



UNDER SECRETARY OF DEFENSE
1100 DEFENSE PENTAGON
WASHINGTON, DC 20301-1100

COMPTROLLER

SEP 14 2012

The Honorable Gene Dodaro
Comptroller General of the United States
Washington, DC 20548

Dear Mr. Dodaro:

This letter is to report a violation of the Antideficiency Act (ADA) as required by title 31, U.S.C., section 1351. The Department of the Army violation, case number 11-01, was in the amount of \$51,524,768.67.

Enclosed are copies of the letters transmitting a report of violation of title 31, U.S.C., section 1341. Copies were submitted to the President, the President of the Senate, the Speaker of the House of Representatives, and the Director of the Office of Management and Budget.

Sincerely,

A handwritten signature in cursive script, reading "Robert F. Hale", is positioned below the "Sincerely," text.

Robert F. Hale

Enclosures:
As stated



UNDER SECRETARY OF DEFENSE

1100 DEFENSE PENTAGON
WASHINGTON, DC 20301-1100

COMPTROLLER

The Honorable Jeffrey Zients
Acting Director
Office of Management and Budget
Washington, DC 20503

SEP 14 2012

Dear Mr. Zients:

Enclosed are a letter and report transmitting a violation of title 31, U.S.C., section 1341, to the President. The Antideficiency Act violation, Army case number 11-01, totaled \$51,524,768.67. This violation report is required by title 31, U.S.C., section 1351, to be submitted to the President through the Director of the Office of Management and Budget. The Army did not receive a clean audit opinion during the fiscal year in which the violation occurred.

It was determined that the violation contained no willful or knowing intent on the part of the responsible parties to violate the Antideficiency Act. To comply with the aforementioned provisions, copies of the report are also being submitted to the President of the Senate, the Speaker of the House of Representatives, and the Comptroller General of the United States.

Sincerely,

A handwritten signature in cursive script, reading "Robert F. Hale", is positioned above the printed name.

Robert F. Hale

Enclosures:
As stated



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1100 DEFENSE PENTAGON
WASHINGTON, DC 20301-1100

COMPTROLLER

SEP 14 2012

The President
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear Mr. President:

This letter reports a violation of the Antideficiency Act (ADA), Army case number 11-01 (enclosed), as required by title 31, U.S.C., section 1351. The violation in the Operation and Maintenance, Army (OMA) appropriation, account 2172020, occurred at the Office of the Administrative Assistant to the Secretary of the Army, Resources and Programs Agency, Resource Services-Washington (RS-W), Operating Agency 22 (OA22) during Fiscal Years 2005, 2006, and 2007. The violation totaled \$51,524,768.67.

The violation occurred when OA22 improperly obligated OMA for the development of the enterprise Army Workload and Performance System. The improper use of OMA in support of this business system modernization effort in lieu of Research, Development, Test, and Evaluation funds led to a violation of title 31, U.S.C., section 1341.

Mr. Robert Jaworski, GS-15, former Director of Resource Management, RS-W, OA22, was found responsible for the violation. Disciplinary action was not taken against Mr. Jaworski since he retired from Federal Service on July 1, 2008. The violation contained no willful or knowing intent on the part of the responsible individual to violate the ADA.

To prevent a recurrence of this type of violation, RS-W has developed ADA Awareness Training and is now providing refresher training for budget execution and funds control personnel to increase awareness of: (1) certifying officer responsibilities; (2) what an ADA violation is and how to recognize it; (3) what action to take and what internal controls should be applied to ensure prevention of ADA violations; and (4) what specific references and resources are available. The Defense Business System Management Committee review and approval process was also improved and changed in order to prevent similar funding violations in the future.

Identical reports will be submitted to the President of the Senate, Speaker of the House of Representatives, Comptroller General of the United States, and Director of the Office of Management and Budget.

Respectfully yours,

Robert F. Hale



UNDER SECRETARY OF DEFENSE
1100 DEFENSE PENTAGON
WASHINGTON, DC 20301-1100

COMPTROLLER

SEP 14 2012

The Honorable Joseph R. Biden, Jr.
President of the Senate
United States Senate
Washington, DC 20510

Dear Mr. President:

This letter reports a violation of the Antideficiency Act (ADA), Army case number 11-01 (enclosed), as required by title 31, U.S.C., section 1351. The violation in the Operation and Maintenance, Army (OMA) appropriation, account 2172020, occurred at the Office of the Administrative Assistant to the Secretary of the Army, Resources and Programs Agency, Resource Services-Washington (RS-W), Operating Agency 22 (OA22) during Fiscal Years 2005, 2006, and 2007. The violation totaled \$51,524,768.67.

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Sincerely,

Robert F. Hale



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WASHINGTON, DC 20301-1100

COMPTROLLER

SEP 14 2012

The Honorable John A. Boehner
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

This letter reports a violation of the Antideficiency Act (ADA), Army case number 11-01 (enclosed), as required by title 31, U.S.C., section 1351. The violation in the Operation and Maintenance, Army (OMA) appropriation, account 2172020, occurred at the Office of the Administrative Assistant to the Secretary of the Army, Resources and Programs Agency, Resource Services-Washington (RS-W), Operating Agency 22 (OA22) during Fiscal Years 2005, 2006, and 2007. The violation totaled \$51,524,768.67.

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Sincerely,

Robert F. Hale

Enclosure:

GAO-12-18