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Description of document: Department of Commerce (DOC) Office of Inspector General (OIG) Reports from each Commerce Dept OIG investigation involving the Census Bureau, CY 2020

Requested date: 28-December-2020

Release date: 28-January-2021

Posted date: 13-September-2021

Source of document: FOIA Officer
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January 28, 2021

VIA E-MAIL

RE: FOIA Request No. DOC-OIG-2021-000577

This letter is regarding your Freedom of Information Act (FOIA) request, tracking number DOC-OIG-2021-000577, received by the Department of Commerce, Office of Inspector General (OIG) on December 28, 2020, in which you seek "A copy of each completed conclusory document (investigation report, report of investigation, final report, closing memo, referral memo, closing letter, referral letter) associated with each Commerce OIG investigation involving the Census Bureau during calendar year 2020 (i.e. an investigation closed during the time period January 1, 2020 to the present)."

A search of records maintained by the OIG has located sixteen (16) pages that are responsive to your request. We have reviewed these pages under the terms of FOIA and have determined the pages may be released to you as follows:

- Two (2) pages may be released to you in full;
- Fourteen (14) pages must be partially withheld under FOIA exemption (b)(6), 5 U.S.C. § 552(b)(6), which protects information in personnel, medical or similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and FOIA exemption (b)(7)(C), 5 U.S.C. § 552(b)(7)(C), which protects law enforcement information the disclosure of which could reasonably be expected to constitute an unwarranted invasion of personal privacy.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of FOIA. See 5 U.S.C. § 552(c) (2012 & Supp. V 2017). This response is limited to those records that are subject to the requirements of FOIA. This is a standard notification to all OIG requesters and should not be taken as an indication that excluded records do, or do not, exist.

You have the right to appeal this determination. Any appeal must be received within ninety (90) calendar days of the date of this response letter. An appeal may be sent by e-mail to FOIA@oig.doc.gov or by FOIAonline, if you have an account in FOIAonline, at <https://www.foiaonline.gov/foiaonline/action/public/request>.

The appeal should include a copy of the original request and this letter. In addition, the appeal should include a statement of the reasons why you believe that the determination was in error. The appeal e-mail subject line should be clearly marked "Freedom of Information Act Appeal". The e-mail and

FOIAonline are monitored only on working days during normal business hours (8:30 a.m. to 5:00 p.m., Eastern Time, Monday through Friday). FOIA appeals posted to the e-mail box and FOIAonline after normal business hours will be deemed received on the next normal business day. If the 90th calendar day falls on a Saturday, Sunday, or legal public holiday, an appeal received by 5:00 p.m., Eastern Time, the next business day will be deemed timely. An appeal received after the 90-day limit will not be considered.

If you have any questions or concerns or would like to discuss any aspect of your request, you may contact our office by email at foia@oig.doc.gov.

In addition, you may 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; facsimile at (202) 741-5769

Sincerely,
**JENNIFER
PIEL**
Jennifer Piel
FOIA Officer

Digitally signed by
JENNIFER PIEL
Date: 2021.01.28
09:48:09 -06'00'

Enclosures



**OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS**

REPORT OF INVESTIGATION

CASE TITLE: [REDACTED] (Census/NPC)	FILE NO.: 18-0948-I
TYPE OF REPORT: <input type="checkbox"/> Interim <input checked="" type="checkbox"/> Final <input type="checkbox"/> Supplemental	

BASIS FOR INVESTIGATION

The United States Department of Commerce (DOC), Office of Inspector General (OIG), initiated this investigation in July 2018 based upon information received from a confidential complainant alleging [REDACTED] (Subject), a [REDACTED] National Procurement Center (NPC), U.S. Census Bureau (Census), engaged in government employee misconduct and potentially violated post-employment conflict of interest restrictions. Complainant alleged Subject was involved [REDACTED] Census's Integrated Logistics Management System (ILMS) [REDACTED] the ILMS contract was awarded to the Arcanum Group, Inc., a Census contractor, [REDACTED] ILMS. Subject's reported actions potentially violated 18 U.S.C 207(a)—Restrictions on all officers and employees of the executive branch and certain other agencies, 5 C.F.R. § 2641.201—Permanent restriction on any former employee's representations to United States concerning particular matter in which the employee participated personally and substantially, 5 C.F.R. § 2635.604—Recusal while seeking employment, and 5 C.F.R. § 2635.502—Personal and business relationships.

SUMMARY OF INVESTIGATION

OIG investigated the circumstances surrounding the complainant's allegations. At the time [REDACTED] Census was in the process of acquisitioning logistical software, but had not yet sent a solicitation or Request for Proposals (RFP) to potential bidders. Contract reviews and interviews disclosed two companies bid on the ILMS contract, the Arcanum Group and Denovo, LLC (Denovo). The Arcanum Group was awarded the ILMS contract. [REDACTED]

Distribution:	OIG	[REDACTED]	[REDACTED]
Signature of Case Agent:	[REDACTED] Special Agent	Signature of Approving Official:	[REDACTED] Special Agent in Charge

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OFFICE OF INVESTIGATIONS

[REDACTED] OIG found
Subject did not engage in employment discussions until after [REDACTED] position ended with Census in [REDACTED]. Subject denied any wrong doing.

[REDACTED] OIG did not find clear and convincing evidence
to substantiate this allegation or violations of 5 C.F.R. § 2641.201. Subject potentially violated rules on the appearance of a loss of impartiality (5 C.F.R. § 2635.502) by working on matters involving the Arcanum Group [REDACTED]

OIG consulted with the United States Attorney's Office who declined to prosecute this matter. However, OIG coordinated with Census/NPC procurement officials who were made aware of [REDACTED] and agreed to monitor Subject's future involvement in matters involving the Arcanum Group.

METHODOLOGY OF INVESTIGATION

To address these allegations, OIG reviewed Subject's financial disclosures, ethic training records, employment and termination documents. OIG reviewed employee government emails and contract files related to the allegation in this matter. OIG interviewed a former Census/NPC co-worker, contract specialist, and the Subject of whom the allegations of misconduct were made. OIG examined subpoenaed business records from both Denovo and the Arcanum Group, then compared with information received from the [REDACTED] Unemployment Insurance Office.

DETAILS OF INVESTIGATION

Allegation 1: Subject potentially violated post-employment conflict of interest restrictions.

OIG did not substantiate this allegation.

While working for Census, Subject [REDACTED] for the ILMS project. An email review disclosed Subject [REDACTED] for Denovo personnel to visit Census facilities, for an onsite product demonstration, on May 30, 2013. In an interview with OIG, [REDACTED] (Witness 1), [REDACTED] NPC, Census, stated [REDACTED] by both the Arcanum Group and a vendor who represented Oracle (Denovo). When interviewed, Subject indicated it was possible that [REDACTED] both vendors, but did not have a recollection of it. OIG did not find property passes for the Arcanum Group.

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Subject's appointment with Census [REDACTED]. A review of government emails and business records disclosed from [REDACTED], Subject engaged in [REDACTED]. On [REDACTED] Subject sent an email to Witness 1, in which [REDACTED] offered to help [REDACTED] and offered "gratuitous" suggestions [REDACTED]. Witness 1 stated Subject was never utilized by Census for the source selection. Subject denied attempting to influence or coerce [REDACTED] decision. On [REDACTED] [REDACTED].

On September 3, 2013, the solicitation was posted to GSA eBuy under RFP YB1323-13-RP-0009. On September 13, 2013, Census/NPC received bid proposals from both Denovo and the Arcanum Group. [REDACTED]

[REDACTED] On September 20, 2013, the Arcanum Group was awarded ILMS contract YB1323-13-NC-0279. [REDACTED]

[REDACTED] Email and employment document reviews disclosed Subject did not engage in employment discussions with either Denovo or the Arcanum Group until [REDACTED].

OIG determined that the actions outlined did not violate ethics rules which prohibit current federal employees from participating in a matter that will have an effect on the financial interests of non-federal employer with whom the employee is seeking a job (5 C.F.R. § 2635.604). OIG found Subject did not have employment discussions with Denovo or the Arcanum Group until [REDACTED]. OIG did not find clear and convincing evidence that Subject was representing Denovo in [REDACTED] communications back to Census or that Subject held a continuing financial interest in either company. OIG did not identify any direct evidence of 18 U.S.C. § 207(a) or a 5 C.F.R. § 2641.201 violation.

Allegation 2: Subject engaged in government employee misconduct.

OIG did not substantiate this allegation.

In late [REDACTED] Subject was required to comply with ethics rules that limit federal employees from participating in matters in which they have a conflict. Section 2635.502 thus would have applied to Subject in the [REDACTED] for matters involving the Arcanum Group. On [REDACTED] Subject sent an email to the Arcanum [REDACTED]

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OFFICE OF INVESTIGATIONS

Group discussing [REDACTED] efforts with Census [REDACTED]. In March 2019, Census NPC prepared and issued a limited sources justification in support of the Arcanum Group. On March 15, 2019, a follow-on contract was awarded to the Arcanum Group with an option to extend the term of the contract until September 15, 2021.

An interview of [REDACTED] (Witness 2), [REDACTED] NPC, Census, stated Census/NPC obtained a discount from the Arcanum Group and determined, in accordance with FAR 8.404(d), the offered price was fair and reasonable. Additionally, it was in the best interest to delay re-competition of the ILMS system until after the Decennial Census operations. Witness 2 advised no Census employee was pushing for a particular vendor. Witness 2 [REDACTED] with information derived from multiple sources such as emails and discussions. Subject notified Witness 2 that [REDACTED]. When asked the motives for bringing up this concern, Witness 2 related it was brought up as leverage to drive the price down favorable to Census.

DOC OIG OI coordinated with DOC OIG Office of Counsel and found Subject potentially violated rules on the appearance of a loss of impartiality (5 C.F.R. § 2635.502) by working on matters involving the Arcanum Group [REDACTED]. However, in interviews, Witness 2 was already aware of [REDACTED] the Arcanum Group. Although the new ILMS contract was to be re-competed in 2021, Witness 2 advised [REDACTED] would not want Subject [REDACTED] due to concerns of perception regarding Subject and [REDACTED] relationship with the Arcanum Group. Further, Subject stated that [REDACTED] current role was “little to nothing” and that Census’s contracting office made it clear that [REDACTED] had to be kept at arm’s length.

Consultation with the U.S. Department of Justice

The United States Attorney’s Office for the Southern District of [REDACTED] declined to prosecute the matter. This investigation is being closed.

INDEX OF PERTINENT CASE FILE DOCUMENTS

CMS DOCUMENT NO.	DESCRIPTION
1	Initial Complaint Documents (July 3, 2018)
6	IRF—Ethics Documents (July 28, 2018)
7	IRF—Human Resource Documents (July 28, 2018)
8	IRF—2nd Batch Human Resource Documents (August 13, 2018)
11	IRF—YB132313NC0279 Contract Files (December 6, 2018)

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**OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS**

REPORT OF INVESTIGATION

CASE TITLE:

T-Rex Solutions LLC (Census)

FILE NUMBER:

18-1082-I

TYPE OF REPORT:
☐ Interim ☒ Final ☐ Supplemental

BASIS FOR INVESTIGATION

On August 6, 2018, [REDACTED] ([REDACTED] [REDACTED] U.S. Census Bureau (Census), U.S. Department of Commerce (DOC) notified the DOC – Office of Inspector General (DOC-OIG) that T-Rex Solutions, LLC (T-Rex) disclosed to Census that they had been billing for two employees who did not meet the qualifications for their respective labor categories associated with Work Order (WO) 1, YA1323-15-BU-0033, which was approximately a \$11 million dollar effort. [REDACTED] related the T-Rex disclosure was made after GSA-OIG had begun to perform a pre-award examination of the T-Rex GSA Schedule 70 multiple award schedule contract GS-35F-022BA, due to the exercising of a 5-year option period on October 9, 2018. [REDACTED] indicated T-Rex later reported additional employees who had been placed in incorrect labor categories in both WO 1 and WO 2.

[REDACTED] indicated [REDACTED] was concerned about the accuracy of T-Rex's reviews and disclosures, that T-Rex may have knowingly assigning unqualified employees to higher labor categories, and the potential for overbilling on WO 3, which was a significantly larger effort. At the time of [REDACTED] report to this office, \$338 million dollars had been obligated on WO 3. The potential violations included 18 U.S.C. § 287 (false, fictitious, or fraudulent claims), 18 U.S.C. § 1001 (false statements), and 31 U.S.C § 3729 (civil false claims).

Distribution: OIG: ☒ Bureau/Organization/Agency Management: ☐ DOJ: ☐ Other (specify):

Signature of Case Agent:

Date:

2/24/2020

Signature of Approving Official:

Date:

2/25/2020

Name/Title:

[REDACTED] Assistant Special Agent-in-Charge

Name/Title:

[REDACTED], Special Agent-in-Charge

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SUMMARY OF INVESTIGATION

The allegation that T-Rex knowingly submitted false statements or claims to Census was unsubstantiated. After consultation with DOC-OIG – Office of Audits and Evaluations (OAE), this office coordinated with GSA-OIG and requested they conduct a limited scope post-award audit of labor categories associated with GSA contract GS-35F-022BA, during the entire 5-year base period (October 9, 2013 – October 8, 2018). GSA-OIG reported they found no systemic issues; however, their audit report contained findings that verified the T-Rex disclosure to Census and that T-Rex had billed for unqualified labor.

DETAILS OF INVESTIGATION

During the investigation of the allegation, DOC OIG performed investigative activities, which included an email review of three T-Rex employees' government (census.gov) email accounts. The email review did not reveal evidence that T-Rex knowingly or purposely billed for unqualified labor on any Census work orders.

On August 27, 2018, this office coordinated with GSA-OIG and provided a briefing of the allegations and the concerns expressed by Census contracting officials. Based upon the concerns expressed by Census contracting officials, and a request by DOC-OIG, GSA-OIG agreed to conduct a limited scope post-award audit of the entire 5-year base period.

On November 2, 2018, this office coordinated with Census contracting officials who notified this office of the re-payment of \$91,845.45 by T-Rex. The re-payment was the result of a demand letter sent to T-Rex by [REDACTED] dated 9/26/18, for \$91,845.45, which was related to the original T-Rex disclosures associated with WO 1 and WO 2.

On July 25, 2019, this office coordinated with GSA Federal Acquisition Service and received a copy of the GSA-OIG Audit Report # A180021/Q/A/X19036, dated July 11, 2019. The audit was a limited scope post-award examination of multiple award schedule contract GS-35F-022BA, awarded to T-Rex. The objectives of the GSA-OIG audit included:

- Determine the extent to which T-Rex assigned unqualified employees to work on GSA task orders for the 5-year contract base period
- Verify T-Rex's disclosure to U.S. Census Bureau

The audit report identified the following:

- T-Rex billed for unqualified labor, resulting in overcharges of \$995,508
- T-Rex billed for an employee under the wrong task order labor category, resulting in overcharges of \$19,839

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The GSA-OIG audit recommended that the GSA contracting officer should require T-Rex to refund the government \$1,015,347. On November 26, 2019, this office was notified by GSA-OIG that T-Rex had made payment directly to GSA.

Based upon the GSA-OIG audit, the repayment of funds by T-Rex to both Census and GSA, and the lack of evidence that showed T-Rex had knowingly or purposely billed Census for unqualified labor, this investigation will be closed.

INDEX OF PERTINENT CASE FILE DOCUMENTS

CMS Document #	Description
1	Initial complaint
9	IRF – Coordination with U.S. Census Bureau
10	IRF – Receipt of GSA-OIG Audit Report
11	IRF – Review of Email Accounts

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**OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS**

REPORT OF INVESTIGATION

CASE TITLE: Retaliation for Reporting 2020 Census Staff Office Move and Travel Card Issues (Census)	FILE NO.: 19-0690-W
TYPE OF REPORT: <input type="checkbox"/> Interim <input checked="" type="checkbox"/> Final <input type="checkbox"/> Supplemental	

BASIS FOR INVESTIGATION

On June 14, 2019, the U.S. Department of Commerce (DOC), Office of Inspector General (OIG), Hotline received a complaint from [REDACTED] (Complainant)—a [REDACTED] [REDACTED] with the U.S. Census Bureau (the Bureau). The Complainant alleged [REDACTED] was terminated by the [REDACTED] Regional Census Center (RCC), [REDACTED] (Subject), as retaliation for filing complaint No. [REDACTED] with DOC OIG on [REDACTED]. As a result of the termination, the Complainant alleged [REDACTED] was unable to complete [REDACTED] final travel voucher and was not compensated for [REDACTED] final week of employment while on a travel status. If substantiated, the allegations would violate the Whistleblower Protection Act—5 U.S.C. § 2302(b)(8)-(9), Pub. L. No. 101-12, as amended—as the Complainant alleged the agency committed a “prohibited personnel practice” to an employee in a covered position in retaliation for making a protected disclosure.

SUMMARY OF INVESTIGATION

The Complainant alleged [REDACTED] was removed from service due to filing complaint No. [REDACTED] on [REDACTED], with DOC OIG. As a result of the termination, the Complainant alleged that the Bureau failed to reimburse [REDACTED] for [REDACTED] final travel voucher. OIG determined the allegations of violating the Whistleblower Protection Act were unsubstantiated. OIG determined the terminating officials would have taken the same personnel action in the absence of the Complainant’s protected disclosure, as the Complainant had a history of documented disciplinary issues. Bureau officials provided documentation confirming that the Complainant was reimbursed for [REDACTED] final travel voucher and final workweek.

Distribution:	Department of Commerce Office of Inspector General
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Signature of Case Agent	Signature of Approving Official

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OFFICE OF INVESTIGATIONS

METHODOLOGY OF INVESTIGATION

OIG reviewed the Complainant's termination documentation, disciplinary records, and emails exchanged by the complainant and terminating officials. OIG also conducted interviews of the Complainant, the Subject, and the Complainant's supervisors and coworkers.

BACKGROUND

On [REDACTED] the Complainant filed complaint No. [REDACTED] with the DOC OIG which contained allegations against the Bureau for waste of government funding. The Complainant advised the lease for the [REDACTED] ACO was rejected shortly before employees were scheduled to report for duty. As a temporary solution, the Bureau management arranged for all [REDACTED] ACO employees to report to the [REDACTED] RCC until a new lease was acquired. The Complainant created [REDACTED] own cost analysis and believed the Bureau was wasting approximately \$650,000. This complaint was referred to the Bureau for internal investigation.

DETAILS OF INVESTIGATION

OIG's findings regarding the allegations raised in this case are set forth below, along with supporting evidence:

The allegations that Subject retaliated against the Complainant for making a protected disclosure and that the Bureau failed to compensate the Complainant for their final travel voucher and final workweek were unsubstantiated.

Allegation #1: Termination for making a protected disclosure.

This allegation was unsubstantiated.

The Complainant alleged [REDACTED] was terminated for filing a complaint with DOC OIG on [REDACTED] (No. [REDACTED]). The complaint was unsubstantiated.

A review of the Complainant's "Documentation of Conduct and/or Performance Problems" (D-282) form revealed numerous, documented disciplinary issues, including on [REDACTED] first day of employment in the [REDACTED] ACO's temporary work space in the [REDACTED] RCC. Interviews also revealed the Complainant was known for causing weekly disturbances in the workplace and was insubordinate. The following are examples disclosed on the D-282 form and in interviews, in chronological order:

On [REDACTED]—the Complainant's first day in the office—the Complainant was found entering restricted areas in the [REDACTED] RCC. [REDACTED] manager, [REDACTED] (manager 1), approached [REDACTED] and

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OFFICE OF INVESTIGATIONS

advised that movement into areas outside of the space dedicated to the [REDACTED] ACO and the [REDACTED] floor were restricted. Manager 1 offered to provide the security policy in writing to the Complainant. In response to Manager 1, the Complainant became combative and stated that [REDACTED] had a “Pentagon Clearance” allowing [REDACTED] to go into any area of the building. The Complainant continued to raise [REDACTED] voice, make disrespectful commentary toward Manager 1 and disrupting the staff around [REDACTED]. The Complainant advised Manager 1 [REDACTED] would continue to violate this policy and believed [REDACTED] would “only receive a slap on the wrist” for doing so. The Complainant stated that [REDACTED] was entering the restricted areas as [REDACTED] had an issue with [REDACTED] travel accommodations. Manager 1 advised the Complainant that there was a chain of command for resolving issues and [REDACTED] needed to present them to [REDACTED] direct manager first. The Complainant continued to question Manager 1’s authority. Manager 1 documented this disruption on a D-282 form.

On [REDACTED], Manager 1 advised the Complainant that [REDACTED] needed to leave the office, as [REDACTED] was not approved to work overtime. The Complainant responded to Manager 1 stating [REDACTED] was going to “hang out” and work on [REDACTED] own projects instead of the tasks assigned to [REDACTED] which also violated the office’s policy for securing the office space at the end of the workday. When Manager 1 advised [REDACTED] that [REDACTED] could not stay in the office beyond 5:00 p.m., the Complainant proceeded to question how Manager 1 obtained [REDACTED] management position. Manager 1 advised the Complainant that this was personal information [REDACTED] did not wish to discuss. Manager 1 did not document this interaction on a D-282 form, as this was the first occurrence of the Complainant violating the office departure policy.

[REDACTED], the day before the Complainant contacted OIG, the Complainant sent an email to the [REDACTED] [REDACTED] ACO, except for their management, listing complaints [REDACTED] later included in the [REDACTED] complaint to OIG. A recipient of the emails showed it to Manager 1, who then emailed [REDACTED] management team. Manager 1 stated that management was upset as the email caused an uproar amongst the staff and made several employees feel uncomfortable. Manager 1 reported the email to management stating that the Complainant once again failed to follow the chain of command. Emails revealed that the management team was actively addressing the Complainant’s concerns later outlined in [REDACTED] complaint to OIG. Management was not upset that the Complainant contacted OIG, but that the Complainant’s intention was to cause a workplace disturbance.

On [REDACTED], the Complainant approached [REDACTED] with an issue and began to raise [REDACTED] voice at [REDACTED] causing another workplace disturbance. During this conversation, the Subject—i.e., Manager 1’s direct supervisor—walked into the room and witnessed the conversation. The Subject instructed Manager 1 and the Complainant to join [REDACTED] in the hallway to discuss the Complainant’s demands. While in the hallway, Manager 1 advised the Complainant that [REDACTED] did not have an issue with the information the Complainant requested, but with the way in which the Complainant conducted themselves during the conversation. Manager 1 stated that after the Subject left the conversation, the Complainant made insubordinate comments towards [REDACTED] including asking if [REDACTED]

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OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS

was going to fire [REDACTED] in a taunting manner. Manager 1 documented this interaction on a form (D-282).

On [REDACTED], the Complainant did not agree with an explanation provided to [REDACTED] regarding travel to a training course and explained [REDACTED] own policies [REDACTED] implemented in [REDACTED] former job positions outside of the Bureau in a disruptive manner. The Complainant continued to raise [REDACTED] voice at management again to a level that disrupted others in the office. Management chose not to document this incident on a D-282 form and instead made a recommendation for termination to the deciding officials at the regional level. Interviews revealed that the reason the Complainant was terminated was for [REDACTED] conduct before and after [REDACTED] filed [REDACTED] complainant with OIG. Interviews also indicated the Complainant made the office's environment hostile and caused other employees to avoid them.

OIG was able to establish a *prima facie* case of retaliation, as the Complainant was able to demonstrate the Subject knew of the protected activity and the personnel action occurred within a period of time such that a reasonable person could conclude that the disclosure or protected activity was a contributing factor in the personnel action. OIG found strong evidence in support of the Bureau's personnel action. OIG was unable to determine a strong motive to retaliate given that the management team was already actively addressing the concerns the complainant raised. Thus, the Bureau met the clear and convincing evidence standard. Subject would have taken the same personnel action of terminating the Complainant in the absence of such disclosure because of multiple disciplinary issues. Interviews, notes maintained by the Complainant's direct supervisor, and emails confirmed the disciplinary issues meriting termination.

Allegation #2: Failure to pay the Complainant's final travel voucher.

This allegation was unsubstantiated.

As a result of the termination, the Complainant alleged [REDACTED] was unable to complete [REDACTED] final travel voucher and was not compensated for [REDACTED] final week of employment while on a travel status. DOC OIG Data Analytics team and the [REDACTED] RCC provided documentation confirming the Complainant was compensated for [REDACTED] final travel voucher and final workweek.

Conclusion

While the Complainant's disclosure to OIG was a protected disclosure, the evidence revealed the Subject had knowledge of the disclosure prior to terminating the Complainant, and there was sufficient evidence to conclude the disclosure was a contributing factor in the Complainant's termination, the Bureau met the rebuttal standard. With the documentation of the Complainant's disciplinary history, and concurring statements from the Complainant's former coworkers, the agency was able to show clear and convincing evidence it would have taken the same personnel action even if the whistleblower had never made a protected disclosure.

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OFFICE OF INVESTIGATIONS

Referral to USDOJ

This investigation was not presented to an Assistant United States Attorney for prosecution as there was no evidence of a criminal violation. This investigation is being closed.

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OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS

INDEX OF PERTINENT CASE FILE DOCUMENTS

CMS Document No.	Description
1	Initial Complaint (June 14, 2019)
2	Investigative Record Form— [REDACTED] [REDACTED] Hotline Interview (June 14, 2019)
3	Memo Re: Termination [REDACTED])
5	Investigative Record Form— [REDACTED] [REDACTED] Interview (July 10, 2019)
8	Investigative Record Form—CMS Check (July 10, 2019)
9	Email Re: Data Analytics Initial E-2 Request (July 11 2019)
14	Investigative Record Form— [REDACTED] Interview (July 26 2019)
15	Investigative Record Form— [REDACTED] Interview (Oct. 15, 2019)
16	Investigative Record Form— [REDACTED] Interview (Oct. 22, 2019)
17	Investigative Record Form—Prosecutor Consultation (Dec. 18, 2020)
18	Investigative Record Form—Subject Interview of [REDACTED] (Jan. 8, 2020)
19	Investigative Record Form—Data Analytics E-2 Vouchers (Jan. 1, 2020)

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UNITED STATES DEPARTMENT OF COMMERCE
Office of Inspector General
 Washington, D.C. 20230

MEMORANDUM FOR: The File

FROM: Investigator [REDACTED] [REDACTED]
 Office of Investigations / Headquarters Investigations Unit

DATE: December 9, 2020

SUBJECT: Action Memorandum for Closure
 20-0805-P: Data Falsification re Senior Living Facilities;
 [REDACTED] [REDACTED] (Census/Texas)

This investigation was initiated based upon notification by [REDACTED] (Complainant), [REDACTED] Dallas Regional Census Center (DRCC), U.S. Census Bureau (Census), who reported that [REDACTED] (Subject), [REDACTED] DRCC, Census, falsified data for the 2020 Decennial Census. The Complaint alleged the following:

- During a period of limited operations caused by the COVID-19 pandemic, [REDACTED] [REDACTED] on the Complainants team, was denied access into the [REDACTED] [REDACTED], to distribute Census questionnaires to the residents. The Subject coordinated with [REDACTED] [REDACTED] of the facility, to discuss an alternative method to complete the assignment. First, [REDACTED] [REDACTED] provided the enumerator with an updated list of the residents to cross reference. Once verified, questionnaire packets were prepped, boxed, and provided to [REDACTED] [REDACTED] who then facilitated door to door hand-deliveries of the packets to the tenants. [REDACTED] [REDACTED] subsequently confirmed the deliveries were finished, and the location was marked as completed in the Decennial database. The Complainant believes that because [REDACTED] [REDACTED] actions could not be personally verified by a sworn Census employee, it was probable the Subject's decision lead to falsified data being entered into the Decennial Database.
- [REDACTED] [REDACTED] [REDACTED] an [REDACTED] on the Subject's Team, briefed the Subject that [REDACTED] was unable to gain access to a gated community within [REDACTED] assigned block in [REDACTED] [REDACTED]. [REDACTED] [REDACTED] made multiple unsuccessful attempts over the course of four or five days. [REDACTED] [REDACTED] also informed [REDACTED] that [REDACTED] was unable to complete [REDACTED] assignment for Census Block number [REDACTED]. Although the block was listed as a legitimate address in the Census Listing and Mapping Application (LiMA), the

Action Memorandum for Closure

20-0805-P

block number was an empty field. The Subject directed [REDACTED] [REDACTED] to mark both locations as unworkable. The Complaint believes that by providing guidance to mark the locations as unworkable, the Subject falsified data because [REDACTED] did not personally go to the locations to to verify the information provided by [REDACTED] [REDACTED]

The OIG conducted a review of Census documents and emails pertaining to the Complainants allegations. In all instances, the enumerators briefed and discussed the results of their respective assignments with the Subject. Due to the COVID-19 pandemic and CDC guidelines set in to place during the 2020 Decennial Census, enumerators faced situations that would otherwise not have been a factor. Ultimately, the Subject appeared to make informed supervisory decisions based on the information provided, while also considering the circumstances of operating in a limited capacity.

No further action will be taken by the OIG and this investigation will be closed.

Approval:

[REDACTED]

[REDACTED] Special Agent in Charge