissary Agency (DeCA). Your letter was referred to this Agency for a response.

There are two ways that [REDACTED] may contact DeCA to obtain information on regulations and procedures pertaining to marketing her company products in DeCA commissaries. First, [REDACTED] may contact Mr. Max Goldfarb, Local/Regional Buyer for the Eastern Regional, telephonically at (804) 734-8382 or via email at max.goldfarb@deca.mil. Secondly, she may obtain information on the DeCA web site at <http://www.commissaries.com/business.cfm> "Business with DeCA." [REDACTED] will find valuable information pertaining to this Agency on this web page.

I trust this information assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in cursive script, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY

HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

April 4, 2007

The Honorable Robert E. Cramer, Jr.
Member of Congress
200 Pratt Avenue, N.E.
Suite A
Huntsville, AL 35801

Dear Representative Cramer:

This responds to your recent inquiry on behalf of your constituent, [REDACTED], regarding his experience at the Redstone Arsenal Commissary.

On March 28, 2007, Ms. Amber Bray, Store Director at the Redstone Arsenal Commissary, contacted [REDACTED] to apologize for the service he received during his visit. Ms. Bray emphasized that the goal of this Agency is to provide the best service possible, and she assured [REDACTED] that he will be treated with acceptable customer service whenever he shops at a commissary. The issue with the employee has been dealt with appropriately. If [REDACTED] has any concerns in the future, he may contact the store director at (256) 876-8429.

I trust this information assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in cursive script, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

April 6, 2007

The Honorable Steny Hoyer
Member of Congress
U.S. District Court House
6500 Cherrywood Lane, Suite 310
Greenbelt, MD 20770-7212

Dear Representative Hoyer:

This responds to your recent letter on behalf of your constituent, [REDACTED] regarding his employment with the Defense Commissary Agency (DeCA).

On April 3, [REDACTED] was offered and accepted tentative employment as a permanent part-time Sales Store Checker. The effective date of his appointment will be set pending the favorable return of his security check. DeCA values the contributions of veterans to the workforce.

I trust this information assists you in responding to [REDACTED]

Sincerely,

For Donna Sushinsky

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY

HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

April 6, 2007

The Honorable Marsha Blackburn
Representative in Congress
1850 Memorial Drive, Suite A
Clarksville, TN 37043-4603

Dear Representative Blackburn:

This responds to your recent letter to the Department of Defense (DoD) on behalf of your constituent, (b) (6) and her desire to be reinstated to her former position at the Fort Campbell Commissary. Your letter was referred to this Agency for a response.

The U.S. Office of Personnel Management requires that employees who encumber sensitive positions within the Federal government obtain background clearance to ensure they are suitable to hold such a position. (b) (6) held such a position within the Fort Campbell Commissary. Within DoD agencies, other than the military services, suitability determinations are made by the Washington Headquarters Services (WHS), Consolidated Adjudications Facility (CAF). That facility provided due process to (b) (6) and found (b) (6) unsuitable to hold a sensitive position within DoD. The WHS Clearance Appeal Board (CAB), the Board to which these matters can be appealed, met and considered (b) (6) appeal of the CAF decision on September 28, 2006. Upon full case review, the Board sustained the CAF's determination of (b) (6) unsuitability. (b) (6) appeal to the CAB exhausts the administrative due process provided for in security clearance determination cases by Executive Order 12968, *Access to Classified Information*, and by DoD 5200.2-R, *DoD Personnel Security Program*.

The substantive basis for the decision of the CAF, as well as the basis for the decision of the Board on appeal, is not revealed to the Agency. (b) (6) must pursue any effort to be found suitable with the Board, rather than with her employer, the Defense Commissary Agency.

As a result of the determination that (b) (6) is unsuitable to hold a sensitive position, she has been reassigned by the Agency to the position of Cashier, a non-sensitive position.

While it is unfortunate that my response cannot be more positive in nature, I trust this information assists you in responding to (b) (6).

Signature

For Donna Suskinis

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

April 11, 2007

The Honorable Ike Skelton
Representative in Congress
908 Thompson Blvd.
Sedalia, MO 65301-2241

Dear Representative Skelton:

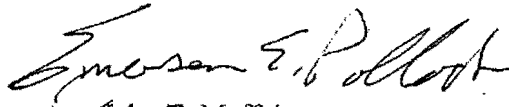
This responds to your recent inquiry on behalf of your constituent, [REDACTED] a private citizen but contractor employee, working in the Whiteman Air Force Base (AFB) Commissary.

In the past, [REDACTED] and her husband have raised the same concerns she has brought to your attention, to the attention of both this Agency's Inspector General and the Air Force Inspector General at Whiteman AFB. Her allegations were thoroughly reviewed at that time. The discrimination complaints [REDACTED] relates to were filed by her former coworkers and are unrelated to her. These complaints have been resolved. As a result of the inquiry into the allegations put forth by [REDACTED] the Agency Inspector General determined that there was no evidence to support a conclusion that the Defense Commissary Agency's managers acted improperly, or otherwise not in accordance with their official duties and responsibilities.

In summary, our past inquiries into her allegations support a conclusion that the issues [REDACTED] continues to raise are personal in nature and involve her former employment, as contrasted with her current employment, with her private sector employers, both of which either were or are contractors for the government at the Whiteman AFB Commissary.

I trust the above information assists you in responding to your constituent.

Sincerely,


John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

April 12, 2007

The Honorable Mazie Hirono
Representative in Congress
5-104 Prince Kuhio Federal Building
Honolulu, HI 96850

Dear Representative Hirono:

This responds to your recent letter on behalf of your constituent, [REDACTED] currently an employee at the Pearl Harbor Commissary. [REDACTED] inquiry concerns her pay and grade level.

[REDACTED] had prior Federal service and was a GS-4 Step 2 when she left the Internal Revenue Service (IRS) in 1989. She was rehired by the Defense Commissary Agency (DeCA) in 1993 as a Sales Store Checker GS-3 Step 1. Her personnel action was processed by the Department of the Navy. According to Navy policies in effect at that time, pay was always set at the step 1 unless an exception was granted to give the highest previous rate. There is no documentation to that effect in her personnel folder.

In 2004, DeCA changed their pay setting policy to allow all new employees to be eligible to receive the highest previous rate of pay upon reemployment. Existing employees would also be eligible to receive their highest previous rate of pay whenever promoted, reassigned or changed to a lower grade which would provide an opportunity to reset the employee's pay.

A fellow employee of [REDACTED] came to the Defense Commissary Agency in 2004 after the new policy was in effect and was given her highest previous rate. The reason [REDACTED] was not entitled to highest previous rate was explained to her when she inquired why she wasn't given the same opportunity as her coworker. The first opportunity to reset [REDACTED] pay occurred at the time of her reassignment to her present position on October 1, 2006. Her pay at that time was a GS-3 Step 8. She was entitled to receive her current rate of pay or her highest previous rate of pay, whichever was higher. Her existing rate of pay was higher than a GS-4 Step 2, so she continued to receive GS-3 Step 8 pay.

[REDACTED] was given credit for the service time that she worked at the IRS toward her service computation date (SCD) in accordance with nondiscretionary governing regulations. The use of the maximum pay rate authority is discretionary and subject to an agency's pay setting policy in effect at the time of appointment or placement into a new position.

I trust this information assists you in responding to [REDACTED]

Sincerely,

Emerson E. Pollock
For John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

April 16, 2007

The Honorable David L. Hobson
Representative in Congress
5 West North Street, Suite 200
P. O. Box 269
Springfield, OH 45501-0269

Dear Representative Hobson:

This responds to your recent letter on behalf of your constituent, [REDACTED], an employee at the Wright-Patterson Air Force Base (AFB) Commissary, concerning the commissary being open on January 2, the National Day of Mourning.

The President issued Executive Order 13421 to close Federal offices and excuse all Federal employees from duty for the scheduled workday on January 2, except those who, in the judgment of the head of the Agency, cannot be excused for reasons of national security, defense, or other essential public business. A decision was made that stores that would normally be open Tuesday after a legal holiday would remain open to conduct essential public business.

The Defense Commissary Agency (DeCA) has made a conscious decision to maximize the commissary benefit for our active duty, retiree and family members because they have told us it is one of their most important non-pay entitlements. DeCA believes that the commissaries should be there for the Service members and their families, especially when they are off duty and most able to use commissaries. DeCA understands the employee's desire to enjoy certain days of recognition, but they are also important DeCA team players that know their services are needed to accomplish the mission. DeCA believes in "service before self."

Our Agency must do all that we can to ensure the Service member's "most valued benefit" includes expanded hours and service where it makes sense. Please be assured that DeCA reviews this policy annually to ensure opening on specific holidays is providing optimum service to our valued patrons.

I trust this information assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei", followed by a horizontal line.

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY

HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

April 17, 2007

The Honorable Jim Saxton
Representative in Congress
High Street, Suite 301
Mount Holly, NJ 08060-1458

Dear Representative Saxton:

This responds to your recent letter on behalf of your constituent, (b) (6),
(b) (6), former store worker at the McGuire Air Force Base (AFB) Commissary.

(b) (6) was hired as a store worker at the McGuire AFB Commissary on a temporary appointment not to exceed one year. The purpose of that appointment was to provide needed assistance to meet temporary but critical mission requirements. Because of his extended absences, (b) (6) was found to be unable to perform the duties needed. The separation action taken by the Agency in (b) (6) case was non-punitive in nature and was solely for business purposes.

The McGuire AFB Commissary fully supports the Rehabilitation Act and works with employees with disabilities within the parameters of the law.

I trust this information assists you in responding to (b) (6)

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



REPLY TO
ATTENTION OF:

DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

April 17, 2007

The Honorable Ted Stevens
United States Senator
222 West 7th Avenue, #2
Anchorage, AK 99513

Dear Senator Stevens:

This responds to your recent letter on behalf of your constituent, [REDACTED] of MQC Enterprises, Incorporated, regarding additional information submitted to your office in regards to past performance ratings.

As stated in a previous response, an individual, who no longer works for the Defense Commissary Agency (DeCA), provided a past performance reference for your constituent to the U.S.C.G. Contracting Office in Alameda, CA. When your initial request for information was received at DeCA, this individual was contacted to ascertain the validity of the reference provided, as all official contract files at that time were located at the DeCA Region Contracting Office in Sacramento, CA. The individual reaffirmed the reference provided to the U.S.C.G. in Kodiak, stating that performance on the DeCA contract at that time was less than satisfactory.

Since the date of the last response to your office, the DeCA West Region Contracting Office has closed and contractual authority for this contract was transferred to the DeCA Commercial Services Division here at Fort Lee, Virginia.

The information provided by your constituent and submitted with your latest inquiry, for the period January 2005 through May 2006, has been reviewed. In addition, documents from the official contract files have also been reviewed to ascertain whether a correlation exists between what your constituent provided and the documentation contained within the contract files. As a result, we have found that there have been instances during this period, where less than satisfactory performance by MQC was noted; however, overall, it appears after Agency review that MQC's performance at the DeCA Kodiak Commissary has been at a satisfactory level.

I trust this additional information assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY

HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

May 4, 2007

Honorable J. Randy Forbes
Representative in Congress
2903 Boulevard, Suite B
Colonial Heights, VA 23834-2401

Dear Representative Forbes:

This responds to your recent inquiry on behalf of several of your constituents who are employees of the Fort Lee Commissary.

During the period April 9 through 11, staff members from the Defense Commissary Agency (DeCA) Human Resources Office and the Equal Employment Opportunity (EEO) Office conducted a climate assessment regarding the allegations brought to your attention from employees at the Fort Lee Commissary. Thirty-five employees, a number which comprises the majority of the department where the allegations initiated, were interviewed. Only four employees indicated that the morale in the department was unsatisfactory.

With respect to African American students being terminated for every minute or alleged action, the record shows that only one African American student was terminated and he was terminated due to being Absent Without Leave (AWOL). Moreover, a majority of the students enrolled in the Student Program had positive comments regarding their work schedule and management's attempt to accommodate their school hours with that of their work schedule. As to the student that was allegedly informed she would no longer be accommodated for school, management and the student employee equitably resolved this matter. During the course of the interviews, it was noted that management makes every attempt to support and accommodate all employees who are seeking to obtain an education and enhance their opportunity to advance within the commissary system. However, the mission of the commissary must be accomplished and consequently, there may come a time that an employee must schedule their class around his or her work schedule.

The record refutes the allegation that the majority of the employees at the Fort Lee Commissary have encountered some form of harassment, discrimination or mental abuse. The EEO office has no record of any employee filing a complaint of discrimination against commissary management during the past fiscal year. Furthermore, the majority of the employees interviewed when asked if they felt management discriminated against them replied that discrimination was not an issue.

I trust this information assists you in responding to your constituents. A similar response was also sent to Representative Scott.

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

May 4, 2007

Honorable Robert C. "Bobby" Scott
Representative in Congress
2600 Washington Avenue, Suite 1010
Newport News, VA 23607-4333

Dear Representative Scott:

This responds to your recent inquiry on behalf of several of your constituents who are employees of the Fort Lee Commissary.

During the period April 9 through 11, staff members from the Defense Commissary Agency (DeCA) Human Resources Office and the Equal Employment Opportunity (EEO) Office conducted a climate assessment regarding the allegations brought to your attention from employees at the Fort Lee Commissary. Thirty-five employees, a number which comprises the majority of the department where the allegations initiated, were interviewed. Only four employees indicated that the morale in the department was unsatisfactory.

With respect to African American students being terminated for every minute or alleged action, the record shows that only one African American student was terminated and he was terminated due to being Absent Without Leave (AWOL). Moreover, a majority of the students enrolled in the Student Program had positive comments regarding their work schedule and management's attempt to accommodate their school hours with that of their work schedule. As to the student that was allegedly informed she would no longer be accommodated for school, management and the student employee equitably resolved this matter. During the course of the interviews, it was noted that management makes every attempt to support and accommodate all employees who are seeking to obtain an education and enhance their opportunity to advance within the commissary system. However, the mission of the commissary must be accomplished and consequently, there may come a time that an employee must schedule their class around his or her work schedule.

The record refutes the allegation that the majority of the employees at the Fort Lee Commissary have encountered some form of harassment, discrimination or mental abuse. The EEO office has no record of any employee filing a complaint of discrimination against commissary management during the past fiscal year. Furthermore, the majority of the employees interviewed when asked if they felt management discriminated against them replied that discrimination was not an issue.

I trust this information assists you in responding to your constituents. A similar response was also sent to Representative Scott.

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei", written over a horizontal line.

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

May 8, 2007

Honorable Jeff Flake
Representative in Congress
1640 S. Stapley Dr., Suite 215
Mesa, AZ 85204-6666

Dear Representative Flake:

This responds to your recent letter to the Department of the Navy on behalf of your constituent, [REDACTED], concerning his wife [REDACTED] request for priority placement. Your letter was referred to this Agency for a response.

The issues raised in [REDACTED] letter pertain to actions taken by the Human Resources Office, U.S. Naval Air Station, Sigonella. Under agreement, the Defense Commissary Agency (DeCA) receives its personnel services from that office. In doing so, however, DeCA must follow the Navy's interpretations and application of the Italian labor laws. As recognized in your constituent's letter, the relief that [REDACTED] seeks on behalf of his wife must be addressed by the Department of the Navy office identified below. A copy of your letter has been forwarded to that office.

Human Resources Service Center
NAVSUPPACT Naples
PSC 817 Box 29
FPO AE 09622-0029

While it is unfortunate my letter cannot be more positive, I trust the above information assists you in responding to your constituent.

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

May 9, 2007

The Honorable Maria Cantwell
United States Senate
Foley Federal Courthouse
West 920 Riverside, Suite 697
Spokane, WA 99201-1008

Dear Senator Cantwell:

This letter responds to your recent letter to the Department of the Air Force on behalf of your constituent; [REDACTED] regarding the decrease in disabled parking spaces at the Fairchild Air Force Base (AFB) Commissary and Base Exchange. Your letter was referred to this Agency for a response regarding the commissary.

The Defense Commissary Agency is committed to providing premier customer service; however, the parking lot and reserved parking spots fall under the jurisdiction of the Fairchild AFB Base Commander. The Fairchild Store Director, Mr. Eric Quantock, states that there are five disabled spaces in close proximity to the commissary entrance and nine at the commissary exit. Nonetheless, because the issue of parking for the disabled is an installation issue, I have faxed a copy of your letter and your request to the Fairchild AFB Support Commander, Colonel Van Fuller, for his response. Colonel Fuller can be reached at (509) 247-2113.

I trust the above responds to your concerns and will assist you in your response to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei", with a long horizontal flourish extending to the right.

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

June 18, 2007

The Honorable Benjamin L. Cardin
United States Senator
Tower 1 - Suite 1710
100 S. Charles Street
Baltimore, MD 21201-2788

Dear Senator Cardin:

This responds to your recent letter to the Department of Defense on behalf of your constituent, [REDACTED] requesting your assistance with the introduction of his firm's line of products into the Defense Commissary Agency (DeCA) system of stores. Your letter was referred to this Agency for a response.

Mr. Max Goldfarb, a Senior Buyer specializing in contracts/small business issues, provided [REDACTED] an overview of how to do business with DeCA, and, in particular, the differences between DeCA and the private sector business models. Mr. Goldfarb emphasized that DeCA does not have a system of central distribution centers to support its commissaries. The DeCA business model relies on the manufacturer to deliver and merchandise their products to its stores. Mr. Goldfarb referred [REDACTED] to the DeCA website so that he could obtain additional information on doing business with DeCA. Mr. Goldfarb also referred [REDACTED] to a trade association of military brokers and distributors for additional assistance with the presentation of his products to DeCA for consideration for inclusion in the DeCA resale inventory.

On a separate occasion, Mr. Goldfarb also informed [REDACTED] of the different opportunities that exist for his company not only with DeCA, but with other Federal agencies. [REDACTED] replied that he was not aware that DeCA only was involved with commissaries and that it had no responsibility to procure food for other government activities.

DeCA believes that [REDACTED] now has an understanding on how to present his products for consideration in the DeCA resale products inventory.

I trust this information assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei", with a horizontal line extending to the right.

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

July 5, 2007

The Honorable Cathy McMorris Rodgers
Representative in Congress
Ten North Post Street
Sixth Floor
Spokane, WA 99201-0712

Dear Representative Rodgers:

This responds to your recent letter to the Department of Defense, on behalf of your constituent, [REDACTED] concerning the identification (ID) check policy and possible purchases made by unauthorized persons at the Fairchild Commissary. Your letter was referred to this Agency for a response.

In a policy memorandum dated October 13, 1999, Department of Defense (DoD) directed, in part, "(a) individual who seeks to make a purchase from a commissary shall be positively identified as an authorized patron at the point of purchase." The policy also allows installation commanders the discretion to require identification checks at the door if needed for security purposes. The DoD policy also provides that visitors may accompany authorized patrons into the commissary.

The Fairchild AFB Commissary has implemented 100 percent ID check at the registers to ensure only authorized patrons are allowed to make purchases and to preclude incidents of abuse of commissary privileges. Visitors are still able to accompany authorized patrons.

We remain sensitive to the needs of our military families. We appreciate [REDACTED] interest in this matter and his continued support of the commissary benefit. We are committed to providing our patrons with the highest level of customer service.

I trust this information assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

July 17, 2007

The Honorable Ileana Ros-Lehtinen
Member of Congress
8660 W. Flagler Street, #131
Miami, FL 33144-2035

Dear Representative Ros-Lehtinen:

This responds to your recent letter on behalf of your constituent, [REDACTED] regarding the Defense Commissary Agency (DeCA).

[REDACTED] has met with several DeCA representatives, including a DeCA Contracting Officer, on several occasions to communicate his firm's ability to fulfill the various agency requirements which are currently being supplied through existing contracts with competitors.

The contracts that [REDACTED] has inquired about were previously competed in accordance with the law and will be competed again when the contracts expire. [REDACTED] requested an opportunity to compete for contracts at the period when options are exercised. The Contracting Officer must ensure the contract remains the most advantageous method of fulfilling the Government's need, price and other factors considered. The market conditions have not changed substantially since award of the contracts for which [REDACTED] expressed an interest and it was the Contracting Officer's decision to exercise the options to extend performance on those contracts. These contracts were not expiring and none have been solicited for competition since meeting with [REDACTED] and his firm. All contracts that are expiring will be solicited in accordance with the law and [REDACTED] firm will have an opportunity to compete for the awards for which they are qualified.

I trust this information assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

August 1, 2007

The Honorable Ron Lewis
Member of Congress
1001 Center Street
Suite 300
Bowling Green, KY 42101

Dear Representative Lewis:

This responds to your recent letter on behalf of your constituent, [REDACTED] regarding his eligibility for retirement.

[REDACTED] has been, and continues to be, a valuable member of our management team at the Fort Knox Commissary in which he serves as [REDACTED]. He has been employed within the commissary system, including the Defense Commissary Agency (DeCA), in a variety of positions since February 1973, and has contributed to our ability to successfully accomplish the Agency's mission. Although [REDACTED] is free to exercise his right to retire from Federal service, there is no obligation on the part of DeCA to offer an incentive, nor is he entitled to receive a monetary incentive as part of his retirement.

The Voluntary Separation Incentive Pay (VSIP) is used within the Department of Defense as a management tool to negate the need to initiate adverse actions such as reduction-in-force, downsizing, etc. These incentives are not used, or granted, based on the request of employees.

DeCA has recently identified several positions for which a VSIP may be offered to the incumbent. We do not believe offering a VSIP for [REDACTED] position would be in the best interest of the Agency. We have a new store administrator and will soon begin the hiring process to replace our Store Director at the Fort Knox Commissary. Therefore, we have no reason to further disrupt the store management team there.

I regret this response could not be more favorable but trust this information assists you in responding to [REDACTED].

Sincerely,

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

August 2, 2007

The Honorable Christopher H. Smith
Member of Congress
1540 Kuser Road
Suite A-9
Hamilton, NJ 08619-3828

Dear Representative Smith:

This responds to your recent E-mail on behalf of your constituent, [REDACTED], concerning commissary privileges and the status of H.R. 4121.

We have reviewed your E-mail and have determined that the issues addressed by your constituent fall under the purview of the Department of Defense, Office of the Under Secretary of Defense for Personnel and Readiness. A copy of your E-mail has been transferred to that office for a response.

I appreciate your interest in this matter and your continued support of the commissary system.

Sincerely,

A handwritten signature in cursive script that reads "Emerson E. Pollock".

for John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY

HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

August 3, 2007

The Honorable Howard (Buck) P. McKeon
Representative in Congress
Antelope Valley Office
1008 West Avenue M-14, Suite E-1
Palmdale, CA 93551-1441

Dear Representative McKeon:

This responds to your recent letter to the Department of the Army on behalf of your constituent, [REDACTED] of H & B Refrigeration, concerning non payment for services rendered. Your letter was referred to this office for a response.

We have been in contact with A/C & R Services of South Texas, Inc., and have been advised by [REDACTED] A/C & R President, that payment has now been made to your constituent. [REDACTED] stated that they have issued check No. 6995 in the amount of \$8,522.09. If Mrs. Eichler does not have any record of having received the check, she may contact [REDACTED] at (361) 939-7900.

I trust this information addresses your concerns.

Sincerely,

A handwritten signature in cursive script that reads "Emerson E. Pollock".

for John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY

HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

August 8, 2007

The Honorable Bill Nelson
United States Senate
Washington, DC 20510-0905

Dear Senator Nelson:

This responds to your recent letter to the Department of the Air Force on behalf of your constituent, [REDACTED] regarding the three day case lot sale at Patrick Air Force Base (AFB). Your letter was referred to this Agency for a response.

The Defense Commissary Agency's (DeCA) case lot sale is held at Patrick AFB in May and September of each year. The Commander, 45th Space Wing requested that DeCA set aside time to accommodate the active duty, guard and reserve families who use Patrick AFB Commissary. To improve the morale and "Quality of Life" of those members on active duty during the continued periods of high operational tempo associated with the continuing war on terrorism, the decision was made to allow them to shop three hours the evening before the DeCA case lot sale typically would have began the next business day. This action accommodated our active duty personnel and their families while not reducing the actual shopping hours of DeCA's three business day sale which remained available to all customers including our valued retirees. The honorable service to our Great Nation exhibited by [REDACTED] is only met with honor and reverence by DeCA, as is the case with all of the retiree community.

To ensure equitable recognition of the contribution of all retiree members and their families, the Patrick AFB Store Director will ensure retirees are also afforded the opportunity to shop during the three hour extended period should they so desire.

Thank you for contacting the Defense Commissary Agency, and we trust that this is an equitable resolution for the concern expressed by [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei", with a long horizontal flourish extending to the right.

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

August 8, 2007

The Honorable Richard G. Lugar
United States Senator
Attn: Darlee McCollum
Washington, DC 20510-1401

Dear Senator Lugar:

This responds to your recent letter to the Department of Defense on behalf of your constituents, [REDACTED] concerning the Harrison Village Commissary. Your letter was referred to this Agency for a response.

The new Harrison Village Commissary offers our customers a state-of-the-art facility, but with a somewhat smaller sales floor, which has necessitated a reduction in the number of items stocked. This smaller footprint, when combined with a 20 percent sales growth since the new store opened, has resulted in some initial growing pains as we adapt to meet the needs of the rapidly expanding number of customers attracted to this new facility.

We regret that our service levels and store appearance were not up to our Defense Commissary Agency (DeCA) standards on July 1, and our Store Director, Mr. Watkins, and his staff has already taken action to resolve these issues. DeCA and Mr. Watkins are totally committed to providing excellent service to all our customers, and we are focusing on correcting the situation that [REDACTED] described. Additionally, Mr. Watkins requests that [REDACTED] stop by and visit with him during their next visit to the Harrison Village Commissary so that he may personally discuss these improvements with them.

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

August 29, 2007

The Honorable Michael B. Enzi
United States Senator
2120 Capitol Avenue, Suite 2007
Cheyenne, WY 82001-3631

Dear Senator Enzi:

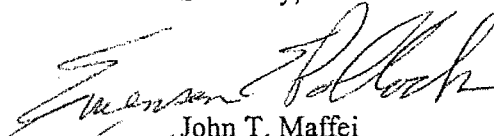
This responds to your recent letter to the Department of Defense on behalf of your constituent, [REDACTED] concerning the variety of products available at the F. E. Warren Air Force Base (AFB) Commissary. Your letter was referred to this Agency for a response.

The F. E. Warren AFB Commissary has 20,742 of sales floor square footage. The selection of products and the number of items available at this commissary must be carefully evaluated due the space limitations. The selection of products is also based on customer demand and sales performance. The F. E. Warren AFB Commissary carries one low sodium V-8 item at this time. However, our Marketing Business Unit has taken steps to make additional low sodium V-8 and vegetable juice products available at the F. E. Warren Commissary.

The commissary does carry a full line selection of Choice beef products to include beef fillets as our primary line with Select Grade as a secondary price advantage selection. The meat staff at the F. E. Warren Commissary is in compliance with DeCA policy and stock provision of Choice Grade Beef Fillet Tenderloins.

I trust this information assists you in responding to [REDACTED]

Sincerely,


John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

October 2, 2007

The Honorable Ron Lewis
Representative in Congress
1001 Center Street Suite 300
Bowling Green, KY 42101

Dear Representative Lewis:

This responds to your recent letter on behalf of your constituent, [REDACTED], regarding his eligibility for retirement.

As stated in our previous response, [REDACTED] has been, and continues to be, a valuable member of our management team at the Fort Knox Commissary in which he serves as [REDACTED]. The Voluntary Separation Incentive Pay (VSIP) is used within the Department of Defense as a management tool to negate the need to initiate adverse actions such as reduction-in-force, downsizing, etc. These incentives are not used, or granted, based on the request of employees. Management officials have been granted the responsibility of making business-based decisions to meet the current and future needs of the agency, which includes deciding which positions will, or will not, be abolished, as well as identifying positions for which an incentive will be offered. We still do not believe offering a VSIP for [REDACTED] position would be in the best interest of the Agency.

I regret this response could not be more favorable but trust this information assists you in responding to [REDACTED].

Sincerely,

A handwritten signature in cursive script, appearing to read "John T. Maffei", is written above the printed name.

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

October 4, 2006

The Honorable Jim McCrery
Representative in Congress
1606 South Fifth Street
Leesville, LA 71446

Dear Representative McCrery:

This responds to your recent letter on behalf of your constituent, [REDACTED] an employee at the Fort Polk Commissary, regarding the status of his disability retirement application.

In his letter, [REDACTED] expresses concern over the length of time it has taken for the processing of his retirement application. [REDACTED] application was received at the Defense Commissary Agency's (DeCA) Human Resources Operation Division (HROD) on July 24. Upon reviewing [REDACTED] Official Personnel File, HROD corrected an error in his retirement code. [REDACTED] application was completed and forwarded to the Defense Finance and Accounting Service (DFAS) on August 17. The HROD was advised by DFAS that they have completed their portion of the paperwork and the package has now been forwarded to the Office of Personnel Management (OPM) for further processing. OPM, the agency that will make the final decision on the matter, will contact [REDACTED] OPM advised the HROD that [REDACTED] application was received on September 12.

I trust this information assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

October 12, 2007

The Honorable John M. McHugh
Member of Congress
104 Federal Building
Plattsburgh, NY 12901-2938

Dear Representative McHugh:

This responds to your recent letter on behalf of your constituent, [REDACTED] concerning her employment at the Fort Drum Commissary. The Washington Headquarters Services, Consolidated Adjudications Facility (WHS CAF), was the personnel security authority that adjudicated the background investigation and provided due process to [REDACTED].

The Letter of Denial advised [REDACTED] that her eligibility for access to classified information and/or occupancy of a sensitive position was denied. Unfortunately, the decision is final and is not subject to further appeal. [REDACTED] appeal rights were forfeited when she failed to respond to the Statement of Reasons in the specified timeframe.

Under Workforce of the Future, the Store Associate positions are a combination of duties performed in the commissaries (i.e., store worker, sales store checker, teller, support clerk). As a result of the information technology systems accesses and fiduciary responsibilities in the resulting Store Associate position description, employees must undergo a National Agency Check with (Written) Inquiries and be found eligible to occupy a Position of Public Trust, as determined by the WHS CAF.

I regret this response could not be more favorable but trust the information provided assists you in responding to [REDACTED].

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY

HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

October 19, 2007

The Honorable John Warner
United States Senator
4900 World Trade Center
101 West Main Street
Norfolk, VA 23510-1690

Dear Senator Warner:

This responds to your recent letter to the Department of Defense on behalf of your constituent, [REDACTED] concerning her employment at the Fort Lee Commissary. Your letter was referred to this Agency for a response.

The Washington Headquarters Services, Consolidated Adjudications Facility (WHS CAF), was the personnel security authority that adjudicated the background investigation and provided due process to [REDACTED]

The Letter of Denial advised [REDACTED] that her eligibility for access to classified information and/or occupancy of a sensitive position was denied. Unfortunately, the decision is final and is not subject to further appeal. [REDACTED] appeal rights were forfeited when she failed to respond to the Statement of Reasons in the specified timeframe.

[REDACTED] had also inquired about positions within the DeCA HQ or the Fort Lee Commissary that were non-sensitive. There are no positions within [REDACTED] directorate or DeCA HQ that are non-sensitive. Under Workforce of the Future, the Store Associate positions are a combination of duties performed in the commissaries (i.e., store worker, sales store checker, teller, support clerk). As a result of the information technology systems accesses and fiduciary responsibilities in the resulting Store Associate position description, employees must undergo a National Agency Check with (Written) Inquiries and be found eligible to occupy a Position of Public Trust, as determined by the WHS CAF.

I regret this response could not be more favorable but trust the information provided assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei", with a horizontal line extending to the right.

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

October 19, 2007

The Honorable Adam Smith
Member of Congress
Washington, DC 20515-4709

Dear Representative Smith:

This responds to your letter of September 11 to the Under Secretary of Defense for Personnel and Readiness requesting information on the award of the Defense Commissary Agency (DeCA) contract for fresh fruit and vegetables (FF&V). Your letter was referred to this Agency for a response.

Responses to your specific questions are provided below.

Question 1: Is DeCA currently reevaluating any FF&V contracts awarded in any Region or Areas in or outside the continental United States as it relates to the awarding of the contracts and/or the processes for selection? If so, when is the reevaluation expected to be complete?

Response: No, DeCA is not reevaluating any of the awarded FF&V contracts.

Question 2: What is the compliance policy and review mechanisms in place to ensure all contracts are awarded using full and open competition?

Response: DeCA is required to accomplish its acquisitions in accordance with the Federal Acquisition Regulation (FAR) which provides specific guidance on competition procedures. All of the solicitations issued by DeCA to date have been fully compliant with this requirement. As indicated in our earlier response of February 12, 2007, your constituent exercised his right to protest the award results to the Government Accountability Office (GAO). After a full review of the facts associated with this acquisition, the GAO ruled that DeCA had not violated applicable laws and regulations and had conducted its evaluation of the SCS proposal in accordance with the provisions of the solicitation.

Question 3: Did the solicitation notices and awarded contracts for FF&V have any requirements for small business set-asides or other small business requirements? If so, what are the percentages and DeCA contractor's compliance rate for the requirements?

Response: All the solicitations for the FF&V requirements in the U.S. and Puerto Rico were small business set-asides. Each of the resulting awards (100 percent) were made to small business concerns.

Question 4: What type of market research was done prior to the award of contracts to ensure the best method of solicitation and determination of award factors?

Response: DeCA hosted two industry roundtables (one at Fort Lee, Virginia and one in Atlanta, Georgia), inviting all known interested commercial sources to attend to discuss the proposed DeCA program. Over 200 members of industry from all areas of the country attended these sessions. Industry input was solicited on how best to group the stores, what quality standards should be applied, and what industry practices should be adopted to provide efficiencies of operations and lower pricing to our patrons. In

addition, DeCA issued a public Request for Information (RFI) to industry soliciting ideas on how best to structure the DeCA program, which afforded an opportunity for input from any firms who may not have attended either of the roundtable sessions. Once all input was received, DeCA reviewed the information and formulated its final acquisition strategy, considering both the recommendations from the industry and the requirements of the FAR.

Question 5: What are the specific evaluation factors considered when comparing contract bids from various businesses? What is the weight value given to each criterion?

Response: As required by the FAR, the specific evaluation factors utilized under each solicitation was published in the solicitation itself. For the particular solicitation where your constituent participated, the factors (and sub-factors) were as follows: Technical Capability (consisting of Experience, Quality Program, Production Capability/Distribution Plan, and Additional Support/Promotion Plan) and Past Performance (consisting of Product Delivery, Quality History/Customer Satisfaction, and Business Relations). In addition to technical capability and past performance, the final factor utilized was price. The relative order of importance for each of these factors and sub-factors was also specified in detail in the solicitation, as prescribed by the FAR.

Question 6: What type of evaluation process is in place for monitoring the terms and conditions of a contract post-award?

Response: Contract administration is accomplished in accordance with the terms and conditions of the contract itself, as well as the guidance set forth within the FAR. For these produce contracts, product quality is monitored by USDA inspectors at the contractor's facilities, agency region-level produce specialists and store produce and/or general managers. In addition, the agency maintains multiple customer input mechanisms, both at store level and electronically through its website where patrons can express their questions, concerns, or appreciation for any DeCA-related matter.

Question 7: What has been the cost-effectiveness and efficiency effect as a result of DeCA taking over the FF&V contract management from the Defense Logistics Agency (DLA), Defense Supply Center, Philadelphia (DSCP)?

Response: To date, the DeCA business model has resulted in (1) increased product quality; (2) more timely ordering and responsiveness to both DeCA and customer inquiries; (3) the introduction of automation into the ordering/receiving process; (4) an overall increase in patron savings; (5) increased patron satisfaction; and (6) increased sales volume in both tonnage and dollars.

Question 8: What is DeCA's policy in the performance of quality assurance inspections and or monitoring at local commissaries? What are the items reviewed? What level of management/ employees are involved in these reviews?

Response: Please see the response to Question 6.

Question 9: What program or policy is in effect to ensure that DeCA communicates with commissary patrons to ensure the quality of products provided and customer satisfaction? How is this information used?

Response: DeCA uses several instruments of communication to validate that its business decisions and practices represent the best interests of the DeCA patrons. For example, all patrons are afforded the opportunity to submit written compliments, complaints, questions, and/or suggestions via the customer comments form (DeCA Form 100-5) maintained at every store; or, they may submit their comments

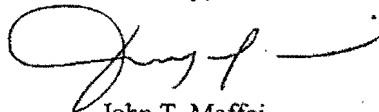
electronically through the www.commissaries.com website. In addition, DeCA conducts a recurring formal survey called the Commissary Customer Service Survey. This periodic survey encompasses all DeCA stores, and includes survey questions designed specifically to assess patron satisfaction with the stores. The multi-part survey addresses not only the individual departments (e.g., produce, meat, deli, etc.), but also various other operational standards (e.g., savings, convenience, satisfaction, etc.) within the store. In July of 2007, DeCA completed its eighth formal survey since October of 2001, and the survey section associated with produce quality/selection once again produced its highest patron rating over that 6-year period. The introduction of automation in the produce ordering/receiving process has greatly enhanced and streamlined the processes of old, which now allows the produce specialists and department managers at store level to spend more time on the floor in the various departments to interact with and respond immediately to customer needs. DeCA uses the information derived from each of these tools and interfaces to ensure that product quality in all departments is maintained and customer satisfaction is sustained.

Question 10: What agency has oversight of DeCA's compliance with Federal laws and regulations regarding contract management program and the quality assurance at local commissaries? How and at what interval are reviews conducted?

Response: As a Department of Defense (DoD) component, DeCA oversight is provided through the Office of the Secretary of Defense, and its subordinate offices. Contract management is accomplished in accordance with the guidance set forth within the FAR. Compliance with these guidelines is accomplished through the DoD Procurement Management Review process, as well as internal reviews. Also, the DoD-IG and GAO exercise oversight responsibility of DeCA programs.

We trust this response to your questions will alleviate your concerns about the FF&V program for our Agency. Your continued interest in the commissary system and support of military members and their families is appreciated.

Sincerely,



John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY

HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

October 25, 2007

The Honorable Fortney Pete Stark
Representative in Congress
39300 Civic Center Drive
Suite 220
Fremont, CA 94538-2324

Dear Representative Stark:

This responds to your recent letter on behalf of your constituent [REDACTED] regarding his Equal Employment Opportunity Commission (EEOC) Case.

The Defense Commissary Agency has fully complied with the EEOC Order. [REDACTED] returned to work as a [REDACTED] on August 14, 2006, with reasonable accommodation.

[REDACTED] received a gross payment of \$78,736.34. He stated the Agency placed him in a tax bracket that he can't afford. This matter is beyond the Agency's control. [REDACTED] may want to seek advice from the Internal Revenue Service.

The Agency conducted a supplemental investigation and no additional information was provided to show that [REDACTED] was entitled to compensatory damages.

[REDACTED] received a check for fifteen hundred dollars (\$1500.00) from the Agency to provide relief from the distress he may have suffered as a result of the illegal discriminatory action the EEOC found to have occurred. He stated that he misplaced the check and that he did not cash it. [REDACTED] must inform the Defense Finance & Accounting Service of the loss and request the check be reissued. A copy of the Department of Defense Form (DD Form) 2660, Statement of Claimant Requesting Recertified Check, is attached for [REDACTED] use. [REDACTED] must fill out the form and mail it to the Defense Finance & Accounting Service, 1240 E 9th Street, Room 1907, Cleveland, Ohio 44199-2001.

Corrections have been made to [REDACTED] official time and attendance records, and all benefits due him have been restored.

I trust the information provided above assists you in responding to [REDACTED]

Sincerely,

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY

HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

October 19, 2007

The Honorable J. Randy Forbes
Member of Congress
2903 Boulevard, Suite B
Colonial Heights, VA 23834

Dear Representative Forbes:

This responds to your recent letter to the Adjutant General, CASCOM and Fort Lee on behalf of your constituent, [REDACTED] concerning her employment at the Fort Lee Commissary. Your letter was referred to this Agency for a response.

The Washington Headquarters Services, Consolidated Adjudications Facility (WHS CAF), was the personnel security authority that adjudicated the background investigation and provided due process to [REDACTED]

The Letter of Denial advised [REDACTED] that her eligibility for access to classified information and/or occupancy of a sensitive position was denied. Unfortunately, the decision is final and is not subject to further appeal. [REDACTED] appeal rights were forfeited when she failed to respond to the Statement of Reasons in the specified timeframe.

[REDACTED] had also inquired about positions within the DeCA HQ or the Fort Lee Commissary that were non-sensitive. There are no positions within [REDACTED] directorate or DeCA HQ that are non-sensitive. Under Workforce of the Future, the Store Associate positions are a combination of duties performed in the commissaries (i.e., store worker, sales store checker, teller, support clerk). As a result of the information technology systems accesses and fiduciary responsibilities in the resulting Store Associate position description, employees must undergo a National Agency Check with (Written) Inquiries and be found eligible to occupy a Position of Public Trust, as determined by the WHS CAF.

I regret this response could not be more favorable but trust the information provided assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei", with a long horizontal line extending to the right.

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY

HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

October 15, 2007

The Honorable Trent Franks
Member of Congress
7121 West Bell Road, Suite 200
Glendale, AZ 85308-8559

Dear Representative Franks:

This responds to your recent inquiry to the Department of the Air Force, on behalf of your constituent, [REDACTED] regarding commissary privileges for honorably discharged veterans. Your letter was referred to this Agency for a response.

Commissary benefits are an integral part of the military compensation and benefits package that is designed to recruit and retain professional, ready Armed Forces. The Department of Defense (DoD) and Congress have exercised close scrutiny over patronage of commissaries to ensure their continued effectiveness. Presently, commissary shopping privileges are authorized only for honorably discharged veterans with a 100 percent Service-connected disability.

In the past, the Congress and DoD attempted to balance the needs of potential beneficiaries with the overall impact on the system. We are grateful for the service of all of our veterans, but broader access to commissary facilities would dilute the effectiveness of providing military compensation in this fashion.

I trust that this information proves helpful in responding to your constituent, [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei", written in a cursive style.

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY

Washington Office
4100 Defense Pentagon
Washington, DC 20301-4100

November 2, 2007

The Honorable Duncan Hunter
United States House of Representatives
Washington, DC 20515-0552

Dear Representative Hunter:

Thank you for your recent letter regarding the Defense Commissary Agency's (DeCA) solicitation of dairy products.

DeCA is committed to providing quality products at the lowest cost to both the military patron and the taxpayer. DeCA reviewed its process for obtaining dairy products, taking into account competition, patron savings, costs to the government and impact to the small business community. The outcome of this review reflected that potential savings were insignificant when compared to potential impact to small, locally-owned dairies. Thus, DeCA has no plans to change its current competition procurement methodology for dairy products in the San Diego area.

We appreciate your interest and support of the commissary system.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel W. Sclater", is positioned above the printed name.

Daniel W. Sclater
Chief



DEFENSE COMMISSARY AGENCY

HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

November 20, 2007

The Honorable Thad Cochran
United States Senator
188 East Capitol Street
Suite 614
Jackson, MS 39201-2137

Dear Senator Cochran:

This responds to your recent inquiry to the Department of the Army on behalf of your constituent, [REDACTED] concerning the Ramstein Air Base Commissary. Your letter has been referred to this Agency for response.

Commissary shopping privileges in the overseas theater are limited by treaties and host nation laws which may vary from country to country. The use of the commissary confers an exemption from customs and tax requirements of the host nation. In a foreign country a retiree is not considered part of the U.S. forces. He or she is regarded as a private citizen, thus foreign countries often decline to extend privileges to retirees. In Germany retirees are not authorized logistical support unless they are visiting for more than 30 days or they permanently live in Germany. In either case, a retiree is obligated to pay the customs tax to the German Government on the tax-free commissary purchases and is not permitted to buy rationed items.

I trust the information above assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei", with a horizontal line extending to the right.

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY

HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

December 20, 2007

The Honorable Doris O. Matsui
Member of Congress
Robert T. Matsui U.S. Courthouse
501 I Street, Suite 12-600
Sacramento, CA 95814

Dear Representative Matsui:

This responds to your recent letter on behalf of your constituents at the McClellan Commissary, concerning personnel changes taking place there.

The Defense Commissary Agency's (DeCA) conversion of stores to a Workforce of the Future (WOF) concept was implemented at our first store in January 2005, and has continued since that time. This initiative was our response to position the DeCA workforce to become more competitive when they must participate in forthcoming A-76 studies. It has the additional feature of providing potential career paths that all store employees may follow if they seek to advance to management positions.

A variety of store clerical and support duties and responsibilities performed by store workers, sales store checkers, tellers and commissary support clerks were combined into a store associate job description. When a store converts to WOF, all permanent incumbents from those individual jobs convert to the store associate positions at their current grade/pay. They perform multiple duties throughout the store, and such work provides them a variety of experience in an entire store's operation. Current employees will be given the opportunity to continue employment with DeCA under this initiative. With our current target grade for store associates, many acquire promotion potential.

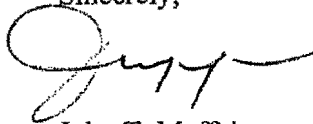
Voluntary Early Retirement Authority and Voluntary Separation Incentive Payment (VERA/VSIP) offers are extended to employees in advance of WOF implementation for those employees who might not want to transition to the new structure. Employees who do not elect to retire or resign with VSIP are subsequently reassigned to the new position descriptions via Reduction-in-Force (RIF) procedures. When transitioning to the new store associate position descriptions, employees are required to self-certify that they are able to perform the physical requirements of the new positions. For those employees who do not meet the standards of an individual with a qualified disability and are unable to certify that they can perform the physical requirements of the new position, the Agency may take action based on the employee's physical inability to meet these requirements, up to and including separation from Federal service. For those employees who are qualified disabled employees, a determination of whether the person can be accommodated is made by the Agency after an individual assessment of the person's

medical condition, job skills, work environment and Agency resources. These determinations were made based on the above mentioned criteria prior to the implementation of WOF. After conversion to the WOF organizational structure, qualified disabled employees will continue to be afforded reasonable accommodation in accordance with applicable laws.

WOF was designed to work with the National Security Personnel System (NSPS), and we are in compliance with the Department of Defense's NSPS requirements. Current legislation does not impact our Agency plans for NSPS conversion.

I trust this information assists you in responding to your constituents.

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei", with a large, stylized initial "J" and a long horizontal flourish extending to the right.

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY

HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

November 26, 2007

The Honorable Charles A. Gonzalez
Member of Congress
B-124 Federal Building
727 East Durango
San Antonio, TX 78206-1286

Dear Representative Gonzalez:

This responds to your recent inquiry requesting a status update on the handicapped parking spaces at the Fort Sam Houston Commissary.

We have been advised by the Fort Sam Houston Store Director that the Facilities Board approved the project. A task order dated September 11 was issued, and the notice to proceed provided. Work has begun on the parking lot.

I trust the information provided above assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in cursive script, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

November 26, 2007

The Honorable John Cornyn
United States Senator
Occidental Tower
5005 LBJ Freeway, Suite 1150
Dallas, TX 76524-6199

Dear Senator Cornyn:

This responds to your recent inquiry to the Department of the Army on behalf of your constituent, [REDACTED] concerning the handicapped parking spaces at the Fort Sam Houston Commissary. Your letter was referred to this Agency for a response.

We have been advised by the Fort Sam Houston Store Director that the Facilities Board approved the project. A task order dated September 11 was issued, and the notice to proceed provided. Work has begun on the parking lot.

I trust the information provided above assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei", with a horizontal line extending to the right.

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

December 6, 2007

The Honorable John P. Murtha
Member of Congress
647 Main Street, Suite 401
Johnstown, PA 15901-2140

Dear Representative Murtha:

This responds to your recent letter on behalf of your constituent, [REDACTED], regarding commissary stock assortment.

The Marketing Business Unit (MBU) determines which product or item will be sold in commissaries based upon commercial category management principles, which include an assessment of market research, item innovation, price, potential customer demand, product distribution and other marketing factors.

All manufacturers, to include ENER-GEL, who made presentations during the category review process, will be notified by mid-January 2008 of the final decision of their items.

I trust this information assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei", with a long horizontal flourish extending to the right.

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY

HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

December 10, 2007

The Honorable Daniel K. Inouye
United States Senator
Suite 722, Hart Senate Office Building
Washington, DC 20510-1102

Dear Senator Inouye:

This responds to your recent request to the Department of Defense on behalf of your constituent, [REDACTED] regarding the award of a Defense Commissary Agency (DeCA) contract. Your letter was referred to this Agency for a response.

The award referenced in [REDACTED] correspondence was completed on October 11, 2006, to a small business concern by the name of Coast Produce Company in Los Angeles, California. Coast Produce uses the services of Armstrong Produce in Honolulu, Hawaii, a small business concern, to service the stores in Hawaii. Of the three offers received by DeCA to provide coverage for our Hawaii store locations, the proposal from Coast Produce (and their partner) was rated the highest among the offers from the technical evaluation perspective, as well as guaranteed the highest percentage of savings to our patrons. As such, it was clearly the most advantageous offer available.

[REDACTED] is also correct in his reference that the business model implemented by DeCA has been protested to the Government Accountability Office (GAO) on multiple occasions across the country. However, in every protest, the specific facts of the acquisition were fully litigated and the GAO ruled that DeCA had not violated any applicable laws and regulations and had conducted its evaluation of the proposals in accordance with the provisions of the solicitation.

While we sympathize with any vendor's loss of previous business, we also welcome the fact that DeCA and its patrons now enjoy the benefits derived from the implementation of this fully competitive process, that was 100 percent set-aside for small-business concerns, and that has provided the same positive results in all areas where it has been implemented.

I trust the information above assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei", with a horizontal line extending to the right.

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY

HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

December 19, 2007

The Honorable Arlen Specter
United States Senator
Regional Enterprise Tower
425 6th Avenue, Suite 1450
Pittsburgh, PA 15219-1870

Dear Senator Specter:

This responds to your recent letter to the Department of Defense on behalf of your constituent, [REDACTED] of Ricci's Italian Sausage Company, regarding a delivery and vendor demonstration at the Charles E. Kelly Commissary. Your letter was referred to this Agency for a response.

Our records confirm that the product, when received, had internal temperatures that were within the acceptable parameters. As such, we have concluded that the food inspectors erred by rejecting the delivery solely due to it being received in a non-refrigerated vehicle. Delivery in a refrigerated vehicle is not a requirement of our agreement - provided the delivered products meet all other stated requirements for quality, temperature and wholesomeness. DeCA has since taken steps to clarify this issue with the on-site inspectors to preclude any further misunderstandings of a similar nature in the future.

The in-store demonstration did not take place on June 30 because a store-wide case lot sale was under way the same day. We encourage [REDACTED] to arrange another product demonstration and to avoid scheduling conflicts by dealing directly with the store management.

I trust the above information assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY

HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

December 21, 2007

The Honorable Jeff Miller
Member of Congress
4300 Bayou Boulevard, Suite 13
Pensacola, FL 32503-2671

Dear Representative Miller:

This responds to your recent inquiry on behalf of your constituent, (b) (6) concerning her request to have water near her work station.

(b) (6) a (b) (6) at the Hurlburt Field Commissary, had taken water to her work station despite the knowledge of an existing local store policy prohibiting the consumption of food and/or beverages while handling customer transactions. On November 6 (b) (6) furnished acceptable medical documentation of her need for hydration on a continuing basis.

Store management has reconsidered (b) (6) request for an available bottle of water at her work station. It has been agreed to permit her to keep a bottle of water at hand at her assigned cash register, as long as she is careful and protective of the scanning and checkout equipment, and drinks only between customer transactions. We feel this decision concerning (b) (6) medical requirements adequately resolves the issue while still allowing mission objectives to be met.

I trust this information assists you in responding (b) (6)

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY

HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

January 16, 2008

The Honorable Benjamin L. Cardin
United States Senator
Tower 1 Suite 1710
100 S. Charles Street
Baltimore, MD 21201-2788

Dear Senator Cardin:

This is a follow-up response to your recent letter to the Department of Defense on behalf of your constituent, [REDACTED] of ACME Paper and Supply Company. Your letter was forwarded to this Agency for a response.

[REDACTED] company, Acme Paper and Supply, did not directly submit a proposal on this requirement. His company is a member of a consortium, Network Services Company (Network), which submitted a proposal. Correspondence and discussions related to this solicitation were conducted with authorized representatives of Network.

All offerors were provided the same opportunities on this solicitation. Several rounds of discussions/negotiations were held with all offerors including Network, which concluded with a letter sent to all offerors on November 6, 2007, requesting revised proposals. Network elected not to submit a response to that final request, so the final evaluation of its proposal was based on its pricing in their previous submittal. As Network was informed and since their pricing was substantially above the government estimate, the Contracting Officer eliminated Network from further consideration for this contract as Network had no reasonable chance for award. The Government estimate was derived by reviewing historical costing data for the products under similar contracts for the past several years. It is Government policy that once it has been determined that an offeror no longer has reasonable chance to be awarded the contract, they are eliminated from the competitive range. This precludes the offeror from expending further resources, time and effort.

All of DeCA's operating supply contracts contain a clause allowing for an economic price adjustment for certain items. In late 2005, DeCA determined that due to volatile market conditions in the paper and plastic industries, an unscheduled interim economic price adjustment was warranted. The economic price adjustment is calculated in accordance with contract terms.

I regret this response could not be more favorable but trust this information will assist you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY

HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

December 19, 2007

The Honorable Benjamin L. Cardin
United States Senator
Tower 1 Suite 1710
100 S. Charles Street
Baltimore, MD 21201-2788

Dear Senator Cardin:

This is an interim response to your recent letter to the Department of Defense, on behalf of your constituent, [REDACTED] of ACME Paper and Supply Company, concerning Solicitation No. HDEC05-07-R-0003. Your letter was referred to this Agency for a response.

The issues raised in your constituent's letter are under review and a final response will be sent to you upon completion of this review.

Thank you for bringing this matter to our attention.

Sincerely,

A handwritten signature in cursive script, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY

HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

December 20, 2007

The Honorable Henry Cuellar
Member of Congress
100 South Austin Street, Suite 1
Seguin, TX 78155-5702

Dear Representative Cuellar:

This responds to your recent inquiry to the Secretary of the Air Force, Office of Legislative Liaison, on behalf of your constituent, [REDACTED] at the Randolph Air Force Base (AFB) Commissary. Your letter was referred to this Agency for a response.

Under Workers' Compensation rules, in order to qualify for Continuation of Pay (COP), the employee must report the injury on a properly completed Workers' Compensation Form CA-1, Notice of Traumatic Injury, within thirty days of the injury. [REDACTED] received a blank CA-1 form from the Agency shortly after his December 13, 2006, on-the-job injury. [REDACTED] returned the properly completed form back to his supervisor on March 1, 2007. Consequently, the Department of Labor denied him COP during the initial period of injury. He may still "buy back" annual and sick leave expended as a result of the injury. [REDACTED] has been kept aware of all that has transpired on his claim as a result of continuing discussions with the Agency's Workers' Compensation Specialists.

[REDACTED] requests to be placed in the Department of Defense's Priority Placement Program (PPP) as a result of a reorganization of the workforce in his store. However, because [REDACTED] current position in the store will not be adversely affected, he is not eligible to be placed in the PPP.

I regret this letter could not be more favorable but trust this information assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei", with a horizontal line extending to the right.

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY

HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

January 7, 2008

The Honorable Robert Scott
Representative in Congress
2600 Washington Avenue, Suite 1010
Newport News, VA 23607-4333

Dear Representative Scott:

This is a follow-up response to your recent inquiry on behalf of several of your constituents who are employees of the Fort Lee Commissary. Your constituents allege that a prior inquiry into unrest and employee dissatisfaction in the store was incompletely accomplished and that possibly certain findings were either not accurately reported or not reported at all.

During the period of November 29 and December 7, 2007, staff members from the Defense Commissary Agency (DeCA) Equal Employment Opportunity (EEO) Office again visited the commissary to inquire further into allegations your constituents raised. All of the individuals who signed the letter, with the exception of two, were interviewed. Employees who were previously interviewed were given the opportunity to discuss their statements. The consensus of the employees who were dissatisfied with the first inquiry seemed to focus on the fact that there was no visible follow-up or disclosure of action taken regarding the conduct of one particular manager.

As a result of the Agency's most recent inquiry, it was confirmed that an individual manager had a habit of treating subordinate employees harshly and in a demeaning manner. The inquiry also confirmed the original conclusion made in the initial inquiry, that African-American students were not disadvantaged in management's treatment of them.

A representative from the EEO Office met with the designated but informal spokesperson of the group and the store director of the Fort Lee Commissary. Appropriate counseling has been given to managers on communication skills and professional behavior in the workplace, particularly when dealing with subordinate employees.

I trust this information assists you in responding to your constituents.

Sincerely,

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
 HEADQUARTERS
 1300 E AVENUE
 FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

January 24, 2008

The Honorable Adam Smith
 Member of Congress
 Washington, DC 20515-4709

Dear Representative Smith:

This responds to your recent follow-up letter requesting additional information on the award of a Defense Commissary Agency (DeCA) contract for fresh fruit and vegetables (FF&V) in the Washington, Idaho, and Montana area. Responses to your latest questions are provided below.

Question 1: DeCA indicates that its business model has resulted in increased product quality, patron savings, patron satisfaction, and sales volume. Please provide copies of the surveys, reports, and data that support these statements.

Response: The increase in product quality has been provided in collective feedback from our produce managers, patrons comments at the store level, as well as validation through our Commissary Customer Service Surveys (see question 2 below). Produce is a commodity where quality directly impacts sales. DeCA attributes its positive produce results to the significant differences between the prior arrangement with DSC-P and the new DeCA business model which provides greater efficiencies for the entire ordering/receipt/inspection/payment process. Patron savings are achieved through a contract award process that mandated guaranteed patron savings. For this contract, Spokane Produce guaranteed minimum savings of 40 percent. Actual validation of these savings have been accomplished through periodic price surveys of the commissary store prices versus prices for the same or similar items from comparable grocers within the local area. A sample of a recently completed survey under this contract is attached. Sales volume is tracked through the actual sales, as compared to the same period from previous years. Below is a matrix showing the increase in produce sales for the nine stores covered by the current contract with Spokane Produce, Inc. over the past two fiscal years.

Total Produce Sales	FY 2006	FY 2007
9 CONUS Stores - Area 4	\$ 20,217,841.10	\$ 20,390,257.26

Question 2: DeCA indicates that it conducts periodic formal surveys to allow patrons to communicate their opinions. Please provide copies of the results of the Commissary Customer Service Survey for each survey conducted since 2001.

Response: The DeCA Commissary Customer Service Survey (CCSS) encompasses all DeCA stores, and includes survey questions designed specifically to assess patron satisfaction with the stores. The multi-part survey addresses not only the individual departments (e.g., produce, meat, deli, etc.), but also various other operational standards (e.g., savings, convenience, satisfaction, etc.) within the store. Below is a matrix that shows the documented results for the past eight surveys for Produce Quality / Selection:

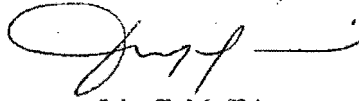
CATEGORY	2001	2002	2002	2003	2004	2005	2006	2007
Produce Quality / Selection	4.22	4.26	4.27	4.30	4.38	4.47	4.52	4.52

Question 3: Please provide information on the existing FF&V contract that was awarded to Spokane Produce, Inc., to include information on the actual contract period, when it is expected to come up for renewal, and how solicitations for the re-competition will be handled.

Response: The base period of performance for the contract for Spokane Produce, Inc. is from December 1, 2006 - November 30, 2008. The contract also includes two one-year option periods, which, if exercised, could result in performance under this contract until November 30, 2010. When the requirement is to be re-competed, it will once again be accomplished in accordance with the procedures set forth in the Federal Acquisition Regulation. The general public will be notified initially through a published announcement on the www.fedbizopps.gov website, which is a central location for public announcement of all proposed government acquisitions.

We trust this response to your questions will alleviate your concerns about the FF&V program for our Agency. Your continued interest in the commissary system and support of military members and their families is appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei", with a long horizontal flourish extending to the right.

John T. Maffei
Inspector General

Enclosure
As stated

SURVEY ITEMS	Spokane Price w/7%	Sample 1		Sample 2		Sample 3	
		Albertson's Bremerton		Safeway Bremerton		Central Mkt Poulsbo	
APPLES, FUJI, BULK	\$1.07	\$1.99	46%	\$1.50	29%	\$1.48	28%
APPLES, GALA, BULK	\$1.02	\$1.49	32%	\$1.25	19%	\$1.48	31%
GOLDEN DEL, BULK	\$0.99	\$1.49	34%	\$1.69	41%	\$1.48	33%
GRANNY SMITH, BULK	\$0.88	\$1.99	56%	\$1.48	40%	\$1.48	40%
RED DELICIOUS, BULK	\$0.79	\$1.49	47%	\$1.25	37%	\$1.48	47%
AVOCADOS (SEASONAL)	\$1.52	\$2.29	34%	\$2.99	49%	\$3.49	57%
BANANAS, YELLOW	\$0.48	\$0.79	39%	\$0.79	39%	\$0.48	0%
Raspberries	\$2.85	\$3.99	28%	\$4.99	43%	\$3.98	26%
CANTALOUPE	\$1.07	\$1.03	-4%	\$1.29	17%	\$1.28	16%
GRAPES, RED (SEASONAL)	\$1.95	\$2.69	28%	\$2.99	35%	\$2.98	35%
GRAPES, WHITE/GREEN	\$1.95	\$2.99	35%	\$2.99	35%	\$3.98	51%
KIWIFRUIT, REGULAR	\$0.31	\$0.59	47%	\$0.50	37%	\$0.63	50%
LEMONS, LARGE	\$0.77	\$0.89	13%	\$0.99	22%	\$0.98	21%
LIMES, REGULAR	\$0.37	\$0.69	46%	\$0.79	53%	\$0.50	26%
MANGO, REGULAR	\$1.93	\$2.00	4%	\$2.50	23%	\$2.98	35%
ORANGES (SEASONAL)	\$0.76	\$1.49	49%	\$1.79	58%	\$1.98	62%
PEARS (SEASONAL)	\$0.73	\$1.49	51%	\$1.49	51%	\$1.48	51%
TANGERINES (SEASONAL)	\$1.11	\$1.69	34%	\$1.99	44%	\$1.48	25%
ASPARAGUS, GREEN	\$2.92	\$3.99	27%	\$3.99	27%	\$4.98	41%
BEANS, GREEN	\$1.37	\$2.99	54%	\$1.99	31%	\$3.98	66%
CROWN	\$1.28	\$1.79	28%	\$1.99	35%	\$1.98	35%
CABBAGE, GREEN	\$0.52	\$0.79	34%	\$0.89	41%	\$0.78	33%
CAULIFLOWER	\$0.97	\$1.49	35%	\$1.99	51%	\$1.36	28%
CELERY, BUNCH	\$0.57	\$1.29	56%	\$0.79	28%	\$1.28	55%
CORN, YELLOW	\$0.62	\$0.79	21%	\$0.66	5%	\$0.75	17%
CUCUMBERS, GREEN	\$0.58	\$1.69	66%	\$0.99	41%	\$0.98	41%
GARLIC, REGULAR	\$0.25	\$0.50	49%	\$0.50	49%	\$0.50	49%
GREENS, COOKING	\$0.85	\$2.99	72%	\$1.79	53%	\$1.98	57%
Lettuce Green Leaf	\$0.78	\$1.49	48%	\$1.99	61%	\$1.78	56%
Lettuce Red leaf	\$0.78	\$1.49	48%	\$1.99	61%	\$1.78	56%
LETTUCE, ROMAINE	\$1.11	\$1.49	25%	\$1.99	44%	\$1.98	44%
MUSHROOMS,	\$2.68	\$3.69	28%	\$3.49	23%	\$3.78	29%
MUSHROOMS, PACKAGED	\$1.72	\$2.49	31%	\$2.29	25%	\$1.98	13%
ONIONS, GREEN	\$0.47	\$0.79	41%	\$0.66	29%	\$0.78	40%
ONIONS, YELLOW 16/3	\$1.04	\$2.50	59%	\$1.99	48%	\$1.98	48%
ONIONS, YELLOW jbo	\$0.22	\$0.99	77%	\$0.79	72%	\$0.78	71%
PEPPERS, BELL, GREEN	\$0.52	\$0.79	35%	\$0.99	48%	\$0.98	47%
PEPPERS, CHILI	\$0.91	\$1.99	54%	\$1.99	54%	\$2.48	63%
POTATOES, BAKERS,	\$0.32	\$0.69	53%	\$0.79	59%	\$0.78	59%
POTATOES, Russet 5#	\$1.15	\$2.29	50%	\$2.69	57%	\$1.19	3%
POTATOES, Russet 10#	\$2.09	\$3.99	48%	\$1.99	-5%	\$3.48	40%
POTATOES, SWEET	\$0.96	\$1.49	35%	\$1.69	43%	\$1.78	46%
POTATOES, WHITE bulk	\$0.51	\$0.99	48%	\$0.99	48%	\$0.98	48%
RADISH, RED	\$0.45	\$0.79	44%	\$0.99	55%	\$0.98	55%
SQUASH, ACORN	\$0.57	\$0.69	17%	\$0.79	27%	\$0.98	42%
SQUASH, BUTTERNUT	\$0.61	\$0.69	11%	\$0.79	23%	\$0.98	38%
SQUASH, (ZUCCHINI)	\$0.71	\$1.89	63%	\$1.79	61%	\$1.78	60%
SQUASH, YELLOW	\$0.97	\$1.99	51%	\$1.99	51%	\$1.78	45%
TOMATOES, BULK LG	\$1.28	\$2.29	44%	\$2.99	57%	\$1.99	35%
TOMATOES, BULK HH	\$1.71	\$2.49	31%	\$2.99	43%	\$2.98	43%
TOMATOES, ON THE VINE	\$1.65	\$2.99	45%	\$2.99	45%	\$2.98	45%
Totals	\$53.71	\$90.36	41%	\$90.48	41%	\$93.15	42%

\$91.33 41% = Survey Savings Results This Period
40% = Guaranteed Savings This Contract



DEFENSE COMMISSARY AGENCY

HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

January 7, 2008

The Honorable David Davis
Member of Congress
Washington, DC 20515

Dear Representative Davis:

This responds to your recent letter to the Department of Defense on behalf of your constituent, [REDACTED] regarding his request for a compassionate reassignment. Your letter was referred to this Agency for a response.

The Defense Commissary Agency is interested in accommodating the needs of its employees when possible. However, we are not able to accommodate [REDACTED] requests in a geographic location near his mother that will meet both his and the Agency's needs.

I regret this response could not be more favorable but trust this information assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei", with a long horizontal flourish extending to the right.

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

January 22, 2008

The Honorable Michael B. Enzi
United States Senator
2120 Capitol Avenue, Suite 2007
Cheyenne, WY 82001-3631

Dear Senator Enzi:

This responds to your recent letter to the Department of Defense on behalf of your constituent, [REDACTED] concerning recent changes at the F. E. Warren Air Force Base Commissary. Your letter was referred to this Agency for a response.

DeCA is currently in the process of converting its commissaries to the Commissary Advanced Resale Transaction System (CARTS). CARTS provides both standard checkout lanes (manned by cashiers) and self-checkout lanes (SCOs). A survey was conducted at the commissary which resulted in a configuration of 4 manned registers and 7 SCOs.

[REDACTED] indicated she had difficulty using SCO because the controls are located "at a height obviously intended for standing person." The CARTS acquisition required an American Disability Act (ADA)-compliant solution and the CARTS equipment is ADA compliant. If Ms. Westerfield cannot effectively use all of the SCO controls, she can request assistance from the SCO attendant who will gladly help her. If [REDACTED] has a \$200 order, we would recommend she use the standard checkout lanes rather than the SCOs. For her convenience, DeCA provides a manned ADA-compliant checkout lane which is marked with the Handicapped logo on the lane light.

[REDACTED] also commented that she had difficulty bagging groceries at a SCO because she uses a wheelchair. [REDACTED] can request bagger assistance from the SCO attendant who checks her military ID before she starts scanning her grocery items at the SCO.

I trust this information assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY

HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

January 22, 2008

The Honorable Ellen O. Tauscher
Member of Congress
House of Representatives
Washington, DC 20515

Dear Representative Tauscher:

This letter responds to your recent inquiry on behalf of the Jelly Belly Candy Company and sales in the Defense Commissary Agency (DeCA) East stores.

An analysis of Jelly Belly sales from the last 12 months indicated a 10.5 percent reduction in sales. In comparison to our other bulk candy supplier, Jelly Belly was being outsold three to one. In light of the declining sales, and the size of the Jelly Belly rack fixture, the DeCA East Region made a decision to delete Jelly Belly product from its stores.

Since there are stores in DeCA's West Region that continue to carry the bulk candy, the Cooperative Merchandising Agreement has not been canceled.

On January 14 DeCA's Director of Sales, Mr. Randy Chandler, contacted [REDACTED] to discuss this issue and to explore possible alternatives. They are scheduled to meet February 5 to continue these discussions. DeCA is confident that we can arrive at a solution in the best interests of all parties.

I trust this information assists you in responding to your constituent.

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY

HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

January 22, 2008

The Honorable Robert Scott
Representative in Congress
2600 Washington Avenue, Suite 1010
Newport News, VA 23607-4333

Dear Representative Scott:

This responds to your recent inquiry on behalf of your constituent, [REDACTED] an employee of the Fort Lee Commissary. Your constituent alleges that a prior inquiry into unrest and employee dissatisfaction in the store was incompletely accomplished and that possibly certain findings were either not accurately reported or not reported at all.

During the period of November 29 and December 7, 2007, staff members from the Defense Commissary Agency (DeCA) Equal Employment Opportunity (EEO) Office again visited the commissary to inquire further into allegations your constituent raised. All of the individuals who signed the original letter, with the exception of two, were interviewed. Employees who were previously interviewed were given the opportunity to discuss their statements. The consensus of the employees who were dissatisfied with the first inquiry seemed to focus on the fact that there was no visible follow-up or disclosure of action taken regarding the conduct of one particular manager.

As a result of the Agency's most recent inquiry, it was confirmed that an individual manager had a habit of treating subordinate employees harshly and in a demeaning manner. The inquiry also confirmed the original conclusion made in the initial inquiry, that African-American students were not disadvantaged in management's treatment of them.

A representative from the EEO Office met with the designated but informal spokesperson of the group and the store director of the Fort Lee Commissary. Appropriate counseling has been given to managers on communication skills and professional behavior in the workplace, particularly when dealing with subordinate employees.

I trust this information assists you in responding to your constituents.

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY

HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

February 5, 2008

The Honorable Kathy Castor
Representative in Congress
4144 N Armenia Avenue, Suite 300
Tampa, FL 33607-6435

Dear Representative Castor:

This responds to your recent letter to the Department of the Air Force on behalf of your constituent, [REDACTED] regarding the confiscation of his ID card. Your letter was referred to this Agency for a response.

[REDACTED] voluntarily resigned from the Defense Commissary Agency in 2000. At that time, the Commander of the Ramstein Military Community barred [REDACTED] from the installation. Your letter will be sent to the Commander, Ramstein Air Force Base (AFB), Germany, for further action. Bars are local in nature and remain within the discretion of the community that imposed the bar.

I trust this information assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei", with a long horizontal flourish extending to the right.

John T. Maffei
Inspector General

cf: Commander, Ramstein AFB



DEFENSE COMMISSARY AGENCY

HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

March 12, 2008

The Honorable John W. Olver
Representative in Congress
463 Main Street
Fitchburg, MA 01420-8045

Dear Representative Olver:

This responds to your recent inquiry on behalf of your constituent, [REDACTED] an employee at the Hanscom Air Force Base (AFB) Commissary.

[REDACTED] provided her supervisor with up-to-date medical documentation to support temporary lighter duties. The medical documentation was administratively acceptable. While the Hanscom AFB Commissary has implemented a new business organization under which a store associate, such as [REDACTED] has essential duties involving rotational assignments into different departments within the store, [REDACTED] rotation has been temporarily limited to the front-end department performing cashier duties more sedentary in nature. Store management hopes that this temporary light duty will meet her needs as specified by her physician and the needs of the mission of the store, until she is again able to perform all of the essential duties of her position.

I trust this information assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

March 14, 2008

The Honorable J. Randy Forbes
Member of Congress
505 Independence Parkway, Suite 104
Chesapeake, VA 23320-5178

Dear Representative Forbes:

This responds to your recent inquiry on behalf of your constituents, [REDACTED] concerning the manner in which his check was processed at the Defense Commissary Agency's (DeCA) Naval Air Station (NAS) Oceana Commissary.

Deployment of DeCA's new point-of-sale system started last year. The new front-end system processes checks electronically which allows the commissary to scan an image of the check and return the physical check to the customer. The Department of Treasury regulation requires that the patron acknowledge that his checking account is being electronically processed as his check is being accepted with an almost immediate withdrawal of funds from the check writer's account.

DeCA management is committed to providing quality customer service to our military families and retirees. It is not the norm for any of our customers to be treated disrespectfully. On behalf of the staff of the NAS Oceana Commissary and all of DeCA, I offer my most humble apologies to [REDACTED]. We will look into this incident further and will take appropriate action as warranted.

I trust this information assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei", with a horizontal line extending to the right.

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1900 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

March 12, 2008

The Honorable Jim Webb
United States Senator
507 E. Franklin Street
Richmond, VA 23219-2337

Dear Senator Webb:

This responds to your recent inquiry on behalf of your constituent, [REDACTED] an employee at the Fort Belvoir Commissary. Because [REDACTED] has waived her rights under the Privacy Act for the purposes of this response to you, I am able to explain the circumstances of the discipline [REDACTED] received.

[REDACTED] who is not an authorized patron of the commissary system and thus not permitted to make purchases, was disciplined for dishonest activity when she accompanied a co-worker, who is a bona fide patron, and made certain purchases of commissary products. She then provided her credit card to the patron, who used it to pay for the goods, but signed [REDACTED] name to the receipt.

Under the statutory discipline procedures of 5 United States Code, Chapter 75, Subchapter I, [REDACTED] was administered a five-day suspension on June 17, 2007, for her conduct. All participants in the matter were disciplined. In [REDACTED] case, after she was given the opportunity to respond to the charge, her second level supervisor determined that it was more likely than not that [REDACTED] was responsible for the conduct as set forth in the proposal. The supervisor determined that a five-day suspension without pay was the minimum penalty required in order to promote the efficiency of the Federal Civil Service. Although the applicable Negotiated Master Labor Agreement permits an appeal of this decision, [REDACTED] did not avail herself of that right.

As a result of [REDACTED] request to you, her case was again reviewed by both the human resources personnel responsible for advising on employee disciplinary matters and by the chief employment attorney for the Agency. It was their conclusion that the evidence clearly supports the supervisor's decision in the matter and there is no legitimate business reason to disturb his decision.

Because the disciplinary process in the Civil Service is progressive, [REDACTED] disciplinary action is considered minor. [REDACTED] remains in her position, and remains a valued employee of the Fort Belvoir Commissary and the Defense Commissary Agency.

I trust this information assists you in responding to [REDACTED]

Sincerely,

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY

HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

April 16, 2008

The Honorable Madeleine Z. Bordallo
Member of Congress
427 Cannon House Office Building
Washington, DC 20515-1188

Dear Representative Bordello:

This responds to your recent inquiry on behalf your constituents regarding procurement of local products in Guam.

The Defense Commissary Agency has long been a strong supporter of locally made and grown products. We currently purchase approximately 280 items from 22 local companies in Guam. In January of this year, both the Orote and Andersen Commissaries were reset and sections in each store were established to display all of the local items. The commissary system remains committed to supporting the local companies in Guam to the maximum extent possible. If you have specific concerns, please have your constituents contact us so we can resolve their issues.

I trust the information provided assists you in responding to your constituents.

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY

HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

March 12, 2008

The Honorable Ander Crenshaw
Member of Congress
1061 Riverside Avenue, Suite 100
Jacksonville, FL 32204-4151

Dear Representative Crenshaw:

This responds to your recent inquiry on behalf of your constituent, [REDACTED] concerning the Defense Commissary Agency's (DeCA) Naval Station (NS) Mayport Commissary. [REDACTED] is concerned about product assortment and pricing.

DeCA develops its product assortments through a process termed Category Management, which is an intensive comparative analysis of products available for sale within the supermarket industry. Our goal is to ensure that we offer customers the most highly desirable products available at the best possible price in the industry. This objective is attained by carefully assessing each item's performance and systematically developing an overall mix of category assortments that both meet customer desires and match a store's dollar volume and display capabilities.

In the case of the NS Mayport Commissary, this translates into a product assortment of almost 21,000 individual items during the last 26 weeks of sales activity. This actually represents an increase in variety of almost 1,000 items. There is, as [REDACTED] mentioned, a broader product assortment at the Naval Air Station (NAS) Jacksonville Commissary. This is due to the fact that NAS Jacksonville generates more than twice the sales volume in a sales area that is fully 5,000 square feet larger than NS Mayport.

The NS Mayport Commissary store director was assigned in December 2007; the previous store director had been assigned to NS Mayport for two years. The management change has had little impact on product availability as in-stock rates have improved from 97.3 percent in November 2007 to 97.8 percent in early February 2008.

We also compared the average price of an item scanned during the past 26 weeks to the identical statistic for the same 26 week period ending in February 2008. While there was a marginal increase in prices noted, that increase amounted to only about 1.1 percent, a level well below the prevailing supermarket price inflationary rate of 4.8 percent during 2007.

DeCA would like to meet [REDACTED] shopping desires if at all possible. Please feel free to encourage him to contact the store directly with any specific product requests. Our local management staff at the NS Mayport Commissary stands ready to assist.

I trust this information assists you in responding to [REDACTED].

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY

HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

March 14, 2008

The Honorable Frank Wolf
Member of Congress
13873 Park Center Road, Suite 130
Herndon, VA 20171-3248

Dear Representative Wolf:

This responds to your recent letter to the Department of Defense on behalf of your constituent, [REDACTED] an employee of the Fort Myer Commissary. Your letter was referred to this Agency for a response.

In 2006, [REDACTED] filed a formal Equal Employment Opportunity complaint against the Agency. By Negotiated Settlement Agreement dated July 7, 2006, all matters of that complaint, as well as all issues which could have been raised by [REDACTED] as of that time, were settled. The Agreement which is binding on both [REDACTED] and the Agency has been completely executed by the Agency.

Regarding [REDACTED] doctor's instructions, [REDACTED] has not provided any recent instructions from his doctor requesting accommodations or other adjustments to his work environment. However, [REDACTED] did request that his supervisors allow him to work on a regular basis as a store associate in the produce department. Despite this request, and because [REDACTED] had experienced a seizure in the past while alone in the produce department, his supervisors determined that it would be in the best interest of both the Agency and [REDACTED] to assign him on a regular basis as a store associate to the customer service department, where he is continuously around managers and other employees. [REDACTED] supervisors at the Fort Myer Commissary are very pleased with his performance in the customer service department where his work performance is an attribute in serving our patrons. Management will continue to assign duties to [REDACTED] within his medical restrictions, as those restrictions are known to the Agency.

The store management reviewed the dates [REDACTED] referred to in his inquiry to you regarding his time and attendance. Management has determined that the non-pay status into which [REDACTED] had been placed was erroneous and corrections have been made to retroactively approve [REDACTED] request for leave and place him in an approved leave status during that period of time.

I trust this information assists you in responding to [REDACTED]

Sincerely,

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

March 19, 2008

The Honorable J. Randy Forbes
House of Representatives
2903 Boulevard, Suite B
Colonial Heights, VA 23834-2401

Dear Representative Forbes:

This responds to your recent inquiry on behalf of your constituent, [REDACTED], a former employee of the Defense Commissary Agency regarding his employment records.

A representative from our Human Resources Operations Division (HROD) mailed [REDACTED] records to him via certified mail.

I trust this information assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in cursive script, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E. AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

April 3, 2008

The Honorable Elton Gallegly
Member of Congress
2829 Townsgate Road, Suite 315
Thousand Oaks, CA 91361-3018

Dear Representative Gallegly:

This responds to your recent inquiry to the Department of the Navy on behalf of your constituent, [REDACTED] concerning the Port Hueneeme Commissary. Your letter has been referred to this Agency for a response.

I regret any inconvenience [REDACTED] and his wife experienced. We take our mission of service to military personnel and their families very seriously and welcome customer feedback. We make every effort to provide the world class service they deserve and have come to expect.

In order to provide the most up-to-date services possible, we recently replaced our point of sale (POS) system. As a part of this upgrade, four self-checkout (SCO) registers were installed to expedite the check-out process for customers who have a limited number of items or would prefer to check themselves out. However, in this particular store, SCO usage is not what we had anticipated. Consequently, as [REDACTED] observed, the management staff has been directed to open additional lanes whenever the waiting time exceeds the Defense Commissary Agency's (DeCA) standard.

DeCA is committed to minimizing out-of-stock conditions whenever possible. The store director is actively working with our industry partners and her staff to rectify the situation. The store director will continue to work this issue until a permanent solution is established.

I trust this information assists you in responding to [REDACTED]

Sincerely,

Emerson E. Pollock
for John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

April 21, 2008

The Honorable Fortney Pete Stark
Representative in Congress
39300 Civic Center Drive, Suite 220
Fremont, CA 94538-2324

Dear Representative Stark:

This is a follow-up to our April 11 interim response to you concerning [REDACTED]

[REDACTED] has been on sick leave since August 1, 2007. He has provided management with medical documentation that states he can no longer perform the duties of his Sales Store Checker position. By letter dated November 7, 2007, the Agency advised [REDACTED] that because of his physical inability to perform the essential duties of his position, the Agency was no longer able to provide him with light duty work. The letter also advised [REDACTED] of various employment options to include seeking disability retirement. While the Agency has taken no formal action regarding [REDACTED] employment thus far, it is anticipated that action will have to be taken in the near future, based upon his physical inability to perform the essential duties of the position.

I trust this information will assist you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

April 11, 2008

The Honorable Fortney Pete Stark
Representative in Congress
39300 Civic Center Drive, Suite 220
Fremont, CA 94538-2324

Dear Representative Stark:

This is an interim response to your recent letter to the Department of Defense, on behalf of your constituent [REDACTED] an employee at the Moffett Field Commissary. Your letter was referred to this Agency for a response.

Personnel from our West Regional Office are looking into his issues. Upon completion of this inquiry a final response will be provided to your office.

Thank you for bringing this matter to our attention.

Sincerely,

Emerson S. Pollock

for John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY

HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

April 23, 2008

The Honorable Thomas R. Carper
United States Senator
2215 Federal Building
300 South New Street
Dover, DE 19904-6724

Dear Senator Carper:

This responds to your recent letter to the Department of the Air Force on behalf of your constituent, [REDACTED] Chief Steward for the American Federation of Government Employees (AFGE), Local 1709. Your letter was referred to this Agency for a response.

The Defense Commissary Agency (DeCA) bargaining unit employees represented by AFGE were consolidated as an order of the Federal Labor Relations Authority (FLRA). Subsequently, a Master Labor Agreement (MLA) which covers all AFGE represented stores was negotiated and placed into effect.

In accordance with the provisions of the MLA, and in conjunction with those contained in the Federal Management and Labor Relations Statute, on June 20, 2006, the Defense Commissary Agency duly provided official notification of its intent to implement Workforce of the Future (WOF). The Agency, after multiple attempts to resolve negotiable issues, determined that its bargaining obligation was satisfied. Thereafter, AFGE filed an Unfair Labor Practice charge with the Federal Labor Relations Authority (FLRA). This matter is currently being investigated by the FLRA.

The WOF initiative is designed to prepare the agency to successfully compete in any future A-76 study and to ultimately save the jobs of DeCA employees that could be potentially contracted out. Thus far, no permanent employees have been involuntarily separated or have lost pay as a result of the implementation of WOF within the Agency; in fact, the Agency's WOF initiative provides promotion potential for the majority of DeCA employees. The Agency's current policy is to transition to WOF through attrition, rather than through reduction-in-force procedures.

I trust this information assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

April 16, 2008

The Honorable Barney Frank
Member of Congress
2252 Rayburn House Office Building
Washington, DC 20515-2104

Dear Representative Frank:

This responds to your facsimile inquiry of April 7, 2008, regarding a request from a law firm representing a constituent in your District. The letter forwarded by your office was from the Law Offices of Saunders & Saunders, LLP, representing the firm of Pier Fish Company, Inc., of New Bedford, Massachusetts.

Pier Fish Company is purported to have been a supplier of fish products to a third party company named Carytown Seafood, Inc., of Mechanicsville, Virginia. Carytown Seafood is a firm that currently has two agreements with the Defense Commissary Agency to operate seafood markets in some of its commissaries. The agency has no contractual relationship with Pier Fish Company. According to the attorney that communicated with your office, Pier Fish is owed funds in the amount of \$21,345.75 as a direct result of their business relationship with Carytown Seafood, not the Defense Commissary Agency. As such, these claims, if substantiated, appear to result from contractual relationships that Carytown Seafood has with clients such as Pier Fish.

We have recently been advised that on March 31, 2008, Carytown Seafood has filed in the United States Bankruptcy Court, Eastern District of Virginia, for relief under Chapter 11 of the Bankruptcy Code. We have further been advised that the United States Bankruptcy Court, Eastern District of Virginia has sent a notice of the proceedings, to include instructions on how to submit a claim to the Court to all creditors of Carytown Seafood. It is our expectation that Pier Fish Company, as a creditor to Carytown Seafood, would have received such a notice from the Bankruptcy Court.

In the event that Pier Fish Company did not receive such notice, the attorney for Carytown Seafood is [REDACTED] Tavenner & Beran, PLC, 20 North Eighth Street, Second Floor, Richmond, VA 23219. The telephone number is (804) 783-8300.

While we sympathize with any hardships that may have resulted from the prior business relationship between Pier Fish Company and Carytown Seafood, there are established legal procedures in place to permit Pier Fish Company to assert its claim against Carytown Seafood.

I regret this response could not be more favorable but trust the information assists you in responding to your constituent.

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei", with a long horizontal flourish extending to the right.

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY

HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

April 16, 2008

The Honorable Ted Stevens
United States Senator
222 West 7th Avenue, # 2
Anchorage, AK 99513-7504

Dear Senator Stevens:

This responds to your recent letter on behalf of your constituent, [REDACTED] regarding subcontractor payment.

The Defense Commissary Agency utilizes the United States Army Corps of Engineer's (USACE) Kansas City District Office to provide contracting support for its construction and maintenance requirements. According to the USACE's Kansas City District and its Contracting Office, the "Certification of Subcontractor Payment" clause mentioned by [REDACTED] is required only in firm fixed priced (FFP) construction contracts. This particular contract is a FFP maintenance services contract. The payment clause in the contract does not contain the above clause or a requirement for the prime to submit any type of "Certification of Subcontractor payment" notices.

The contract in question is between USACE and the prime contractor, A/C & R Services. USACE has no privity of contract with the subcontractors utilized by A/C & R Services. Further, the government has no visibility into the terms and conditions of the relationship between the prime, (A/C & R) and its subcontractors, including Arctic Refrigeration. For the time period cited in their letter to you, the government has paid A/C & R in a timely basis for all maintenance services rendered. No payments were withheld during that period.

I trust this information assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei", with a long horizontal flourish extending to the right.

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

April 21, 2008

The Honorable Charles A. Gonzalez
Representative in Congress
B-124 Federal Building
727 East Durango
San Antonio, TX 78206-1286

Dear Representative Gonzalez:

This responds to your recent inquiry on behalf of your constituent, [REDACTED] concerning the Fort Sam Houston Commissary.

The Defense Commissary Agency (DeCA) is committed to providing premier customer service by minimizing not-in-stock (NIS) conditions whenever possible; however, as [REDACTED] has pointed out, there are occasions when items patrons wish to purchase are not available. The Fort Sam Houston Commissary Store Director works very closely with industry partners to identify and resolve distribution issues. In addition, the store director discusses these shortages with his management staff, order writers and stockers regularly to ensure sufficient quantities of product are available and on the shelves at all times.

The Fort Sam Houston commissary staff is committed to providing the best service possible. The store director suggests that [REDACTED] ask to see a duty manager any time an item he desires to purchase does not appear to be available. The store director can be reached at (210) 221-4678, extension 249.

DeCA and its industry partners are very concerned with vendor stocking issues and are taking steps to increase efficiencies in that area. Please be assured the vendor stocking issue is being addressed and the store director is very actively involved.

I trust that the above information will assist you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

May 1, 2008

The Honorable Tim Holden
Member of Congress
758 Cumberland Street
Lebanon, PA 17042-5247

Dear Representative Holden:

This responds to your recent inquiry to the Department of Defense on behalf of [REDACTED] [REDACTED] would like to do business with the Defense Commissary Agency (DeCA).

DeCA has long been a strong supporter of locally made products. We welcome and encourage companies such as The Bachman Company to present their products to be considered for stockage in our commissaries. The Marketing Business Unit (MBU) receives item presentations and determines the stock assortment that is available in our commissaries. The point of contact for The Bachman Company to present their products is Mr. Max Goldfarb at (804) 734-8382. [REDACTED] can also get additional information on doing business with DeCA at the following website: www.commissaries.com, select the tab About Us and then Business with DeCA.

I trust this information assists you in responding to [REDACTED]

Sincerely,

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY

HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

May 1, 2008

The Honorable Jeff Miller
Member of Congress
4300 Bayou Boulevard, Suite 13
Pensacola, FL 32503-2671

Dear Representative Miller:

This responds to your recent inquiry on behalf of your constituent, [REDACTED] an employee at the Naval Air Station (NAS) Whiting Field Commissary concerning the Voluntary Separation Incentive Pay (VSIP).

Since the National Defense Authorization Act (NDAA) for FY 2008 cancelled the Department of Defense's authority to conduct reductions-in-force (RIF) using the workforce shaping rules implemented under National Security Personnel System (NSPS), the anticipated RIF to implement the Workforce of the Future organizational structure at NAS Whiting Field will not be conducted at this time. All Whiting Field Commissary employees who submitted requests for retirement or resignation with VSIP have been disapproved.

I trust this information assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in cursive script, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

May 5, 2008

The Honorable Duncan Hunter
Member of Congress
1870 Cordell Court # 206
El Cajon, CA 92020-0916

Dear Representative Hunter:

This responds to your recent letter on behalf of your constituent, [REDACTED] an employee of the Defense Commissary Agency (DeCA) regarding her time and attendance.

This matter has now been resolved with [REDACTED] submission of administratively acceptable support for the need of sick leave. As of March 29, [REDACTED] unpaid leave absence has now been changed to a paid sick leave status.

I trust this information assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

May 6, 2008

The Honorable Joe Courtney
Representative in Congress
215 Cannon House Office Building
Washington, DC 20515

Dear Representative Courtney:

Thank you for your letter to Mr. Philip Sakowitz regarding the New London (Groton) Commissary. Mr. Sakowitz has not yet assumed the Directorship of the Defense Commissary Agency (DeCA) so I am responding in his stead.

The New London project is included in DeCA's developmental Fiscal Year (FY) 2010 Construction Program as a joint project with the Navy Exchange Service Command (NEXCOM). Finalization of the FY 2010 Construction Program will require review and endorsement by the Defense Commissary Agency Board of Directors with final approval by the Under Secretary of Defense for Personnel and Readiness and the Congress. The project is an expansion and upgrade to the existing facility, which upon completion, will provide an appropriately sized, modern commissary.

I share your concern about maintaining and improving the quality of life for military personnel and appreciate your continued support of the commissary benefit. I trust the information above has addressed your concerns.

Sincerely,

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

June 9, 2008

The Honorable Christopher H. Smith
Representative in Congress
108 Lacey Road, Suite 38A
Whiting, NJ 08759-1331

Dear Representative Smith:

This responds to your recent inquiry to the Legislative Liaison Section, Directorate of Human Resources (Military), Fort Dix, New Jersey, on behalf of your constituent, [REDACTED]. Your letter was referred to this Agency for a response.

Existing statutes and Defense policy relating to the definition of those who are authorized to use the commissary benefit have not been impacted by the events of September 11, 2001, and have not been changed.

Commissary benefits are authorized to military members, military retirees, members of the Guard and Reserve, and their respective families, Medal of Honor recipients, honorably discharged disabled veterans with a 100 percent Service-connected disability, and certain categories of United States civilian employees of the Department of Defense such as those assigned overseas. Based on Mr. Fiorello's description, he is not authorized commissary benefits.

I trust the above responds to the concerns of [REDACTED]

Sincerely,

A handwritten signature in cursive script, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

June 3, 2008

The Honorable Jeff Miller
Member of Congress
4300 Bayou Boulevard, Suite 13
Pensacola, FL 32503-2671

Dear Representative Miller:

This responds to your recent inquiry on behalf of your constituent, [REDACTED] an employee at the Naval Air Station (NAS) Pensacola Commissary concerning the disapproval of retirement/resignation with Voluntary Separation Incentive Pay (VSIP) applicants.

Since the National Defense Authorization Act (NDAA) for FY 2008 rescinded the Department of Defense's authority to conduct reductions-in-force (RIF) using the workforce shaping rules implemented under National Security Personnel System (NSPS), the anticipated RIF necessary to implement the Agency's reorganization to the Workforce of the Future organizational structure at NAS Pensacola will not be conducted at this time. The authority to offer both voluntary early retirement (VERA) and VSIP is a tool intended for use as a method of reducing the encumbered positions subject to a RIF. Consequently, the applications of all NAS Pensacola Commissary employees who submitted requests for retirement or resignation with VSIP, in connection with the transition to Workforce of the Future, had to be reconsidered and were disapproved.

I trust this information assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

August 25, 2008

The Honorable Timothy H. Bishop
Member of Congress
3680 Route 112, Suite C
Coram, NY 11727-4140

Dear Representative Bishop:

This responds to your recent letter to the Department of Defense, Assistant Secretary of Defense for Legislative Affairs, on behalf of your constituent, [REDACTED] concerning the Fort Bragg Commissary. Your letter was referred to this Agency for a response.

Your inquiry on alleged identify theft was referred to the Defense Criminal Investigation Service (DCIS) for a preliminary inquiry. The agent assigned to the case attempted several times to contact the service member in Afghanistan but was unable to make contact. In the interim, he contacted the service member's wife and the service member's brother, [REDACTED]. The family members agree that the matter is resolved. It appears that the service member made a purchase at the Post Exchange in February 2008, but the charge was not reflected on his bank statement until some time in April 2008 after visiting the commissary.

Based on the information provided by the family members, identify theft was not involved. The allegation that Guard patrons were required to provide Social Security numbers to make a purchase was not substantiated.

I trust this information assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

July 1, 2008

The Honorable Robin Hayes
Representative in Congress
230 E. Franklin Street
Rockingham, NC 28379-3627

Dear Representative Hayes:

This responds to your recent inquiries on behalf of your constituent, (b) (6) concerning disability retirement.

(b) (6) applied for a disability retirement directly to the Office of Personnel Management (OPM). This is the first request for information that the Defense Commissary Agency has received concerning this matter. OPM requested the following information to process (b) (6) application:

Standard Form (SF) 3112A, Applicants Statement
SF-3112B, Supervisors Statement
SF-3112C, Physician's Statement
SF-3112D, Agency Accommodation Statement
Position Description

Our Human Resources Office faxed the SF-3112D and a copy of (b) (6) position description to OPM, Attention: (b) (6) on June 5. (b) (6) will have to provide the SF-3112A and SF 3112C. (b) (6) supervisor will complete the SF-3112B and forward to OPM.

OPM has been advised to contact our Benefits Specialist, (b) (6) at 703-603-1700 if additional information is required.

I trust this information assists you in responding to (b) (6)

Sincerely,

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

June 9, 2008

The Honorable Gordon H. Smith
United States Senator
One World Trade Center
121 SW Salmon Street, Suite 1250
Portland, OR 97204-292

Dear Senator Smith:

This responds to your recent letter to the Department of Defense on behalf of your constituent, [REDACTED] President, Pacific Coast Fruit Company of Portland Oregon. [REDACTED] is concerned about the contract the Defense Commissary Agency (DeCA) awarded to the Spokane Produce Company to supply fresh fruits and vegetables to DeCA commissaries in the Pacific Northwest. Your letter was referred to this Agency for a response.

The contract awarded by DeCA was a competed contract that was a 100 percent set aside for small business. The award was challenged at the Government Accountability Office (GAO) in a bid protest. The GAO upheld the contracting actions taken by DeCA and the award to Spokane Produce. Performance under the contract commenced on December 1, 2006. The base period of performance is 24 months, with the potential for two one-year options than can be exercised by DeCA.

DeCA continually monitors contract performance to ensure compliance with the terms and conditions of the contract. Spokane Produce Company is meeting all the performance requirements of its contract with DeCA, including the guaranteed savings for DeCA patrons.

[REDACTED] firm was a subcontractor of Spokane Produce Company. There is no contractual relationship between DeCA and [REDACTED] firm. The Agency is not involved in the business relationships established by the Spokane Produce Company and its teaming partners and suppliers.

The Agency will make decisions in the future regarding the possible exercise of the option on the Spokane Produce Company contract in accordance with the Federal Acquisition Regulation and in accordance with the terms and conditions of the current contract.

I trust the information above assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei", written over a horizontal line.

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

June 11, 2008

The Honorable Barbara A. Mikulski
United States Senator
Brown's Wharf
1629 Thames Street, Suite 400
Baltimore, MD 21231-3445

Dear Senator Mikulski:

This responds to your recent inquiry to the Department of Defense on behalf of your constituent, [REDACTED] a former employee at the Fort Meade Commissary. Your letter was referred to this Agency for a response.

[REDACTED] resigned from his position of Sales Store Checker on December 4, 2007, after being issued a letter terminating his appointment during the probationary period, also effective December 4, 2007. Discharge proceedings were initiated against him for attempting to remove items from the commissary without paying and usage of double coupons.

The one-year probationary period is used to determine whether or not an individual is suitable for Federal employment. [REDACTED] conduct indicated he was not suitable for employment with the Defense Commissary Agency. The Merit Systems Protection Board dismissed [REDACTED] appeal on March 5, 2008.

Only authorized patrons, as established by Federal regulations, can make purchases in the Defense Commissary Agency. [REDACTED] was not an authorized patron, and therefore ineligible to make routine purchases in the commissary, only purchases of food to be consumed on the premises as an employee. He was not authorized to make purchases for co-workers.

I trust the information provided above assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei", written over a horizontal line.

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY

HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

April 10, 2008

The Honorable Benjamin L. Cardin
United States Senator
Tower 1, Suite 1710
100 S. Charles Street
Baltimore, MD 21201-2788

Dear Representative Cardin:

This responds to your recent inquiry to the Department of the Army on behalf of your constituent, [REDACTED] a former employee at the Fort Meade Commissary. Your letter was referred to this Agency for a response.

[REDACTED] resigned from his position of Sales Store Checker on December 4, 2007, after being issued a letter terminating his appointment during the probationary period, also effective December 4, 2007. Discharge proceedings were initiated against him for attempting to remove items from the commissary without paying and usage of double coupons.

The one-year probationary period is used to determine whether or not an individual is suitable for Federal employment. [REDACTED] conduct indicated he was not suitable for employment with the Defense Commissary Agency. The Merit Systems Protection Board dismissed [REDACTED] appeal on March 5, 2008.

Only authorized patrons, as established by Federal regulations, can make purchases in the Defense Commissary Agency. [REDACTED] was not an authorized patron, and therefore ineligible to make routine purchases in the commissary, only purchases of food to be consumed on the premises as an employee. He was not authorized to make purchases for co-workers.

I trust the information provided above assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink that reads "Emerson E. Pollett".

for John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

July 8, 2008

The Honorable J. Randy Forbes
Representative in Congress
505 Independence Parkway
Lake Center II, Suite 104
Chesapeake, VA 23320-5178

Dear Representative Forbes:

This responds to your recent inquiry on behalf of your constituent, [REDACTED], an employee with the Defense Commissary Agency regarding his request for a position audit.

A desk audit of [REDACTED] position was conducted on June 6, 2008, with consideration given to the additional duty in question. The evaluation determined no change in grade is warranted. [REDACTED] has been informed of this finding and, after careful explanation; he appears to be in agreement. However, he addressed an additional concern of having too much work with little time to complete the work. Management is aware of this concern and intends to address it accordingly, to include a review of [REDACTED] work processes.

I trust this information assists you in responding to [REDACTED]

Sincerely,

John M. Williams Deputy IG
John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY

HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

July 15, 2008

The Honorable Jim McCrery
Representative in Congress
6425 Youree Drive, Suite 350
Shreveport, LA 71105-4634

Dear Representative McCrery:

This responds to your recent letter on behalf of your constituent, [REDACTED] a retired Federal civil servant who spent 36 years employed by the Federal government, first with the U.S. Air Force, then with the Defense Commissary Agency (DeCA).

[REDACTED] complains that the U.S. Air Force at Barksdale Air Force Base (AFB) refused to issue him an Identification Card (ID) identifying him as a retired Federal civil servant. Your inquiry was sent to the U.S. Air Force who forwarded it to this Agency for response; presumably because Mr. Lewis's most recent Federal employer was DeCA. This Agency has no ID card issuing authority. This Agency relies on the host installation or the servicing civilian personnel office to provide that service to its employees.

The issuance of a retired civil service ID card is an exercise of the discretion inherent to the individual military commanding officer who exercises authority over the military ID card issuing office. In [REDACTED] case, the Barksdale AFB Wing Commander, in his discretion, apparently declined to issue an ID card to [REDACTED] under the circumstances attendant at that time.

I trust the above addresses [REDACTED] concerns and will assist you in responding to your constituent. If further, more detailed explanation is desired, I suggest you contact the U.S. Air Force at Barksdale AFB.

Sincerely,

John M. Williams
John T. Maffei Deputy IG
Inspector General for



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

June 27, 2008

The Honorable Pat Roberts
United States Senator
11900 College Boulevard, Suite 203
Overland Park, KS 68210-3943

Dear Senator Roberts:

This responds to your letter of June 20, 2008, to the Assistant Secretary of Defense for Legislative Affairs on behalf of your constituent, [REDACTED] an employee at the Fort Leavenworth Commissary. Your letter was referred to this Agency for a response.

[REDACTED] alleges that she was forced to resign her position as Teller at the Fort Leavenworth Commissary. While a resignation for [REDACTED] was processed, that action has since been cancelled. [REDACTED] has been reinstated with back pay and advised to return to duty.

Regardless of the Agency's action regarding [REDACTED] resignation, she remains ineligible for occupancy of a sensitive position in the Federal government. Her position with the commissary as a Teller is such a sensitive position. The Agency must take action to resolve that issue. Under the provisions of the relevant statutes and regulations pertaining to adverse actions in the Federal Civil Service, [REDACTED] will be advised in writing of the Agency's proposed action.

I trust the above information will assist you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

June 27, 2008

The Honorable Dan Lungren
Representative in Congress
2329 Gold Meadow Way, Suite 220
Gold River, CA 95670-6307

Dear Representative Lungren:

This responds to your recent inquiry to the Department of Defense on behalf of your constituent, (b) (6), a former employee of the Defense Commissary Agency (DeCA) at the McClellan, Commissary. Your letter was referred to this Agency for a response.

(b) (6) was removed from the Federal Civil Service on November 4, 2006, for excessive absences. (b) (6) appealed his removal to the Merit Systems Protection Board (MSPB), and that Board affirmed the Agency's action on March 9, 2007. (b) (6) also challenged the Agency's motivation in his removal to the Equal Employment Opportunity Commission (EEOC), alleging illegal discrimination. That allegation was found to be without merit and was dismissed on April 25, 2007. (b) (6) appealed the dismissal of his complaint. On April 29, 2008, the EEOC affirmed the Agency's action.

In view of the above, (b) (6) has received all the process due to him under the law. This Agency is not aware of any current, active cases (b) (6) has remaining against either it, or the Federal Government.

I trust this information assists you in responding to (b) (6)

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei", with a horizontal line extending to the right.

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
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Office of the Inspector General

July 21, 2008

Honorable Daniel K. Inouye
United State Senate
300 Ala Moana Blvd
Honolulu, HI 96850-2512

Dear Senator Inouye:

This is a follow-up response to your letter to the Congressional Liaison, Department of the Army, on behalf of your constituent, [REDACTED]

On July 8, 2008, Mr. Benjamin S. Wainwright, Hawaii Zone Manager, met with [REDACTED] to inquire into his allegations. While it was clear that [REDACTED] was frustrated and upset over his perception of mismanagement, fraud, waste, abuse and favoritism at the Schofield Barracks Commissary, he was unable to provide any specific factual information to support the allegations.

His request for answers to personnel issues relating to other employees could not be answered with any specificity because of privacy concerns, however, general responses were provided to [REDACTED]

I trust that this information would assist you in replying to [REDACTED]

Sincerely,

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
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FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

July 1, 2008

The Honorable Daniel K. Inouye
United States Senate
300 Ala Moana Blvd
Honolulu, HI 96850-2512

Dear Senator Inouye:

This is an interim response to your recent letter to the Congressional Liaison, Department of the Army, on behalf of your constituent, [REDACTED] concerning alleged fraud, waste, abuse, favoritism, and mismanagement at the Schofield Barracks Commissary. Your letter was referred to this Agency for a response.

An inquiry will be conducted by our Hawaii Zone Manager. A final response will be provided to your office upon conclusion.

Thank you for bringing this matter to our attention.

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
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FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

July 8, 2008

The Honorable Arlen Specter
United State Senate
Washington, DC 20510-3801

Dear Senator Specter:

This responds to your recent letter on behalf of your constituent, [REDACTED],
Owner/President of Pup E. Luv, LLC.

On May 2, 2008, [REDACTED] contacted Mr. Judge Mays, Contract Officer, and requested an opportunity to present his product line to DeCA. After reviewing [REDACTED] web page, DeCA's category buyer called [REDACTED] to discuss his product line. At that time it was determined that his products did not fit the category needs.

The Marketing Business Unit (MBU), through a process of category management, determines which product or item will be sold in commissaries. The category management principles include an assessment of market research, item innovation, price, potential customer demand, product distribution and other marketing factors. The commissary simply cannot carry all brands of dog food/treats due to the limited shelf space available.

The point of contact for the Pup E. Luv to present their products in the future is Mr. William Wood, Category Manager. He may be reached at (804) 734-8222 or e-mailed at william.wood@deca.mil.

I trust this information assists you in responding to [REDACTED]

Sincerely,

John M. Williams Deputy IG
John T. Maffei *for*
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
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FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

July 11, 2008

The Honorable Bud Cramer
Representative in Congress
200 Pratt Avenue NE, Suite A
Huntsville, AL 35801-4028

Dear Representative Cramer:

This responds to your recent inquiry on behalf of your constituent, [REDACTED] an employee at the Redstone Arsenal Commissary, concerning issues he is having with management.

[REDACTED] alleges that in August, 2007, he was reassigned from the [REDACTED] position at Arnold Engineering Development Center (AEDC) Commissary, Tullahoma, TN, to the [REDACTED] position at the Redstone Arsenal Commissary, Huntsville, AL, subsequent to reprimanding the [REDACTED] at the AEDC Commissary for misconduct. He also alleges he was not informed why he was transferred and that he has experienced a hostile work environment since his assignment to the Redstone Arsenal Commissary.

The decision to reassign [REDACTED] to the [REDACTED] position at Redstone Arsenal Commissary was for legitimate, non-discriminatory business reasons to promote the efficiency and effectiveness of the Agency. Those reasons were provided to [REDACTED] on June 8, 2007, in a memorandum informing him of the Agency's intention to direct his reassignment.

[REDACTED] further stated that he was not given the opportunity to apply for a higher level position. [REDACTED] has the same opportunity as all Agency employees to apply for all Agency positions for which they qualify and that are posted in our job announcements. However, it is the responsibility of each employee to determine which positions are being competitively filled and to apply for each open position(s) desired as it becomes available.

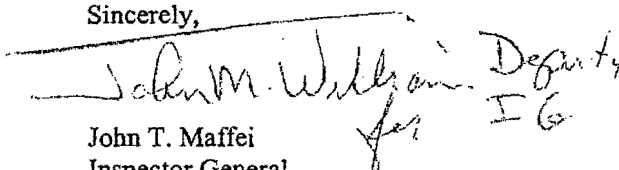
[REDACTED] also stated that he expressed an interest in relocating to Hunter Army Air Field, Savannah GA, Commissary as [REDACTED]. While the Agency was aware of his verbal request, he also verbally rescinded that request and stated that he was comfortable being assigned where he was.

[REDACTED] contends that he was subjected to hostile and inhumane treatment and states that after an investigation carried out from May 26, 2008 through June 2, 2008, numerous employees expressed concern regarding how upper management treated him. In response to this allegation, the Agency has neither conducted a formal investigation nor has any formal or informal complaints been presented to the Agency regarding [REDACTED].

Finally, [REDACTED] remains a valued employee of the Redstone Arsenal Commissary, and his reassignment has proven itself to be consistent with increased efficiency and effectiveness of the Agency.

I trust the information provided above assists you in responding to your constituent.

Sincerely,


John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
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Office of the Inspector General

July 17, 2008

The Honorable Gordon Smith
United States Senator
One World Trade Center
121 SW Salmon Street, Suite 1250
Portland, OR 97204-292

Dear Senator Smith:

This responds to your correspondence of July 2, 2008, to the Department of Defense on behalf of your constituent, [REDACTED] President, Pacific Coast Fruit Company. His letter is a follow-up to an earlier letter that raised issues involved with the contract the Defense Commissary Agency (DeCA) awarded to the firm of Spokane Produce, Inc., to supply fresh fruits and vegetables (FF&V) to military commissaries in the Pacific Northwest.

As the prime contractor, the management of Spokane Produce was within their rights to determine whether the products and services being provided by their sub-contractor were sufficient to meet the high standards that DeCA expects from its FF&V sources. We can confirm that Spokane Produce met every contract requirement in notifying DeCA of its decision to remove Pacific Coast Fruit Company as a sub-contractor. We can also confirm that Spokane Produce is currently meeting all performance requirements of the contract.

In addition to maintaining the high requirements for produce quality and merchandising support under this contract, the prime contractor is also responsible for maintaining a minimum percentage of savings to our patrons, as compared to commercial grocery outlets in the same commuting area. These savings are validated through recurring market-basket surveys involving direct comparisons between DeCA in-store prices and those of off-installation competitors. Our records indicate that Spokane Produce has met or exceeded all of these contract requirements. Generally accepted accounting principles support the fact that a prime contractor will add a mark-up to the costs incurred from a sub-contractor.

As a small business concern, [REDACTED] firm was welcome to submit a proposal to support the requirements of the nine stores in this area. While DeCA may empathize with Pacific Coast, we find that Spokane Produce continues to perform in accordance with the terms and conditions of its contract.

Any future decision that the Government may make regarding the possible exercise of an option will be accomplished in strict accordance with the Federal Acquisition Regulation, as well as the terms and conditions of the contract itself.

I trust this information assists you in responding to [REDACTED]

Sincerely,

John M. Williams Deputy IG
John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY

HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

July 17, 2008

The Honorable Doug Lamborn
Representative in Congress
3730 Sinton Road, Suite 150
Colorado Springs, CO 80907

Dear Representative Lamborn:

This is an interim response to your recent letter to Defense Commissary Agency (DeCA), on behalf of your constituent, [REDACTED] concerning the documentation necessary for him to purchase grocery at Peterson Commissary for his mother.

An inquiry is being conducted by our Operation Division. A final response will be provided to your office upon conclusion.

Thank you for bringing this matter to our attention.

Sincerely,

John M. Williams Deputy IG
John T. Maffei *for*
Inspector General



DEFENSE COMMISSARY AGENCY

HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

July 22, 2008

The Honorable Thomas Cole
Representative in Congress
104 East 12th Street
Ada, OK 74820

Dear Representative Cole:

This responds to your inquiry on behalf of your constituent, [REDACTED] regarding the Defense Commissary Agency's (DeCA) requirement for refrigerated trailers at our Altus Air Force Base Commissary on June 6.

In his June 19 letter, [REDACTED] acknowledges that he has been paid \$3,990.00. On June 26, [REDACTED] submitted a revised invoice to DeCA in the amount of \$900.00. The Contracting Officer has reviewed that invoice and determined it was acceptable in accordance with the Federal Acquisition Regulation (FAR) Sub-Part 33.206. An additional payment of \$900.00 has been made to [REDACTED] company, C & C Distributors.

I trust this information will assist you in responding to [REDACTED] concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei", with a horizontal line extending to the right.

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY

HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

August 4, 2008

The Honorable John A. Boehner
12 South Plum Street, 2nd Floor
Troy, OH 45373

Dear Representative Boehner:

This is in response to your recent letter of July 17 to the Department of the Air Force on behalf of your constituent, [REDACTED] an employee at the Wright Patterson AFB Commissary. Your letter was referred to this Agency for a response.

Although [REDACTED] alleges she "has encountered much turbulence, many injustices, and unfair labor practices by numerous people assigned to the management staff at Wright Patterson AFB Commissary over the past two years", she does not provide sufficient specifics. However, we will inquire into the allegations and speak with [REDACTED] because this Agency does not condone disparate and unfair treatment of any of its employees.

The matter of [REDACTED] pay has been resolved. If [REDACTED] believes she is being subjected to unlawful discrimination, she may call the Equal Employment Opportunity Office at 877-435-7336 for assistance.

I trust the information provided will help you respond to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John Maffei".

John Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

August 11, 2008

The Honorable Doug Lamborn
Representative in Congress
3730 Sinton Road, Suite 150
Colorado Springs, CO 80907-5086

Dear Representative Lamborn:

This responds to your recent letter on behalf of your constituent, [REDACTED] regarding the Peterson Air Force Base Commissary.

We have communicated with [REDACTED] and made satisfactory arrangements for [REDACTED] to shop both for himself and on behalf of his elderly mother who is a dependent of a deceased Air Force retiree.

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei", with a long horizontal flourish extending to the right.

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

August 15, 2008

The Honorable Ginny Brown-Waite
Representative in Congress
Washington, DC 20515-0905

Dear Representative Brown-Waite:

This is in response to your recent letter to the DoD Legislative Affairs Office on behalf of your constituent, [REDACTED] [REDACTED] has proposed that the Defense Commissary Agency (DeCA) apply the statutorily mandated surcharge on items sold in its commissaries after the value of the coupon is deducted, rather than on the total sales price of the item purchased. Your letter was referred to this Agency for a response.

Title 10 U.S.C. 2484(3) (d) requires DeCA to apply a uniform surcharge on the sales price of each item sold in the commissary. A coupon does not reduce the sales price of the item; it reduces the cost to the patron.

Surcharge funds are used to fund construction and renovations of commissaries to better take care of our customers. Other costs of operating commissaries, such as salaries, are paid from funds appropriated annually by Congress.

I trust this information proves helpful in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

August 21, 2008

The Honorable Bill Sali
Member of Congress
Washington, DC 20515

Dear Representative Sali:

This responds to your letter of July 31, 2008, relating to the Defense Commissary Agency (DeCA) and disabled Trace, Inc. at the Fort Sam Houston Commissary. A similar letter was also sent to Senator Crapo.

As a result of allegations raised in the September 20, 2007, letter from Trace, Inc., DeCA conducted an investigation. With the exception of the sexual harassment complaints, the investigation revealed that the remaining allegations were not supported. The sexual harassment claims were resolved prior to the September 2007 letter, and Trace was informed that appropriate action was taken. The investigation of the remaining issues concluded that the contract is being administered fairly and within the established terms and conditions. A Trace employee was removed by the government for disruptive behavior, and a contracting officer's final decision was rendered on that issue.

DeCA recognizes the value of the Javits, Wagner, O'Day Act to the employment of people with severe disabilities. The Agency fully supports the program and has contracts with Ability One work centers for shelf stocking and custodial services similar to the one with Trace, Inc., in approximately 100 of its commissaries in the United States. DeCA is committed to providing a safe working environment for everyone in its commissary stores.

I trust the information provided above assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

August 21, 2008

The Honorable Mike Crapo
United States Senate
Washington, DC 20515

Dear Senator Crapo:

This responds to your letter of July 31, 2008, relating to the Defense Commissary Agency (DeCA) and disabled Trace, Inc. at the Fort Sam Houston Commissary. A similar letter was also sent to Representative Sali.

As a result of allegations raised in the September 20, 2007, letter from Trace, Inc., DeCA conducted an investigation. With the exception of the sexual harassment complaints, the investigation revealed that the remaining allegations were not supported. The sexual harassment claims were resolved prior to the September 2007 letter, and Trace was informed that appropriate action was taken. The investigation of the remaining issues concluded that the contract is being administered fairly and within the established terms and conditions. A Trace employee was removed by the government for disruptive behavior, and a contracting officer's final decision was rendered on that issue.

DeCA recognizes the value of the Javits, Wagner, O'Day Act to the employment of people with severe disabilities. The Agency fully supports the program and has contracts with Ability One work centers for shelf stocking and custodial services similar to the one with Trace, Inc., in approximately 100 of its commissaries in the United States. DeCA is committed to providing a safe working environment for everyone in its commissary stores.

I trust the information provided above assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

August 25, 2008

The Honorable Susan A. Davis
Representative in Congress
4305 University Ave., Ste. 515
San Diego, CA 92105-1696

Dear Representative Davis:

This responds to your recent inquiry on behalf of a several employees from the Naval Base (NB) San Diego Commissary concerning the implementation of the Workforce of the Future (WOF).

On June 20, 2006, the Agency provided the union official notification of its intent to implement WOF. After multiple attempts to resolve negotiable issues, the Agency determined that the bargaining obligation was satisfied. Subsequently, the union filed an Unfair Labor Practice charge. The Federal Labor Relations Authority, San Francisco Regional Director, issued a decision which stated in part that the Agency had completed its bargaining obligation with respect to implementing WOF.

A variety of store clerical and support duties and responsibilities performed by store workers, sales store checkers, tellers and commissary support clerks were combined into a store associate job description. When a store converts to WOF, all permanent incumbents from those individual jobs convert to the store associate positions at their current grade/pay. They perform multiple duties throughout the store, and such work provides them with a variety of experience in an entire store's operation. With our current target grade for store associates, many employees acquire promotion potential. The conversion to WOF does not preclude the Agency's employees from applying for higher graded positions. Therefore, new or existing employees have not lost the ability to attain promotions.

When transitioning to the new store associate position descriptions, employees are required to self-certify that they are able to perform the physical requirements of the new positions. For those employees who do not meet the standards of an individual with a qualified disability and are unable to certify that they can perform the physical requirements of the new position, the Agency may take action based on the employee's physical inability to meet these requirements, up to and including separation from Federal service. For those employees who are qualified disabled employees, a determination of whether the person can be accommodated is made by the Agency after an individual assessment of the person's medical condition, job skills, work environment and Agency resources. These determinations were made based on the above mentioned criteria prior to the implementation of WOF. After conversion to the WOF organizational structure, qualified disabled employees will continue to be afforded reasonable accommodation in accordance with applicable laws.

I trust this information will assist you in responding to your constituents.

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei", written over a white background.

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

September 10, 2008

The Honorable Jeff Miller
Member of Congress
4300 Bayou Boulevard, Suite 13
Pensacola, FL 32503-2671

Dear Representative Miller:

This responds to your recent inquiry on behalf of your constituent, [REDACTED] an employee at the Naval Air Station (NAS) Whiting Field Commissary concerning Voluntary Separation Incentive Pay (VSIP).

All Whiting Field Commissary employees who submitted requests for retirement or resignation with VSIP were disapproved since the National Defense Authorization Act (NDAA) for FY 2008 cancelled the Department of Defense authority to conduct reductions in force using the workforce shaping rules implemented under NSPS. Employees at commissaries with VSIP requests that were approved prior to the implementation of the Fiscal Year 2008 NDAA were allowed to retire with VSIP. The FY 2008 NDAA was implemented on January 28, 2008.

I regret this response could not be more favorable but trust this information assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in cursive script, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY

HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

September 16, 2008

The Honorable Mitch McConnell
United States Senate
Washington, DC 20510-1702

Dear Senator McConnell:

This responds to your recent letter to the Adjutant General, Fort Knox, on behalf of your constituent, [REDACTED] of Callis Orchards, regarding his ability to provide fresh produce to the Fort Knox Commissary. Your letter was referred to this office for a response.

To improve its produce program, the Defense Commissary Agency revised its acquisition strategy in 2007 to contract directly with small business produce suppliers to provide regional coverage to its worldwide commissaries. This approach has resulted in higher quality produce, fresher product, lower prices, increased sales and reduced administrative costs. Produce support for the area, including the Fort Knox Commissary, was awarded to a small business concern by the name of Military Produce Group, 1106 Ingleside Road, Norfolk, VA, 23502-5609, (757-852-2700). Military Produce Group subcontracted with Castellini Company, to provide products to the Fort Knox Commissary. As part of its acquisition strategy, Military Produce Group has been extremely proactive in purchasing produce directly from local suppliers.

We are sorry to hear that [REDACTED] decided not to be a part of this local supplier network. If [REDACTED] decides to change his mind, he should contact the primary contractor, Military Produce Group.

I trust this information will assist you in responding to [REDACTED]

Sincerely,

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
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FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

September 10, 2008

The Honorable Ed Whitfield
Member of Congress
1403 South Main Street
First Floor
Hopkinsville, KY 42240-2017

Dear Representative Whitfield:

This responds to your recent letter to the Congressional Liaison, Fort Campbell, Kentucky, on behalf of your constituent, [REDACTED] concerning commissary privileges for her children. Your letter was referred to this Agency for a response.

Because this matter falls under the purview of the Department of Defense, Office of the Under Secretary of Defense for Personnel and Readiness, a copy of your letter has been transferred to that office for a response.

I trust this information assists you.

Sincerely,

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
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Office of the Inspector General

September 19, 2008

The Honorable Zoe Lofgren
Member of Congress
635 North First Street
Suite B
San Jose, CA 95112-5110

Dear Representative Lofgren:

This responds to your recent inquiry on behalf of your constituent, [REDACTED], an employee of the Defense Commissary Agency at the Moffett Field Commissary.

By letter dated August 29, 2008, the Department of Labor (DoL) advised [REDACTED] that his condition was not a recurrence, but rather an occupational illness. Subsequently, the DoL assigned a new claim number, 132198011. [REDACTED] is the assigned Claims Examiner at DoL, and may be reached at (415) 625-7500 or Department of Labor, P. O. Box 8300, Attention: District 13. London, KY 40742-8300.

I trust this information assists you in responding to [REDACTED]

Sincerely,

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

September 19, 2008

The Honorable Zoe Lofgren
Member of Congress
635 North First Street
Suite B
San Jose, CA 95112-5110

Dear Representative Lofgren:

This responds to your recent inquiry on behalf of your constituent, [REDACTED], an employee of the Defense Commissary Agency at the Moffett Field Commissary.

By letter dated August 29, 2008, the Department of Labor (DoL) advised [REDACTED] that his condition was not a recurrence, but rather an occupational illness. Subsequently, the DoL assigned a new claim number, 132198011. [REDACTED] is the assigned Claims Examiner at DoL, and may be reached at (415) 625-7500 or Department of Labor, P. O. Box 8300, Attention: District 13. London, KY 40742-8300.

I trust this information assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

September 23, 2008

The Honorable Lincoln Davis
Member of Congress
477 North Chancery Street
Suite A-1
McMinnville, TN 37110-8901

Dear Representative Davis:

This responds to your recent inquiry to the Department of the Air Force on behalf of your constituent, [REDACTED] concerning her alleged complaint of discrimination. Your letter was referred to this Agency for a response.

The Defense Commissary Agency originally accepted [REDACTED] complaint and began to plan for an investigation. During this process, we determined that the manager who [REDACTED] alleged was harassing her had retired from the Agency and was no longer in a position to harass her. Because [REDACTED] alleged harasser was no longer employed by our Agency, her complaint had become "moot" as defined in the Equal Employment Opportunity Commission's (EEOC) regulations. A complaint is "moot" when there is no reasonable expectation that the alleged violation will recur, and interim relief or events have completely and irrevocably eradicated the effects of the alleged violation. The Commission permits us to dismiss this type of complaint when the complainant has not requested compensatory damages. Although [REDACTED] had been informed of her right to compensatory damages, she did not request them and we dismissed her complaint on July 14, 2008.

Our decision to dismiss [REDACTED] complaint is subject to review by the EEOC. [REDACTED] appealed our decision to the Commission, and we provided her case file to them on August 13, 2008. If the Commission should decide our decision to dismiss [REDACTED] complaint was in error, they will remand the case to us for processing.

I trust the information provided above assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General August 18, 2009

The Honorable Ike Skelton
Member of Congress
908 Thompson Boulevard
Sedalia, MO 65301-4593

Dear Representative Skelton:

This responds to your recent inquiry to the Department of Defense on behalf of your constituent, [REDACTED] concerning issues he is having at the Whiteman Air Force Base (AFB) Commissary. Your letter was referred to this Agency for a response.

Our General Counsel rendered "no conflict" opinions regarding the alleged conflict of interest associated with two part-time meat department employees at the Whiteman AFB Commissary. These letters are on file at the Defense Commissary Agency (DeCA) Headquarters.

One of the two employees is responsible for cleaning the display cases as part of her regular and recurring government duties as a DeCA employee. This cleaning function is not within the scope of work required of the current custodial contract.

An examination was conducted of the government and custodial contractor time and attendance sign in/sign out sheets and the work schedules of both employees for the months of June and July 2009. Based upon this review, no evidence of a conflict was found with respect to any overlapping tours of duty worked by the two employees.

I trust the above information assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

August 7, 2009

The Honorable Harry Teague
United States Representative
135 W. Griggs Avenue
Las Cruces, NM 88001-1235

Dear Representative Teague:

This responds to your recent letter to the Department of the Air Force, regarding your constituent [REDACTED] concerning the revocation of his permission to enter the Holloman Air Force Base (AFB) Commissary for the purpose of bagging groceries. Your letter was referred to this Agency for a response.

Baggers occupy a unique status on Military Installations. They are not employees of the Federal government nor are they "independent contractors" providing a service to the commissary. They are, in fact, self-employed licensees of the local installation commander who have been given permission to carry on their own business for profit on the military base.

The local commander allows baggers to enter the installation for the purpose of soliciting commissary customers to bag and carry out their groceries in return for the expectation of a tip. Once the installation commander's permission is obtained, baggers must also be granted permission to enter the commissary by the store director in order to solicit a customer to bag and carry out the customer's groceries. Both the installation commander and the store director manage baggers' presence on the installation and in the store through the exercise of their inherent responsibilities for safety, security, good order, discipline on the installation and customer service in the store.

The store director received, investigated and ultimately corroborated a report that [REDACTED] made threatening remarks toward a member of commissary management. Because the store director bears the responsibility for maintaining safety, security and good order in the store, the store director determined that [REDACTED] continued presence in the store as a bagger would not be in the best interest of the store or the Agency. On April 1, 2009, the store director exercised his inherent authority by revoking [REDACTED] permission to enter the store for the purpose of carrying on his personal business of bagging groceries. As a military retiree, [REDACTED] may continue to enter the commissary as an authorized patron as long as he continues to possess the installation commander's authority to enter the installation.

I trust the above assists you in responding to [REDACTED]

Sincerely,

See Ann Arnett
John T. Maffei
for Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

September 9, 2009

The Honorable J. Randy Forbes
Member of Congress
2903 Boulevard, Suite B
Colonial Heights, VA 23834-2401

Dear Representative Forbes:

This responds to your inquiry of August 1, 2009, on behalf of your constituent, [REDACTED] an employee of the Defense Commissary Agency (DeCA).

The Agency has responded to [REDACTED] previous requests for assistance. The matter of employee concern within the Agency's Center for Learning Directorate was reviewed in-depth by a formally appointed Investigating Officer and action was taken to remedy the situation.

[REDACTED] most recent e-mail request to you raises two issues that were not developed during the investigation. This office will lead an inquiry into both of [REDACTED] specific complaints, sexual harassment and falsifying government documents and she will be notified of the inquiry results. If [REDACTED] allegations are substantiated, appropriate and timely action will be taken to remedy the situation.

I trust the above information assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in cursive script, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY

HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

July 10, 2009

The Honorable J. Randy Forbes
Member of Congress
2903 Boulevard, Suite B
Colonial Heights, VA 23834-2401

Dear Representative Forbes:

This responds to your recent inquiry on behalf of employees of the Defense Commissary Agency (DeCA) regarding their work environment.

On March 27, 2009, the Director, DeCA, received a written complaint from several employees in the Agency's Directorate of Human Resources (HR), Workforce Development Division. Their complaint raised concerns over working conditions, supervision and alleged sexual comments, age discrimination and reprisal. On March 31, 2009, an investigator was appointed to formally investigate this complaint. All personnel actions affecting employees in the Workforce Development Division were suspended by the Deputy Director/Chief Operating Officer (COO) until the outcome of the investigation was known.

During the next several months the investigator interviewed a total of 21 employees, including every supervisor in the chain of command. On June 23, 2009, the Deputy Director/COO met with the HR Director and stated the report contained insufficient evidence to warrant disciplinary actions, but the contents of the report were disturbing and some corrective action would be required. Please be assured that DeCA will take appropriate corrective action as we value the service of all our employees.

I trust the information above assists you in responding to the DeCA employees.

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei", with a long horizontal flourish extending to the right.

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

July 10, 2009

The Honorable J. Randy Forbes
Member of Congress
2903 Boulevard, Suite B
Colonial Heights, VA 23834-2401

Dear Representative Forbes:

This responds to your recent inquiry on behalf of [REDACTED] a resident of the state of Missouri. [REDACTED] has concerns regarding her work unit in the Defense Commissary Agency (DeCA).

On March 27, 2009, the Director, DeCA, received a written complaint from [REDACTED] and other employees in the Agency's Directorate of Human Resources (HR), Workforce Development Division. [REDACTED] complaint raised concerns over working conditions, supervision, and alleged sexual comments, age discrimination and reprisal. On March 31, 2009, an investigator was appointed to formally investigate this complaint. All personnel actions affecting employees in the Workforce Development Division were suspended by the Deputy Director/Chief Operating Officer (COO) until the outcome of the investigation was known.

During the next several months the investigator interviewed a total of 21 employees, including every supervisor in the chain of command. On June 23, 2009, the Deputy Director/COO met with the HR Director and stated the report contained insufficient evidence to warrant disciplinary actions, but the contents of the report were disturbing and some corrective action would be required. Please be assured that DeCA will take appropriate corrective action as we value the service of all our employees.

[REDACTED] also raised questions regarding a telework request to work on a permanent basis on DeCA projects from her home in [REDACTED] Missouri. She asked that telework be approved because she is considered to be 100 percent disabled as a result of her military service. She voluntarily withdrew the telework request based on her disabilities and submitted a standard request for part-time telework from [REDACTED] Missouri, that was endorsed by her immediate supervisor. That request has been approved. The delay in approving her request was due to the suspension of personnel actions imposed by the Deputy Director. Once this restriction was eliminated, immediate action was taken.

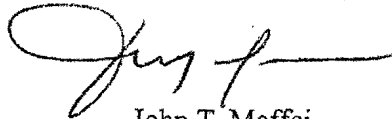
[REDACTED] has not filed a formal complaint of discrimination. On May 2, 2009, [REDACTED] contacted an Equal Employment Opportunity (EEO) counselor. The counselor provided information to [REDACTED] concerning DeCA's reasonable accommodation requests and discrimination complaint procedures. After a subsequent meeting with the counselor and [REDACTED]

5/12

██████ supervisor, ██████ informed the counselor that she would pursue her original request for telework through her chain of command. Based on ██████ decision to not pursue this matter via the EEO channels, our EEO office closed her case on June 19, 2009.

I trust the information above assists you in responding to ██████

Sincerely,



John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

July 1, 2009

The Honorable J. Randy Forbes
Member of Congress
2903 Boulevard, Suite B
Colonial Heights, VA 23834-2401

Dear Representative Forbes:

This responds to your recent inquiry on behalf of your constituent, [REDACTED], concerning Congressional correspondence.

Agency practice regarding the processing of congressional inquiries is that any and all correspondence coming from a member of Congress, to an official Defense Commissary Agency address is automatically forwarded to the Office of the Inspector General (OIG). The OIG is the Agency office responsible for ensuring that incoming congressional correspondence is logged, suspended and directed to the appropriate functional office for resolution and timely response.

In June, two envelopes were opened that contained a letter from your office requesting that the employee complete the Privacy Act statement and return it to your office before any action could be taken on their complaint. After it was determined that these were Privacy Act relief statement requests, none of the other envelopes were opened. Within an hour of receipt, all of the letters were retrieved from the OIG by a DeCA Human Resource Specialists. There was no coercion or harassment on the part of this office.

I trust this information assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

August 12, 2009

The Honorable G. K. Butterfield
United States House of Representatives
216 West Nash Street
Suite B
Wilson NC 27893-3802

Dear Representative Butterfield:

This responds to your recent letter forwarded to Department of Defense, on behalf of your constituent, [REDACTED] concerning the Seymour Johnson Air Force Base (AFB) Commissary. Your letter was forwarded to this Agency for response.

The Defense Commissary Agency zone manager contacted [REDACTED] on July 6, 2009. The zone manager addressed the issues raised by [REDACTED] in his letter to you and discussed the actions that were taken. He ensured [REDACTED] that in the future the Seymour Johnson AFB Commissary staff will provide excellent customer service to patrons.

[REDACTED] is a frequent customer at the Seymour Johnson AFB Commissary, and as such he is very familiar with all of the employees and visits with many of them almost daily. The zone manager thanked [REDACTED] for his patronage and provided him with his contact information.

I trust this information assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

July 8, 2009

The Honorable Richard Burr
United States Senator
201 North Front Street, Suite 809
Wilmington, NC 28401-5089

Dear Senator Burr:

This responds to your recent letter to the Legislative Liaison, Department of the Air Force, on behalf of your constituent, [REDACTED] concerning the Seymour Johnson Air Force Base (AFB) Commissary. Your letter was forwarded to this Agency for response.

The Defense Commissary Agency zone manager contacted [REDACTED] on July 6, 2009. The zone manager addressed the issues raised by [REDACTED] in his letter to you and discussed the actions that were taken. He ensured [REDACTED] that in the future the Seymour Johnson AFB Commissary staff will provide excellent customer service to patrons.

[REDACTED] is a frequent customer at the Seymour Johnson AFB Commissary, and as such he is very familiar with all of the employees and visits with many of them almost daily. The zone manager thanked [REDACTED] for his patronage and provided him with his contact information.

I trust this information assists you in responding to [REDACTED]

Sincerely,

John M. Williams
Deputy
John T. Maffei
Inspector General *for*



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

August 25, 2009

The Honorable Robert C. Scott
Member of Congress
2600 Washington Avenue, Suite 1010
Newport News, VA 23607-4333

Dear Representative Scott:

This responds to your most recent inquiry to the Assistant Secretary of Defense (Legislative Affairs) concerning the complaint of [REDACTED] an employee of the Defense Commissary Agency (DeCA) at the Langley Air Force Base (AFB) Commissary. Your letter was referred to this Agency for a response.

[REDACTED] formal Equal Employment Opportunity complaint alleging harassment and hostile work environment was accepted for investigation on July 14, 2009. An investigator from the Department of Defense Investigation and Resolution Division was assigned to conduct an on-site investigation. The investigator is currently gathering pertinent data and will contact [REDACTED] directly once the investigation is complete.

[REDACTED] requested a climate assessment team review from another government agency. We are not aware of any government agency that provides this service. While DeCA does conduct climate assessment inquiries when deemed necessary, we do not feel that in [REDACTED] case, this would be appropriate in that no other employee from the Langley AFB Commissary has come forward alleging harassment or hostile work environment.

An examination of [REDACTED] claim that her worker's compensation forms were altered cannot be substantiated. When these records are received at DeCA Headquarters they are examined to ensure that all required signatures and paperwork are in order and then those records are immediately forwarded to the Office of Workers' Compensation for further processing. An examination was also done into her allegation that her time and attendance was altered. The Agency is unable to substantiate this claim.

[REDACTED] also mentions various unspecified criminal acts. If [REDACTED] believes criminal misconduct occurred, I encourage her to contact the Department of Defense, Defense Criminal Investigative Services (DCIS). DeCA does not have jurisdiction to investigate such complaints. The DCIS point of contact for DeCA is [REDACTED]. He may be reached at (804) 639-8366 or (804) 338-9554.

I trust that this information will assist you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY

HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

August 24, 2009

The Honorable Robert C. "Bobby" Scott
Member of Congress
2600 Washington Avenue, Suite 1010
Newport News, VA 23607-4333

Dear Representative Scott:

This responds to your letter of July 9, 2009, to the Assistant Secretary of Defense for Legislative Affairs on behalf of your constituent, [REDACTED] an employee at the Langley Air Force Base (AFB) Commissary regarding an Office of Workers' Compensation (OWCP) claim. Your letter was referred to this Agency for response.

On June 30, 2009, our personnel office received a claim for illness/injury for [REDACTED] from the Langley AFB Commissary. The claim was submitted electronically on June 30, 2009, to OWCP and is currently being processed. The OWCP will respond directly to [REDACTED]

I trust the information above assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

August 7, 2009

The Honorable Robert C. "Bobby" Scott
Member of Congress
2600 Washington Avenue, Suite 1010
Newport News, VA 23607-4333

Dear Representative Scott:

This responds to your recent letter concerning the inquiry of your constituent, [REDACTED], an employee at the Langley Air Force Base (AFB) Commissary.

[REDACTED] feels that we have not adequately addressed her issues of harassment and hostile environment at the Langley AFB Commissary. Unfortunately, these are matters that [REDACTED] has raised in her complaints that are currently being resolved in the complaint process. Therefore, it is inappropriate for the Defense Commissary Agency to comment outside of that process.

The Agency requested an investigation and forwarded [REDACTED] complaint file to the Department of Defense Civilian Personnel Management Service (CPMS), Investigation and Resolution Division (IRD) on July 17, 2009. The IRD will contact [REDACTED] directly.

I trust this information assists you in responding to [REDACTED] concerns.

Sincerely,

Sue Ann Amick
for John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

July 13, 2009

The Honorable Robert C. "Bobby" Scott
Member of Congress
2600 Washington Avenue, Suite 1010
Newport News, VA 23607-4333

Dear Representative Scott:

This responds to your recent letter concerning the inquiry of your constituent, [REDACTED] an employee at the Langley Air Force Base Commissary.

[REDACTED] raised four issues in her inquiry. [REDACTED] alleges she was removed from a position in which she agreed to be placed pursuant to a decision of the Equal Employment Opportunity Commission (EEOC). The EEOC Office of Federal Operations (OFO) is currently reviewing that matter based on [REDACTED] June 1, 2009, appeal of the Agency action. Because that appeal is pending, it would be inappropriate for the Agency to comment on that matter at this time. The remaining three issues in her inquiry, three Unfair Labor Practices (ULP) charges she filed against the Agency, are currently pending review and adjudication by the Federal Labor Relations Authority (FLRA). It is also inappropriate for the Agency to comment on those matters at this time.

[REDACTED] and her attorney in the matter have been advised by the EEOC on how to process a challenge to the Agency's action as a result of the EEOC Judge's order. Regarding the ULP charges, because she is prosecuting the ULP against the Agency, and because she is a union representative of the bargaining unit in the store, I am confident she is aware of the process as well as all appeal rights she may have.

I trust this information assists you in responding to [REDACTED] your concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

August 31, 2009

The Honorable Donna F. Edwards
Member of Congress
5001 Silverhill Road
Suitland, MD 20746-5208

Dear Representative Edwards:

This responds to your recent letter to the Department of the Air Force, Office of Legislative Liaison, on behalf of your constituent, [REDACTED] concerning his background check and employment as a bagger at the Andrews Air Force Base (AFB) Commissary. Your letter was referred to this Agency.

Baggers fall under the jurisdiction of the Installation Commander. The background check was initiated by the installation and they are the determining office on whether or not to grant an individual the right to bag groceries. A copy of your letter has been sent to Andrews AFB, Office of the Inspector General. They may be reached at (301) 981-2429.

Thank you for your support of the commissary system.

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

August 20, 2009

The Honorable Michael D. Crapo
United States Senator
251 E Front Street Suite 205
Boise, ID 83702-7312

Dear Senator Crapo:

This responds to your recent inquiry to the Congressional Liaison, Department of Defense, on behalf of your constituent, [REDACTED] an employee at the Mountain Home Air Force Base (AFB) Commissary. Your letter was referred to this Agency for a response.

The Defense Commissary Agency is deeply appreciative of the work of all its employees. We recognize that cashiers work in a stationary location unlike our other employees who have the ability to move from area to area and use drinking fountains or maintain drinks at their desk. We have decided to revise our current directives to allow personal water bottles with lids at the registers.

I trust the above information assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

August 20, 2009

The Honorable Mike Simpson
Member of Congress
1341 Fillmore Suite 202
Twin Falls, ID 83301-5259

Dear Representative Simpson:

This responds to your recent inquiry to the Congressional Liaison, Department of the Air Force, on behalf of your constituent, [REDACTED] an employee at the Mountain Home Air Force Base (AFB) Commissary. Your letter was referred to this Agency for a response.

The Defense Commissary Agency is deeply appreciative of the work of all its employees. We recognize that cashiers work in a stationary location unlike our other employees who have the ability to move from area to area and use drinking fountains or maintain drinks at their desk. We have decided to revise our current directives to allow personal water bottles with lids at the registers.

I trust the above information assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei", with a long horizontal flourish extending to the right.

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

August 28, 2009

The Honorable Daniel K. Akaka
United States Senator
P. O. Box 50144
Honolulu, HI 96850-5544

Dear Senator Akaka:

This responds to your recent letter on behalf of your constituent, concerning issues at the Navy Exchange Distribution Center at Pearl Harbor.

We have reviewed your letter and determined that the issues addressed by your constituent fall under the purview of the Navy Exchange Service Command (NEXCOM). A copy of your letter was forwarded to NEXCOM, 3280 Virginia Beach Blvd, Virginia Beach, VA 23452-5724. The NEXCOM phone numbers are (757) 463-6200 and (757) 631-3658 (FAX).

I appreciate your interest in this matter and your continued support of the commissary system.

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
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FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

September 10, 2009

The Honorable Ike Skelton
Member of Congress
908 Thompson Boulevard
Sedalia, MO 65301

Dear Representative Skelton:

This responds to your recent inquiry to the Assistant Secretary of Defense for Legislative Affairs on behalf of your constituent, [REDACTED] an employee of the Richards-Gebaur Air Force Base Commissary. Your letter was forwarded to this Agency for a response.

After review of [REDACTED] personnel file, his service computation date will be adjusted to July 16, 2001, and his salary will be adjusted to the GS-2, Step 10 level. [REDACTED] will receive retroactive pay from January 18, 2009, which will be issued by the Defense Finance and Accounting Service after completion of a routine pay audit. [REDACTED] has been informed of this correction.

I trust the above information will assist you in responding to [REDACTED]

Sincerely,

A handwritten signature in cursive script, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

October 31, 2008

The Honorable Robert J. Wittman
Representative in Congress
3504 Plank Road, Suite 203
Fredericksburg, VA 22407

Dear Representative Wittman:

This responds to your recent inquiry on behalf of your constituent, [REDACTED] a retiree of the Defense Commissary Agency (DeCA).

After a discussion with [REDACTED] regarding credit for her leave buy back, our personnel office submitted a request to the Defense Finance and Accounting Service (DFAS), DeCA's payroll office. We are currently awaiting a response from DFAS. Such requests can take 60 days or more to answer since the records date back to calendar years 2001 and 2002. Upon receipt of the response from DFAS, we will immediately notify [REDACTED] of the results.

I trust this information assists you in responding to [REDACTED]

Sincerely,

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
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Office of the Inspector General

October 16, 2009

The Honorable J. Randy Forbes
United States Senator
2903 Boulevard
Suite B
Colonial Heights, VA 23834-2401

Dear Senator Forbes:

This responds to your letter of September 21, 2009, on behalf of your constituent, [REDACTED] an employee of the Defense Commissary Agency. [REDACTED] has concerns about the January 2009 National Security Personnel System (NSPS) performance payout.

The Department of Defense (DoD) regulations state that in order to be eligible for a performance payout under NSPS, an employee must be both employed in an NSPS position when the rating period ends on September 30 and be employed in an NSPS position on the effective date of payout. The 2008 payout effective date was January 4, 2009.

On November 23, 2008, [REDACTED] was promoted from the NSPS-covered position in Mineo, Italy, to the General Schedule (GS) position at Fort Lee, VA. This promotion resulted in [REDACTED] pay being increased by \$2,728.00.

[REDACTED] received an NSPS performance rating, since he was in an NSPS position on September 30, 2008; however, he was not employed in an NSPS position on the January payout date. Consequently, he was ineligible to receive an NSPS performance payout. When this occurs, the regulations direct that the employee receive the full General Pay Increase afforded to GS employees. On January 4, 2009, [REDACTED] received the full General Pay Increase for GS employees, as well as a locality-based increase, which totaled \$2,425.

I regret this response could not be more favorable but trust the information will assist you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

July 10, 2009

The Honorable Lisa Murkowski
United States Senator
510 L Street, Suite 550
Anchorage, AK 99501-1956

Dear Senator Murkowski:

This responds to your recent inquiry on behalf of your constituent, [REDACTED], a former employee at the Area Anchorage Commissary, regarding his employment and service computation date.

I am pleased to report that [REDACTED] will resign in lieu of being terminated. Also, a review was completed of his service computation date and appropriate adjustments were made. Corrected Standard Forms 50 will be provided to him.

Thank you for your continued support of the Defense Commissary Agency.

Sincerely,

John M. Maffei
John T. Maffei
Inspector General
Deputy IG for



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

June 4, 2009

The Honorable John Carter
Member of Congress
One Financial Centre
1717 N IH-35 Suite 303
Round Rock, TX 78664-2901

Dear Representative Carter:

This responds to your recent letter to the Army Office of Legislative Liaison on behalf of your constituent, [REDACTED] an employee of the Fort Hood II Commissary. Your letter was referred to this Agency for response.

As noted in the Agency's previous correspondence to you, the Reduction-in-Force was a result of the award of contracts to perform certain functions in the Fort Hood I and Fort Hood II Commissaries. All temporary and term employees were separated.

The claim made by [REDACTED] that there was an agreement to place him in a permanent position is incorrect. The e-mails provided by [REDACTED] indicates he was informed by the personnel staff that his reassignment from [REDACTED] Commissary to the [REDACTED] was a term appointment, but that he "could" be noncompetitively converted to a permanent appointment if any should become open. [REDACTED] requested the reassignment to the term position at the [REDACTED] from a permanent position at the [REDACTED] Commissary. He was counseled regarding the nature of the term appointment prior to the processing of the reassignment action.

I regret that this response could not be more favorable but trust that this information will assist you in responding to [REDACTED]

Sincerely,

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

June 18, 2009

The Honorable Daniel K. Akaka
United States Senator
P. O. Box 50144
Honolulu, HI 96850-5544

Dear Senator Akaka:

This responds to your letter concerning your constituent, [REDACTED] an employee of the Defense Commissary Agency (DeCA) at Marine Base Kaneohe Bay, Hawaii.

[REDACTED] formal complaint of discrimination is still pending and is currently being investigated by the Agency. I am forwarding [REDACTED] letter of May 19, 2009, that further defines her current complaint of discrimination to the investigator, to ensure [REDACTED] concerns are captured in the investigation of her formal complaint. Because [REDACTED] complaint is under investigation, it would not be appropriate for the Agency to discuss those matters outside of the formal Federal discrimination complaint process. When the investigator assigned to the case contacts [REDACTED] she will have the additional opportunity to clarify her allegations. At the conclusion of the investigation, [REDACTED] will be provided with a report of investigation. She will be advised of her right to request a complete-the-record hearing before an Equal Employment Opportunity Commission administrative judge or to request a final agency decision from DeCA.

I trust the information above assists you in responding to [REDACTED]

Sincerely,

John M. Williams Deputy
John T. Maffei for
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

March 31, 2009

The Honorable Daniel K. Akaka
United States Senator
P. O. Box 50144
Honolulu, HI 96850-5544

Dear Senator Akaka:

This responds to your letter dated February 11, 2009, regarding your constituent, [REDACTED] an employee of the Defense Commissary Agency (DeCA) at Kaneohe Marine Base, Hawaii. [REDACTED] wrote concerning a promotion within the store.

Subsequent to [REDACTED] letter to you, she contacted the DeCA Headquarters, Equal Employment Opportunity (EEO) Office regarding similar allegations. She has completed the informal pre-complaint counseling process under the Federal EEO complaint procedures and the EEO Office has sent her a Notice of Right to File a Discrimination Complaint. [REDACTED] also has a current EEO complaint before the EEOC's Office of Federal Operations on appeal of a Final Agency Decision finding no illegal discrimination in a prior EEO complaint that contains similar allegations of illegal discrimination.

Because [REDACTED] is exercising her rights of resolving her concerns as noted above, it would not be appropriate for the agency to discuss the substance of those matters outside of the formal Federal EEO complaint process at this time. I can assure you that all of [REDACTED] entitlements would be honored and preserved under these proceedings.

I trust the information above assists you in responding to [REDACTED] inquiry.

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

March 25, 2009

The Honorable Daniel K. Akaka
United States Senator
P. O. Box 50144
Honolulu, HI 96850-5544

Dear Senator Akaka:

This responds to your recent letter on behalf of your constituent, [REDACTED], concerning the Guard/Reserve On-Site Sale held in American Samoa.

To be more responsive to the needs of our military to include Guard and Reserve personnel and with a request from the 9th Mission Support Command stationed in Pago Pago, American Samoa, the zone manager and two of his commissary managers traveled to the Guard/Reserve On-Site Sale last August to participate in and assist with the set up of this first event sale. As the senior manager for the zone, his presence is required to ensure that proper protocols are followed and that the local command becomes acquainted with the on-site sales program and what we offer.

Another on-site sale will take place in April 2009. Since there are new commanders located in Pago Pago, the zone manager, again as the senior DeCA manager, will attend to meet the new commanders and to establish rapport with the military personnel who will be assisting the commissary personnel with executing the sale. In addition, the DeCA team will be responsible for coordinating ordering, arranging and resolving logistical and transportation issues and providing customer assistance during the sale.

When a complaint is received through our Fraud, Waste & Abuse hotline, contact information is requested from all complainants, however, complainants may remain anonymous if they so desire. If they choose anonymity, they are reminded that without any contact information we cannot respond back to them. It is the policy of Inspectors General that complainants' identities be protected unless otherwise required by law to be released. Your constituent called this office again on February 9, 2009, and spoke with a different person who assured her that her identity had not and would not be released to anyone outside this IG office.

I trust the information provided above assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in cursive script, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
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Office of the Inspector General

September 30, 2009

The Honorable Daniel K. Akaka
United States Senator
P. O. Box 50144
Honolulu, HI 96850-5544

Dear Senator Akaka:

This responds to your letter on behalf of [REDACTED] a former employee of the Defense Commissary Agency (DeCA) at the Schofield Barracks Commissary. [REDACTED] requested that she be granted interim relief while DeCA appealed the decision of an Equal Employment Opportunity Commission (EEOC) Administrative Law Judge.

DeCA stated its position regarding interim relief for [REDACTED] in its December 31, 2008, appeal of the initial decision in the EEOC complaint filed by [REDACTED]. Copies of the Agency appeal and all related pleadings have been provided to [REDACTED] and her attorney. The matter is currently still pending appeal before the EEOC, Office of Federal Operations. Because this matter is currently under consideration by the Commission, it would be inappropriate for the Agency to make further comment.

I trust the information above assists you in responding to [REDACTED]

Sincerely,

John M. Williams
John T. Maffei Deputy IG
Inspector General for



DEFENSE COMMISSARY AGENCY
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Office of the Inspector General

September 9, 2008

The Honorable Rob Wittman
Member of Congress
4904-B George Washington Memorial Highway
Yorktown, VA 23692-2769

Dear Representative Wittman:

This responds to your recent letter on behalf of your constituent, [REDACTED], requesting careful reconsideration of her denial for Eligibility for Access to Classified Information and/or Occupancy of a Sensitive Position.

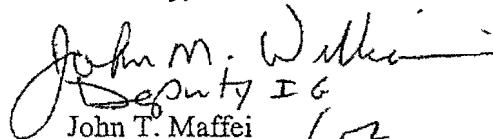
As stated in a letter from the Washington Headquarters Services (WHS), dated May 7, 2008, because [REDACTED] did not meet the time requirements, her eligibility for access to classified information and/or occupancy of a sensitive position was denied. They also stated that the decision was final and was not subject to further appeal. The Defense Commissary Agency does not have the authority to overturn a Consolidated Adjudications Facility adjudicative decision.

Questions concerning the WHS's final decision should be sent to the following address:

Department of Defense
Washington Headquarters Services
Attention: Consolidated Adjudications Facility
1165 Defense Pentagon
Washington, DC 20301-1155.

I trust the information above assists you in responding to [REDACTED]

Sincerely,


Deputy IG
John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
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Office of the Inspector General

August 25, 2008

The Honorable Rob Wittman
Member of Congress
4904-B George Washington Memorial Highway
Yorktown, VA 23692-2769

Dear Representative Wittman:

This responds to your recent inquiry on behalf of your constituent, [REDACTED], an employee at the Langley Air Force Base (AFB) Commissary concerning her employment.

The Washington Headquarters Services, Consolidated Adjudications Facility (WHS CAF), is the personnel security authority which adjudicated the background investigation and provided due process to [REDACTED].

On October 22, 2007, a Statement of Reasons (SOR) letter was mailed via FEDEX to [REDACTED] by our Personnel Security Specialist. [REDACTED] chose to request an extension of time to respond and was granted the 60 days allowed by the Agency. The SOR letter specifically states "If your response is not received by your Agency Security Director within the specified time frame, our tentative determination will become final and you forfeit all appeal rights."

Upon failure to respond to the SOR letter dated September 21, 2007, the WHS CAF issued a May 7, 2008, Letter of Denial (LOD) of Eligibility for Access to Classified Information and/or Occupancy of a Sensitive Position. [REDACTED] appeal rights were forfeited when she failed to respond to the SOR within the specified time frame.

I regret this response could not be more favorable but trust the information provided assists you in responding to [REDACTED].

Signature

A handwritten signature in black ink, appearing to read "John T. Maffei", written over a horizontal line.

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
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Office of the Inspector General

November 24, 2008

The Honorable Sanford D. Bishop, Jr.
Member of Congress
18th Ninth Street, Suite 201
Columbus, GA 31901-2778

Dear Representative Bishop:

This responds to your recent letter on behalf of your constituent, [REDACTED] concerning an on-the-job injury and leave restoration.

The Office of Workman's Compensation accepted [REDACTED] on-the-job-injury. The Agency did not receive acceptable medical documentation until January 2004; however, the Agency carried [REDACTED] in an administrative leave category, pending receipt of acceptable medical documentation. Under Federal leave and attendance rules, administrative leave is the functional equivalent of continuation of pay (COP). During that period, [REDACTED] was in a pay status, although not performing duties. Administrative leave and COP are paid at the same rate of pay and afford no additional leave entitlement.

The Defense Finance and Accounting Service (DFAS) conducted an audit of [REDACTED] time and attendance which included the time frame August - November 2005. DFAS indicates that the reason leave from 2005 was applied to 2006 is a simple case of 2005 records had already archived. Within the DFAS pay system, once the records for a particular year have been archived, they cannot be amended. Therefore, DFAS applied the difference of what would have been available at the end of 2005 to January 2006. This administrative determination did not disadvantage [REDACTED].

Each time [REDACTED] has raised concerns, her file has been reviewed and has indicated that Ms. Edmonds was afforded all entitlements due her at that time.

I trust this information assists you in responding to [REDACTED].

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
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FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

October 10, 2009

The Honorable Marsha Blackburn
Member of Congress
1850 Memorial Drive, Suite A
Clarksville, TN 27043

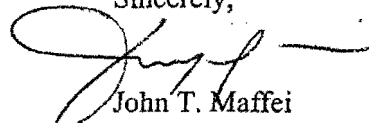
Dear Representative Blackburn:

This responds to your letter dated August 6, 2008 on behalf of your constituent [REDACTED] concerning her retirement benefits.

We have reviewed your letter and have determined that the issues addressed by your constituent fall under the purview of the Office of Personnel Management. A copy of your letter has been transferred to that office for a response.

I trust this information will assist you in responding to your constituents.

Sincerely,


John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY

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Office of the Inspector General

November 26, 2008

The Honorable Thomas R. Carper
United States Senator
2215 Federal Building
300 South New Street
Dover, DE 19904-6724

Dear Senator Carper:

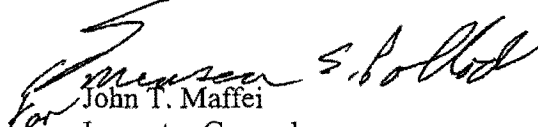
This responds to your recent inquiry on behalf of your constituent, [REDACTED] a Sales Store Checker at the Dover Air Force Base (AFB) Commissary. [REDACTED] requested reconsideration of his request for 200 hours of advanced sick and annual leave for surgery.

When deciding whether to approve advanced leave requests, several factors are considered to include the amount of annual leave that can be earned by the end of the calendar year, which indicates that the employee will be able to earn enough leave to cover the amount of requested advanced leave, and a history of an employee's leave usage. Weighing all the factors involved in [REDACTED] case, management decided to deny the request for advanced leave for [REDACTED] [REDACTED] was eligible for and was granted usage of the Family Medical and Leave Act (FMLA) for the period of his absence. Advanced leave is not an entitlement or benefit, but a management program.

Based on [REDACTED] request for reconsideration of his request for advanced leave, store management again looked at his record and again decided not to grant [REDACTED] request for advanced leave.

I regret this response could not be more favorable but trust the information provided will help with your response to [REDACTED]

Sincerely,


For John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
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Office of the Inspector General

October 20, 2008

The Honorable Jeff Miller
Representative in Congress
4300 Bayou Blvd, Suite 13
Pensacola, FL 32503-2671

Dear Representative Miller:

This responds to your recent inquiry on behalf of your constituent, [REDACTED] a patron at the Naval Air Station (NAS) Pensacola Commissary. [REDACTED] has raised concerns about the operation of the deli-bakery operation.

The deli/bakery operations in Department of Defense (DoD) commissaries are a result of Federal law, and are provided as a convenience to military members and their families. The deli/bakery contractor's objective is to provide a variety of quality products comparable to those found in commercial supermarket deli/bakery operations, while at a savings to the patron. These contracts were awarded on a competitive basis in full compliance with the Federal Acquisition Regulation. The goal of the contract is to offer an average savings of 25 percent on core items, and a patron savings as set forth in the contract on noncore items. The actual percentage of saving is determined by comparing prices on comparable items from commercial supermarkets in the local area of survey which is defined as within 10 miles of the installation's perimeter. This savings is verified by recurring market basket surveys conducted by the contractor, store management and/or the contracting officer.

Contract employees are required to undergo food safety and sanitation training. Routine (daily, weekly, and monthly) checks are conducted by the commissary appointed quality assurance evaluator. The installation Food Safety Officer also conducts regular inspections. Documentation is prepared and maintained by both offices. Problems or matters of concern are directed to the contracting officer for correction/resolution. There is no record of [REDACTED] stated observations in this area having been shared by other patrons or having been reported by Government employees responsible for enforcement of food safety and sanitation at the NAS Pensacola Commissary.

I trust this information assists you in responding to [REDACTED]. The DeCA Contracting Officer has also responded in detail to [REDACTED] inquiries.

Sincerely,

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
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Office of the Inspector General

October 14, 2008

The Honorable John Shimkus
Representative in Congress
3130 Chatham Road, Suite C
Springfield, IL 62704-5379

Dear Representative Shimkus:

This responds to your inquiry of September 25 to the Department of Defense on behalf of your constituent, [REDACTED] [REDACTED] requested assistance from you concerning her complaint of discrimination. Your letter was referred to this Agency for a response.

[REDACTED] filed a formal complaint with our Agency on July 26, 2007, alleging that she was discriminated against based on her national origin and gender. [REDACTED] complaint was investigated and a copy of the report of investigation was sent to her. After receiving the report, [REDACTED] requested a hearing before an administrative judge with the Equal Employment Opportunity Commission.

Prior to a hearing, through a process known as discovery, each party may obtain relevant information from the other party, for preparation of their case. [REDACTED] did not respond to several of the Defense Commissary Agency's (DeCA) requests for information. On July 10, 2008, the Agency moved for sanctions because of her failure to respond. The administrative judge granted the Agency's motion and dismissed [REDACTED] request for hearing. The case was returned to this Agency for issuance of a Final Agency Decision (FAD). Our records show that [REDACTED] received the FAD on August 18, 2008. The FAD included instructions regarding the process for appealing the FAD. The last day to appeal was September 17, 2008. [REDACTED] did not appeal the FAD.

I trust this information assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "J. Maffei", with a long horizontal line extending to the right.

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
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Office of the Inspector General

October 22, 2008

The Honorable Richard Shelby
United States Senate
Washington, D.C. 20510-0103

Dear Senator Shelby:

This responds to your recent letter to the Department of Defense (DoD), on behalf of your constituent, [REDACTED] regarding establishing a commissary in the Birmingham, Alabama area. Your letter was referred to this Agency for a response.

DoD commissary establishment criteria states that as a general rule commissaries are established on military installations that have an active mission and a minimum of 100 active duty personnel assigned to the base or on closed installations where active duty personnel remain in the immediate area. The Defense Commissary Agency (DeCA) does not have the authority to establish commissaries. The appropriate Military Department must endorse establishment of a commissary to the DeCA, Board of Directors (BoD), which advises the Principal Deputy Under Secretary of Defense for Personnel & Readiness (PDUSD(P&R)) on the prudent operation of the commissary system. That Board evaluates this data in accordance with the commissary establishment criteria and provides a recommendation to the PDUSD(P&R). The PDUSD(P&R) is the final decision authority on whether or not a new commissary will be established.

I trust this information assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
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Office of the Inspector General

October 31, 2009

The Honorable Bud Cramer
Representative in Congress
100 Pratt Avenue, NE
Suite A
Huntsville, AL 35801

Dear Representative Cramer:

This responds to your recent inquiry on behalf of your constituent, [REDACTED] an employee of the Redstone Arsenal Commissary. Because of an existing medical condition, [REDACTED] is requesting that management at the Redstone Arsenal Commissary accommodate him with a specific work schedule.

During a meeting on September 21 between management and [REDACTED] he requested to work Tuesday thru Friday, from 2:00 PM. to 7:00 PM and Saturday from 4:00 PM to 8:00 PM. Management has agreed to accommodate [REDACTED] with the requested schedule.

I trust the information provided above assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
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Office of the Inspector General

November 3, 2008

The Honorable Madeleine Z. Bordallo
Delegate in Congress
120 Father Duenas Avenue
Suite 107
Hagatna, Guam 96910

Dear Delegate Bordallo:

This responds to your letter of September 24, 2008, to the Department of Defense on behalf of your constituent, [REDACTED] President of Rainmaker Development Inc., concerning his offer to provide a bottled water service to commissaries on Guam.

The Defense Commissary Agency (DeCA) is authorized by statute, 10 U.S.C. §2484(b) to sell only specific merchandise. [REDACTED] is offering a service that involves filtering water obtained from the installation. DeCA is authorized to procure and sell brand name commercial items without competition that are regularly sold in the commercial market place under the same brand name they will be sold in the commissary. [REDACTED] service does not meet the statutory criteria that DeCA must use to determine whether to accept a product or not and was so informed.

Copies of our two letters dated March 14, 2008, and May 5, 2008, responding to [REDACTED] proposal and explaining the statutory basis upon which DeCA operates and the reason DeCA cannot accept his offer to provide a bottled water service were e-mailed to your office in Guam.

I trust the information provided above assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY

HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

March 14, 2008

The Honorable Madeleine Z. Bordallo
Member of Congress
427 Cannon House Office Building
Washington, DC 20515-1188

Dear Representative Bordallo:

This responds to your recent letter on behalf of your constituent, [REDACTED] doing business as Rainmaker Development Inc., in Guam, who proposed the placement of water filtration stations in the Andersen Air Force Base (AFB) Commissary.

Title 10 U.S.C. § 2304(c)(6), authorizes the Defense Commissary Agency (DeCA) to procure for resale brand name commercial items as an exception to the requirement for full and open competition in procuring goods and services for the government. Further, 10 U.S.C. § 2484 (f) specifies that the exception provided by 10 U.S.C. § 2304(c)(6) may not be used unless the brand name commercial item is regularly sold outside of commissary stores under the same brand name as the name by which the commercial item will be sold in the commissary. In determining whether a brand name commercial item is regularly sold outside the commissary the Secretary shall consider only sales of the item on a regional or national basis by commercial grocery or other retail operations consisting of multiple stores. The proposal offered by [REDACTED] constitutes a service, rather than an offer for the resale of a brand name commercial item. His proposal does not meet the definitions set forth in the above cited statutes to qualify as a brand name commercial item for resale in the commissary and was disapproved. This statutory limitation on the operations of the Defense Commissary Agency was communicated to [REDACTED] by Category Manager Alan Flowers during [REDACTED] appointment at DeCA's Marketing Business Unit at Fort Lee, Virginia, on September 26, 2007.

I trust this information assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei", written over a horizontal line.

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
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FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

May 5, 2008

The Honorable Madeleine Z. Bordallo
Member of Congress
427 Cannon House Office Building
Washington, DC 20515-1188

Dear Representative Bordallo:

This responds to your letter dated April 22, 2008, on behalf of your constituent, [REDACTED] regarding his company's services of providing water filtration units.

The Defense Commissary Agency is specifically authorized to sell merchandise that falls within a list contained in Federal law. [REDACTED] is offering a service that involves filtering water obtained from the installation. DeCA is only authorized to procure and sell brand name commercial items without competition that are sold in the commercial market place under the same brand name they will be sold in the commissary. [REDACTED] service does not meet the criteria for consideration by DeCA. DeCA is not authorized to accept his offer.

There are military activities that are authorized to consider [REDACTED] proposal. They are the Army Air Force Exchange Service located in Dallas, Texas; the Navy Exchange Command located in Virginia Beach, Virginia; the Navy Morale Welfare and Recreation Division located in Millington, Tennessee, the Air Forces Services Division located in San Antonio, Texas, as well the managers of these various activities on Guam. These activities are all authorized to enter into a concession contract with [REDACTED] for his service while DeCA is not.

I trust this information assists you in responding to [REDACTED]

Sincerely,

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
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FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

November 13, 2008

The Honorable Steve Buyer
Member of Congress
148 North Perry Road
Plainfield, IN 46168-9025

Dear Representative Buyer:

This responds to your recent inquiry to the Assistant Secretary of Defense for Legislative Affairs on behalf of your constituent, [REDACTED] a former applicant for employment with this Agency at our Harrison Village Commissary. Your letter was referred to this Agency for a response.

A supervisory store associate position was announced twice during August 11 and September 9, using external recruitment procedures. The position qualifications announced were: (1) one year of specialized experience equivalent to at least the next lower pay band or equivalent General Schedule or other pay system; and (2) a bachelor's or higher degree. The qualification requirements for this position were clearly stated on the announcements.

The resume [REDACTED] submitted for the first job announcement did not include the number of hours worked per week for any period of employment listed; nor did it show any specialized experience or meet the education requirements.

[REDACTED] applied for the part-time job announcement via fax. On September 18, he spoke with a member of the Human Resources Office (HRO) about his application. At that point his application was not showing up in the automated system even though he said he had faxed it prior to the closing date. The matter was elevated to the HRO supervisor. It was determined that [REDACTED] had not used the required Office of Personnel Management fax cover sheet resulting in his information being sent to the mismatched documentation section. The HRO supervisor personally reviewed all documents submitted by [REDACTED] and found his resume did not reflect that he possessed the required specialized experience or a bachelor's degree. Therefore, [REDACTED] was determined to be ineligible for this position. On September 19, the supervisor personally spoke with [REDACTED] and explained why he was rated ineligible for this position.

I regret this response could not be more favorable but trust this information will assist you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

October 28, 2008

The Honorable Dave Weldon
Member of Congress
2725 Judge Fran Jamieson Way
Building C
Melbourne, FL 32940-6605

Dear Representative Weldon:

This responds to your recent request to [REDACTED] 45th Space Wing Inspector General, on behalf of your constituent, [REDACTED] of Arista Fruit Company, regarding the recent award of the Defense Commissary Agency (DeCA) contract for fresh fruit and vegetables (FF&V) at the Patrick Air Force Base (AFB) Commissary. Your letter was referred to this Agency for a response.

In the past, FF&V for our 254 commissaries worldwide had been acquired through a cooperative arrangement with another Federal agency, that being the Defense Supply Center – Philadelphia (DSC-P). Beginning in 2005, due largely to product quality and pricing issues, DeCA began exploring alternative business models to provide this essential product to our facilities. After reviewing the business cases prepared by both DSC-P and DeCA, the Department of Defense made the decision to permit DeCA to assume responsibility for contracting for its resale fresh fruit and vegetables rather than continuing to use DSC-P as its agent.

The DeCA business model maintains a 100 percent set-aside commitment for small business participation, something that was not available under the previous processes. Other enhancements realized under the new business model are web-based ordering directly from the commissary to the small business supplier, while applying the United States Department of Agriculture (USDA) standards for quality and prompt payment of suppliers. In addition, our patrons have enjoyed both improved product quality and lower prices. It should be noted that since the initiation of performance under this contract, DeCA has experienced a 9.4 percent increase in overall produce sales. Our communications with industry – in particular small business concerns – confirm that they are ecstatic about business opportunities that were not previously available under the prior business model.

The particular award that [REDACTED] addresses in his correspondence was completed on August 22, 2006, to a small business concern by the name of Military Produce Group, located in Norfolk, Virginia. The opportunity was properly advertised in accordance with the requirements of the Federal Acquisition Regulation, to include a public announcement and listing on the www.FedBizOpps.gov website. In response, the Agency received a total of 17 proposals, from which the awardee was selected.

Because our contractors are encouraged to use local suppliers to service our store locations, Arista Fruit Company is invited to contact the small business firm that is presently contracted to provide FF&V to this store location the Patrick AFB Commissary. Assuming an agreement can be reached between the parties, it is an opportunity for Arista Fruit Company to continue to service the patrons at that location. The contact information is as follows: Military Produce Group, 1106 Ingleside Road, Norfolk, Virginia 23502-5609.

I trust the information provided above assists you in responding to [REDACTED]

Sincerely,

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

October 22, 2008

The Honorable Bill Nelson
United States Senator
Landmark Two
225 East Robinson Street, Suite 410
Orlando, FL 32801-4326

Dear Senator Nelson:

This responds to your recent request on behalf of your constituent, [REDACTED] of Arista Fruit Company, regarding the recent award of the Defense Commissary Agency (DeCA) contract for fresh fruit and vegetables (FF&V) at the Patrick Air Force Base (AFB) Commissary.

In the past, FF&V for our 254 commissaries worldwide had been acquired through a cooperative arrangement with another Federal agency, that being the Defense Supply Center – Philadelphia (DSC-P). Beginning in 2005, due largely to product quality and pricing issues, DeCA began exploring alternative business models to provide this essential product to our facilities. After reviewing the business cases prepared by both DSC-P and DeCA, the Department of Defense made the decision to permit DeCA to assume responsibility for contracting for its resale fresh fruit and vegetables rather than continuing to use DSC-P as its agent.

The DeCA business model maintains a 100 percent set-aside commitment for small business participation, something that was not available under the previous processes. Other enhancements realized under the new business model are web-based ordering directly from the commissary to the small business supplier, while applying the United States Department of Agriculture (USDA) standards for quality and prompt payment of suppliers. In addition, our patrons have enjoyed both improved product quality and lower prices. It should be noted that since the initiation of performance under this contract, DeCA has experienced a 9.4 percent increase in overall produce sales. Our communications with industry – in particular small business concerns – confirm that they are ecstatic about business opportunities that were not previously available under the prior business model.

The particular award that [REDACTED] addresses in his correspondence was completed on August 22, 2006, to a small business concern by the name of Military Produce Group, located in Norfolk, Virginia. The opportunity was properly advertised in accordance with the requirements of the Federal Acquisition Regulation, to include a public announcement and listing on the www.FedBizOpps.gov website. In response, the Agency received a total of 17 proposals, from which the awardee was selected.

Because our contractors are encouraged to use local suppliers to service our store locations, Arista Fruit Company is invited to contact the small business firm that is presently contracted to provide FF&V to this store location the Patrick AFB Commissary. Assuming an agreement can be reached between the parties, it is an opportunity for Arista Fruit Company to continue to service the patrons at that location. The contact information is as follows: Military Produce Group, 1106 Ingleside Road, Norfolk, Virginia 23502-5609.

I trust the information provided above assists you in responding to [REDACTED]

Sincerely,

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

January 9, 2009

The Honorable Arlen Specter
United States Senator
228 Walnut Street
P. O. Box 1092
Harrisburg, PA 17108-1714

Dear Senator Specter:

This responds to your inquiry on behalf of your constituent, [REDACTED] concerning a medical bill and retirement issues.

A review of [REDACTED] workers' compensation records completed by our Human Resources Directorate indicates that she was an employee at the Defense Commissary Agency, Bremerhaufen, Germany, in January 1983. This Agency has no further information concerning her appointment. [REDACTED] medical bill was submitted to a wrong address. The doctor's office has been contacted and provided with the correct address for the Department of Labor.

A further review of [REDACTED] records shows that she was never in a retirement system. [REDACTED] should contact the U.S. Office of Personnel Management, P. O. Box 45, Boyers, PA 16017 regarding retirement issues. We are sending a copy of your inquiry and our response to the U.S. Office of Personnel Management for further action.

I trust this information assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei".

John T. Maffei
Inspector General

cc: Office of Personnel Management



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

November 4, 2008

The Honorable Robert B. Aderholt
United States Senator
247 Carl Elliott Building
Jasper, AL 35501

Dear Senator Aderholt:

This responds to your letter of September 18 on behalf of your constituent, [REDACTED] regarding the Columbus Air Force Base Commissary.

We are pleased to inform you that the process to add frozen purple hull peas and speckle butter beans to the stock assortment has been initiated and that the product should be available within a few weeks. If [REDACTED] has further concerns about the status of the above products, he may contact [REDACTED] Category Manager, at 804-734-8000 extension 48255.

I trust this information will assist you in responding to [REDACTED]

Sincerely,

A handwritten signature in cursive script, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

November 26, 2008

Honorable Bob Filner
Member of Congress
333 F Street, Suite A
Chula Vista, CA 91910-2669

Dear Representative Filner:

This responds to your recent inquiry on behalf of your constituent, [REDACTED] concerning his formal complaint.

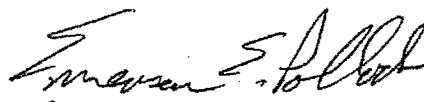
[REDACTED] contacted the Agency's Equal Employment Opportunity Office on May 8, 2008, alleging that he had been discriminated against based on his race regarding his demotion from the [REDACTED] position at the [REDACTED] Commissary to a [REDACTED] position at the [REDACTED] California, commissary. [REDACTED] filed a formal complaint of discrimination on June 2, 2008. The Department of Defense is currently investigating [REDACTED] complaint. I expect completion of the investigation in the near future.

Once the investigation of [REDACTED] complaint is complete, he will be provided a copy of the report of investigation and given the option of selecting either an immediate Final Agency Decision on the merits of his case, or a complete-the-record hearing before an Equal Employment Opportunity Commission Administrative Law Judge. If [REDACTED] has questions about these options, he may call the Agency's Equal Employment Opportunity office at (877) 435-7336 for assistance.

It would be inappropriate for us to address the issues [REDACTED] raises outside of the formal EEO investigation process. I assure you [REDACTED] complaint is being appropriately processed, and that he will receive a report on the investigation as soon as possible.

I trust the above information assists you in responding to [REDACTED]

Sincerely,


For John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

December 9, 2008

The Honorable Barack Obama
United States Senate
Washington, DC 20510-1306

Dear Senator Obama:

This responds to your recent letter to the Assistant Secretary of Defense for Legislative Affairs on behalf of your constituent, [REDACTED] regarding government employees of the Defense Commissary Agency (DeCA). Your inquiry was forwarded to this Agency for a response.

The U.S. Office of Personnel Management (USOPM) establishes the guidelines and requirements for the protection of national security for the entire Federal civil service. The suitability requirements promulgated by USOPM that are applicable to DeCA also affect the entire civil service.

Within the Department of Defense (DoD), procedures have been established for determining an individual's suitability to become or remain employed in national security sensitive positions with the Federal government. Although DeCA is not the responsible agency within DoD to adjudicate a person's suitability to hold a sensitive position, it has been our practical experience that a finding of unsuitability by DoD is rarely, if ever, based solely on a "poor credit score or a previously filed bankruptcy." Additionally, only the DoD Washington Headquarters Services, Combined Adjudication Facility, the entity responsible for the national security vetting of employees within DoD, and the employee, are aware of the specific issues upon which the suitability determination was made. The employing agency receives a notice of the final decision on suitability and is bound by that decision. The employee's remedy regarding a negative determination of suitability is between the Adjudication Facility and the employee. Employees are given pre-decisional due process in the form of an opportunity to explain, refute or mitigate their particular financial or other situation. Additionally, procedures are in place to provide employees an opportunity to appeal any unfavorable determinations. Employees found ineligible to occupy a sensitive position cannot continue to hold that position. They must either be reassigned to a non-sensitive position, or be terminated from employment. This is a DoD-wide requirement.

I trust this information will assist you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John Maffei", with a long horizontal flourish extending to the right.

John Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

October 7, 2009

The Honorable Nick J. Rahall, II
Member of Congress
Huntington District Office
845 Fifth Avenue Ste 152
Huntington, WV 25701-2086

Dear Representative Rahall:

This responds to your letter of September 21, 2009, concerning establishing a commissary in Huntington or Charleston, West Virginia.

Requests for the establishment of commissaries must be initiated by the sponsoring military installation and be staffed through the official channels of the Military Service. If the Military Service supports the request, the Service sends an endorsement to the Defense Commissary Agency (DeCA) Board of Directors, an advisory group of senior Military Service and civilian officials. The DeCA Board may recommend requests for commissary establishment to the Principal Deputy Under Secretary of Defense for Personnel & Readiness, the decision authority. DeCA does not have the authority to establish commissaries.

I appreciate your interest in this matter and your continued support of the commissary system.

Sincerely,

John M. Williams
Deputy IG
John T. Maffei
Inspector General *JM*



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

October 9 2009

The Honorable David Scott
Member of Congress
173 North Main Street
Jonesboro, GA 30236-3567

Dear Representative Scott:

This responds to your recent inquiry concerning the complaint of [REDACTED] an employee of the Defense Commissary Agency (DeCA) at Fort Gillem, Georgia. [REDACTED] is requesting that her performance appraisal be changed.

Performance awards for DeCA employees are rated Outstanding, Excellent, Fully Successful or lower. The records of [REDACTED] revealed that she received a Fully Successful, which is considered a good rating.

[REDACTED] filed an informal Equal Employment Opportunity (EEO) discrimination complaint regarding her performance rating. She agreed to participate in an Alternate Dispute Resolution attempt and mediation was conducted on October 1, 2009. The mediation was unsuccessful, however, so the informal EEO complaint was processed in accordance with Equal Employment Opportunity Commission time lines. [REDACTED] has been provided her right to file a formal EEO complaint if that is her desire.

I trust this information assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

October 29, 2009

The Honorable Marcy Kaptur
United States House of Representatives
Washington, DC 20515-3509

Dear Representative Kaptur:

This responds to your recent inquiry to the Department of the Army on behalf of your constituent, [REDACTED] Director of National Accounts, NSS Enterprises Inc., concerning Defense Commissary Agency (DeCA) contracts for floor cleaning equipment. Your letter was referred to this Agency for a response.

The Agency properly awarded the contracts in question and followed all applicable laws and regulations in doing so. The evaluation criteria for award of the items requested under the solicitation were (1) technically acceptable; and, (2) low price by contract line item (CLIN). A small business set aside requires that the end item must be manufactured by a domestic small business; the Buy America Act is not applicable to this solicitation.

On July 13, 2009, NSS was advised that they were the successful offeror for CLIN 0004 and 0006 of the 7 line items on the solicitation. On July 24, 2009, by phone, [REDACTED] and NSS employees were provided a detailed post award debriefing. The Contracting Officer responded to their questions concerning the solicitation and award process.

On July 28, 2009, an unsuccessful offeror filed an Agency-level bid protest contending that the award to NSS for CLIN 0004 was improper. As a result of this protest, NSS Enterprises' contract was modified to remove CLIN 0004, an upright vacuum cleaner, because it was determined that NSS proposed to supply a vacuum cleaner manufactured by a large business as opposed to one manufactured by a small business as required under the Small Business Administration's set aside rules.

I regret this response could not be more favorable but trust the information assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY

HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

June 17, 2008

The Honorable Richard J. Durbin
United States Senator
Washington, DC 20510-1304

Dear Senator Durbin:

This responds to your recent letter to the Department of Defense, on behalf of your constituent, [REDACTED] President/CEO, Reggio's Pizza, Inc., concerning his request for assistance in getting his pizza products distributed in the military commissaries. The Defense Commissary Agency (DeCA), like every grocery retailer, must maximize available shelf space. DeCA buyers make business decisions about product selection based upon customer demand as demonstrated by market share. Decisions on what products commissaries stock for sale are driven by the demands of our customers. To determine customer demand, DeCA buyers use a methodology called category management that combines detailed assessments of military customer demographics with extensive analysis of brand and item popularity within local marketing areas including both civilian and military. This approach is consistent with retail practices and has been determined by the Government Accountability Office as fair to suppliers.

Over the course of the past 10 years, DeCA and Reggio's Pizza have engaged in various communications regarding the stockage of its products. DeCA recognizes the difficulties faced by small business and allows its buyers flexibility to maximize opportunities for these companies to prove their customer demand. When current sales data, as was the case for Reggio's Pizza, does not support the selection of product during normal category management review, DeCA maintains the option to let these companies demonstrate the desirability of their products in a limited number of commissaries for a set duration. Although these types of offers were extended by DeCA on several occasions, none were accepted by [REDACTED] company.

[REDACTED] is requesting terms and conditions that are not conducive to effective category management practices and are not granted to any other manufacturer supplying DeCA. He also asked for mandatory distribution in all DeCA stores of a product with no proven market demand. The Agency cannot support this request to deviate from its established and proven procedures.

I regret this response could not be more favorable but trust the above information assists you in responding to [REDACTED]

Sincerely,

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY

HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

March 28, 2008

The Honorable Bobby L. Rush
Member of Congress
700-706 E. 79th Street
Chicago, IL 60619-3102

Dear Representative Rush:

This responds to your recent inquiry on behalf of your constituent, [REDACTED] President/CEO, Reggio's Pizza, Inc.

[REDACTED] would like to receive national mandatory distribution with the Defense Commissary Agency. A decision on this matter will be rendered at the conclusion of the current ongoing category review.

DeCA buyers make business decisions based upon customer demand as demonstrated by market share. Stockage decisions for commissaries are driven by the demands of our customers. Category management combines a detailed assessment of military customer demographics with an extensive analysis of brand and item popularity within the local marketing area, both civilian and military. If [REDACTED] has further concerns about adding his products in commissaries, he may contact [REDACTED] Category Manager, at 804-734-8255.

I trust this information assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

May 28, 2008

The Honorable Danny K. Davis
Member of Congress
2159 Rayburn HOB
Washington, DC 20515

Dear Representative Davis:

This responds to your recent e-mail regarding Reggio's Pizza and the Defense Commissary Agency (DeCA). DeCA, like every grocery retailer, must maximize available shelf space. DeCA buyers make business decisions about product selection based upon customer demand as demonstrated by market share. Decisions on what products commissaries stock for sale are driven by the demands of our customers. To determine customer demand, DeCA buyers use a methodology called category management that combines detailed assessments of military customer demographics with extensive analysis of brand and item popularity within local marketing areas including both civilian and military. This approach is consistent with retail practices and has been determined by the Government Accountability Office as fair to suppliers.

Over the course of the past 10 years, DeCA and Reggio's Pizza have engaged in various communications regarding the stockage of its products. DeCA recognizes the difficulties faced by small business and allows its buyers flexibility to maximize opportunities for these companies to prove their customer demand. When current sales data, as was the case for Reggio's Pizza, does not support the selection of product during normal category management review, DeCA maintains the option to let these companies demonstrate the desirability of their products in a limited number of commissaries for a set duration. Although these types of offers were extended by DeCA on several occasions, none were accepted by Reggio's Pizza.

Reggio's Pizza is requesting terms and conditions that are not conducive to effective category management practices and are not granted to any other manufacturer supplying DeCA. Reggio's Pizza asked for mandatory distribution in all DeCA stores of a product with no proven market demand. The Agency cannot support this request to deviate from its established and proven procedures.

I regret this response could not be more favorable but trust the above information has addressed all of your concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

January 8, 2009

The Honorable Ileana Ros-Lehtinen
Representative in Congress
8660 W Flagler Street, Suite 131
Miami, FL 33144-2035

Dear Representative Ros-Lehtinen:

This responds to your recent inquiry to the Assistant Secretary of Defense on behalf of your constituent, [REDACTED] a former employee at the Naval Air Station (NAS) Key West Commissary. Your letter was referred to this Agency for a response.

[REDACTED] was appointed on a temporary basis for a year at the NAS Key West Commissary on December 11, 2007, with an expiration date of December 10, 2008. At that time, the store was experiencing staffing shortages. Presently, the Commissary is overstaffed; therefore, [REDACTED] temporary appointment was allowed to expire.

[REDACTED] has exercised her right to address her sexual harassment issue through the Equal Employment Opportunity (EEO) process. Since she has decided to pursue the matter using this means, it would be inappropriate for me to address her specific concerns with you at this time. Please be assured that [REDACTED] will be given a fair and impartial review of her concerns through the EEO process.

I trust this information assist you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "J. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY

HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

REPLY TO
ATTENTION OF

Office of the Inspector General

February 5, 2009

The Honorable Robert P. Casey, Jr.
United States Senator
22 South Third Street
Suite 6-A
Harrisburg, PA 17101-2105

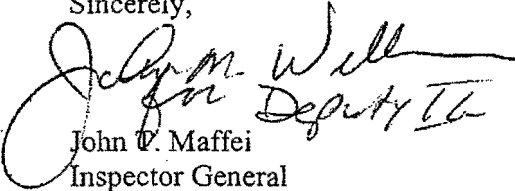
Dear Senator Casey:

This responds to your recent inquiry to the Acting Assistant Secretary of Defense for Legislative Affairs on behalf of your constituent [REDACTED] [REDACTED] requested your assistance in obtaining Alternative Dispute Resolution (ADR) in an attempt to resolve her complaint. Your letter was referred to this Agency for a response.

Arrangements are being made to secure the services of a mediator from the Investigations and Resolutions Division (IRD). [REDACTED] Store Director at the Carlisle Barracks Commissary, has agreed to participate in the ADR session. [REDACTED] [REDACTED] has been informed about the arrangements and will be available to participate when they are finalized. Once a mediator has been assigned to this case, [REDACTED] and [REDACTED] will be notified of the time and location of the mediation session.

I trust this information assists you in responding to [REDACTED]

Sincerely,


John V. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

February 11, 2009

The Honorable Madeleine Z. Bordallo
Delegate in Congress
120 Father Duenas Avenue
Suite 107
Hagatna, Guam 96910

Dear Delegate Bordallo:

This responds to your recent inquiry on behalf of your constituent [REDACTED] [REDACTED] requested your assistance in obtaining Equal Employment Opportunity (EEO) counseling regarding his removal from employment with the Defense Commissary Agency. [REDACTED] employment with the Agency ended on June 14, 2006.

In 2008, [REDACTED] requested EEO counseling. The Agency mailed him an intake package on November 10, 2008. [REDACTED] did not return the intake package; it was submitted with your inquiry.

We will initiate counseling with [REDACTED] in the near future. At the completion of counseling, [REDACTED] will be provided a notice of right to file a discrimination complaint. Equal Employment Opportunity Commission regulations require Federal agencies to dismiss complaints under certain circumstances. For example, under the regulation, a complaint must be dismissed by an agency where the complainant fails to contact an EEO Counselor within 45 days of the alleged discriminatory incident. The Agency will review [REDACTED] submission for acceptance upon receipt.

I trust the above information assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei", is written over a horizontal line.

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

February 26, 2009

The Honorable Byron L. Dorgan
United States Senator
100 1st Street SW, Room 105
Minot, ND 58701-3846

Dear Senator Dorgan:

This responds to your recent inquiry regarding the Minot Air Force Base (AFB) Commissary Meat Department.

Under the provisions of Defense Commissary Agency Directive 30-17, paragraph 12-9 b (6), use of box cutters in the meat processing room, packaged meat holding rooms, and in the area behind the meat display case is prohibited for safety reasons. Meat saws, on the other hand, are among the standard implements used to process uncut portions of beef into case-ready products.

I trust this information responds to your concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

February 26, 2009

The Honorable Kent Conrad
United States Senator
100 1st Street SW, Room 105
Minot, ND 58701-3846

Dear Senator Conrad:

This responds to your recent inquiry regarding the Minot Air Force Base (AFB) Commissary Meat Department.

Under the provisions of Defense Commissary Agency Directive 30-17, paragraph 12-9 b (6), use of box cutters in the meat processing room, packaged meat holding rooms, and in the area behind the meat display case is prohibited for safety reasons. Meat saws, on the other hand, are among the standard implements used to process uncut portions of beef into case-ready products.

I trust this information responds to your concerns.

Sincerely,

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
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FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

March 5, 2009

The Honorable Jim Webb
United States Senator
222 Central Park Avenue, Suite 120
Virginia Beach, VA 23462-3023

Dear Senator Webb:

This responds to your recent inquiry to the Acting Assistant Secretary of Defense for Legislative Affairs on behalf of your constituent, [REDACTED] regarding commissary and exchange privileges for honorably discharged veterans with less than 100 percent disability. Your letter was referred to this Agency for a response.

Commissary and exchange benefits are an integral part of the military compensation and benefits package that is designed to recruit and retain professional, ready Armed Forces. The Department of Defense (DoD) and Congress have exercised close scrutiny over patronage of commissaries and exchanges to ensure their continued effectiveness. Presently, commissary and exchange shopping privileges are authorized to active military members, military retirees, members of the Guard and Reserve, and their respective families, Medal of Honor recipients, honorably discharged veterans with a 100 percent Service-connected disability and certain categories of United States civilian employees of the Department of Defense.

When evaluating proposals to extend commissary and exchange benefits to new groups, Congress and the DoD have attempted to balance the needs of potential beneficiaries with the overall impact on the system. We are grateful for the service of all of our veterans, but broader access to commissary and exchange facilities would dilute the effectiveness of providing military compensation in this fashion.

I trust that this information proves helpful in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

April 7, 2009

The Honorable Daniel K. Akaka
United States Senator
P. O. Box 50144
Honolulu, HI 96850-5544

Dear Senator Akaka:

This responds to your recent inquiry to the Acting Assistant Secretary of Defense for Legislative Affairs on behalf of your constituent, [REDACTED] concerning alleged discrimination against him for employment. Your letter was referred to this Agency for response.

[REDACTED] has attempted to apply for several positions located in the Defense Commissary Agency (DeCA) stores located in Hawaii; however, he has not been considered because he was outside the area of consideration. Because the Agency had determined that adequate competition was present within the ranks of current agency employees, the vacancies [REDACTED] applied for were made available only to current, permanent or competitive service DeCA employees in the commissaries on the Island of Oahu. Since [REDACTED] is not a current employee of DeCA, he was not within the area of consideration. In accordance with Merit System Principles, section 2301, Title 5 United States Code, managers have the right to determine the method by which vacant positions are filled. Current DeCA policy states that the minimum area of consideration will be the organizational or geographic area expected to provide at least three highly qualified candidates and which will assist in efforts to fulfill affirmative employment program goals established by law, regulation or DeCA policy. Management frequently requests to announce positions in commissary management or positions with upward mobility internally to current, permanent employees to provide opportunities for advancement within the Agency's workforce. Since there are five commissaries located in Hawaii, generally this area of consideration provides a sufficient number of qualified candidates. Although [REDACTED] indicates he was formerly a non-appropriated fund employee, he is not eligible for reinstatement because he was not on a career or career-conditional appointment in the competitive service.

If [REDACTED] wishes to be considered for future employment with the Defense Commissary Agency, he should apply for those Agency vacancies that are open to all U.S. citizens. If he has questions regarding current vacancies in Hawaii, he may contact the Defense Logistics Agency, Human Resources Team for DeCA, 614-692-0243.

I trust the information provided assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei", with a horizontal line extending to the right.

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY

HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

December 8, 2008

The Honorable Daniel K. Inouye
United States Senator
Prince Kuhio Federal Building
300 Ala Moana Boulevard, Room 7-212
Honolulu, HI 96850-4975

Dear Senator Inouye:

This responds to your recent letter on behalf of your constituent, [REDACTED] regarding employment with this Agency at our Hawaii commissaries.

[REDACTED] has attempted to apply for several positions located in the Defense Commissary Agency (DeCA) stores located in Hawaii; however, he has not been considered because he was outside the area of consideration. Because the Agency had determined that adequate competition was present within the ranks of current agency employees, the vacancies [REDACTED] applied for were made available only to current, permanent or competitive service DeCA employees in the commissaries on the Island of Oahu. Since [REDACTED] is not a current employee of DeCA, he was not within the area of consideration. In accordance with Merit System Principles, section 2301, Title 5 United States Code, managers have the right to determine the method by which vacant positions are filled. Current DeCA policy states that the minimum area of consideration will be the organizational or geographic area expected to provide at least three highly qualified candidates and which will assist in efforts to fulfill affirmative employment program goals established by law, regulation or DeCA policy. Management frequently requests to announce positions in commissary management or positions with upward mobility internally to current, permanent employees to provide opportunities for advancement within the Agency's workforce. Since there are five commissaries located in Hawaii, generally this area of consideration provides a sufficient number of qualified candidates. Although [REDACTED] indicates he was formerly a non-appropriated fund employee, he is not eligible for reinstatement because he was not on a career or career-conditional appointment in the competitive service.

If [REDACTED] wishes to be considered for future employment with the Defense Commissary Agency, he should apply for those Agency vacancies that are open to all U.S. citizens. If he has questions regarding current vacancies in Hawaii, he may contact the Defense Logistics Agency, Human Resources Team for DeCA, 614-692-0243.

I trust the information provided assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

April 14, 2009

The Honorable Benjamin L. Cardin
United States Senator
Tower 1 Suite 1710
100 S Charles Street
Baltimore, MD 21201-2788

Dear Senator Cardin:

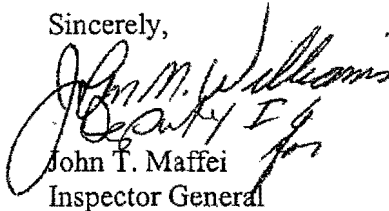
This responds to your recent letter to the Department of the Army on behalf of your constituent, [REDACTED], regarding subcontractor payments.

The Defense Commissary Agency (DeCA) used the General Services Administration (GSA) to provide contracting support for this service. Your letter is being transferred to [REDACTED], Contracting Officer, GSA, FAS (8Q), Denver Federal Center, Bldg 41, Room 145, P. O. Box 25526, Denver, CO 80225-0526; the cognizant contracting authority for the contract in question.

The contract in question is between F. V. Vleck Company and the prime contractor, A/C & R Services. Neither DeCA, nor the Federal Government has any privity of contract with the subcontractors used by A/C & R Services. Additionally, the government has no visibility into the terms and conditions of the relationship between the prime contractor and its subcontractors.

I trust this information assists you in responding to [REDACTED].

Sincerely,


John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

April 14, 2009

The Honorable Marsha Blackburn
Representative in Congress
1850 Memorial Drive, Suite A
Clarksville, TN 37043-4697

Dear Representative Blackburn:

This responds to your recent letter on behalf of your constituent, [REDACTED] an employee at our Fort Campbell Commissary. We received your letter on March 25. We have no record of any earlier correspondence dated December 11, 2008, forwarded from the Department of Army.

In May 2006, the Agency's Human Resources Office conducted a position classification review of the Fort Campbell Commissary Officer's position. The review resulted in the Commissary Officer's position being upgraded. The grades of the subordinate commissary management position are based upon the grade of the commissary officer; therefore, these positions were also upgraded.

The position occupied by [REDACTED] was not affected by this reclassification because she functions as a customer service/front end manager. [REDACTED] position and that of the meat department manager were evaluated by different Office of Personnel Management classification criteria due to the nature of their work. For that reason, the position classification review of the commissary officer had no impact on the grade of the other non GS-1144 management positions.

In February 2008, many of our Agency positions, including [REDACTED]'s position, were converted to the National Security Personnel System (NSPS). Under NSPS, [REDACTED] is now technically eligible for salary increases, based upon performance.

I trust this information assists you in responding to [REDACTED]

Sincerely,

John T. Maffei
John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

June 27, 2008

The Honorable Patrick J. Tiberi
Representative in Congress
3000 Corporate Exchange Drive
Suite 310
Columbus, OH 43231-7689

Dear Representative Tiberi:

This responds to your letter on behalf of your constituent, [REDACTED] an employee at our Fort Campbell Commissary. The Defense Commissary Agency acknowledges [REDACTED] excellent record of service to it and to the United States military family.

In May 2006, the Agency's Human Resources Office conducted a position classification review of the Fort Campbell Commissary Officer's position. The review resulted in the Commissary Officer's position being upgraded. The grades of the subordinate commissary management positions (GS-1144) are based upon the grade of the commissary officer; therefore, these positions were also upgraded.

The position occupied by [REDACTED] was not affected by this reclassification because she functions as a customer service/front end manager, GS-2091. [REDACTED] position and that of the meat department manager were evaluated by different Office of Personnel Management classification criteria due to the nature of their work. For that reason, the position classification review of the commissary officer had no impact on the grade of the other non GS-1144 management positions.

In February 2008, many of our Agency positions, including [REDACTED] position, were converted to the National Security Personnel System (NSPS). Under NSPS, [REDACTED] is now technically eligible for salary increases, based upon her performance.

I trust this information assists you in responding to your constituent.

Sincerely,

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

April 20, 2009

The Honorable Frank R. Wolf
Member of Congress
241 Cannon House Office Building
Washington DC 20515-4610

Dear Representative Wolf:

This responds to your recent inquiry to the Assistant Secretary of Defense for Legislative Affairs on behalf of your constituent, (b) (6) regarding the Oceana and Quantico Commissaries. Your letter was referred to this Agency for a response.

Aside from meat, produce, and deli/bakery department prices, all of which are determined locally, there should be little price variance among almost all grocery department items between two commissaries.

The DeCA Sales Directorate conducted a review of pricing at both stores to check your constituent's statement. We reviewed average pricing on over 19,000 individual items commonly sold by both stores during the most recent 26-week period. As our review matched average prices rather than "point-in-time" or actual shelf prices, there were some minor differences between the two stores. Most were attributable to the extent of volume differences on promotional items sold during the period.

In the aggregate, the 19,272 items evaluated generated \$29.6M at Quantico and \$32.1M at Oceana during the 26-week period. After adjusting Oceana's sales volume to reflect Quantico's unit volume, we computed a slightly higher cost at Quantico (\$52.5K higher or roughly .2 percent). However, the weighted average price per unit was virtually identical at \$2.14.

While our pricing review demonstrated differences between the stores, we would term these variances as minimally normal and not of any large magnitude. The grocery industry has been undergoing a period of rapidly escalating prices within the past year. Grocery manufacturer prices have increased approximately 23 percent; and DeCA, unfortunately, has experienced similar changes. This, coupled with the customary pricing variances described above, could very easily account for (b) (6) view that prices are higher at the Quantico Commissary than at the Oceana Commissary.

I trust this information assists you in responding to (b) (6)

Sincerely,

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

April 30, 2009

The Honorable John Fleming, M.D.
Member of Congress
6425 Youree Drive, Suite 350
Shreveport, LA 71105-4634

Dear Representative Fleming:

This responds to your recent letter to the Legislative Liaison Office, Department of the Air Force and the Director, Defense Commissary Agency (DeCA), on behalf of one of your constituent, [REDACTED] a former employee of DeCA, at the Bitburg Commissary. [REDACTED] expressed concern regarding his employment with the Agency. Your letter was referred to this Agency for a response.

[REDACTED] received an Excepted Appointment with DeCA, on October 20, 2008, with a one-year probationary period. In accordance with 5 CFR Section 315.804, a probationary employee's employment may be terminated at any time his/her performance or conduct fails to demonstrate fitness for continued employment.

During the December 2008 timeframe, [REDACTED] made inappropriate sexual comments, to a co-worker. Although he had completed initial Prevention of Sexual Harassment training prior to his misconduct, he was counseled. In January 2009, he was also retrained to reiterate the Agency's policy on preventing sexual harassment.

In February 2009, an incident was reported wherein [REDACTED] was engaged in sexual misconduct. [REDACTED] continued misconduct, demonstrated that he was not suitable for continued employment with the Agency. He was advised, in writing, that his appointment was being terminated effective February 27, 2009, and advised of his limited appeal rights.

I trust this information assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei".

John T. Maffei
Inspector General

Corrected Response



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

May 13, 2009

The Honorable J. Randy Forbes
Member of Congress
2903 Boulevard, Suite B
Colonial Heights, VA 23834

Dear Representative Forbes:

This responds to the letter from your constituent [REDACTED] Vice President, Fiorucci Foods, Inc., requesting further insight or direction on how Fiorucci Foods can become a vendor to the Defense Commissary Agency (DeCA) for specialty Italian meats.

The Agency conducted another analysis of Fiorucci Foods products and the results were consistent with the initial analysis. Fiorucci Foods' retail distribution and retail market share in the lunchmeat category do not warrant their products being added to the commissary inventory for national distribution. The remaining option open to Fiorucci Foods (Italian meats) is to present their items to the deli contractor.

[REDACTED] may contact [REDACTED] Category Manager, at 804-734-8000 ext 48382. Mr. Goldfarb will provide him with the contact information for the deli bakery contractors that provide Specialty Italian meat products to the commissaries.

I trust the information above assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei".

John T. Maffei
Inspector General

05/07/09 THU 15:03 FAX 804 734 8338

Levin / Marceau

→→→ DeCA LL

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DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

May 7, 2009

The Honorable Carl Levin
United States Senate
Washington, DC 20510-2202

Dear Senator Levin:

This responds to your recent letter to the Senate Army Liaison Division on behalf of your constituent, [REDACTED] regarding commissary surcharge. Your letter was referred to this Agency for a response.

The five percent surcharge that was applied to [REDACTED] purchases at the West Point and Fort Hamilton Commissaries is mandated under 10 USC, §2484 (d), and is applied to all sales of commissary merchandise. The current five percent surcharge rate was established in 1984, several years before the Defense Commissary Agency was established. Ten USC, §2484 (b) specifies that Surcharge funds are to be only used to fund construction and renovations of commissary stores and no other purpose. The Surcharge fund does not pay for baggers, cashiers or other operating expenses. The appropriated funds provided by Congress are used to cover certain operating expenses of the commissary stores and central product processing facilities such as salaries, operating supplies and services and utilities, 10 USC, §2483(b).

I trust this information assists you in responding to [REDACTED]

Sincerely,

John T. Maffei Deputy
John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

June 30, 2009

The Honorable Steve Austria
Member of Congress
Springfield District Office
5 W. North Street
Suite 200
Springfield, OH 45504-2544

Dear Representative Austria:

This responds to your recent letter on behalf of your constituent, [REDACTED], a former employee of the Defense Commissary Agency (DeCA), Wright Patterson Air Force Base Commissary. [REDACTED] expressed concern regarding the termination of his employment with the Agency.

Commencing September 1, 2008, [REDACTED] received a Temporary Excepted Appointment under the Federal Student Temporary Employment Program. [REDACTED] appointment was not to exceed March 30, 2009. [REDACTED] was not terminated for cause. Rather, his appointment expired on March 30, 2009, under the provisions of 5 CFR Section 213.3202. This expiration is a non-punitive action based on the provisions of the law dealing with temporary student employment. There is no rebuttal or appeal of it available to a person on such an appointment unless the rebuttal or appeal is based on an allegation that the agency's action was based on illegally discriminatory motives without a legitimate non-discriminatory business reason. It appears from the documents you provided with [REDACTED] inquiry that he has availed himself of that process.

I trust this information will assist you in responding to [REDACTED]

Sincerely,

A handwritten signature in cursive script, appearing to read "John T. Maffei", is written above the typed name.

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY

HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

July 1, 2009

The Honorable Brett Guthrie
Member of Congress
Warren County Justice Center
1001 Center Street, Suite 300
Bowling Green, KY 42101-2192

Dear Representative Guthrie:

This responds to your recent letter on behalf of your constituent [REDACTED] concerning his management position at the Patch Barracks Commissary.

On January 10, 2008, [REDACTED] requested reassignment from [REDACTED] at the Patch Barracks Commissary to a [REDACTED] within the produce department. That change to lower grade action was effective February 3, 2008. Approximately 30 days later, [REDACTED] requested cancellation of the change to lower grade action but the Agency had already filled the position with another employee.

To again accommodate a request from [REDACTED] the Agency reassigned him to the Kelley Barracks Commissary, an annex of the Patch Barrack Commissary. After about 4 days at the Kelley Barracks Commissary, [REDACTED] requested to go back to the Patch Barrack Commissary, where he currently works as a store worker.

The Agency is not able to re-promote [REDACTED] to the position of [REDACTED] at this time. I regret this response could not be more favorable but trust the information assists you in responding to [REDACTED]

Sincerely,

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

June 12, 2009

The Honorable Madeleine Z. Bordallo
Delegate in Congress
120 Father Duenas Avenue
Suite 107
Hagatna, Guam 96910

Dear Delegate Bordallo:

This responds to your inquiry to the Acting Assistant Secretary of Defense for Legislative Affairs on behalf of your constituent, [REDACTED] regarding the Andersen Air Force Base (AFB) Commissary. Your letter was referred to this Agency for a response.

The Commissary benefit is an integral part of the military compensation and benefits package that is designed to recruit and retain professional, ready Armed Forces. The Department of Defense and Congress have exercised close scrutiny over patronage of commissaries to ensure their continued effectiveness. Members of the Reserve components, including the Individual Ready Reserve (IRR), are authorized commissary privileges. The Acting Director, DeCA West Regional Office, has taken action to ensure that store personnel are aware of applicable policy regarding authorized commissary patrons and the types of identification including IRRs.

We are exceptionally proud and deeply appreciative of the service and sacrifices of all our Armed Forces members. I trust this information will assist you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

June 16, 2009

The Honorable Dan Boren
Member of Congress
Washington, DC 20515-3602

Dear Representative Boren:

This responds to your recent letter to the Chief of Army Legislative Liaison on behalf of your constituent, [REDACTED] regarding beef products in the military commissaries during the 1980's and 1990's. Your letter was referred to our Agency for response.

According to our Agency records, during the 1980-1989 timeframe, the source of the beef products in the military commissaries came from a combination of the United Kingdom and other European countries. From 1990-1996, commissaries in countries north of the Alps received their beef products from the United States. During this same time period, commissaries south of the Alps continued to receive their beef products from the United Kingdom. In 1996, the U.S. government discontinued obtaining beef from within Europe, and since that time all beef products are shipped from the United States.

Information regarding the scientific background of Creutzfeldt-Jakob Disease (CJD) or Variant Creutzfeldt-Jakob Disease (vCJD) may be found on the U.S. Center for Disease Control (CDC) website at <http://www.cdc.gov>.

I trust this information assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

July 6, 2009

The Honorable Zoe Lofgren
Member of Congress
835 North First Street
Suite B
San Jose, CA 95112-3123

Dear Representative Lofgren:

This responds to your recent inquiry on behalf of your constituent, [REDACTED] concerning his pay.

Your inquiry has been transferred to the Defense Finance and Account Service (DFAS) Indianapolis for a response. According to the DFAS records, there is an outstanding balance of \$737 that is still due to the Internal Revenue Service (IRS). DFAS may be contacted at telephone 1-800-538-9043 and mail at DFAS-IN, Attention: Civilian Payroll/Special Actions Division, 8899 E. 56th Street, Indianapolis, Indiana 46249-1001.

Representatives from our Civilian Pay Section have had several conversations with [REDACTED]. It was recommended that [REDACTED] contact the IRS for documentation to show that the lien had been satisfied in order for them to have the lien released.

I trust the information above assists you in responding to [REDACTED]

Sincerely,

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
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FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

October 7, 2009

The Honorable Nick J. Rahall, II
Member of Congress
Huntington District Office
845 Fifth Avenue Ste 152
Huntington, WV 25701-2086

Dear Representative Rahall:

This responds to your letter of September 21, 2009, concerning establishing a commissary in Huntington or Charleston, West Virginia.

Requests for the establishment of commissaries must be initiated by the sponsoring military installation and be staffed through the official channels of the Military Service. If the Military Service supports the request, the Service sends an endorsement to the Defense Commissary Agency (DeCA) Board of Directors, an advisory group of senior Military Service and civilian officials. The DeCA Board may recommend requests for commissary establishment to the Principal Deputy Under Secretary of Defense for Personnel & Readiness, the decision authority. DeCA does not have the authority to establish commissaries.

I appreciate your interest in this matter and your continued support of the commissary system.

Sincerely,

John M. Williams
Deputy IG
John T. Maffei
Inspector General
for



DEFENSE COMMISSARY AGENCY

HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

August 7, 2009

The Honorable J. Randy Forbes
Member, United States Congress
2903 Boulevard, Suite B
Colonial Heights, VA 23834

Dear Representative Forbes:

This responds to your recent letter to the Congressional Liaison, CASCOM and Fort Lee, on behalf of your constituent, [REDACTED] concerning several issues at Fort Lee. Your letter was referred to this Agency for a response to the commissary issues.

During the recent renovation of the Fort Lee Commissary, new state of the art upright Frozen Food Freezer display cases and fresh chilled meat display cases were installed. These new display cases consist of more units that provide additional space for more product than the outdated frozen food coffin type cases. The Fort Lee Commissary averages about 98 percent stock availability, which is better than private supermarket chains. In October 2006, the Fort Lee store was the first of all commissaries to receive the present day self-service check-out system. These modern day check-out stands mirror the same equipment used by most major retail grocery chains, and have improved timeliness and accuracy at checkout.

The Fort Lee Commissary days of operation are Tuesday to Sunday. This store is closed on Mondays, which allows for store cleaning, building of displays and equipment and facility maintenance. When a holiday occurs on a Monday, the store remains open the Tuesday following the Monday holiday. The store director coordinates with installation officials and publicizes closures or reduced hours of operation in advance to ensure customers are fully aware of changes affecting normal hours and operations.

The Defense Commissary Agency (DeCA) East supports a liberal return and exchange policy. There is not a corporate requirement by DeCA to formally publicize a specific return policy. However, we will take this under advisement and look at posting the policy near the commissary cash office in view of the customer or add the policy to the list of frequently asked questions on www.commissaries.com.

After several independent studies and analyses, it was found to be more cost advantageous to the government to outsource the deli-bakery operation in our commissaries. Contracting deli/bakery services allows DeCA to offer patrons a more efficient operation managed by professionals in the deli/bakery industry. We are in a better position to offer the purchase of new items as they arrive on the market and negotiate the lowest available prices. This initiative has significantly reduced cost to the taxpayer while vastly improving the merchandising and standard of operation in our deli/bakery departments.



DEFENSE COMMISSARY AGENCY

HEADQUARTERS
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Office of the Inspector General

March 14, 2008

The Honorable Madeleine Z. Bordallo
Member of Congress
427 Cannon House Office Building
Washington, DC 20515-1188

Dear Representative Bordallo:

This responds to your recent letter on behalf of your constituent, [REDACTED] doing business as Rainmaker Development Inc., in Guam, who proposed the placement of water filtration stations in the Andersen Air Force Base (AFB) Commissary.

Title 10 U.S.C. § 2304(c)(6), authorizes the Defense Commissary Agency (DeCA) to procure for resale brand name commercial items as an exception to the requirement for full and open competition in procuring goods and services for the government. Further, 10 U.S.C. § 2484 (f) specifies that the exception provided by 10 U.S.C. § 2304(c)(6) may not be used unless the brand name commercial item is regularly sold outside of commissary stores under the same brand name as the name by which the commercial item will be sold in the commissary. In determining whether a brand name commercial item is regularly sold outside the commissary the Secretary shall consider only sales of the item on a regional or national basis by commercial grocery or other retail operations consisting of multiple stores. The proposal offered by [REDACTED] constitutes a service, rather than an offer for the resale of a brand name commercial item. His proposal does not meet the definitions set forth in the above cited statutes to qualify as a brand name commercial item for resale in the commissary and was disapproved. This statutory limitation on the operations of the Defense Commissary Agency was communicated to [REDACTED] Ryley by Category Manager [REDACTED] during [REDACTED] appointment at DeCA's Marketing Business Unit at Fort Lee, Virginia, on September 26, 2007.

I trust this information assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei", written over a horizontal line.

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

May 5, 2008

The Honorable Madeleine Z. Bordallo
Member of Congress
427 Cannon House Office Building
Washington, DC 20515-1188

Dear Representative Bordallo:

This responds to your letter dated April 22, 2008, on behalf of your constituent, [REDACTED], regarding his company's services of providing water filtration units.

The Defense Commissary Agency is specifically authorized to sell merchandise that falls within a list contained in Federal law. [REDACTED] is offering a service that involves filtering water obtained from the installation. DeCA is only authorized to procure and sell brand name commercial items without competition that are sold in the commercial market place under the same brand name they will be sold in the commissary. [REDACTED] service does not meet the criteria for consideration by DeCA. DeCA is not authorized to accept his offer.

There are military activities that are authorized to consider [REDACTED] proposal. They are the Army Air Force Exchange Service located in Dallas, Texas; the Navy Exchange Command located in Virginia Beach, Virginia; the Navy Morale Welfare and Recreation Division located in Millington, Tennessee, the Air Forces Services Division located in San Antonio, Texas, as well the managers of these various activities on Guam. These activities are all authorized to enter into a concession contract with [REDACTED] for his service while DeCA is not.

I trust this information assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in cursive script, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

November 3, 2008

The Honorable Madeleine Z. Bordallo
Delegate in Congress
120 Father Duenas Avenue
Suite 107
Hagatna, Guam 96910

Dear Delegate Bordallo:

This responds to your letter of September 24, 2008, to the Department of Defense on behalf of your constituent, [REDACTED] President of Rainmaker Development Inc., concerning his offer to provide a bottled water service to commissaries on Guam.

The Defense Commissary Agency (DeCA) is authorized by statute, 10 U.S.C. §2484(b) to sell only specific merchandise. [REDACTED] is offering a service that involves filtering water obtained from the installation. DeCA is authorized to procure and sell brand name commercial items without competition that are regularly sold in the commercial market place under the same brand name they will be sold in the commissary. [REDACTED] service does not meet the statutory criteria that DeCA must use to determine whether to accept a product or not and was so informed.

Copies of our two letters dated March 14, 2008, and May 5, 2008, responding to [REDACTED] proposal and explaining the statutory basis upon which DeCA operates and the reason DeCA cannot accept his offer to provide a bottled water service were e-mailed to your office in Guam.

I trust the information provided above assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

October 9 2009

The Honorable David Scott
Member of Congress
173 North Main Street
Jonesboro, GA 30236-3567

Dear Representative Scott:

This responds to your recent inquiry concerning the complaint of [REDACTED] an employee of the Defense Commissary Agency (DeCA) at Fort Gillem, Georgia. [REDACTED] is requesting that her performance appraisal be changed.

Performance awards for DeCA employees are rated Outstanding, Excellent, Fully Successful or lower. The records of [REDACTED] revealed that she received a Fully Successful, which is considered a good rating.

[REDACTED] filed an informal Equal Employment Opportunity (EEO) discrimination complaint regarding her performance rating. She agreed to participate in an Alternate Dispute Resolution attempt and mediation was conducted on October 1, 2009. The mediation was unsuccessful, however, so the informal EEO complaint was processed in accordance with Equal Employment Opportunity Commission time lines. [REDACTED] has been provided her right to file a formal EEO complaint if that is her desire.

I trust this information assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in cursive script, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

October 29, 2009

The Honorable Marcy Kaptur
United States House of Representatives
Washington, DC 20515-3509

Dear Representative Kaptur:

This responds to your recent inquiry to the Department of the Army on behalf of your constituent, [REDACTED], Director of National Accounts, NSS Enterprises Inc., concerning Defense Commissary Agency (DeCA) contracts for floor cleaning equipment. Your letter was referred to this Agency for a response.

The Agency properly awarded the contracts in question and followed all applicable laws and regulations in doing so. The evaluation criteria for award of the items requested under the solicitation were (1) technically acceptable; and, (2) low price by contract line item (CLIN). A small business set aside requires that the end item must be manufactured by a domestic small business; the Buy America Act is not applicable to this solicitation.

On July 13, 2009, NSS was advised that they were the successful offeror for CLIN 0004 and 0006 of the 7 line items on the solicitation. On July 24, 2009, by phone, [REDACTED] and NSS employees were provided a detailed post award debriefing. The Contracting Officer responded to their questions concerning the solicitation and award process.

On July 28, 2009, an unsuccessful offeror filed an Agency-level bid protest contending that the award to NSS for CLIN 0004 was improper. As a result of this protest, NSS Enterprises' contract was modified to remove CLIN 0004, an upright vacuum cleaner, because it was determined that NSS proposed to supply a vacuum cleaner manufactured by a large business as opposed to one manufactured by a small business as required under the Small Business Administration's set aside rules.

I regret this response could not be more favorable but trust the information assists you in responding to [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

September 9, 2008

The Honorable Rob Wittman
Member of Congress
4904-B George Washington Memorial Highway
Yorktown, VA 23692-2769

Dear Representative Wittman:

This responds to your recent letter on behalf of your constituent, [REDACTED], requesting careful reconsideration of her denial for Eligibility for Access to Classified Information and/or Occupancy of a Sensitive Position.

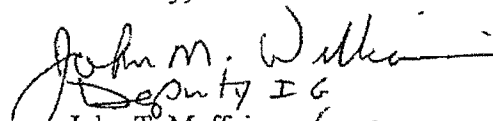
As stated in a letter from the Washington Headquarters Services (WHS), dated May 7, 2008, because [REDACTED] did not meet the time requirements, her eligibility for access to classified information and/or occupancy of a sensitive position was denied. They also stated that the decision was final and was not subject to further appeal. The Defense Commissary Agency does not have the authority to overturn a Consolidated Adjudications Facility adjudicative decision.

Questions concerning the WHS's final decision should be sent to the following address:

Department of Defense
Washington Headquarters Services
Attention: Consolidated Adjudications Facility
1165 Defense Pentagon
Washington, DC 20301-1155.

I trust the information above assists you in responding to [REDACTED]

Sincerely,


Deputy IG
John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

August 25, 2008

The Honorable Rob Wittman
Member of Congress
4904-B George Washington Memorial Highway
Yorktown, VA 23692-2769

Dear Representative Wittman:

This responds to your recent inquiry on behalf of your constituent, [REDACTED] an employee at the Langley Air Force Base (AFB) Commissary concerning her employment.

The Washington Headquarters Services, Consolidated Adjudications Facility (WHS CAF), is the personnel security authority which adjudicated the background investigation and provided due process to [REDACTED]

On October 22, 2007, a Statement of Reasons (SOR) letter was mailed via FEDEX to [REDACTED] by our Personnel Security Specialist. [REDACTED] chose to request an extension of time to respond and was granted the 60 days allowed by the Agency. The SOR letter specifically states "If your response is not received by your Agency Security Director within the specified time frame, our tentative determination will become final and you forfeit all appeal rights."

Upon failure to respond to the SOR letter dated September 21, 2007, the WHS CAF issued a May 7, 2008, Letter of Denial (LOD) of Eligibility for Access to Classified Information and/or Occupancy of a Sensitive Position. [REDACTED] appeal rights were forfeited when she failed to respond to the SOR within the specified time frame.

I regret this response could not be more favorable but trust the information provided assists you in responding to [REDACTED]

Signature

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY

HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

August 25, 2008

The Honorable John W. Warner
United States Senator
World Trade Center
101 W. Main Street, Suite 4900
Norfolk, VA 23510-1690

Dear Senator Warner:

This responds to your recent inquiry to the Assistant Secretary of Defense for Legislative Affairs on behalf of your constituent, [REDACTED] an employee at the Langley Air Force Base (AFB) Commissary concerning her employment. Your letter was referred to this Agency for a response.

The Washington Headquarters Services, Consolidated Adjudications Facility (WHS CAF), is the personnel security authority which adjudicated the background investigation and provided due process to [REDACTED]

On October 22, 2007, a Statement of Reasons (SOR) letter was mailed via FEDEX to [REDACTED] by our Personnel Security Specialist. [REDACTED] chose to request an extension of time to respond and was granted the 60 days allowed by the Agency. The SOR letter specifically states "If your response is not received by your Agency Security Director within the specified time frame, our tentative determination will become final and you forfeit all appeal rights."

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I regret this response could not be more favorable but trust the information provided assists you in responding to [REDACTED]

Signature

A handwritten signature in black ink, appearing to read "John T. Maffei".

John T. Maffei
Inspector General



DEFENSE COMMISSARY AGENCY
HEADQUARTERS
1300 E AVENUE
FORT LEE, VIRGINIA 23801-1800

Office of the Inspector General

August 25, 2008

The Honorable Jim Webb
United States Senator
Town Center
222 Central Park Avenue, No. 120
Virginia Beach, VA 23462-3022

Dear Senator Webb:

This responds to your recent inquiry to the Assistant Secretary of Defense for Legislative Affairs on behalf of your constituent, [REDACTED] an employee at the Langley Air Force Base (AFB) Commissary concerning her employment. Your letter was referred to this Agency for a response.

The Washington Headquarters Services, Consolidated Adjudications Facility (WHS CAF), is the personnel security authority which adjudicated the background investigation and provided due process to [REDACTED]

On October 22, 2007, a Statement of Reasons (SOR) letter was mailed via FEDEX to [REDACTED] by our Personnel Security Specialist. [REDACTED] chose to request an extension of time to respond and was granted the 60 days allowed by the Agency. The SOR letter specifically states "If your response is not received by your Agency Security Director within the specified time frame, our tentative determination will become final and you forfeit all appeal rights."

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I regret this response could not be more favorable but trust the information provided assists you in responding to [REDACTED]

Signature

John T. Maffei
Inspector General