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**The Inspector  
General  
of the Department of  
the Air Force**

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## **Report of Investigation (S8928P)**

**Brig Gen Jeffrey W. Magram**

September 2021

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**REPORT OF INVESTIGATION (Case S8928P<sup>1</sup>)**

CONCERNING

**BRIGADIER GENERAL JEFFREY W. MAGRAM**

PREPARED BY  
**MR. TONY L. WEST**  
SEPTEMBER 2021

**I. INTRODUCTION**

The Inspector General of the Air Force directed this investigation in response to a complaint filed by [REDACTED] (hereinafter referred to as Complainant), [REDACTED] [REDACTED], to the Department of Defense Inspector General Hotline on 14 Jun 20. The Complainant alleged improper conduct on the part of Brig Gen Jeffrey W. Magram,<sup>2</sup> Assistant Adjutant General for the CAANG, specifically that female officers received disparate treatment in the CAANG and were not promoted to the rank of Colonel at the same rate as their male counterparts. She also alleged Brig Gen Magram prevented [REDACTED] from being able to conduct [REDACTED] duties as the [REDACTED], his General Officer medical physical was not conducted properly, he misused his subordinates, and he abused his authority. (Ex 1)

The IO prepared and presented an Investigation Plan (IP) to the DAF/IGS Director on 11 Sep 20. The IO obtained documentary evidence and interviewed 23 witnesses over the course of the investigation. In a letter dated 4 Jan 21, Brig Gen Magram was notified of the specific allegations included in this investigation. (Ex 34) In lieu of an interview, Brig Gen Magram provided IGS two written statements, dated 22 Feb 21 and 3 May 21, addressing the allegations. (Ex 3; Ex 64)

During this investigation, the following individuals provided sworn testimony regarding the allegations covered in this report:

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<sup>1</sup> The Department of Defense Inspector General DCATS case # is 20200615-065321-CASE-01

<sup>2</sup> Brig Gen Magram held the rank Colonel from 7 Jul 11, until 9 Apr 19, when he was promoted to the grade of Brig Gen. Although he held different ranks during different periods of time related to the allegations, we will refer to him throughout this report as Brig Gen.

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- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

**II. BACKGROUND**

The Complainant [REDACTED]

[REDACTED] 14 Jun 20 complaint to DoD IG, she claimed the leadership of the CAANG had hindered her from completing her duties as [REDACTED]. The Complainant also included a four-page narrative citing many perceived leadership failures dating back to 2013. (Ex 1)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

**III. ALLEGATIONS, STANDARDS, ANALYSIS, AND CONCLUSIONS**

**ALLEGATION 1:** That on divers occasions between 2013 and 2020, Brig Gen Jeffrey W. Magram wrongfully encouraged or requested subordinates to perform activities other than those required in the performance of official duties, in violation of DoD 5500.07-R, *Joint Ethics Regulation (JER)*, 17 Nov 11.

**STANDARDS.**

*Relevant parts of DOD 5500.07-R, The Joint Ethics Regulation:*

Provides a source of standards of ethical conduct and ethics guidance for DOD employees, based on Federal law 5 CFR § 2635.705. (Ex 84)

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*5 CFR § 2635.705 (b), Use of official time.*<sup>8</sup>

An employee shall not encourage, direct, coerce, or request a subordinate to use official time to perform activities other than those required in the performance of official duties or authorized in accordance with law or regulation. (Ex 83)

**DISCUSSION AND ANALYSIS.**

Five of Brig Gen Magram's subordinates testified they transported him to various personal appointments during official duty hours during his tenure at HQ CAANG. (Ex 12:10-12; Ex 15:26; Ex 18:11-12; Ex 19:19; Ex 23:4) A sixth subordinate testified she provided transportation for Brig Gen Magram for personal purposes when he was Vice Wing Commander of the 129<sup>th</sup> RQW. (Ex 22: 3-7) Another subordinate at HQ CAANG testified Brig Gen Magram requested, encouraged, or allowed her to reconcile his personal travel reward points. (Ex 25:22-23)

[REDACTED]

[REDACTED] currently serves full-time as the [REDACTED] as a SAD employee. During military duty on UTAs and Annual Training, he serves as [REDACTED] at the 144<sup>th</sup> FW in Fresno CA. (Ex 15:2-3) According to [REDACTED], in the past 24 months he transported Brig Gen Magram to Travis AFB for medical appointments on three or four separate occasions. (Ex 15:26-27, 29) He said "two to three of them were dental appointments, and one was for outpatient sinus surgery." (Ex 15:32) According to [REDACTED], Brig Gen Magram's dental and sinus surgeries required sedation and a safety driver after the procedures. (Ex 15:29-30) [REDACTED] explained he would drive to Brig Gen Magram's home, transport him to Travis AFB for medical appointments, then return Brig Gen Magram to his home. He testified these trips occurred during duty hours on official work days. (Ex 15:26-29) Initially, [REDACTED] testified he was not reimbursed, then later clarified he may have driven Brig Gen Magram in a government vehicle if the trip originated from their duty location versus home. (Ex 15:32) For reference, Travis AFB is located approximately 60 miles from Brig Gen Magram's home in Rocklin, CA, and approximately 48 miles from their duty location at the JFHQ in Sacramento. (Ex 41; Ex 43)

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<sup>8</sup> We recognize the investigation may also have considered other sections within the CFR such as 5 CFR § 2635.3029(b), gifts from employees receiving less pay, and 5 CFR § 2635.702, use of public office for private gain. These provisions prohibit accepting gift from a lesser-paid employee and from using a Government position to induce or coerce personal benefits. (Ex 83)

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██████████ elaborated about one of the times he drove Brig Gen Magram to Travis AFB and remained the entire day with Brig Gen Magram. On 30 Dec 19, Brig Gen Magram had a medical procedure performed at Davis Grant Medical Center at Travis AFB. (Ex 3:2) Brig Gen Magram arranged for an overnight stay at Travis AFB after the surgery to be near the medical treatment facility should post-surgery complications arise. (Ex 15:34) ██████████ transported Brig Gen Magram during the duty day to Travis AFB the morning of 30 Dec 19 for the surgical procedure, and remained at Travis AFB with Brig Gen Magram throughout the day. (Ex 15:33) Around 1700 hours, ██████████ arrived to relieve him. (Ex 3:2; Ex 12:9; Ex 15: 34) ██████████ testified he drove his personal vehicle and was not reimbursed for transportation costs.

██████████

Testimony from ██████████, the ██████████ corroborates ██████████ statements regarding transporting Brig Gen Magram to Travis AFB in Dec 19. ██████████ testified he worked in the office during the day on 30 Dec 19, then drove alone to Travis AFB after work. He said he arrived at Travis AFB at approximately 1700 then stayed overnight in a two-bedroom billeting suite with Brig Gen Magram after ██████████ departed. According to ██████████, the purpose of the trip was to be observant and available to help if Brig Gen Magram were to experience post-surgery complications. ██████████ said he drove Brig Gen Magram back to his home on the morning of 31 Dec 19. (Ex 12:9-10) ██████████ testified he drove his personal vehicle and Brig Gen Magram did not reimburse him for transportation costs. There were no lodging costs because ██████████ spent the night with Brig Gen Magram in his two-bedroom suite. As for meals, ██████████ purchased ingredients for a spaghetti meal at the commissary and prepared the meal for them both. No reimbursement was offered by Brig Gen Magram. However, ██████████ stated Brig Gen Magram purchases coffee for him periodically, so ██████████ did not believe there was a need for reimbursement. (Ex 12:7-8, 10-12)

██████████

██████████ testified that in 2018 Brig Gen Magram asked him for a ride to Travis AFB for a medical appointment during duty hours. (Ex 23:4-5, 7) He further testified he was surprised when Brig Gen Magram made the request:

I believe I was standing in the, in the doorway of General Garrison's office at the time and, you know, he... [Brig Gen Magram] had kind of walked in. I think they already, I think it was pre-planned. I think it was, it was kind of a, because when he asked me, I

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just kind of looked at General Garrison, like, really? And, and he didn't say anything and I'm, like, uh, sure, I guess, because I, you know, it was, it was very awkward. I wasn't going to say, no, I'm not doing that. So it was kind of, it was a request... I was not ordered to do it. (Ex 23:6)

██████████ testified he did not want to take Brig Gen Magram to this appointment because he believed it was outside of his official duties, stating "my job is to take care of the Airmen in the State of California and not be a chauffeur for a general officer." (Ex 23:6)

██████████ testified he drove Brig Gen Magram's car, and the round trip to Travis AFB took approximately 4 hours. The reason his trip was longer because ██████████ lived in ██████████, which is closer to Travis AFB. When he picked up Brig Gen Magram, he drove the opposite direction from Travis AFB. ██████████ would then drive himself and Brig Gen Magram past his home enroute to Travis AFB. He also passed by his home to drive Brig Gen Magram home after the appointment. (Ex 23:4-5; Ex 41) ██████████ testified he drove his personal vehicle to Brig Gen Magram's home (45 miles round trip) -- but did not receive reimbursement. ██████████ drove Brig Gen Magram vehicle to the medical appointment at Travis AFB. (Ex 23:10, 43)

██████████

Beginning in June 2013, Brig Gen Magram was on convalescent leave at his home near Moffett Field for several months while serving as 129<sup>th</sup> RQW Vice Commander. On two occasions during this convalescent leave, ██████████, ██████████ brought official documents to Brig Gen Magram's home for his signature. (Ex 22:4, 15) ██████████ stated Brig Gen Magram asked her to drive him and his ██████████ from his home to local civilian businesses. The first request involved taking Brig Gen Magram's mother grocery shopping, and the second was to drive Brig Gen Magram to a local credit union to withdraw cash. (Ex 22:3-5)

██████████ was in uniform and drove Brig Gen Magram's ██████████ grocery shopping during the duty day. The trip lasted approximately 1.5 hours. (Ex 22:10-11) ██████████ recalled several details of the shopping trip:

You know, so the things that stand out to me -- there's only a couple of things. So one is that she was particular. When I say particular, it had to be at Whole Foods... it just took her a long time to decide what she wanted, a lot of comparison shopping amongst products... and then she had to look at every single label. Oh, because I think there's some allergies. (Ex 22:11-12)

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██████████ said she was uncomfortable assisting with this errand because it was during the duty day and she was in her uniform. However, she was also uncomfortable saying no to Brig Gen Magram because she was concerned about the impact on her career:

[T]here was quite a few people who'd been in the positions with rank and so forth, and people were kind of getting moved around and let go of -- so if you were on his good side, then he'd work with you. And if you were not on his good side, then, um, yeah, he would kind of discard or try to make sure that you were kind of put to the side... So, during the, um -- you know, it, it -- I hate to say it wasn't that big of a deal. It wasn't that big of an ask. It wasn't illegal, immoral, or unethical. At the time, that's the way I looked at it. Um, awkward because we weren't friends to ask me to take -- cart around your ██████████, but, um, anyway. Um, did I feel awkward saying no? I mean, yes. Yes, sir, I did feel awkward saying no. You know, um, yeah. So it wouldn't have even been an option for me, I don't feel like, to say no to him, especially when you're taking, you know, to the grocery store. (Ex 22:14)

On a second occasion in 2013, ██████████ was at Brig Gen Magram's home for official business when he asked her for a ride to Meriwest Credit Union:

But one of the other visits that I took, you know, paperwork over there, uh, he just asked me, he said, 'Hey, can you take me to the Credit Union? I need to get, you know, some money,' and I think he had a birthday gift, he had to put money in, in a birthday card, as I remember, for a ██████████ or ██████████ or something... it didn't seem like a horribly terrible thing... I was in an awkward position, and I said sure, sure, we'll go over to the Credit Union. (Ex 22:16-17)

*Brig Gen Jeffrey Magram's Response to Allegation #1*

Brig Gen Magram provided details for this allegation in his written statements. (Ex 3; Ex 64) In his first written statement, Brig Gen Magram discussed the instances when subordinates drove him to personal appointments in chronological order beginning in 2013. Brig Gen Magram's statements generally confirmed his subordinates' testimony. He did not mention in either of his written statements about ██████████ driving him and his ██████████ for errands in 2013. However, he commented about his ██████████ assistance during his extended convalescent leave and stated some unit members visited his home while his ██████████ was there. (Ex 3:1)

She helped me shop and assisted me with doctor's appointments. I had told some people in the office that she was going to celebrate her ██████████ while she was there. A couple of people offered to help make a little celebration at my place. It was very nice and my ██████████ still speaks of it. When I came back to work, it took a while to get back to

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the point where I could easily handle the pace. I remember people noticing that and wanting to help, but there wasn't much anyone could do. But perhaps there is something that occurred during this period. I don't recall anything else in particular. (Ex 3:1)

Brig Gen Magram confirmed [REDACTED], and [REDACTED] transported him to Travis AFB for medical appointments beginning in 2016 through 2019. (Ex 3:2-3) Maj Gen Garrison counseled him in early 2017 about [REDACTED] transporting him to personal appointments, (Ex 6:5) but Brig Gen Magram continued to ask [REDACTED] and others for rides. For the 30 Dec 19 medical procedure, Brig Gen Magram maintains [REDACTED] and [REDACTED] "insisted" upon driving him. (Ex 3:2)

According to Brig Gen Magram, he talked with [REDACTED], who was the state SJA, and wanted to talk with [REDACTED], his full-time boss, regarding subordinates driving him to and from his Dec 19 medical procedure. Brig Gen Magram did not indicate what advice he received from either [REDACTED] or [REDACTED]:

Since the Commander of the CAANG and SJA-Air were Drill Status Guardsman (DSG) at this point, I wanted to discuss this procedure with my full time boss and the [REDACTED]. I spoke with [REDACTED], our [REDACTED], regarding the need for this help. (Ex 3:2)

Finally, in his first written response, Brig Gen Magram contended that requesting subordinates to transport him to medical appointments when he was sedated is consistent with the Air Force Wingmen Concept because "a wingman would take you to your appointment so as to mitigate any chance of accident or injury." (Ex 3:2) He also stated he was unaware his actions could be considered unethical, stating, "I want to reiterate that had I ever heard of any ethics issues like this from subordinates, peers, or commanders or perceptions of such I would have corrected or addressed it on the spot as the facts indicate leading up to and once I became a general officer." (Ex 3:4)

**WITNESSES WHO DROVE BRIG GEN MAGRAM TO PERSONAL ERRANDS**

<b>Witness/Subordinate</b>	<b>Medical</b>	<b>Grocery &amp; ATM</b>	<b>Total</b>
[REDACTED] (Ex 15:32-34)	3-4		3-4
[REDACTED] (Ex 12:8-9)	1		1
[REDACTED] (Ex 22:3-5,16-17)		2	2
<b>Total</b>	<b>4-5</b>	<b>2</b>	<b>6-7</b>

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APPLICABILITY OF 5 CFR § 2635.705 AND THE JER

The JER incorporates 5 CFR § 2635.705 (b), Use of official time. Due to the unique state and federal statuses of the National Guard, it is necessary to examine the JER's applicability each time Brig Gen Magram allegedly encouraged, directed, coerced, or requested employees to provide him services outside their official duties.

The DoD Standards of Conduct Office (SOCO) issued Advisory 14-03 on 5 Dec 14 entitled "Clarification of Application of JER to Members of the National Guard or Reserve." (Ex 88) This advisory places more emphasis on how a member of the National Guard or Reserve uses their title, position, or authority taking an action rather than their status when taking the action. The clarification states:

There is no question that when members of the National Guard or Reserve are in a title 10 status, or when members of the National Guard are in a title 32 status, the JER applies. The JER also applies where a member of the National Guard or Reserve not in a title 10 or title 32 status, takes an affirmative action to use his or her DoD (title 10 or 32) title, position, or authority. In those instances, a member not in a title 10 or title 32 status would be considered to be "engaged in any activity related to the performance of such duties or functions." (Ex 88)

The facts contained in the two broad categories of transportation provided to Brig Gen Magram (for medical appointments and for personal errands) will be analyzed to determine if the JER applies.

Transportation to Medical Appointments

The JER applied because Brig Gen Magram was on Title 32 federal orders when [REDACTED] transported him to or from medical appointments at Travis AFB in 2018, and 30 Dec 19. Brig Gen Magram did not address his status in his written responses; however, [REDACTED] provided testimonial evidence that indicated Brig Gen Magram was on federal orders when he went to Travis AFB for all of these medical appointments. (Ex 15:35; Ex 25:26-27) [REDACTED] testified, "He [Brig Gen Magram] was always very conscientious of having the team put him on orders for a trip out to Travis and back." (Ex 15:35) [REDACTED] explained Brig Gen Magram had medical appointments at Travis AFB on 23 and 30 Dec 19, and documents show Brig Gen Magram was on federal orders 23 and 30 Dec 19. (Ex 68:70; Ex 87) No evidence was presented that Brig Gen Magram had a subordinate drive him to his medical appointment on 23 Dec 19; however, Brig Gen Magram, [REDACTED] confirmed he was driven to his medical appointment on 30 Dec 19. (Ex 3:2; Ex 12:6-8; Ex 23:7) Evidence indicated [REDACTED] and [REDACTED] were on AGR

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orders in 2018 and 30 Dec 19 respectively, when they transported Brig Gen Magram to and from medical appointments. (Ex 12:9; Ex 66) Brig Gen Magram was transported three times for dental appointments that required sedation. [REDACTED] drove him once and [REDACTED] drove him twice. (Ex 3:2)

*Transportation to Personal Errands when on Convalescent Leave in 2013*

The JER applied because Brig Gen Magram was on Title 32 AGR Orders being paid with federal funds. (Ex 22:6) Even though Brig Gen Magram was on convalescent leave, he received federal military pay. [REDACTED] was also on Title 32 orders and performed these personal errands during the duty day, which were not part of her official duties. (Ex 22:8, 12-13) [REDACTED] stated Brig Gen Magram requested she conduct these errands and did not believe it would be beneficial for her career to refuse the requests. (Ex 22:12-13, 16-17)

*Addressing Brig Gen Magram's Wingman Argument*

Brig Gen Magram stated a safety driver was needed whenever sedation was required for his dental or medical appointments at Travis AFB. He stated, "As consistent with the Air Force at the time a wingman would take you to your appointment so as to mitigate any chance of accident or injury." (Ex 3:2)

AFI 1-1 references the Air Force Wingmen concept:

**2.5. Wingmen.** Airmen at all levels of command have a role as wingmen. The Air Force culture is centered on the idea that a wingman will always safeguard his or her lead, and it adheres to the belief that a lead never lets his or her wingman stray into danger. All Airmen are encouraged to be good wingmen. Being a good wingman means taking care of fellow Airmen—and taking action when signs of trouble are observed, especially in situations where Airmen appear as if they are about to make a poor decision, are in despair or show signs of hurting themselves or others. Commanders also must recognize when their people need help and know where to send them to get it. Supervisors are the first line of defense for the well-being of the people they supervise. Often they are in a position to spot the first signs of trouble and are in the best position to listen and provide, or arrange for, needed assistance. (Ex 95:16-17)

The description of Wingmen in AFI 1-1 is applicable to Airmen at all levels and encourages all Airmen to be good wingmen. The paragraph begins with a formation flying analogy to define Air Force culture for all Airmen. It begins by stating "a wingman will always safeguard his or her lead." It does not say a wingman will acquiesce to planned requests for favors from their leader, for the leader's convenience. The second portion adds "a lead never lets his or her wingman stray into danger." From Brig Gen Magram's written statements, he

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mistakenly asserts when subordinates drove him to medical appointments, they were acting as his wingmen to “mitigate his chance of accident or injury” due to him being sedated during medical appointments. The Wingman Concept described in AFI 1-1 above is designed to encourage Airmen to take action in response to urgent situations. The words used to emphasize this point in AFI 1-1, para 2.5 are: “stray into danger, signs of trouble, about to make a poor decision, despair, signs of hurting themselves or others, and signs of trouble.” As such, these subordinates were not acting as wingmen in the context addressed above. Brig Gen Magram’s medical appointments were pre-scheduled events not requiring exigent action from Airmen. Instead, they were asked or encouraged by Brig Gen Magram as their superior to provide him with personal favors that fell outside their official duties.

*Addressing Brig Gen Magram Seeking Ethics Advice*

According to Brig Gen Magram, prior to his medical procedure on 30 Dec 19 he sought ethics advice from his full-time boss (MG Beevers), and COL Kaufmann, CA Military Department General Counsel. (Ex 3:2) Brig Gen Magram stated:

There was one surgical procedure at David Grant Medical Center [at Travis AFB] that took place after I was promoted to General officer, but the same principals (sic) were used. Since the Commander of the CA ANG and SJA-Air were Drill Status Guardsman at this point, I wanted to discuss this procedure with my full time boss and the Department ethics advisor. I spoke with COL Dave Kauffman, our State SJA, regarding the need for this help. This procedure required someone present to make sure there were no post op complications. My wife was pregnant at the time and not feeling well most of the time and was unable to do it. (Ex 3:2)

██████████ testified he recalled only one instance when Brig Gen Magram sought his advice regarding an employee driving him to a medical appointment at Travis AFB. (Ex 10:5-7) However, the facts recalled by ██████████ do not match those in Brig Gen Magram’s written statement. According to Brig Gen Magram, “The rides to David Grant Medical Center (Travis AFB) were for military related military issues and I cleared them with command/SJA.” (Ex 64:2) Brig Gen Magram stated subordinates drove him to Travis AFB for medical appointments in 2016-2019 – before he sought ethics advice. (Ex 3:2-3) ██████████ recalled Brig Gen Magram requested his ethics advice in Aug or Sep 20. (Ex 9:5-6) Brig Gen Magram’s requested ethics advice was for ██████████ potentially driving him to Travis AFB for a medical appointment. (Ex 10:5-8) ██████████ testified the scenario presented to him by Brig Gen Magram was ██████████ had other business at Travis AFB that coincided with Brig Gen Magram’s medical procedure. (Ex 10:5-7) However, ██████████ testified he had no appointments at Travis AFB, so the scenario presented by Brig Gen Magram was not accurate. (Ex 9:43-44) Brig Gen Magram also consulted Maj Gen Jones on ██████████

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driving him to the medical appointment. Maj Gen Jones responded it would not be appropriate, and Brig Gen Magram did not have [REDACTED] drive him to the medical appointment. (Ex 7:4-5)

According to Brig Gen Magram, he sought legal advice for the medical procedure on 30 Dec 19. Brig Gen Magram also didn't specify who he wanted to drive him to Travis AFB for this medical appointment when addressing his contention that he requested legal advice. However, based on testimony from both [REDACTED], Brig Gen Magram asked them to provide him transportation to and from the 30 Dec 19 medical procedure. As mentioned above, [REDACTED] recalled Brig Gen Magram asking about [REDACTED] transporting him to Travis AFB. Based on the difference in the details of the testimony for both Brig Gen Magram and [REDACTED], it does not appear they are addressing the same event. The investigation was unable to find any evidence Brig Gen Magram requested legal advice from [REDACTED] regarding being transported to and from the medical procedure by his subordinates before he asked or allowed them to drive him to the medical appointments.

Brig Gen Magram stated he sought counseling from his full-time supervisor about [REDACTED] and [REDACTED] transporting him to Travis AFB for his medical appointment on 30 Dec 19. MG Beavers, his full-time supervisor denied ever discussing the use of subordinates for personal errands with Brig Gen Magram. (Ex 5:4)

Brig Gen Magram's written statement did not include the following counsel provided to him by Maj Gen Garrison and Maj Gen Jones regarding employees driving him to personal appointments. [REDACTED] testified that in 2017 he counseled Brig Gen Magram not to have subordinates, specifically [REDACTED], transport him to personal appointments.

[I]t was mostly with reference to our executive officer, uh, [REDACTED] had drove him to -- he was having some dental work done or something like that, and he would use -- had [REDACTED] drive him to his doctor's appointment. And it was outside of official duties, right? So my counselling to him is, you can't use -- even if -- because they'd been on the state staff together for decades, literally, um, and they are good friends, but you can't use someone who works for you in that capacity... to get you to personal appointments, because even if you are friends, the appearance to the outside is that you're using a guy that you rate and are moving around, you know, have a direct impact on their career, you can't use that guy to get you to your personal appointments because it's not right...my recommendation was, if you need a ride somewhere, I'll take you. (Ex 6:5)

Following that counseling, Maj Gen Garrison provided one ride to Brig Gen Magram from an emergency room to home after Brig Gen Magram sustained injuries from a vehicle accident in February 2019. (Ex 6:5-6)

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Later that day, [REDACTED] called a team meeting with the Executive Support Staff and told them:

Hey, whatever you all do, if it's not for the bigger enterprise, I said, 'You need to stop.' I said 'If it doesn't affect the California National Guard, the Air Force, National Guard, or whatever and if you're helping on personal -- if you're doing a personal favor to one of our, uh, executives,' I said, 'You need to stop it because they're going to get in trouble.' I said, 'And our job is to keep them on the right path and -- and keep them out of trouble.' Uh, I said, 'You are not his personal assistant.' (Ex 20:14)

After [REDACTED] met with his staff on 17 Jul 20, he spoke to Maj Gen Jones to inform him he told his staff not to perform personal tasks for the executive staff at HQ CAANG. (Ex 20:15; Ex 72) According to [REDACTED] MFR, Maj Gen Jones contacted Brig Gen Magram on the same day to advise him to be cognizant of asking subordinates to perform personal errands. (Ex 72) In the evening of 17 Jul 20, Brig Gen Magram called [REDACTED] advising him of Brig Gen Magram's conversation with Maj Gen Jones:

[Brig Gen Magram said] 'Hey, I don't know what you said, but I don't have -- I don't have, uh, staff do anything personally for me,' and he was kind of lecturing me on the phone, uh, which is fine because I'm glad that I know that the boss had talked to him. (Ex 20:15)

[REDACTED] testified she has compared Brig Gen Magram's personal travel rewards programs to his official travel itineraries. If she found discrepancies, she would bring it to Brig Gen Magram's attention so he could contact the companies for corrections. She stated she did not have access to his personal travel rewards accounts. (Ex 25:22-23) However, after her interview for this investigation, [REDACTED] sent an email to the IO asking to correct to her testimony.

When asked about Gen Jeffery Magram's airline and hotel rewards programs, I stated that I was not given Gen Magram's account information (username & passwords) for his reward programs. This was incorrect. Gen Magram gave me a sticky note with his usernames and passwords on it. I don't think I needed this information to conduct the audit. I was also asked if I contacted airlines or hotels to request credit for flights and hotel stays that did not include his rewards numbers, to which I answered no. This was also incorrect. I am fairly certain that I didn't contact hotels, however I'm pretty confident that I did contact United Airlines and potentially Southwest Airlines to request updates to his miles. On the above mentioned sticky note Gen Magram included the website for requesting miles for United Airlines. (Ex 73:1-2)

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In his written statement Brig Gen Magram confirmed MSgt Beckstrom assisted him with his travel rewards programs. He went on to claim she has done it for others and stated he would not have her conduct this duty for him again. (Ex 3:4)

The JER applies in this case. Both Brig Gen Magram and [REDACTED] were on SAD status when she reconciled his travel reward points. (Ex 25:38) However, Brig Gen Magram's official travel was funded with federal funds. [REDACTED] was using the Government Travel Charge Card records to audit his travel records to reconcile whether he received his personal travel reward points. Therefore, Brig Gen Magram was using his military title, position, or authority to encourage, direct, coerce, or request [REDACTED] to perform this personal service during official time, outside of her official duties.

**CONCLUSION.**

Brig Gen Magram provided two written statements confirming a pattern of behavior of requesting, encouraging, or allowing subordinates to conduct personal tasks for him that were outside their official duties from 2016-2020. In 2017 Maj Gen Garrison warned him not to use a subordinate, [REDACTED], to drive him to medical appointments. After Maj Gen Garrison's warning, he continued to ask [REDACTED] and two additional subordinates to drive him to his medical appointments during duty hours. These trips were approximately 120 miles round-trip, originating from Brig Gen Magram's home to Travis AFB. These medical appointments required a safety driver when sedation was needed for his medical procedures. Brig Gen Magram ostensibly thought the Air Force Wingman Concept justified his use of subordinates to drive him to medical appointments. AFI 1-1 describes the use of the Wingman Concept for exigent circumstances. Brig Gen Magram's medical appointments were scheduled in advance and were not of an urgent nature to require his subordinates to perform tasks outside their official duties. In these cases, Brig Gen Magram was not relieved of his responsibility to comply with the JER, which forbade him from requesting or encouraging subordinates to use official time to perform activities other than those required in the performance of official duties, or authorized by law or regulations.

In 2013, Brig Gen Magram was on Title 32 convalescent leave and requested a CMSgt on separate occasions to take his mother food shopping and to drive him to an ATM to withdraw cash for personal reasons. These two personal errands were outside the official duties of the CMSgt and were performed during duty hours.

In 2019 and 2020, Brig Gen Magram encouraged, directed, or requested his enlisted Executive Assistant to reconcile his personal and official travel with his personal and airline

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

By a preponderance of the evidence, the allegation that between 2017 and 2018 Brig Gen Jeffrey W. Magram abused his authority, as defined in AFI 90-301, *Inspector General Complaints Resolution*, certified current 28 December 2018, when he wrongfully prevented an officer promotion, is **NOT SUBSTANTIATED**.

**ALLEGATION 3:** That in or around October 2020, Brig Gen Jeffrey W. Magram failed to comply with annual information assurance training requirements, in violation of DoDD 8570.01M, *Information Assurance Workforce Improvement Program*, 19 December 2005.

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**STANDARDS.**

Relevant portions of DOD 8570.01-M, *Information Assurance (IA) Workforce Improvement Program*, 19 December 2005:

C6.2.2 To ensure understanding of the critical importance of IA, all individuals with access to DoD IT systems are required to receive and complete initial IA awareness training before being granted access to the system(s) and annual IA awareness training to retain access. (Ex 103)

**DISCUSSION AND ANALYSIS.**

During the course of the investigation, evidence emerged that indicated Brig Gen Magram allowed [REDACTED] to complete a portion of his annually required Cyber Awareness Training (also referred to as Information Assurance). (Ex 26:17-18) [REDACTED]

[REDACTED] Joint Base Andrews was consulted for guidance. [REDACTED] stated this training must be accomplished by each individual, rather than group training, to gain or continue access to the computer network. (Ex 80) This conversation was followed by an email citing the applicable standard, DOD 8570.01M.<sup>19</sup> (Ex 81)

DOD 8570.01-M requires all personnel accessing DoD/AF Information Networks to complete an initial cybersecurity awareness training course, and an annual refresher training course thereafter. (Ex 103) The computer network at the JFHQ California National Guard provides computer network services to HQ CAANG. On 27 Oct 2020, Brig Gen Magram signed a California National Guard form entitled *Information Systems Acceptable Use Policy (AUP)* certifying he completed all the requirements needed for access to the DOD computer network. (Ex 76:4) If network users do not provide a copy of their cyber awareness training certificate and a signed copy of the AUP before the expiration of their annual renewal date, their network access is automatically terminated.

In October 2020, Brig Gen Magram failed to successfully complete his required Cyber Awareness Training and AUP prior to his annual renewal date, and his computer access was suspended by the JFHQ J6. Computer Help Desk. Each duty day for approximately two weeks, Brig Gen Magram dispatched subordinates to personally walk to the JFHQ J-6 Office to request

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<sup>19</sup> AFMAN 17-1703, *Air Force Cybersecurity Workforce Improvement Program*, 12 May 20, was also offered as an applicable standard. DOD 8570.01-M was the standard used in this investigation since the section addressing cyber awareness training requirements in AFMAN 17-1703 duplicates the requirement in the DOD policy.

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his computer access be restored so he could complete his required training. (Ex 15:15; Ex 20:8; Ex 26:19) The following is a text message between [REDACTED], regarding Brig Gen Magram's expired computer access. The date and time of the text message was 20 Oct 20 at 2:42 p.m.:

[REDACTED] Sir, [REDACTED] went down again today to get Gen M's [Magram's] account unlocked. They told him "They just told me this can't go on because they will lose the right to unlock him at a higher level." We need Gen M to complete his AUP.

[REDACTED] I'm standing in Magrams (sic) office, said I'm not leaving till we do it. I apologized to [REDACTED]...will fix. (Ex 74)

[REDACTED] testified [REDACTED] became increasingly frustrated that Brig Gen Magram had not completed the training. [REDACTED] learned J6 informed [REDACTED] they cannot unlock Brig Gen Magram's computer again. According to [REDACTED], [REDACTED] stated in [REDACTED] presence, "I've told him he's got to get that done." (Ex 23:19-20)

[REDACTED] assigned to the HQ CAANG. He testified:

General Magram had been locked out of the network, so he hadn't -- every day he has come in for at least the last 6, 7 work days, he's been locked out of the network, because he has not accomplished his cyber awareness. So, for the last 6 or 7 days, I, I've been asked to go down to our J6 folks and ask them to unlock him for 24 hours so he can accomplish his cyber awareness [training]. (Ex 26:19)

[REDACTED] observed [REDACTED] sitting at Brig Gen Magram's computer taking the Cyber Awareness Training on Brig Gen Magram's behalf:

[REDACTED] was at [Brig Gen Magram's] desk sitting in his chair, just clicking through the cyber awareness slides, and General Magram was with [REDACTED] at the table and General Magram was on the phone...No, it was fairly clear to me that [REDACTED] was just knocking out his cyber awareness training in, ah, for him and that, yeah, he was not -- they weren't working together by any means. It was -- he was just doing his cyber awareness. (Ex 26:20)

When [REDACTED] was asked if he completed the cybersecurity training for Brig Gen Magram he responded,

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network access from the J6 in one-day increments. Brig Gen Magram procrastinated in fulfilling the information assurance requirements. It was not until the J6 advised they could no longer provide him temporary access to the network on 20 Oct 2020 that ██████ notified ██████ that Brig Gen Magram had not completed the required annual cyber awareness training. (Ex 23:19- 20; Ex 26:19; Ex 74)

████████ testified he witnessed ██████ at Brig Gen Magram's computer taking the Cyber Awareness Challenge training for Brig Gen Magram on 20 Oct 2020, the same date of Brig Gen Magram's certificate of completion. ██████ also provided definitive testimony that he saw ██████ answering questions on this computer-based training. ██████ testified he accessed the training on behalf of Brig Gen Magram and answered two or three questions. ██████ intimated it was a collaborative effort with Brig Gen Magram. However, no witness corroborated ██████ version of events.

████████ stated while ██████ was at the computer, Brig Gen Magram was on the phone and sat with ██████ at a table in his office conducting business. (Ex 26:17, 20) In contrast to ██████ testimony that ██████ collaborated with Brig Gen Magram on a couple of initial questions, ██████ stated "we weren't talking about that. As soon as ██████ sat down with that thing, then I start hitting my list of . . . staffing items." (Ex 12:22) Thus, the preponderance of the evidence supports: ██████ completed at least some of the cyber awareness training for Brig Gen Magram; and Brig Gen Magram did not complete all of the questions on his own, thus failing to comply with annual information assurance training requirements, in violation of *DoDD 8570.01Me*. e training was not successfully completed.

Brig Gen Magram admitted he was late in completing the required training. In his statement he cited "a tremendously busy operational tempo with multiple state missions in play." (Ex 3:7) He further stated, "So as much as I wanted to complete this training, my primary mission responsibilities took priority and drove my schedule." (Ex 3:7) Brig Gen Magram went on to rationalize tardiness as common at his work location. (Ex 3:7)

**CONCLUSION.**

The preponderance of the evidence shows Brig Gen Magram did not complete his required annual Cyber Awareness Training on his own, thus the entire training requirement was not fulfilled as required in *DoDD 8570.01M*. Witness testimony confirms ██████ completed part of the Cyber Awareness training on Brig Gen Magram's behalf. Therefore, Brig Gen Magram did not successfully complete the requirement.

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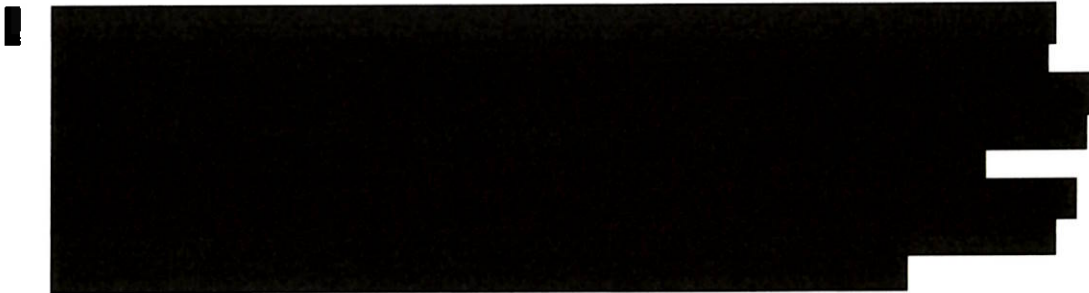
By a preponderance of the evidence, the allegation that in or around October 2020, Brig Gen Jeffrey W. Magram failed to comply with annual information assurance training requirements, in violation of DoDD 8570.01M, *Information Assurance Workforce Improvement Program*, 19 December 2005, is **SUBSTANTIATED**.

**SUMMARY.**

**ALLEGATION 1:** That on divers occasions between 2013 and 2020, Brig Gen Jeffrey Magram wrongfully encouraged or requested subordinates to perform activities other than those required in the performance of official duties, in violation of DoD 5500.07-R, *Joint Ethics Regulation* (JER), 17 Nov 11, is **SUBSTANTIATED**.

- The preponderance of the evidence supports the conclusion that Brig Gen Magram inappropriately encouraged or requested subordinates to perform personal tasks for Brig Gen Magram that were outside their official duties. Subordinates drove Brig Gen Magram during duty hours to medical appointments, a credit union to withdraw cash for personal use, and drive his mother to Whole Foods to shop for him. Brig Gen Magram also requested or encouraged an employee to audit and reconcile his personal travel rewards points.

**ALLEGATION 2:** That between 2017 and 2018 Brig Gen Jeffrey W. Magram abused his authority, as defined in AFI 90-301, *Inspector General Complaints Resolution*, certified current 28 December 2018, when he wrongfully prevented an officer promotion, is **NOT SUBSTANTIATED**.



**ALLEGATION 3:** That in or around October 2020, Brig Gen Jeffrey W. Magram failed to comply with annual information assurance training requirements, in violation of DoDD 8570.01M, *Information Assurance Workforce Improvement Program*, 19 December 2005, is **SUBSTANTIATED**.

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- The preponderance of the evidence supports the conclusion that Brig Gen Magram did not complete his required annual information assurance training requirements in October 2020. A subordinate completed a portion of this training on Brig Gen Magram's computer representing himself as Brig Gen Magram. Therefore, Brig Gen Magram did not comply with completing all of the training requirements.



TONY L. WEST, GS-15, DAFC  
Investigating Officer  
Senior Official Inquiries

I have reviewed this Report of Investigation and the accompanying legal review and I concur with their findings.



SAMI D. SAID  
Lieutenant General, USAF  
The Inspector General

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