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Description of document: Pension Benefit Guaranty Corporation (PBGC) Inspector General (OIG) Investigations Closed 2010-2013 and 2017

Requested date: 14-December-2020

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Posted date: 14-June-2021

Source of document: Disclosure Officer
Pension Benefit Guaranty Corporation
1200 K Street, N.W., Suite 11101
Washington, D.C. 20005
Fax: (202) 229-4042
[FOIAonline](#) (preferred)

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Pension Benefit Guaranty Corporation
1200 K Street, N.W., Washington, D.C. 20005-4026

VIA EMAIL

PBGC 2021-000694

January 25, 2021

Re: Request for PBGC Office of Inspector General investigations closed 2010-2013 and 2017

I am responding to your Freedom of Information Act (FOIA) request received in the Disclosure Division of the Pension Benefit Guaranty Corporation (PBGC) on December 14, 2020. You requested a listing of PBGC Office of Inspector General investigations closed from 2010 to 2013 and 2017. You authorized fees in the amount of \$50.00. I processed your requests in accordance with the FOIA and PBGC's implementing regulation. We apologize for the delay.

Pursuant to your request, we conducted a search of agency records and located 15 responsive pages. I have determined the responsive records may be released to you in part, as described below:

- PBGC listing of Office of Inspector General investigations closed from 2010 to 2013 and 2017 (15 pages).

Unfortunately, it was necessary to redact parts of the records containing personal privacy information. PBGC reasonably foresees that disclosure of this information would harm interests protected by the FOIA. I have relied on two FOIA Exemptions to withhold this information.

The first applicable FOIA exemption, 5 U.S.C. § 552(b)(6), exempts from required public disclosure, "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." Some of the records you requested contain "similar files" within the meaning of the above cited statutory language and the PBGC implementing regulation, 29 C.F.R. § 4901.21(b)(4). The FOIA requires agencies to conduct a balancing test. In applying Exemption 6, a balancing test was conducted, weighing the privacy interests of the individuals named in a document against the public interest in disclosure of the information. The public interest in disclosure is one that will "shed light on an agency's performance of its statutory duties." *Dep't of Justice v. Reporters Committee*, 489 U.S. 749, 773 (1989). We have determined disclosure of this information would constitute a clearly unwarranted invasion of an individual's personal privacy.

The second applicable exemption, 5 U.S.C. § 552(b)(7), permits the exemption from disclosure of "records compiled for law enforcement purposes" when disclosure would be detrimental to such purposes. Specifically, § 552 (b)(7)(C) prohibits disclosure if it could reasonably be expected to constitute an unwarranted invasion of personal privacy. The FOIA requires agencies to conduct a balancing test when invoking this exemption. In applying Exemption 7(C), a balancing test was conducted, weighing the privacy

interests of the individuals named in a document against the public interest in disclosure of the information. The public interest in disclosure is one that will “shed light on an agency’s performance of its statutory duties.” *Dep’t of Justice v. Reporters Committee*, 489 U.S. 749, 773 (1989). We have determined disclosure of this information would reasonably constitute and unwarranted invasion of an individual’s personal privacy.

Since this response constitutes a partial denial of your request for records, I am providing you your administrative appeal rights in the event you wish to avail yourself of this process. The FOIA provides at 5 U.S.C. § 552(a)(6)(A)(i) (2014) amended by FOIA Improvement Act of 2016, Pub. L. No. 114-185, 130 Stat. 538 that if a disclosure request is denied in whole or in part by the Disclosure Officer, the requester may file a written appeal within 90 days from the date of the denial or, if later (in the case of a partial denial), 90 days from the date the requester receives the disclosed material. PBGC’s FOIA regulation provides at 29 C.F.R. § 4901.15 (2017) that the appeal shall state the grounds for appeal and any supporting statements or arguments, and shall be addressed to the General Counsel, Attention: Disclosure Division, Pension Benefit Guaranty Corporation, 1200 K Street, N.W., Washington, D.C. 20005. To expedite processing, the words “FOIA Appeal” should appear on the letter and prominently on the envelope.

In the alternative, you may contact the Disclosure Division’s Public Liaison at (202)326-4040 for further assistance and to discuss any aspect of your request. You also have the option to contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

This completes the processing of your request. Your request was categorized as “Other.” Under this category requesters are assessed search¹ and duplication costs.² Since processing costs were assessed below our nominal fee of \$25.00, I have not charged fees for processing this request.

You may submit future requests for PBGC records by accessing FOIAonline, our electronic FOIA processing system, at www.foiaonline.gov or by e-mail at Disclosure@pbgc.gov.

Sincerely,



Dooter Malu
Government Information Specialist

Enclosure

¹ The FOIA Improvement Act of 2016 precludes an agency from charging search fees to a FOIA requester if the agency does not meet the FOIA’s twenty-day time limit. As such, we did not assess search fees for this request.

² See 5 U.S.C. § 552(a)(4)(A)(ii)(II).

Cases Closed Final Status											
18DEC2020											
Start Range:	01JAN2010										
End Range:	31DEC2013										
Number	Title	Date Initiated	Current Status	Status Set By	Status Date	Age	Primary Investigator	Category	Specific 1	Specific 2	Received By
b(6), b(7)(C)											
11-0003-I	b(6)	24Nov2010	Closed - Final		18Jan2011	55	b(6), b(7)(C)	Non-Criminal	915 - Misuse of Badge/Credent	917 - EEO Issue/ Sexual Haras	Email
09-0018-I	Wrongdoing By A PBGC Contract Officer Technical Representative	23Apr2009	Closed - Final		27Aug2012	1222	b(6), b(7)(C)	Fraud/Theft	411 - Contract Fraud	499 - Financial Fraud - Other	IG Hotline - Email
08-0012-I	Proactive Initiative - Procurement	03Feb2008	Closed - Final		23Aug2010	932	b(6), b(7)(C)	[N/A]	[none]	[none]	OIG INV
Count	3										
b(6), b(7)(C)											
11-0013-I	b(7)(C)	02Aug2011	Closed - Final		08May2012	234	b(6), b(7)(C)	Fraud/Theft	499 - Financial Fraud - Other	[none]	Written
11-0012-I	Alleged Pension Fraud (Forrest City, AR)	01Aug2011	Closed - Final		01Aug2011	0	b(6), b(7)(C)	Fraud/Theft	499 - Financial Fraud - Other	[none]	Email
Count	2										
b(6), b(7)(C)											
12-0008-I	b(6) (Hugo, OK)	15Jun2012	Closed - Final		20Nov2013	523	b(6), b(7)(C)	Fraud/Theft	499 - Financial Fraud - Other	[none]	IG Hotline - Phone
12-0007-I	b(6)	15May2012	Closed - Final		20Jul2012	66	b(6), b(7)(C)	Fraud/Theft	499 - Financial Fraud - Other	[none]	IG Hotline - Fax
12-0005-I	b(6) (Columbus, GA)	26Jan2012	Closed - Final		15Aug2012	202	b(6), b(7)(C)	Fraud/Theft	499 - Financial Fraud - Other	[none]	Telephone
12-0002-I	b(6)	24Oct2011	Closed - Final		04Oct2013	711	b(6), b(7)(C)	Conflict of Interest	299 - Conflict of Interest - Other	[none]	Email
11-0005-I	b(6) (Washington, DC)	03Mar2011	Closed Final - Management Response/Action Complete		10Jan2013	679	b(6), b(7)(C)	Fraud/Theft	408 - Theft/Embezzlement - PB	499 - Financial Fraud - Other	Email
11-0004-I	b(6) (Osceola, AR)	23Feb2011	Closed Final - Management Response/Action Complete		02Aug2011	160	b(6), b(7)(C)	Fraud/Theft	408 - Theft/Embezzlement - PB	[none]	IG Hotline - Email
11-0001-I	b(6), (Hubbard, OH)	22Oct2010	Closed - Final		18May2012	574	b(6), b(7)(C)	Fraud/Theft	499 - Financial Fraud - Other	[none]	Written
10-0004-I	b(6) (Massachusetts)	23Jul2010	Closed - Final		03Mar2011	223	b(6), b(7)(C)	Fraud/Theft	[none]	[none]	In Person
10-0001-I	Proactive - Purchase Cards	22Jan2010	Closed - Final		28Dec2012	1071	b(6), b(7)(C)	Fraud/Theft	499 - Financial Fraud - Other	[none]	Proactive
09-0015-I	b(6),	07Apr2009	Closed Final - Management Response/Action Complete		11Apr2012	98	b(6), b(7)(C)	Fraud/Theft	407 - Theft/Embezzlement - Go	402 - Wire Fraud	In Person
Count	10										
Count	15										

Cases Closed Final Status											
18DEC2020											
Start Range: 01JAN2017											
End Range: 31DEC2017											
Number	Title	Date Initiated	Current Status	Status Set By	Status Date	Age	Primary Investigator	Category	Specific 1	Specific 2	Received By
b(6), b(7)(C)											
15-0043-I	b(6), b(7)(C) : Employee; PBGC Plan Participant and Sponsor Advocate; Washington, DC: "Title 18 USC 205 - Activities of employees in claims against the Government" allegation	24Aug2015	Closed - Final		29Mar2017	583	b(6), b(7)(C)	Conflict of Interest	206 - Preferential Treatment	[none]	In Person
Count	1										
b(6), b(7)(C)											
18-0001-I	b(6),	17Oct2017	Closed - Final		28Dec2017	72	b(6), b(7)(C)	Pension Benefit Theft - Deceas	[None]	[None]	[Other]
17-0040-I	Reported Theft of iPhones	25Aug2017	Closed - Final		23Oct2017	24	b(6), b(7)(C)	Other	[None]	[None]	In Person
17-0035-I	b(6)	25Jul2017	Closed - Final		31Oct2017	98	b(6), b(7)(C)	Pension Benefit Theft - Vulnera	Theft by Relative	[None]	Telephone
17-0033-I	Proactive - b(6)	28Jun2017	Closed - Final		29Jun2017	1	b(6), b(7)(C)	Pension Benefit Theft - Deceas	[None]	[None]	Investigation
17-0032-I	Potential Breach - b(6)	27Jun2017	Closed - Final		13Dec2017	169	b(6), b(7)(C)	Pension Benefit Theft - Vulnera	[None]	[None]	Email
17-0025-I	Proactive Data Analysis - b(6)	05Apr2017	Closed - Final		11Sep2017	159	b(6), b(7)(C)	Participant Benefit Irregularitie	[None]	[None]	[Other]
17-0024-I	Proactive Data Analysis - b(6)	05Apr2017	Closed - Final		11Sep2017	159	b(6), b(7)(C)	Participant Benefit Irregularitie	[None]	[None]	[Other]
17-0023-I	Proactive Data Analysis - b(6)	05Apr2017	Closed - Final		11Sep2017	159	b(6), b(7)(C)	Participant Benefit Irregularitie	[None]	[None]	[Other]
17-0015-I	Proactive Data Analysis - Baltimore Fieldwork	03Apr2017	Closed - Final		28Apr2017	25	b(6), b(7)(C)	Other	Other	[None]	[Other]
17-0012-I	b(6),	22Feb2017	Closed - Final		28Apr2017	65	b(6), b(7)(C)	Other	[None]	[None]	Email
17-0009-I	b(6)	16Feb2017	Closed - Final		28Apr2017	71	b(6), b(7)(C)	Plan Administration Irregularitie	Fiduciary Breach (e.g., person	False Statements for a Deceas	Email
17-0005-I	b(6)	06Dec2016	Closed - Final		28Apr2017	143	b(6), b(7)(C)	Pension Benefit Theft - Vulnera	Theft by Caregiver	[None]	Email
17-0002-I	b(6)- Dothan Alabama	17Oct2016	Closed - Final		18Sep2017	336	b(6), b(7)(C)	Pension Benefit Theft - Vulnera	Theft by Caregiver	[None]	Telephone
17-0001-I	b(6)	07Oct2016	Closed - Final		28Dec2017	447	b(6), b(7)(C)	Pension Benefit Theft - Vulnera	Theft by Relative	[None]	Telephone
16-0021-I	b(6)	11Aug2016	Closed - Final		14Aug2017	368	b(6), b(7)(C)	Pension Benefit Theft - Vulnera	Theft by Caregiver	[None]	In Person
16-0019-I	b(6)	28Jun2016	Closed - Final		28Apr2017	304	b(6), b(7)(C)	Pension Benefit Theft - Vulnera	Theft by Other Person	[None]	In Person
Count	16										
b(6), b(7)(C)											
17-0021-I	b(6) : Potential Theft of Pension Funds; NY, NY	05Apr2017	Closed - Final		11Oct2017	189	b(6), b(7)(C)	Pension Benefit Theft - Deceas	[None]	[None]	Investigation
17-0020-I	b(6); Potential Theft of Pension Funds; Latana, FL	05Apr2017	Closed - Final		23May2017	48	b(6), b(7)(C)	Pension Benefit Theft - Deceas	[None]	[None]	Investigation
17-0018-I	b(6); Potential Theft of Pension Funds; Kokomo, IN	05Apr2017	Closed - Final		09May2017	34	b(6), b(7)(C)	Pension Benefit Theft - Deceas	[None]	[None]	Investigation
17-0008-I	Theft of PBGC Funds; b(6) Georgetown, SC	14Feb2017	Closed - Final		06Apr2017	51	b(6), b(7)(C)	Pension Benefit Theft - Vulnera	Theft by Relative	[None]	Telephone
17-0004-I	b(6) Conflict of Interest	01Dec2016	Closed - Final		17Aug2017	259	b(6), b(7)(C)	Employee Integrity - PBGC	Standards of Ethical Conduct \	Impartiality in Performing Dutie	Email
Count	5										
b(6), b(7)(C)											
17-0030-I	b(6), Credit Card Compromised	20Apr2017	Closed - Final		11Sep2017	144	b(6), b(7)(C)	Other	Other	[None]	Email
17-0028-I	b(6)	14Apr2017	Closed - Final		11Oct2017	180	b(6), b(7)(C)	Employee Integrity - PBGC	[None]	[None]	IG Hotline - Email
17-0011-I	b(6) Pension Trust Fund - Alleged Fraud	21Feb2017	Closed - Final		17Nov2017	269	b(6), b(7)(C)	Plan Administration Irregularitie	Theft of Assets by Incoming Pl	[None]	Email
17-0010-I	Pension Check Theft	21Feb2017	Closed - Final		03Apr2017	41	b(6), b(7)(C)	Pension Benefit Theft - Vulnera	Theft by Relative	[None]	Telephone
17-0003-I	b(6), Alleged Theft of Pension Benefits	03Nov2016	Closed - Final		11Sep2017	312	b(6), b(7)(C)	Pension Benefit Theft - Vulnera	Theft by Relative	[None]	IG Hotline - Phone
16-0005-I	b(6) Contract	24Nov2015	Closed - Final		21Feb2017	455	b(6), b(7)(C)	Conflict of Interest	206 - Preferential Treatment	[none]	Email
15-0036-I	Muse, Ernst; Deceased Pension Plan Participant; Recovery Tracking Number 14-53; \$49,397.60	10Aug2015	Closed - Final		11Sep2017	763	b(6), b(7)(C)	Pension Benefit Theft - Deceas	Theft by Relative	[None]	In Person
15-0026-I	Benefit Theft; Palm City, FL	05Aug2015	Closed - Final		11Sep2017	768	b(6), b(7)(C)	Pension Benefit Theft - Vulnera	Theft by Other Person	[None]	Email
15-0016-I	b(6)	09Mar2015	Closed - Final		13May2017	796	b(6), b(7)(C)	Other Criminal	589 - Other Miscellaneous Crim	[none]	[Other]
15-0009-I	b(6) Theft - PBGC Funds	09Jan2015	Closed - Final		29Mar2017	810	b(6), b(7)(C)	Pension Benefit Theft - Deceas	Theft by Relative	[None]	Telephone
14-0005-I	b(6),	12May2014	Closed - Final		25Jan2017	989	b(6), b(7)(C)	Fraud/Theft	499 - Financial Fraud - Other	[none]	IG Hotline - Email
Count	11										
b(6), b(7)(C)											
17-0006-I	Program Integrity Inspection of PBGC's Government Charge Card	18Jan2017	Closed - Final		29Aug2017	223	b(6), b(7)(C)	Inspections	[None]	[None]	[Other]
Count	1										
Count	34										