

**STATE OF MICHIGAN**  
**MICHIGAN NATIONAL GUARD**  
**MILITARY HEARING**

---

**Michigan National Guard,**

**Agency,**

**Vs.**

**Master Sergeant Renee Reed,**

**Respondent.**

---

**Hearing Examiner: Colonel Kevin Dawkins**

**FINAL AGENCY DECISION**

Mr. Ben Banchs  
Respondent's Representative  
Laborers' International Union of North America  
P.O. Box 1794  
Abita Springs, Louisiana 70420

Captain Dave Bedells  
Agency Counsel  
3411 N. Martin Luther King Boulevard  
Lansing, MI 48906

---

**FINAL AGENCY DECISION**

**I. Summary of the Decision.**

Respondent, Army Master Sergeant Renee Reed (MSG Reed) serves in the Michigan National Guard as a military service member pursuant to Title 32 of the United States Code. Additionally, she was employed at Camp Grayling as a military technician pursuant to 32 U.S.C. § 709. She served as the production/controller for the MATES

facility. MSG Reed was terminated from her military technician position on or about February 28, 2014. Pursuant to Technician Personnel Regulation 752, she requested that a hearing examiner be appointed to make findings and recommendations to The Adjutant General prior to the imposition of the Final Agency Decision.

A pre-conference hearing was held on October 6, 2014 and the administrative hearing was held on October 16-17, 2014. The hearing examiner provided this agency with his findings and recommendations on February 23, 2014.

After conducting a thorough review of the administrative file, I am denying MSG Reed's appeal. Accordingly, it is the Final Agency Decision that MSG Reed's appeal is denied. MSG Reed's February 28, 2014 termination will not be set aside. In accordance with 32 U.S.C. § 709(f)(1), there is no final review of this decision. It is non-appealable.

## **II. Standard of Review.**

Dual status military technicians (DSTs) are required to be members of the United States military and must hold the rank and other special military skills required for their military service. Federal statutes and policies set out by the Secretaries of the Army and Air Force govern how military personnel are permitted to serve as DSTs.

Most notably, 32 U.S.C. §709 clarifies that DSTs:

- Be a member of the National Guard;
- Hold the military grade specified by the Secretary concerned for the position; and
- Wear the uniform appropriate for the member's grade and component of the armed forces.

Federal and state courts have held that military technicians occupy positions that, by the nature of their positions, are irreducibly military in nature. When DSTs are punished or reprimanded in adverse actions, the agency is required to follow applicable military procedure and administrative regulations as are promulgated by agencies within the Department of Defense. Technician Personnel Regulation 752, Discipline and Adverse Action, specifies how and when DSTs may be punished and/or terminated.

Termination actions require that the agency official determine whether certain factors are involved relative to the termination. These factors are frequently referred to as the Douglas Factors, and they are enumerated in TPR 752, Appendix F. Those factors require the agency officials to look at the employee's potential for rehabilitation, mitigating circumstances for the conduct, notoriety of the offense, and so on.

Technicians may elect to have their terminations appealed directly to The Adjutant General, or they may request an administrative hearing. See, TPR 752-1, Chapter 3. As part of the administrative hearing process, the agency representative must ensure that:

- The technician receives written notification;
- All parties have good contact information for all other parties in the appeal;
- A mutually acceptable date, time, and place for the hearings are scheduled;
- All parties are informed of the date, time and location of the hearings;
- The case file is provided to all parties at least 10 calendar days in advance of the pre-hearing;
- A court reporter will be available and provide a verbatim transcript;
- Both parties exchange proposed witness lists;

- Issues regarding witnesses are resolved;
- Arrangements are provided if a full time staff member is not reasonably available but their testimony is important to the case; and
- Reasonable and relevant requests by the technician or their representative, for documents or tangible evidence in control of the State, are resolved prior to the pre-hearing. See, TPR 752-1, para. 3-2.

Throughout the administrative hearing process, the hearing examiner is in charge of all aspects of the proceedings and has the authority to “direct the hearing in a manner that best facilitates the accomplishment of determining the issues.” See, TPR 752-1, para. 3-5c. Additionally, hearsay testimony is admissible. It is the examiner’s duty to make recommendations and findings concerning:

- Did the DST do what they were charged with doing?
- Will some discipline, based on the conduct, promote the efficiency of service?
- Is the penalty appropriate? See, TPR 752-1, para. 3-5b.

The choice of penalty will not be disturbed unless the record indicates that the choice of the penalty was arbitrary, capricious, or otherwise unreasonable in light of the proven conduct. *Id.*

Once the hearing examiner makes findings and recommendations to the agency, it is my job as Adjutant General to review the administrative process to determine those same three issues:

- Did the DST do what they were charged with doing?
- Will some discipline, based on the conduct, promote the efficiency of service?
- Is the penalty appropriate? See, TPR 752-1, para. 2-3c.

In the event that a hearing examiner's findings and recommendations are not accepted, the Adjutant General must provide rationale for the Adjutant General's decision. This opinion and final agency decision diverts from the recommendations of the hearing examiner in various aspects as described latter in this opinion.

**III. Hearing Examiner's Findings.**

The hearing examiner made the following findings:

	Charge	Finding
1	Fraternizing with LTC Golnick	Substantiated
2	Misuse or abuse of government property or personnel	Not Substantiated

The hearing examiner determined that MSG Reed fraternized with her supervisor, LTC Golnick, and that she did not receive special treatment as a result of that relationship. The examiner recommended that the underlying termination be reconsidered and that the punishment (termination) be reduced.

The examiner went on to say that he found the level of dishonesty prevalent within the MATES community to be "offensive and disturbing." COL Dawkins reported that there appeared to be two "camps" within the MATES community: those who supported MSG Reed and those who believed that he committed the offenses for which he was charged.

#### IV. Agency Findings.

The following chart is a brief summary of the findings in my Final Agency Opinion. They will be addressed in greater detail below.

	Charge	Finding
1	Fraternizing with LTC Golnick	Substantiated
2	Misuse or abuse of government property or personnel	Not Substantiated

A. Charge 1. It is my finding MSG Reed fraternized with LTC Golnick, who was her supervisor. Accordingly, Charge 1 is substantiated. It is also my finding that MSG Reed received special treatment because of her improper relationship with LTC Golnick.

MSG Reed was a production/controller at the MATES facility in Grayling. LTC Meyers issued MSG Reed the proposed action notice informing her that he was seeking termination for her misconduct. He testified that MSG Reed received special perks because of her relationship with LTC Golnick. MSG Reed had her own private office in the MATES facility, and that caused discord with the staff who worked there. *October 16, 2014 Transcripts*, pp. 10-11, 33, and 58. LTC Golnick allowed her to use a GSA fleet vehicle to drive from her residence in Grayling, MI to her military duty assignment in Battle Creek. *October 16, 2014 Transcripts*, pp. 10-11. LTC Meyers testified that MSG Reed received a disproportionate amount of time-off awards compared to the other employees that LTC Meyers has supervised throughout the state. *October 16, 2014 Transcripts*, pp. 42-45. MSG Reed was, according to LTC Meyers, "untouchable" based on her relationship with her boss. *October 16, 2014 Transcripts*, pp. 49.

Prior supervisor LTC Mike Madden counseled LTC Golnick and told him to end his relationship with MSG Reed. *October 16, 2014 Transcripts*, pp. 53. (LTC Golnick

was recommended for termination as well. *October 16, 2014 Transcripts*, pp. 54).

Employee MSG Fouts actually took sick leave because she was “so disgusted” by the LTC Golnick/MSG Reed relationship. *October 16, 2014 Transcripts*, pp. 80-81.

Employees MSG Cooper and Chief Mack were uncomfortable working with MSG Reed due to the relationship. *October 16, 2014 Transcripts*, pp. 80.

LTC Golnick would make and bring MSG Reed breakfast 5 days a week in her office and then spend significant periods of time in her office chatting while other employees at MATES were working. *October 16, 2014 Transcripts*, pp. 110, 174, and 185. They ate lunch together 5 days a week. *October 16, 2014 Transcripts*, pp. 187-189.

Even though MSG Reed was the production/controller, it was not out of the ordinary for LTC Golnick and MSG Reed to disappear in the middle of the afternoon and “get in a vehicle and go out on the ranges.” *October 16, 2014 Transcripts*, pp. 98. Their relationship was pervasive enough that MSG Reed was nicknamed the “office princess” and frequently “wore the rank” of LTC Golnick on her sleeve. *October 16, 2014 Transcripts*, pp. 101. Their conduct was distracting to the service members who worked there and created animosity in the work environment. *October 16, 2014 Transcripts*, pp. 24-26. COL Doolittle, the investigating officer, had a witness complain how awkward it was for them to walk into MSG Reed’s office only to see LTC Golnick reaching inside MSG Reed’s dress uniform (while she was wearing it) to help her adjust her ribbons. *October 16, 2014 Transcripts*, pp. 83-84.

When confronted about her fraternization, MSG Reed's responses ranged from crying to telling other co-workers that she liked the attention. *October 16, 2014*

was recommended for termination as well. *October 16, 2014 Transcripts*, pp. 54).

Employee MSG Fouts actually took sick leave because she was “so disgusted” by the LTC Golnick/MSG Reed relationship. *October 16, 2014 Transcripts*, pp. 80-81.

Employees MSG Cooper and Chief Mack were uncomfortable working with MSG Reed due to the relationship. *October 16, 2014 Transcripts*, pp. 80.

LTC Golnick would make and bring MSG Reed breakfast 5 days a week in her office and then spend significant periods of time in her office chatting while other employees at MATES were working. *October 16, 2014 Transcripts*, pp. 110, 174, and 185. They ate lunch together 5 days a week. *October 16, 2014 Transcripts*, pp. 187-189.

Even though MSG Reed was the production/controller, it was not out of the ordinary for LTC Golnick and MSG Reed to disappear in the middle of the afternoon and “get in a vehicle and go out on the ranges.” *October 16, 2014 Transcripts*, pp. 98. Their relationship was pervasive enough that MSG Reed was nicknamed the “office princess” and frequently “wore the rank” of LTC Golnick on her sleeve. *October 16, 2014 Transcripts*, pp. 101. Their conduct was distracting to the service members who worked there and created animosity in the work environment. *October 16, 2014 Transcripts*, pp. 24-26. LTC Doolittle, the investigating officer, had a witness complain how awkward it was for them to walk into MSG Reed’s office only to see LTC Golnick reaching inside MSG Reed’s dress uniform (while she was wearing it) to help her adjust her ribbons. *October 16, 2014 Transcripts*, pp. 83-84.

When confronted about her fraternization, MSG Reed’s responses ranged from crying to telling other co-workers that she liked the attention. *October 16, 2014*



*Transcripts*, pp. 106. The fraternization was rather pervasive and went on for several years.

B. Charge 2. It is my finding that MSG Reed used a DoD vehicle to drive from Grayling to her military drill in Jackson, Michigan, which is prohibited. While the hearing examiner indicated that he was unable to support the finding that the agency has adopted, it may very well have been because the hearing transcripts are rather significant. Nevertheless, Chief Todd Witcher testified the he had personally witnessed MSG Reed using LTC Golnick's assigned non-tactical vehicle to drive to drill not on just one or two or three occasions – but “periodically throughout the year.” *October 16, 2014 Transcripts*, pp. 69-71 and 190-191. While MSG Reed argues that during each of those occasions, she was “running parts” from the MATES to her drilling location in Jackson, it is my finding that those statements are simply unreliable.

Instead, the record is replete with testimony indicating that neither LTC Golnick nor MSG Reed maintained the log book or maintained documentation for LTC Golnick's non-tactical vehicle. *October 17, 2014 Transcripts*, pp. 110-113. Other employees saw what was going on and became jealous that MSG Reed did not have to use her own funds to put gas in her car because she was regularly driving a government vehicle to work. *October 17, 2014 Transcripts*, pp. 110-113. Even if I were to assume that MSG Golnick were in fact transporting parts to Jackson on her drill weekends, it is my finding that those trips were done as a ruse to permit her to use a government vehicle to get to work.

**V. Upholding the Termination as a Punishment.**


TPR 752-1 states that the choice of penalty, in this case termination, will not be disturbed unless the adverse action was found to be arbitrary, capricious, or otherwise unreasonable in light of the proven conduct. It is my finding that the termination action is reasonable and will not be set aside.

The original decision-making authority in this matter was Colonel Gregory Durkac. During their testimony, LTC Meyers (who issued the proposed adverse action notice) and COL Durkac (who issued the original decision) stated that they thoroughly reviewed the case file and the Douglas factors before making the decision to terminate MSG Reed as a DST. Based on the testimony presented in this administrative hearing, I see no reason to find that the adverse action was arbitrary, capricious or otherwise unreasonable. Accordingly, that decision stands.

**VI. Final Decision.**

The final agency decision is to terminate MSG Reed from her DST position. This matter is now closed. I direct the Human Resource Officer to provide the parties copies of this decision. I direct the Human Resource Officer to forward the administrative file and this decision to MSG Reed's military commander for a determination as to whether any further action may be appropriate.

Dated: 03 / 06 / 2015

  
GREGORY VADNAIS  
Major General, MIARNG  
The Adjutant General