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DEPARTMENT OF THE ARMY
OFFICE OF THE GENERAL COUNSEL
104 ARMY PENTAGON
WASHINGTON, DC 20310-0104



REPLY TO
ATTENTION OF

November 14, 2007

[REDACTED]
Chief, Disclosure Unit
U.S. Office of Special Counsel
1730 M Street, N.W., Suite 300
Washington, D.C. 20036-4505

Re: OSC File No. DI-07-1676

Dear [REDACTED]:

I respectfully request the following status report for the above captioned case and request that you grant an extension of time to file the Department of the Army's report required by 5 USC § 1213 for this Office of Special Counsel (OSC) case where OSC determined that there was substantial likelihood that information provided by an anonymous whistleblower with first-hand knowledge disclosed that Mr. Richard C. Blunden, a pharmacist at the Army's Guthrie Clinic, Fort Drum, New York, misused Army Resources over a period of nine years in violation of Army regulations. Based on this information, the Special Counsel determined that there was a substantial likelihood that the pharmacist violated a law, rule, or regulation when he ordered [REDACTED] for himself at the Army's Guthrie Clinic.

You granted a previous request for an extension for sixty days on September 12, 2007, and had agreed that I would provide a status update on this pending action within sixty days or if the outstanding action had been completed, then the final Department of the Army report would be submitted to the Special Counsel. To date, the following actions have been taken on this case.

On May 24 2007, I forwarded to the United States Army Medical Command (MEDCOM) Office of the Staff Judge Advocate (OSJA) the OSC correspondence for appropriate action. I requested that the MEDCOM OSJA take appropriate action, ensure that the matter is investigated, and to prepare a draft report of findings for submission to OSC as required by 5 USC § 1213 for the above captioned OSC case. This request for an extension is being made pending the OGC staffing of the recently submitted draft report from the MEDCOM OSJA. To date, the following actions have been taken:

OGC referred the subject case to MEDCOM because the Commanding General, MEDCOM, serves as the Senior Mission Commander for Guthrie Army Clinic, U.S. Army Medical Department Activity (MEDDAC), Fort Drum, New York. In turn, MEDCOM forwarded the allegations to the Commander, Guthrie Army Clinic, U.S. Army MEDDAC, Fort Drum, New York, to initiate an investigation.

On June 4, 2007, [REDACTED] Commander, Guthrie Clinic, US Army MEDDAC, Fort Drum, New York, appointed [REDACTED] as Investigating Officer (IO) under provisions of Army Regulation (AR) 15-6, *Procedures for Investigating Officers and Boards of Officers*, with a mandate to investigate allegations that Mr. Blunden improperly used Army resources to order [REDACTED] himself while working as a pharmacist at the clinic from on or about January 1997 to May 2006. On June 20, 2007, [REDACTED] completed his report of investigation (ROI) and submitted it to the Appointing Authority, [REDACTED]. On June 21, 2007, [REDACTED] Attorney-Advisor, Office of the Staff Judge Advocate, Fort Drum, completed a legal review of the investigation regarding allegations of improper use of medical resources and determined that it was "legally sufficient."

[REDACTED] Staff Judge Advocate, [REDACTED] forwarded to OGC a request dated July 6, 2007, for an extension of time to allow the OGC to review and comment on its draft report and provide an opportunity for any outstanding issues to be appropriately addressed in the MEDCOM draft report before it is forwarded to my office for review and further processing. I requested an extension for additional time to complete all outstanding concerns, review the draft report, and staff it within the Department of the Army for final transmission to OSC. You granted that extension request on July 18, 2007.

Based on my review, additional matters needed to be addressed by MEDCOM. Though MEDCOM did adequately address some of those issues, others need to be further developed. They completed the supplemental inquiry last week. I am in the process of reviewing that effort. Therefore, I am requesting that an extension of time be granted to complete that effort so MEDCOM can revise its draft report and forward it to my office for further review and staffing. This will provide the Department of the Army additional time to address the issues presented in the draft report and prepare the final report to the OSC in satisfaction of the 5 USC §1213 requirements.

Should you grant this extension, please advise me as to length of the extension. Within that allotted time, I will either provide you another status update on this pending action or be able to submit the final Department of the Army report to the Special Counsel.

I appreciate your assistance in considering the extension request. To advise me if this extension will be granted, you can reach me at 703-614-3500.

[REDACTED]

Associate Deputy General Counsel
(Human Resources)