

On May 7, 2021, the DoD OIG initiated this investigation of VADM Buck's alleged false official statements. As an active duty officer, VADM Buck is subject to the Uniform Code of Military Justice (UCMJ). Accordingly, we will rely on Article 107 of the UCMJ to guide our analysis of the alleged false official statements. The elements of Article 107 as applied to this investigation are that:

- VADM Buck made a certain official statement;
- VADM Buck's statement was false in certain particulars;
- VADM Buck knew it to be false at the time he made it;³ and
- VADM Buck made the false statement with the intent to deceive.⁴

We provide additional information about this standard in Appendix A.

Scope and Methodology of the Investigation

During our investigation, we interviewed 20 witnesses, including (b)(3) (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(6), (b)(7)(C). We also interviewed witnesses who had relevant information about these matters, including (b)(3) (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C); (b)(3) (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C).⁵ We reviewed applicable standards and documents related to the USNA's inquiry and adjudication of the disenrollment proceedings against MIDN (b)(6), (b)(7)(C). We also reviewed VADM Buck's official e-mails from May 30, 2020, through May 30, 2021, and found no information to support the allegation.

Conclusion

We concluded by a preponderance of the evidence that VADM Buck did not make a false official statement, as defined by Article 107 of the UCMJ, to (b)(6), (b)(7)(C) or (b)(6), (b)(7). However, we found that VADM Buck made a statement that was false during both the conference call with (b)(6), (b)(7)(C) on February 18, 2021, and the office visit with (b)(6), (b)(7) on February 24, 2021. We further found that VADM Buck knew that his statements were false, but we could not determine by a preponderance of the evidence that VADM Buck intended to make those false statements on either occasion to deceive (b)(6), (b)(7)(C) or (b)(6), (b)(7). Separately, we concluded that VADM Buck did not make a false official statement to former Secretary Braithwaite.

³ "The false representation must be one which the accused actually knew was false. Actual knowledge may be proved by circumstantial evidence. An honest, although erroneous, belief that a statement made is true, is a defense," Manual for Courts-Martial (MCM) 2019, part IV, para 41.c.(1)(f).

⁴ "It is not necessary that the false statement be material to the issue inquiry. If, however, the falsity is in respect to a material matter, it may be considered as some evidence of the intent to deceive, while immateriality may tend to show an absence of this intent," MCM 2019, part IV, para 41.c.(1)(d). To substantiate a criminal violation of Article 107, a prosecutor must prove all four elements beyond a reasonable doubt. However, our investigation is administrative in nature, so we used these elements to guide our review. To determine whether to substantiate an allegation of a false official statement, we examined whether the evidence supported meeting all four elements by a preponderance of the evidence, consistent with our normal process in administrative investigations.

⁵ (b)(6), (b)(7)(C) and, while not vacating that position, was also appointed by Secretary Braithwaite to serve as the (b)(6), (b)(7)(C). Consequently, (b)(6), (b)(7)(C)