

From: [Schultz, Kenneth L Civ USAF AETC AFIT/ENS](#)
To: [Pignatiello, Joseph J Civ USAF AETC AFIT/ENS](#)
Cc: [LEE, STEPHANIE L CIV USAF AFMC 88 FSS/FSMCZB](#); [Burley, Jarred L Maj USAF AETC AFIT/CLE](#); [Badiru, Adedeji B Civ USAF AETC AFIT/EN](#); jsilverstein@fmr.law; [Kenneth Schultz](#)
Subject: RE: Request Extension for Grievance Response
Date: Monday, October 16, 2017 6:16:06 PM

Dr. Pignatiello,

1. I did not receive any email from Ms. Lee in October.
2. The letter of suspension I received clearly directed me to deliver my appeal to Dr. Badiru, ATTN civilian personnel office, with Dr. Badiru as the deciding official. Which civilian personnel office was unspecified. Despite Dr. Badiru clearly being unqualified to be the deciding official, the grievance was delivered, on time, to his office.
3. Ms. Lee wrote (below) "Dr. Badiru did not receive your grievance until 15 August 2017, therefore management's decision is not due to you until 16 October (60-days) or 16 November (90-days)." This statement, like many statements throughout this process and my tenure decision, has little relationship to AF Regulations. It is, in fact, a clear misrepresentation of the regulation. The timing of the regulation is quite clear. AFI 36-706, para 5.3 states "normally not later than 60 calendar days from THE FILING OF THE GRIEVANCE (T-0)." (emphasis mine) Time begins with the filing of the grievance, not when somebody reads it. Clearly no one really believes the timeline began on 16 October or the grievance would already have been disqualified for being outside the 15 day filing window. When Dr. Badiru was available to read my grievance is immaterial. Had the AF wished to speed up the process they should have given the correct filing directions in the first place. Even after Dr. Badiru read the filing, the AF had 45 days in which to contact me to inform me of what they were doing, to ask for an extension, or to notify me of any progress at all. They did not do so.
4. AFI 36-706 para 5.4 states "Additional time maybe permitted in the event that a fact finding investigation is initiated." I see no evidence nor claim that any such investigation has been initiated.
5. AFI 36-706, para 5.8, states "... the deciding official may extend timeframes when warranted by special circumstances (e.g., geographically separated units)." We are not geographically separated units. I see no evidence nor claim as to any special circumstances.
6. Maj. Burley's message is dated 5 October, 4 days after I informed the AF that the deadline had passed and I withdrew the grievance.
7. There is a consistent pattern of the AF being unwilling to read and follow their own regulations.
8. It is my contention that, in early January, the facts as they were known then were presented to Dr. Stewart. It is my belief that he make a comment at the time which, independent of what he actually said, was received by the people present as some form of "I want you to have an investigation and then I want you to hang the guilty SOB." Again, it is unlikely this is what he said, but some version of that is what appears to have been heard. From that point on the case followed the classic pattern of "The General wants"

9. Since Dr. Stewart was a material party to the grievance, he is not impartial and cannot be the deciding official on the grievance.

10. The proceedings against me broke the law. They constituted false accusations as well as violating the first amendment of the Constitution protecting freedom of speech and the fifth amendment guaranteeing due process. Pointing out these matters to Dr. Pignatiello and Dr. Badiru were ignored, indeed did not even cause pause. These facts were material to the grievance and should have been subject to investigation. Had there been an investigation I should have been informed and a request for an extension should have been requested at that time. Instead I receive a request 75 days after filing and no such investigation is even alleged. It is not all that far from Maj. Burley's office to mine. Maj. Burley was certainly aware, and Ms. Lee should have been aware, that the AF email system is not reliable.

13. This pattern of events, the failure of AF officials to read and follow AF regulations, the making of false accusations, followed by all levels of review covering for the mistakes of the previous level, is the same pattern that led to my denial of tenure. In that case I was falsely accused of misconduct in a closed meeting which then voted to deny me tenure effectively ending my career. Every level of review above that, while verifying the lack of due process, decided that it wasn't important. It was decided that the number of papers I had written had been the deciding factor despite the emphasis in the notification letter from the committee meeting. Had they read their own regulation they would have seen that, "While a number of metrics are presented as a GUIDE to evaluation, such measure are never a substitute for the thorough assessment of a candidate's entire career record." (Guidelines for Promotion and Tenure within the Department of Operational Sciences at AFIT as of October 2015, p1.) No attempt was ever made to assess my career record. My statement, the statement made by Aleda Roth and, most likely the other qualified outside letter, pointed out that my career contribution was not just the papers I have published. Yet this information was ignored in the tenure meeting while false accusations of misconduct were entertained instead. Making no attempt to even consider the standards under which the decision was supposed to be made, as well as other clear violations of the process, is also a violation of the fifth amendment. I asked that the process be redone correctly and was denied. Now, after the entire series of events, getting any unbiased assessment of my career contribution within the USAF would be impossible. This has been the pattern.

14. All parties concerned should know that any EO complaints, even those prosecuted illegally, can have grave consequences for the parties falsely accused.

15. The actions taken by the USAF will have a serious detrimental effect on my career.

16. In both the EO complaint and the tenure case the AF has routinely followed a pattern of denying me critical information and missing important deadlines. The handling of my grievance has continued to follow that pattern. I was not told who the deciding official was. I was not contacted or notified of the progress until after the deadline had passed.

17. It is my understanding that, upon reading my grievance, Dr. Badiru first sent it to Dr. Pignatiello, Ms. Lee and the JAG, the very people against

whom the grievance was filed.

18. The grievance has been handled neither expeditiously nor impartially, as required by regulation.

19. If Dr. Stewart wishes any further information related to my position on this issue he should contact my lawyer, Jeffery Silverstein at JSilverstein@fmr.law . If the AF is sincerely interested in fixing the problem they should contact Mr. Silverstein before other actions occur and other expenses accumulate.

Please acknowledge receipt of this email by return email.

This message cannot be encrypted as one of the recipients does not have encryption.

Ken Schultz

-----Original Message-----

From: Pignatiello, Joseph J Civ USAF AETC AFIT/ENS
Sent: Monday, October 16, 2017 11:41 AM
To: Schultz, Kenneth L Civ USAF AETC AFIT/ENS <Kenneth.Schultz@afit.edu>
Cc: LEE, STEPHANIE L CIV USAF AFMC 88 FSS/FSMCZB <stephanie.lee@us.af.mil>;
Burley, Jarred L Maj USAF AETC AFIT/CLE <Jarred.Burley@afit.edu>; Badiru,
Adedeji B Civ USAF AETC AFIT/EN <Adedeji.Badiru@afit.edu>
Subject: FW: Request Extension for Grievance Response

Ken:

Did you receive the email that Ms. Lee sent you on 05 Oct 2017 (see below)?
She left me a voice message on my phone while I was on leave last week
indicating that she had not yet heard back from you.

Vr,

--Joe

//Signed//

Dr. Joseph J. Pignatiello, Jr.
Fellow, Institute of Industrial and Systems Engineers
Fellow, American Society for Quality
Professor and Head
Department of Operational Sciences
Air Force Institute of Technology, AFIT/ENS
WPAFB, OH 45433-7765

937.255.3636 x4311
DSN:785.3636 x4311

-----Original Message-----

From: LEE, STEPHANIE L CIV USAF AFMC 88 FSS/FSMCZB
[mailto:stephanie.lee@us.af.mil]
Sent: Friday, October 13, 2017 4:00 PM

To: Pignatiello, Joseph J Civ USAF AETC AFIT/ENS
<Joseph.Pignatiello@afit.edu>
Cc: Burley, Jarred L Maj USAF AETC AFIT/CLE <Jarred.Burley@afit.edu>;
Badiru, Adedeji B Civ USAF AETC AFIT/EN <Adedeji.Badiru@afit.edu>
Subject: FW: Request Extension for Grievance Response

Hello Sir,

I left you a voicemail requesting assistance, in which we need to know that Dr. Schultz received my communication below, as I never received a response confirmation from him acknowledging receipt. Please see if he is aware and respond back to Major Burley for situational awareness. I will be out-of-office on Monday, thanks.

v/r
Stephanie

-----Original Message-----

From: LEE, STEPHANIE L CIV USAF AFMC 88 FSS/FSMCZB
Sent: Thursday, October 05, 2017 1:54 PM
To: SCHULTZ, KENNETH L AD-23 USAF AETC AF INST OF TECH IN/ENS
<kenneth.schultz.3@us.af.mil>
Cc: BADIRU, ADEDEJI B AD-27 USAF AETC AF INST OF TECH IN/ENV
<adedeji.badiru@us.af.mil>
Subject: FW: Request Extension for Grievance Response

Hello Dr. Schultz,

In accordance with the Administrative Grievance System and procedures. The deciding official has 60-day, or 90-days to respond. In your case, Dr. Badiru did not receive your grievance until 15 August 2017, therefore management's decision is not due to you until 16 October (60-days) or 16 November (90-days). In this matter, Dr. Todd I. Stewart, AFIT/CL, (deciding official) is reviewing your grievance and is considering the issues as you described. He is currently out-office and requesting an additional 15-days to provide you with a response. It may not even require the entire time, therefore please accept this as notification on the status of your grievance and request for an extension to respond, thanks. (See below).

V/R
STEPHANIE L. LEE
Human Resources Specialist (Employee Relations)
88 FSS/FSMCZB, Civilian Personnel Office
2000 Allbrook Drive
Wright-Patterson AFB OH 45433-5312
Business Phone: 937-904-3413 / DSN 674
FAX: 937-656-1635 / DSN 986
e-mail: stephanie.lee@wpafb.af.mil
This e-mail contains FOR OFFICIAL USE ONLY (FOUO) information which must be protected by the Privacy Act and AFI 33-332."

Tell us how you felt about our service. Take the DPC Customer Service Survey at:
https://ice.disa.mil/index.cfm?fa=card&service_provider_id=97105&site_id=545&service_category_id=33

-----Original Message-----

From: Burley, Jarred L Maj USAF AETC AFIT/CLE

[<mailto:Jarred.Burley@afit.edu>]

Sent: Thursday, October 05, 2017 12:28 PM

To: LEE, STEPHANIE L CIV USAF AFMC 88 FSS/FSMCZB <stephanie.lee@us.af.mil>

Subject: Request Extension for Grievance Response

Ma'am,

On behalf of Dr. Stewart, I am requesting a 15 day extension for Dr. Stewart's grievance response for Dr. Schultz. Please contact me if you have any questions or concerns.

V/r,

JARRED L. BURLEY, Major, USAF

Executive Officer to Director & Chancellor

Air Force Institute of Technology

Wright-Patterson AFB, OH 45433

NIPRNET: jarred.burley@afit.edu <<mailto:jarred.burley@afit.edu>>

DSN 785-6565 ext. 4348

Comm (937) 255-6565, ext 4348