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Source of document: National Geospatial-Intelligence Agency FOIA/
PA Requester Service Center
7500 GEOINT Drive, MS N22-SISM
Springfield, Virginia 22150-7500
Fax: 571-558-3165
Email: FOIANGA@nga.mil
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NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY

7500 GEOINT Drive
Springfield, Virginia 22150

U-197-21/OIG

7 October 2021

Transmitted Via Email

RE: Freedom of Information Act (FOIA) Request – 2021-FOI-00031

This is in response to your 26 January 2021 FOIA request in which you requested:

A copy of the final report, report of investigation, closing memo, closing letter, referral memo, referral letter and/ or any other conclusory document associated with each of these NGA OIG Investigations: 18-108, 18-134, 19-008, 19-009, 19-016, 19-050, 19-064, 19-072, 19-085, 19-119, 19-131, 19-137, 19-148, 19-158, 20-005, 20-006, 20-014, 20-034, 20-030, 20-050, 20-080.

The NGA Office of Inspector General (OIG) FOIA office received the request on 22 April 2021.

On 21 July 2021, during a verbal discussion with me, you agreed, and followed up that agreement with an email, to narrow the request to exclude reports 18-134 and 19-009.

As a part of OIG's search, I determined, notwithstanding having listed 19-064 and 20-030 as being closed cases in response to your FOIA request number 2021-FOI-00012, that this office did not create a responsive closing or equivalent document on these consultation cases.

As the NGA OIG FOIA Officer, I have determined, upon review of the request, that the responsive material on the remaining 17 closing or equivalent documents may be released in part with some information being withheld pursuant to FOIA Exemptions (b)(3), (b)(6), and (b)(7)(C).

Exemption (b)(3), 5 U.S.C. § 552(b)(3) applies to information exempt from disclosure by other federal statutes. The federal statute which prevents disclosure is 10 U.S.C. § 424, which authorizes NGA to exempt from disclosure the organization or function of an organization of NGA; the number of persons employed or assigned or detailed to NGA; and the name, official title, occupational series, grade, or salary of any person employed by or assigned or detailed to NGA.

Furthermore, Exemption (b)(3) applies to the Inspector General Act of 1978 (5 U.S.C. Appendix), specifically, § 7(b), which states that "[t]he Inspector General shall not, after receipt of a complaint or information from an employee, disclose the identity of the employee without the consent of the employee, unless the Inspector General determines such disclosure is unavoidable during the course of the investigation."

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Exemption (b)(6), 5 U.S.C. § 552(b)(6), **requires** withholding of information in personnel, medical, and similar files where disclosure “would constitute a clearly unwarranted invasion of personal privacy.” Similarly, Exemption (b)(7)(C), 5 U.S.C. § 552(b)(7)(C), **requires** withholding of records or information compiled for law enforcement purposes where disclosure “could reasonably be expected to constitute an unwarranted invasion of personal privacy.”

You may appeal these redactions in writing to the NGA Inspector General, the appellate authority, within 90 days from the date of this letter. Within your appeal, you must include an explanation of why you believe our response is in error and you should reference the above FOIA request number. The appeal should be sent to:

The Inspector General
National Geospatial-Intelligence Agency
Mail Stop N75-OIGC
7500 GEOINT Drive
Springfield, VA 22150

Please include a copy of this letter with your appeal.

Additionally, 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 is as follows:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, MD 20740-6001
Email at ogis@nara.gov
Telephone: 202-741-5770
Toll-free: 1-877-684-6448
Facsimile: 202-741-5769

This completes our action on your request. Should you have any questions, please contact our FOIA Public Liaison at 571-557-7729 for any further assistance and to discuss any aspect of your request.

Sincerely,



Digitally signed by
SHARRETT.KENNETH.R.1060951108
DN: c=US, o=U.S. Government,
ou=DoD, ou=PKI, ou=OSD,
cn=SHARRETT.KENNETH.R.1060951108
Date: 2021.10.07 09:43:46 -04'00'

Kenneth R. Sharrett
Counsel to the Inspector General
(NGA OIG FOIA Officer)

Enclosure:
Responsive Material (2021-FOI-00031)
Redacted (164 Pages)

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NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY

Know the Earth... Show the Way... Understand the World



Office of Inspector General
Investigations Division

(U) Inappropriate Relationships and Abuse of Authority

OIG Case Number 18-108

10 December 2019

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(U) The Investigations Division, Office of Inspector General, NGA, prepared this report. If you have questions about the report, contact the Office of Inspector General, NGA.

Telephone: 571-557-7500 • (DSN 547-7500)

Fax (unclassified): 571-558-3273 • (DSN 547-3273) • (secure) 571-558-1035

e-mail: ig@nga.mil

Mail: National Geospatial-Intelligence Agency
Attention: Inspector General
Mail Stop N-75
7500 GEOINT Drive
Springfield, VA 22150



National Geospatial-Intelligence Agency
OFFICE OF INSPECTOR GENERAL

IG@nga.mil

IG@nga.ic.gov

800-380-7729 (Voice/TTY)

312-547-4849 (DSN/TTY)

578-4849 (secure)

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NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY
OFFICE OF INSPECTOR GENERAL

EXECUTIVE SUMMARY

(U) **OIG CASE NUMBER:** 18-108

(U) **TITLE:** Inappropriate Relationships and Abuse of Authority

(U) **ALLEGATION**

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) Defense Intelligence Senior Executive Service (DISES), Security and Installations Directorate (SI), NGA, Springfield, had inappropriate relationships and engaged in sexually harassing behavior with female subordinates within the NGA Office of Counterintelligence, which caused some to resign from NGA.

(U) **INVESTIGATION**

(U//FOUO) The OIG did not acquire sufficient evidence to support the allegation that (b) (3)10USC§424, (b)(6) (b)(7)(C) had inappropriate relationships and engaged in sexually harassing behavior, with female subordinates in (b) (3)10U, which caused some employees to resign from NGA. Additionally, the OIG did not develop sufficient evidence to support the claim that (b) (3)10USC§424, (b)(6) (b)(7)(C) sexually propositioned NGA employees. The anonymous complaint suggested that he propositioned employees to engage in "swinger-like behavior;" however, no witness testified to ever being propositioned by (b) (3)10USC§424, (b)(6) (b)(7)(C) to engage in such behavior.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) Analysis Directorate (A), NGA, McLean, Virginia, stated that (b) (3)10USC§424, (b)(6) (b)(7)(C) invited her to accompany him for dinner and drinks, which made her feel uncomfortable. While (b) (3)10USC§424, (b)(6) (b)(7)(C) admitted that he asked (b) (3)10USC§424, (b)(6) (b)(7)(C) for drinks, he said that his invitation was part of military tradition to buy drinks for those who deploy. (b) (3)10USC§424, (b)(6) (b)(7)(C) testified that he did not intend for his invitation to be construed as a private endeavor; and she could have invited whomever she wanted, and he would have bought the first round of drinks. (b) (3)10USC§424, (b)(6) (b)(7)(C) said that he extended the same invitation to a male deployer who also declined.

(U//FOUO) The OIG developed evidence that (b) (3)10USC§424, (b)(6) (b)(7)(C) had a close personal relationship with a contractor who directly supported his mission. (b) (3)10USC§424, (b)(6) (b)(7)(C) and (b) (3)10USC§424, (b)(6) (b)(7)(C), SI, NGA, Springfield, had dinner, attended three major college football games, attended a family tailgate party in Oklahoma, and spent three days in his condominium, with (b) (3)10USC§424, (b)(6) (b)(7)(C), in North Carolina for Thanksgiving in 2018.

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(U//FOUO) The OIG developed sufficient evidence to support the allegation that (b) (3)10USC§424, (b)(6) (b)(7)(C) had an unprofessional relationship in the workplace. There was a common perception in (b) (3)10USC§424, (b)(6) (b)(7)(C) that (b) (3)10USC§424, (b)(6) (b)(7)(C) was partial to, and favored, (b) (3)10USC§424, (b)(6) (b)(7)(C) SI, NGA, Springfield. (b) (3)10USC§424, (b)(6) (b)(7)(C) actions adversely affected unit cohesion in (b) (3)10USC§424, (b)(6) (b)(7)(C). The relationship between (b) (3)10USC§424, (b)(6) (b)(7)(C) and (b) (3)10USC§424, (b)(6) (b)(7)(C) negatively affected her immediate chain of command's ability to effectively execute their duties as her supervisors. Persons who worked in (b) (3)10USC§424, (b)(6) (b)(7)(C) and other divisions within the agency raised the concern to (b) (3)10USC§424, (b)(6) (b)(7)(C) (b) (3)10USC§424, (b)(6) (b)(7)(C) agreed (with explanation), that the perception of favoritism was present with (b) (3)10USC§424, (b)(6) (b)(7)(C).

(U) OTHER MATTER

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) may have violated Title 7 of the Civil Rights Act of 1964 when he hugged three women who felt uncomfortable by his actions. Although (b) (3)10USC§424, (b)(6) (b)(7)(C) testified that all the women hugged him, three women testified to the contrary, and said that they felt uncomfortable. Additionally, another woman testified that (b) (3)10USC§424, (b)(6) (b)(7)(C) continued to make sexual advances toward her, which caused her to exclaim, "This is never going to happen. Stop trying." The appropriate authority for determining whether sexual harassment occurred is the Office of Diversity, Inclusion, and Equal Employment Opportunity (ODE). We have advised the three women to contact NGA ODE for further guidance.

(U) RECOMMENDATION

(U//FOUO) The NGA OIG recommends that the NGA Director review this report and, in consultation with the Office of General Counsel, take appropriate action.

NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY
OFFICE OF INSPECTOR GENERAL

(U) REPORT OF INVESTIGATION

(U) OIG CASE NUMBER: 18-108

(U) TITLE: Inappropriate Relationships and Abuse of Authority

(U) SUBJECT

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) Defense Intelligence Senior Executive Service (DISES), Security and Installations Directorate (SI), NGA, Springfield, Virginia

(U) ALLEGATION

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) had inappropriate relationships and engaged in sexually harassing behavior with female subordinates within the NGA Office of Counterintelligence that caused some to resign from NGA.

(U) BACKGROUND

(U//FOUO) On 6 August 2018, the Office of Inspector General (OIG) received an anonymous complaint alleging that (b) (3)10USC§424, (b)(6) (b)(7)(C) sexually harassed women in (b) (3)10U. The complainant stated that (b) (3)10USC§424, (b)(6) (b)(7)(C) sexually propositioned women in (b) (3)10U over the last year. The complainant knew of at least two women who were subjected to (b) (3)10U (b) (3)10U harassing behavior; however, they were afraid to report the matter fearing reprisal.

(U//FOUO) The complainant stated that (b) (3)10USC§424, (b)(6) (b)(7)(C) engaged in private conversations with female subordinates in his office and explained that he and his wife were "swingers." He invited the women out for a drink so that they could "get together" privately.

(U//FOUO) Women within (b) (3)10U left the office for other jobs because they did not feel that the office environment was a good or safe place to work.

(U) SCOPE

(U) OIG Special Agents conducted this investigation in accordance with the standards in NGA Manual 7410.11, *Inspector General Operations*, 2 June 2014, and the *Quality Standards for Investigations*, 15 November 2011, set forth by the Council of the Inspectors General on Integrity and Efficiency. We obtained testimony from NGA employees and other persons believed to have information pertinent to the allegation and issues.

(U) APPLICABLE STATUTORY AND REGULATORY STANDARDS

- **(U) Title 5 Code of Federal Regulations (CFR) § 2635.702, Subpart G, Use of Public Office for Private Gain, states:**

An employee shall not use his public office for his own private gain... or for the private gain of friends, relatives, or persons with whom the employee is affiliated in a nongovernmental capacity... The specific prohibitions set forth in paragraphs (a) through (d) of this section apply this general standard, but are not intended to be exclusive or to limit the application of this section.

(a) Inducement or coercion of benefits. An employee shall not use or permit the use of his Government position or title or any authority associated with his public office in a manner that is intended to coerce or induce another person, including a subordinate, to provide any benefit, financial or otherwise, to himself or to friends, relatives, or persons with whom the employee is affiliated in a nongovernmental capacity.

- **(U) NGA Directive (NGAD) 1000, Personal Relationships in the Workplace, 16 January 2019, states:**

(U) Paragraph 4 states: It is NGA policy to:

Ensure all employees maintain professional relationships in the workplace at all times, act impartially, and do not give impermissible preferential treatment with unfair advantage to any person.

Address unprofessional relationships that detract from the authority of supervisors, result in, or reasonably create the appearance of, favoritism, misuse of office or position, or the abandonment of organizational goals; and that adversely affect employee cohesion and the efficiency of the Agency.

- **(U) NGA Instruction (NI) 1000.7R1 § 3, Personal Relationships in the Workplace, 5 January 2004, states:**

All NGA personnel are required to maintain professional working relationships at all times, to act impartially, to not give preferential treatment to any person, and to avoid the appearance of not being impartial or of giving preferential treatment.

(U) Paragraph 7a states:

Official superiors, managers, and supervisors will disqualify themselves from participation in employment matters that involve an employee with whom the official superior, manager, or supervisor has a personal relationship that undermines his or her authority and that results in, or creates the appearance of, favoritism or misuse of office or position and adversely affects the efficiency of NGA.

(U) Appendix 2 § 3 states:

Unprofessional relationships are relationships, whether pursued on or off-duty, that detract from the authority of supervisors and managers or result in, or reasonably create the appearance of, favoritism, misuse of office or position, or the abandonment of organizational goals, and adversely affect the efficiency of the Agency.

(U) Appendix 3 states:

Dating and courtship between an official superior, supervisor, manager, or team leader, and an employee under his or her supervision invariably raise the perception of favoritism, and are generally prohibited. Such relationships can adversely affect morale and impede the efficiency of the Agency.

(U) FACTS

(U) Records Reviewed

(U//FOUO) Due to the anonymity of the complaint, OIG Special Agents reviewed PeopleSoft records to identify all (b) (3)10U female departures from 2016 to 2018. The results revealed that (b) (3)10USC§424, (b)(6) (b)(7)(C) Analysis Directorate (A), NGA, McLean, Virginia, departed on 29 October 2017, because of a directed assignment. Additionally, (b) (3)10USC§424, (b)(6) (b)(7)(C) Human Development component (HD), NGA, Springfield, departed on 27 May 2018, because of a competitive assignment.

(U) OIG Special Agents obtained an email² that was sent from (b) (3)10U, DISES, (b) (3)10USC§424, Human Development Directorate (HD), NGA, Springfield, to (b) (3)10USC§424, (b)(6) (b)(7)(C) DISES, SI, NGA, Springfield, which notified him of a conversation that (b) (3)10USC§424, (b)(6) (b)(7)(C) had with (b) (3)10USC§424, (b)(6) (b)(7)(C). During the conversation with (b) (3)10USC§424, (b)(6) (b)(7)(C) told him about complaints from employees within (b) (3)10U that alleged favoritism. (b) (3)10USC§424, (b)(6) (b)(7)(C) added, "On a good note, (b) (3)10U said he had stopped leaving the office at the same time as the young lady he was accused of favoring." Three minutes after sending the email to (b) (3)10USC§424, (b)(6) (b)(7)(C) forwarded the email to (b) (3)10USC§424, (b)(6) (b)(7)(C) and added, "FYI. Good talking to you, have a great 4th!"

¹ (U//FOUO) PeopleSoft records indicate that effective 11 November 2018, (b) (3)10USC§424, (b)(6) (b)(7)(C) changed her last name to (b) (3)10USC§424; however, for consistency, this report will refer to her as (b) (3)10USC§424, (b)(6) (b)(7)(C).

² (U) Email sent on Thursday, June 29, 2017 2:49 PM, from (b) (3)10USC§424, (b)(6) (b)(7)(C), Subject: Culture of Respect.

³ (U//FOUO) On 29 April 2018, (b) (3)10USC§424, (b) was reassigned to the (b) (3)10USC§424.

(U//FOUO) OIG Special Agents used digital forensics to examine (b) (3)10USC§424, (b)(6) (b)(7)(C) email accounts from 8 August 2017 to 10 August 2018 on the Common Operating Environment (COE) and Sensitive but Unclassified (SBU) domains.

(U//FOUO) The results of the SBU examination showed that on 30 August 2016, (b) (3)10USC§424, (b)(6) (b)(7)(C) accessed the following website, <http://www.nydailynews.com/news/national/fired-army-general-regularly-swingers-clubs-parties-article>. OIG Agents acquired the full-text article: *Fired Army general regularly went to swingers clubs, parties*, by Laura Bult, New York Daily News, Updated: Thursday, August 25, 2016, 4:24 PM.

(U//FOUO) On 21 August 2018, OIG Special Agents examined (b) (3)10USC§424, (b)(6) (b)(7)(C) email and Jabber⁴ records on the COE domain, which resulted in 158 communication records of possible relevance to the allegation. The records revealed nearly daily communication between (b) (3)10USC§424, (b)(6) (b)(7)(C) SI, NGA, Springfield. Although the email and Jabber messages did not contain sexual content, the content and frequency of their communications indicated that (b) (3)10USC§424, (b)(6) (b)(7)(C) had a level of comfort with each other that may be perceived as close and inappropriate considering their respective pay grades and chain-of-command hierarchy.

(U//FOUO) OIG Special Agents acquired the following Jabber record excerpts between (b) (3)10USC§424, (b)(6) (b)(7)(C).

(U//FOUO) Table 1. Jabber Record Excerpts

DATE	TIME	FROM	TO	MESSAGE
13 October 2017	20:01	(b) (3)10USC§424, (b)(6)	(b) (3)10USC§424	Are you ready to call it a day?
	20:01	(b) (3)10USC§424,	(b) (3)10USC§424, (b)(6)	Nearly, I am almost finished with my lit review. When are you finished?
	20:06	(b) (3)10USC§424, (b)(6)	(b) (3)10USC§424,	Very soon!
	20:06	(b) (3)10USC§424,	(b) (3)10USC§424, (b)(6)	I am writing my last page before submitting it for an initial review. Almost ready to go.
	20:08	(b) (3)10USC§424,	(b) (3)10USC§424, (b)(6)	What time were you thinking?
	20:12	(b) (3)10USC§424, (b)(6)	(b) (3)10USC§424,	As soon as you can get here!
	20:14	(b) (3)10USC§424,	(b) (3)10USC§424, (b)(6)	Okay, I will leave here in 10 minutes.
	20:15	(b) (3)10USC§424, (b)(6)	(b) (3)10USC§424,	Call me here at the office

⁴ (U) Cisco Jabber is an application for instant messaging, presence awareness, and click-to-call voice collaboration in the Intelligence Community Desktop Environment.

⁵ (U//FOUO) From 28 August 2017 to 27 July 2018, (b) (3)10USC§424, (b)(6) (b)(7)(C) was detailed to the Defense Intelligence Agency (DIA) to complete a (b)(6) (b)(7)(C) at the National Intelligence University (NIU) located at the Intelligence Community Campus-Bethesda (ICC-B), Bethesda, Maryland.

				when you get close; there is no one herer [sic] right now
	20:15	(b) (3)10USC§424,	(b) (3)10USC§424, (b)(6)	Okay, I will. Just sending off my documents and I'm out of here.
	20:15	(b) (3)10USC§424, (b)(6)	(b) (3)10USC§424,	ok
	20:18	(b) (3)10USC§424,	(b) (3)10USC§424, (b)(6)	Leaving now.
23 October 2017	09:34	(b) (3)10USC§424, (b)(6)	(b) (3)10USC§424,	I liked the comment about staring at someone else's shoes!
	09:35	(b) (3)10USC§424, (b)(6)	(b) (3)10USC§424,	As you know, I like the open toes ones (SECRET)
	09:36	(b) (3)10USC§424,	(b) (3)10USC§424, (b)(6)	LOL! Yes, I do know and mum's the word! We have to keep that one close hold.
2 January 2018	17:25	(b) (3)10USC§424,	(b) (3)10USC§424, (b)(6)	I will probably be in the car around 5:40 or so. Just getting myself organized for tomorrow's big writing day!
	17:29	(b) (3)10USC§424, (b)(6)	(b) (3)10USC§424,	I will call you on my way home!
	17:29	(b) (3)10USC§424,	(b) (3)10USC§424, (b)(6)	Perfect!
4 January 2018	13:44	(b) (3)10USC§424,	(b) (3)10USC§424, (b)(6)	I was thinking of leaving around 4:00. I don't want to overdo it. Would your daily meeting still be going on then or would you be free to talk?
	13:50	(b) (3)10USC§424, (b)(6)	(b) (3)10USC§424,	I will be in my meeting at that time but could talk with you for a few minutes after 3:15. I will let you know when I am back in my office so you can call.
	13:51	(b) (3)10USC§424,	(b) (3)10USC§424, (b)(6)	That sounds good to me!
	16:30	(b) (3)10USC§424,	(b) (3)10USC§424, (b)(6)	I am leaving now and will be in the car if you have the opportunity to chat.
8 January 2018	13:20	(b) (3)10USC§424, (b)(6)	(b) (3)10USC§424,	Hey, it is snowing, sleeting and freezing rain in Baltimore already so I think that I am going to head north. You may want to do the same and we can talk on the way home!
	13:21	(b) (3)10USC§424, (b)(6)	(b) (3)10USC§424,	Will be in my car in 10 minutes.
	13:21	(b) (3)10USC§424,	(b) (3)10USC§424, (b)(6)	Same her [sic]. Talk soon.
12 January 2018	14:53	(b) (3)10USC§424, (b)(6)	(b) (3)10USC§424,	Ok. Will call you once I know you are on the road.
	14:54	(b) (3)10USC§424,	(b) (3)10USC§424, (b)(6)	Okay, I will be in my car by 3:00 p.m. Give or take... Talk soon.

16 January 2018	15:01	(b) (3)10USC§424	(b) (3)10USC§424, (b)(6)	We are probably going to end class around 4 today because of the weather so I will be in the car shortly thereafter.
19 January 2018	11:21	(b) (3)10USC§424, (b)(6)	(b) (3)10USC§424	...Will still plan on heading to Bethesda on time.
	11:23	(b) (3)10USC§424	(b) (3)10USC§424, (b)(6)	That is FABULOUS news! Thank you so much for doing this! Lunch is on me.
5 February 2018	17:48	(b) (3)10USC§424, (b)(6)	(b) (3)10USC§424	Ok, will call you on the road!
	17:48	(b) (3)10USC§424	(b) (3)10USC§424, (b)(6)	Great! I'll be in the car in 10 minutes. But call whenever you are able.
	17:48	(b) (3)10USC§424, (b)(6)	(b) (3)10USC§424	Sounds good!
8 February 2018	16:46	(b) (3)10USC§424, (b)(6)	(b) (3)10USC§424	...Have some interesting info for you if we talk later.

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(U) On Monday, 13 August 2018, at 12:28 p.m., (b) (3)10USC§424, (b)(6) (b)(7)(C) sent an email to (b) (3)50USC§3024, (b)(6) (b)(7)(C) which stated:

...My request is to ask your assistance in finding (b) (3)10USC§424, (b)(6) (b)(7) a GG-14 position with (b) (3)50USC§3024 where she can really show off her talents. You know her from your time here and at NIU, and she has a ton of potential but no [sic] much opportunity to move up here due to the restriction of the rank in person promotion process. She is a fast learner, articulate and poised and had really shown a knack for the policy side of CI. Her thesis has gotten traction at USDI and I am using various chapters from it as teaching material here at out [sic] office. I would like to find her a position where she can showcase her talent and I am looking at (b) (3)50USC§3024 and perhaps USDI. Any assistance you can provide would be most appreciated.

(U) On 13 August 2018, at 3:25 p.m., (b) (3)50USC§3024, (b)(6) (b)(7) responded:

...I am sure that we can find a good spot for (b) (3)10USC§424. We are likely looking for a policy chief...might she be interested? If not that, I am sure that we can find something else that would suit her talents and energy. And we are a much more fun place to work than USDI ☺ If she was here, she could also help our newly minted (b) (3)50USC§3024 at NIU who started orientation today. I think she has a good sense of what we do here, but if she wants to come up so I can talk through current activities by directorate and where openings may be, I am happy to do so. Just have her reach out to me.

(U) (b) (3)10USC§424, (b)(6) (b)(7)(C) forwarded (b) (3)50USC§3024, (b)(6) (b)(7)(C) response to (b) (3)10USC§424, (b)(6) (b)(7)(C) and added, "...you might like to hear her response on my request to find you a good home!"

(U//FOUO) OIG Special Agents, compiled telephone records for (b) (3)10USC§424, (b)(6) (b)(7)(C) and (b) (3)10USC§424, (b)(6) (b)(7)(C) from 9 November 2015 to 26 February 2019, which is approximately 829 workdays, to compare their telephone call frequency. The data reflects inbound and outbound calls from their unclassified government landlines. The data does not reflect telephone calls from their personal landlines or personal cellular telephones. From 22 March 2016 to 27 July 2017, (b) (3)10USC§424, (b)(6) (b)(7)(C) and (b) (3)10USC§424, (b)(6) (b)(7)(C) worked together on a case codenamed "Stick Shift." The data is summarized in Table 2

(U//FOUO) Comparatively, OIG Special Agents reviewed telephone records for (b) (3)10USC§424, (b)(6) (b)(7)(C), SI, NGA, Springfield, and (b) (3)10USC§424, (b)(6) (b)(7)(C), SI, NGA, Springfield. (b) (3)10USC§424, (b)(6) (b)(7)(C) was the division chief for (b) (3)10USC§424, (b)(6) (b)(7)(C), and (b) (3)10USC§424, (b)(6) (b)(7)(C) was a high performing PB 3 employee who received high performance scores while (b) (3)10USC§424, (b)(6) (b)(7)(C) served as the Performance Management Performance Review Authority (PM PRA).⁷ The respective telephone records for (b) (3)10USC§424, (b)(6) (b)(7)(C), and (b) (3)10USC§424, (b)(6) (b)(7)(C), on the classified and unclassified domains, revealed zero telephone calls among them; whereas, telephone calls only on the unclassified domain between (b) (3)10USC§424, (b)(6) (b)(7)(C) and (b) (3)10USC§424, (b)(6) (b)(7)(C) revealed 371 calls between them. Of the 371 total calls between (b) (3)10USC§424, (b)(6) (b)(7)(C) and (b) (3)10USC§424, (b)(6) (b)(7)(C), 206 were made to personal cellular phones: (b) (3)10USC§424, (b)(6) (b)(7)(C) called his personal cellular phone 108 times, and (b) (3)10USC§424, (b)(6) (b)(7)(C) called her personal cellular phone 98 times.

(U//FOUO) Table 2. Summary of Telephone Records

Timeframe	Total Duration (Hours)	Number of Phone Calls	Average Call Duration (Minutes)
Pre-Stick Shift (11/9/15 to 3/21/16)	4.55	54	5.05
Stick Shift (3/22/16 to 7/27/17)	27.75	211	7.89
Post-Stick Shift (7/28/17 to 2/26/19)	9.22	106	5.22
TOTAL	41.52	371	6.71

(U//FOUO) OIG Special Agents compiled Access Control Records (ACRs) for (b) (3)10USC§424, (b)(6) (b)(7)(C) and (b) (3)10USC§424, (b)(6) (b)(7)(C) from 9 November 2015 to 26 February 2019 to compare their arrivals and departures. The data shows the times that (b) (3)10USC§424, (b)(6) (b)(7)(C) and (b) (3)10USC§424, (b)(6) (b)(7)(C) arrived at and departed from the NGA Campus East (NCE) within 10 minutes of each other, and arrived and departed NCE at the exact times. Additionally,

⁶ (U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) resigned from the agency on 31 August 2018

⁷ (U) The PM PRA role is intended to provide a high level of review to ensure consistency of ratings across rating and reviewing officials and compliance with applicable laws and regulations.

the data shows when (b) (3)10USC§424, (b)(6) (b)(7)(C) delayed her entries and exits to arrive and depart at the same time as (b) (3)10USC§424, (b)(6) (b)(7)(C). OIG Special Agents determined delayed entries and exits by examining the time that (b) (3)10USC§424, (b)(6) (b)(7)(C) entered the respective gate and the time that she accessed the Sensitive Compartmented Information Facility (SCIF) turnstile, which corresponded with (b) (3)10USC§424, (b)(6) (b)(7)(C) building ingress/egress activities. The data is summarized in Table 3.

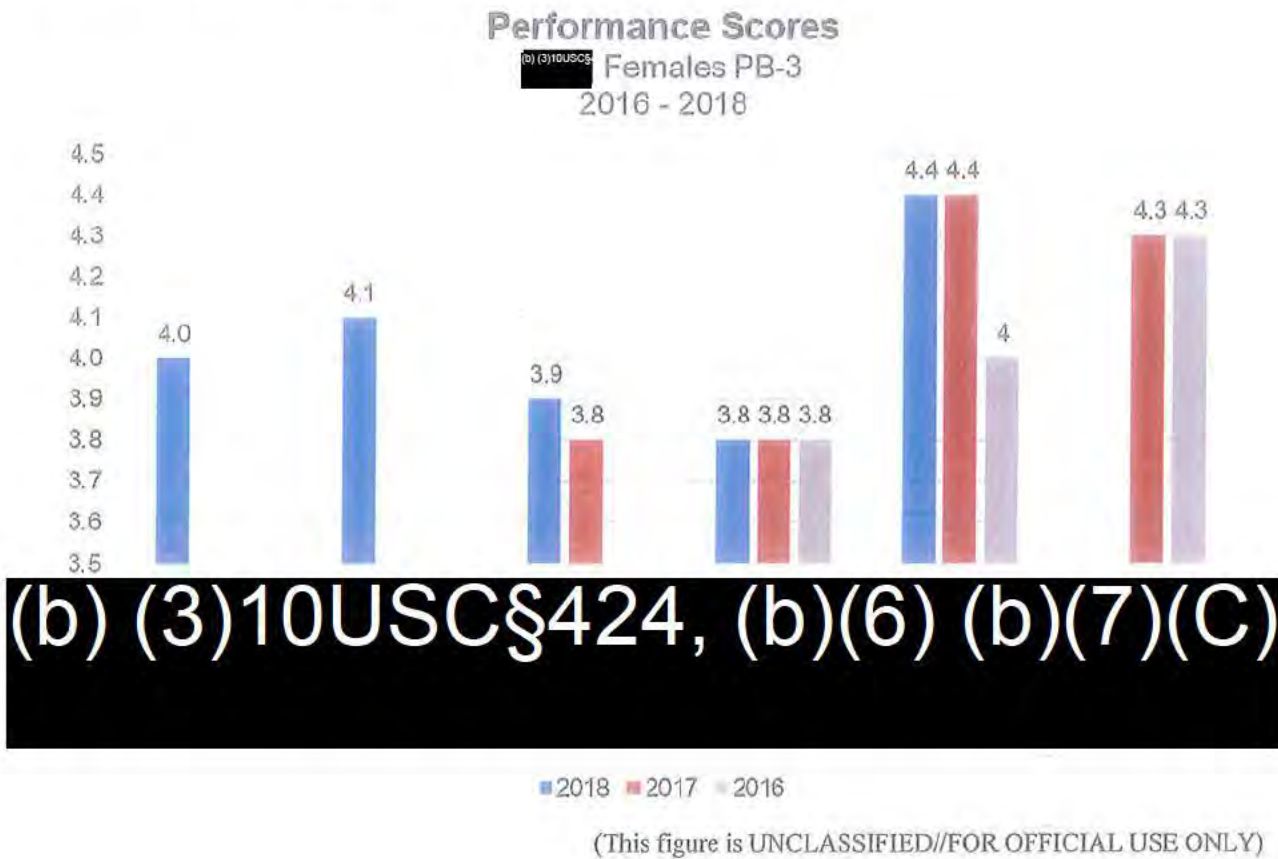
(U//FOUO) Table 3. Summary of Access Control Records

Ingress/Egress	Pre-Stick Shift	Stick Shift	Post-Stick Shift	Grand Total
Arrivals (1-10 minutes)	39	20	0	59
Arrivals Exact	14	40	0	54
Delayed SCIF Entrances	48	56	0	104
Departure (1-10 minutes)	9	36	27	72
Departures Exact	41	167	23	231
Delayed SCIF Exits	43	195	5	243

(U//FOUO) OIG Special Agents reviewed performance scores and monetary bonus award⁸ payouts for all PB 3 female employees assigned to (b) (3)10USC§ from 2016 to 2018. During the 2016–2018 rating cycles, (b) (3)10USC§424, (b)(6) (b)(7)(C) served as PM PRA for all employees assigned to (b) (3)10USC§. Figure 1 shows the respective performance scores. Chart 2 shows the total monetary bonus awards for the two highest performers from 2017 to 2018.

⁸ (U) Under DCIPS, the performance rating cycle is from 1 October to 30 September the following year. Monetary bonuses, based on performance scores, are awarded in January. For example, the rating cycle for 2016 began 1 October 2015 and ended on 30 September 2016; however, performance bonuses for the rating cycle were awarded in January 2017.

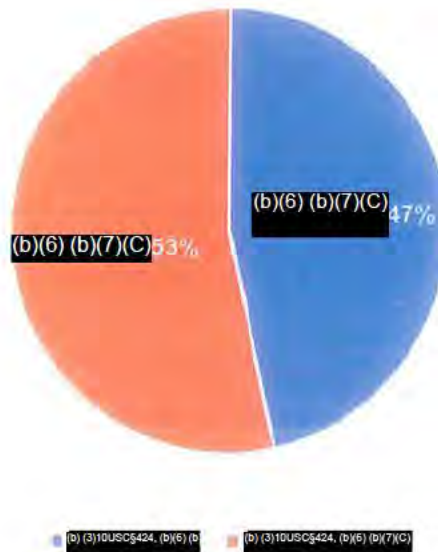
(U//FOUO) Figure 1. Performance Scores⁹



⁹ (U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C), SI, NGA, Springfield, was hired on (b)(6) (b)(7)(C) and did not have performance scores for 2016-2017. During the 2016-2017 rating cycles, (b) (3)10USC§424, (b)(6) (b)(7)(C), SI, NGA, Springfield, was not assigned to (b) (3)10USC§424, (b)(6) (b)(7)(C), SI, NGA, Springfield, was hired on (b)(6) (b)(7)(C) and did not have a 2016 performance rating since she did not perform under approved objectives for the 90-day minimum prior to the end of the rating cycle (30 September 2016). (b) (3)10USC§424, (b)(6) (b)(7)(C) did not receive a final 2018 performance rating.

(U//FOUO) Figure 2. Monetary Bonus Awards

Monetary Bonus Award
January 2017 - January 2018



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(U//FOUO) During the investigation, OIG Special Agents were notified that (b) (3)10USC§424, (b)(6) (b)(7)(C) engaged in an inappropriate relationship while serving in the US Army. As a result, OIG Special Agents queried the Defense Central Index of Investigations (DCII), which returned two dossier files from the Defense Intelligence Agency (DIA) and the US Army. The NGA OIG requested the files, which were polygraph examination results. The respective results for the Counterintelligence Scope Polygraph examinations were “No Significant Response.”

(U) Testimony

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) [redacted], Analysis Directorate (A), NGA, McLean, Virginia, testified:

(U//FOUO) She was assigned as a (b) (3)10USC§424, (b)(6) (b)(7)(C) from April 2016 to October 2018.

(U//FOUO) On or about 1 August [2017], prior to departing for predeployment training, (b) (3)10USC§424, (b)(6) (b)(7)(C) walked into (b) (3)10USC§424, (b)(6) (b)(7)(C) office to provide an update on her predeployment training activities. As (b) (3)10USC§424, (b)(6) (b)(7)(C) briefed him, he got up from behind his desk and closed the door. He sat in the chair nearest to where (b) (3)10USC§424, (b)(6) (b)(7)(C) sat, which was right underneath the television in his office. He

leaned back in the chair and asked her if she was having a going away party. (b) (3)10USC§424, (b)(6) (b)(7)(C) replied, "Yeah. My team is throwing a party at the end of the week. We're going to go to [the] Yard House. Everybody's invited" (b) (3)10USC§424, (b)(6) (b)(7)(C) said, "No. I was thinking that...maybe you and I could just...go out together, just the two of us...grab a couple of drinks, and kind of talk about expectations for the deployment."

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) declined his invitation by saying she was busy and had a lot of training. She told OIG Special Agents, "I was extremely uncomfortable."

(U//FOUO) On about 17 August [2017], (b) (3)10USC§424, (b)(6) (b)(7)(C) was in the office, packing her desk and finishing paperwork as she was preparing to deploy to Jordan in a few days. (b) (3)10USC§424, (b)(6) (b)(7)(C) called her into his office as she walked past. When she entered his office, (b) (3)10USC§424, (b)(6) (b)(7)(C) was sitting behind his desk and, once again, he invited (b) (3)10USC§424, (b)(6) (b)(7)(C) to dinner and drinks, near her house, to talk about the deployment. (b) (3)10USC§424, (b)(6) (b)(7)(C) began "hemming and hawing," and he got mad and said, "If you don't want to, you don't have to." (b) (3)10USC§424, (b)(6) (b)(7)(C) explained that she was really busy.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) said that she felt threatened because if she did not "play ball," her deployment opportunity would be at risk; however, she was allowed to go on a five-month deployment.

(U//FOUO) In August or September 2018, when (b) (3)10USC§424, (b)(6) (b)(7)(C) returned from her deployment to Jordan, she spoke to (b) (3)10USC§424, (b)(6) (b)(7)(C) during a happy hour. (b) (3)10USC§424, (b)(6) (b)(7)(C) told (b) (3)10USC§424, (b)(6) (b)(7)(C) about her predeployment encounters with (b) (3)10USC§424, (b)(6) (b)(7)(C). (b) (3)10USC§424, (b)(6) (b)(7)(C) told her, "Well, you know you're not the only one, right?" She continued, "Yeah, there's several other people that have told me that this had happened to them." (b) (3)10USC§424, (b)(6) (b)(7)(C) did not provide any names of persons who were potentially victimized by (b) (3)10USC§424, (b)(6) (b)(7)(C).

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) suspected that (b) (3)10USC§424, (b)(6) (b)(7)(C) and (b)(6) (b)(7)(C),¹⁰ (b) (3)10USC§424, (b)(6) (b)(7)(C) CIO-T Directorate (T), NGA, Springfield, had some sort of interaction. (b) (3)10USC§424, (b)(6) (b)(7)(C) heard a rumor that (b) (3)10USC§424, (b)(6) (b)(7)(C) propositioned (b)(6) (b)(7)(C) by saying, "...My wife and I are swingers. I'd like for you to come over to the house."

¹⁰ (U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) from 12 January 2016 to 10 April 2018. On 11 April 2018, she transferred to the (b) (3)10USC§424 (b)(6) (b)(7)(C) separated from NGA on 2 November 2018 to support the (b)(6) (b)(7)(C).

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) testified:

(U//FOUO) From (b)(6) (b)(7)(C), she was a (b)(6) (b)(7)(C) in (b) (3)10USC§424, (b)(6) (b)(7)(C).

(U//FOUO) While (b)(6) (b)(7)(C) was attending (b)(6) (b)(7)(C), some Army (b)(6) (b)(7)(C), who knew of (b) (3)10USC§424, (b)(6) (b)(7)(C) and his Army background, mentioned to her that he had gotten into trouble for having inappropriate relationships.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) also testified that shortly after (b) (3)10USC§424, (b)(6) (b)(7)(C) completed (b)(6) (b)(7)(C) to become a credentialed (b)(6) (b)(7)(C), she was assigned an inquiry, which was not unusual. Rather than working with her supervisor and a more experienced (b)(6) (b)(7)(C) on the inquiry, (b) (3)10USC§424, (b)(6) (b)(7)(C) worked directly with (b) (3)10USC§424, (b)(6) (b)(7)(C), which was unusual. As a result, a common perception among those in (b) (3)10USC§424, (b)(6) (b)(7)(C) was that there was a personal relationship between (b) (3)10USC§424, (b)(6) (b)(7)(C) and (b) (3)10USC§424, (b)(6) (b)(7)(C).

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) recalled (b) (3)10USC§424, (b)(6) (b)(7)(C) spent a lot of time with (b) (3)10USC§424, (b)(6) (b)(7)(C) behind closed doors, and while others waited to speak to (b) (3)10USC§424, (b)(6) (b)(7)(C) received preferential treatment by having precedence to speak to him.

(U//FOUO) She also noticed that (b) (3)10USC§424, (b)(6) (b)(7)(C) would wait for (b) (3)10USC§424, (b)(6) (b)(7)(C) so that they could leave together; sometimes they would arrive together, other times she waited for him at the elevators. (b) (3)10USC§424, (b)(6) (b)(7)(C) said that (b) (3)10USC§424, (b)(6) (b)(7)(C) was not part of the branch, and described the arrangement as "abnormal for our office," which caused a lot of consternation throughout the entire office.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) said that the entire chain of command spoke to him about the perceived inappropriate relationship. She said that (b) (3)10USC§424, (b)(6) (b)(7)(C) did not care and employees became unhappy and began to scrutinize the situation more closely.

(U//FOUO) In late spring 2018, (b) (3)10USC§424, (b)(6) (b)(7)(C) had a conversation, over dinner, with whom she described as a contractor friend.¹¹ (b)(6) (b)(7)(C) confided in her about a conversation that (b)(6) (b)(7)(C) had with (b) (3)10USC§424, (b)(6) (b)(7)(C) in his office. (b)(6) (b)(7)(C) said that (b) (3)10USC§424, (b)(6) (b)(7)(C) revealed to (b)(6) (b)(7)(C) that he and his wife were swingers. (b) (3)10USC§424, (b)(6) (b)(7)(C) stated to (b)(6) (b)(7)(C) that he would really like for the two of them to get together for a drink. (b)(6) (b)(7)(C) told him, "That's not what I'm looking for" and "wiggled" her way out of the situation.

(U//FOUO) (b)(6) (b)(7)(C) told (b) (3)10USC§424, (b)(6) (b)(7)(C) that she had not told anyone else what had happened and asked (b) (3)10USC§424, (b)(6) (b)(7)(C) not to say anything. (b)(6) (b)(7)(C) said that she would handle it; however, she was concerned for her job.

¹¹ (U//FOUO) With reluctance, (b) (3)10USC§424, (b)(6) (b)(7)(C) later revealed that the contractor friend was (b)(6) (b)(7)(C). Herein, the contractor friend will be referred to as (b)(6) (b)(7)(C).

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) remembered having a conversation with (b) (3)10USC§424, (b)(6) (b)(7)(C) during happy hour at a bar/restaurant. (b) (3)10USC§424, (b)(6) (b)(7)(C) told (b) (3)10USC§424, (b)(6) (b)(7)(C) that (b) (3)10USC§424, (b)(6) (b)(7)(C) called her in his office and propositioned her. She said that (b) (3)10USC§424, (b)(6) (b)(7)(C) did not want (b) (3)10USC§424, (b)(6) (b)(7)(C) to cancel her deployment and she “wiggled” out of the situation.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) (b) (3)10USC§424, (b)(6) (b)(7)(C) Office of the Associate Director for Operations (DO), NGA, Springfield, testified:

(U//FOUO) She has been a (b) (3)10USC§424, (b)(6) (b)(7)(C) since late 2017.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) described the office morale in (b) (3)10USC§424, (b)(6) (b)(7)(C) as low and stated that the office lacked leadership.

(U//FOUO) She knew of a time when (b) (3)10USC§424, (b)(6) (b)(7)(C) sexually propositioned someone. (b) (3)10USC§424, (b)(6) (b)(7)(C) said that she and (b)(6) (b)(7)(C) were “really good” friends. (b) (3)10USC§424, (b)(6) (b)(7)(C) said that (b)(6) (b)(7)(C) told her about the relationship that she had with (b) (3)10USC§424, (b)(6) (b)(7)(C) recalled a conversation with (b)(6) (b)(7)(C) regarding contract changes that affected (b)(6) (b)(7)(C) position. (b)(6) (b)(7)(C) said that (b) (3)10USC§424, (b)(6) (b)(7)(C) was going to be upset [about the contract changes] and that he would fight for (b)(6) (b)(7)(C) to remain on the contract. (b) (3)10USC§424, (b)(6) (b)(7)(C) thought (b)(6) (b)(7)(C) statement was odd.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) remembered a time when she, (b)(6) (b)(7)(C), and another friend, (b) (3)10USC§424, (b)(6) (b)(7)(C) went on a cruise in June 2018, where (b)(6) (b)(7)(C) told her that she had a relationship with (b) (3)10USC§424, (b)(6) (b)(7)(C) and that he bought her a blender for her birthday.

(U//FOUO) While on the cruise, (b)(6) (b)(7)(C) disclosed to (b) (3)10USC§424, (b)(6) (b)(7)(C) the nickname (b) (3)10USC§424, (b)(6) (b)(7)(C) that she and (b) (3)10USC§424, (b)(6) (b)(7)(C) had for (b) (3)10USC§424, (b)(6) (b)(7)(C). The nickname was created because (b)(6) (b)(7)(C) did not want her kids to know about (b) (3)10USC§424, (b)(6) (b)(7)(C).

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) said that (b)(6) (b)(7)(C) told her that during a conversation between (b) (3)10USC§424, (b)(6) (b)(7)(C) and (b)(6) (b)(7)(C), he revealed that he was a “swinger.”

(U//FOUO) (b)(6) (b)(7)(C) told (b) (3)10USC§424, (b)(6) (b)(7)(C) that she and (b) (3)10USC§424, (b)(6) (b)(7)(C) did not have sex; however, “they did other things.”

(U//FOUO) (b)(6) (b)(7)(C) was nervous about speaking with the Inspector General about (b) (3)10USC§424, (b)(6) (b)(7)(C) encouraged (b)(6) (b)(7)(C) to be truthful with the IG because she would be standing-up for all the women who were subjected to (b) (3)10USC§424, (b)(6) (b)(7)(C) unwanted advances.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) also recalled a time when (b) (3)10USC§424, (b)(6) (b)(7)(C) told her that he (b) (3)10USC§424, (b)(6) (b)(7)(C) “hit on” her.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) mentioned that (b) (3)10USC§424, (b)(6) (b)(7)(C) “gets everything that she wants.” (b) (3)10USC§424, (b)(6) (b)(7)(C) was permitted to attend training and school and was given sole consideration when projects were being assigned. (b) (3)10USC§424, (b)(6) (b)(7)(C) sits right behind (b) (3)10USC§424, (b)(6) (b)(7)(C) noticed that (b) (3)10USC§424, (b)(6) (b)(7)(C) visits (b) (3)10USC§424, (b)(6) (b)(7)(C) at her desk four to five times per day. (b) (3)10USC§424, (b)(6) (b)(7)(C) said that their relationship affects the office morale.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) also claimed that (b) (3)10USC§424, (b)(6) (b)(7)(C) SI, NGA, Springfield, “gets away with murder here.” She said that (b)(6) (b)(7)(C) was frequently out of the office. Sometimes, (b)(6) (b)(7)(C) would text message (b) (3)10USC§424, (b)(6) (b)(7)(C) her whereabouts. (b) (3)10USC§424, (b)(6) (b)(7)(C) thought that was “weird” because that form of communication was acceptable for perhaps the Deputy Director—not a contractor.

(U//FOUO) She explained that (b)(6) (b)(7)(C) was potentially vulnerable because (b)(6) (b)(7)(C). Since (b)(6) (b)(7)(C) did not know anyone in Virginia, (b) (3)10USC§424, (b)(6) (b)(7)(C) and his wife took her under their wing and developed a relationship.

(U//FOUO) On 10 August 2018, OIG Special Agents interviewed (b) (6) (b)(7)(C) who testified:

(U//FOUO) From January 2016 to May 2018, she worked as a (b) (3)10USC§424. During her time in (b) (3)10USC§424, she was a contractor employed with Pluribus.

(U//FOUO) During the interview, (b)(6) (b)(7)(C) said that she was not aware of anyone being sexually propositioned. She stated the reason most women left (b) (3)10USC§424 was leadership and personality driven.

(U//FOUO) OIG Special Agent inquired about the leadership issues. She said:

I don't want to paint him as a -- as a bad person because, like I said, when I -- when I got to -- he took over, I guess, the previous leadership that was there, and people -- and just from talking to those folks who were there, they said it was -- it was really bad. And so when I got there, you know, he tried to change things and, like I say, I just -- I don't want to paint him as a bad -- it was just the environment. It was -- it was -- you know, he allowed people to do their jobs. I just think the people that he has in charge, they don't know what they're doing.

(U//FOUO) When asked whether she was sexually propositioned, she responded “No.”

(U//FOUO) She recalled that others suspected that something “was going on” between (b) (3)10USC§424, (b)(6) (b)(7)(C) because of the frequency of which they were seen together.

(U//FOUO) (b)(6) (b)(7)(C) said that she focused on her family, wore headphones, and did her work.

(U//FOUO) On 10 January 2019, OIG Special Agents reinterviewed (b)(6) (b)(7)(C) because of reasonable belief that she knew more information about the allegation than she initially disclosed. (b)(6) (b)(7)(C) testified:

(U//FOUO) She and (b) (3)10USC§424, (b)(6) (b)(7)(C) had personal conversations that she thought were a bit weird. Beyond discussing (b)(6) (b)(7)(C) family, (b) (3)10USC§424, (b)(6) (b)(7)(C) told her about his extramarital relationships when he was in the Army. He told her that he “messed around on his wife,” and he and his wife were into “swinging.” (b)(6) (b)(7)(C) said that his confession corroborated what she had heard about his reputation.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) told (b)(6) (b)(7)(C) about a time when he was separated from his wife, while stationed in Iraq, he was “messing around” with a lieutenant colonel, who was lower ranking than him.

(U//FOUO) She said that the conversations took place in the workplace, sometime in 2016. (b)(6) (b)(7)(C) sensed some flirting and she told him, “I work for you...I can’t do that.” She said that (b) (3)10USC§424, (b)(6) (b)(7)(C) never directly propositioned her.

(U//FOUO) (b)(6) (b)(7)(C) recalled a conversation when (b) (3)10USC§424, (b)(6) (b)(7)(C) told her that he had a relationship with a black woman who lived in Springfield [Virginia].¹² She was not offended by (b) (3)10USC§424, (b)(6) (b)(7)(C) flirtatious behavior; she found it flattering.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) did not directly ask (b)(6) (b)(7)(C) to engage in any sexual or “swinger” activities. (b) (3)10USC§424, (b)(6) (b)(7)(C) did not touch her in an inappropriate manner. He hugged her when she departed from the office. (b)(6) (b)(7)(C) did not feel uncomfortable.

(U//FOUO) When asked how the personal conversations would begin, (b)(6) (b)(7)(C) said that (b) (3)10USC§424, (b)(6) (b)(7)(C) initially started discussing a work project. After talking about work, the conversation would become personal. (b)(6) (b)(7)(C) recalled between six and 10 times engaging in conversations that began in such manner.

(U//FOUO) (b)(6) (b)(7)(C) believed that (b) (3)10USC§424, (b)(6) (b)(7)(C) and (b)(6) (b)(7)(C) had a sexual relationship that included (b) (3)10USC§424, (b)(6) (b)(7)(C) wife because (b)(6) (b)(7)(C) frequently talked about them, and she was just too close to him.

(U//FOUO) (b)(6) (b)(7)(C) opined, “I don’t want to say a predator, but...I think he has problems.” She said that someone else [later identified as (b) (3)10USC§424, (b)(6) (b)(7)(C)], mentioned that (b) (3)10USC§424, (b)(6) (b)(7)(C) “came on to her.”

¹² (U) (b)(6) (b)(7)(C)

(U//FOUO) (b)(6) (b)(7)(C) confirmed that she had a close relationship with (b) (3)10USC§424, (b)(6) (b)(7)(C), albeit, not sexual.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) testified:

(U//FOUO) From November 2011 to May 2018, (b) (3)10USC§424, (b)(6) (b)(7)(C)

(U//FOUO) When (b) (3)10USC§424, (b)(6) (b)(7)(C), he tried to change the office morale by listening to the workforce about their positions, careers, and being assigned to the office. He created multifunctional teams that combined various (b)(6) functions into teams that focused on regional areas.

(U//FOUO) During her tenure within (b) (3)10U, she heard rumors that (b) (3)10USC§424, (b)(6) (b)(7)(C) engaged in a "swinger" lifestyle; however, she refrained from judging him.

(U//FOUO) In December 2016, she recalled attending a private Christmas party with some of (b) (3)10USC§424, (b)(6) (b)(7)(C) former Pentagon coworkers. One of the party attendees [name unknown] knew that (b) (3)10USC§424, (b)(6) (b)(7)(C) worked for (b) (3)10USC§424, (b)(6) (b)(7)(C) and warned her to "Watch out for him." (b) (3)10USC§424, (b)(6) (b)(7)(C) replied, "Why? ...were you involved with this or did – did he ever..." The party attendee said, "Yes."

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) mentioned that (b) (3)10USC§424, (b)(6) (b)(7)(C) and (b) (3)10USC§424, (b)(6) (b)(7)(C) had an outside-of-work relationship. She believed they had a relationship because, "I've never seen anybody treated the way she was blatantly treated..."

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) said, (b) (3)10USC§424, (b)(6) (b)(7)(C) could have "stood in the door of his office and shot him, and he would have come up with an excuse for her. I'd just never seen anything so blatant."³

(U//FOUO) People told (b) (3)10USC§424, (b)(6) (b)(7)(C) that they often saw (b) (3)10USC§424, (b)(6) (b)(7)(C) and (b) (3)10USC§424, (b)(6) (b)(7)(C) leaving together, arriving together, and meeting in the parking garage. It was killing morale. (b) (3)10USC§424, (b)(6) (b)(7)(C) told (b) (3)10USC§424, (b)(6) (b)(7)(C), "People think you're having an affair because of the preferential treatment you're giving her. You've got to stop. You've got to put something between you." (b) (3)10USC§424, (b)(6) (b)(7)(C) explained that they both had a passion for (b)(6) and that they could relate to each other so well.

(U//FOUO) Sometimes (b) (3)10USC§424, (b)(6) (b)(7)(C) would stay at work until 7 p.m. and (b) (3)10USC§424, (b)(6) (b)(7)(C) would be in his office with the door open.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) became frustrated trying to manage (b) (3)10USC§424, (b)(6) (b)(7)(C) calendar to ensure he was on-time for scheduled engagements, and (b) (3)10USC§424, (b)(6) (b)(7)(C) circumvented his calendar and entered his office. Sometimes, (b) (3)10USC§424, (b)(6) (b)(7)(C) would stand outside his office until he was free.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) recalled that shortly after she departed from (b) (3)10USC§424, (b)(6) (b)(7)(C), she and (b) (3)10USC§424, (b)(6) (b)(7)(C) "buted heads." She went to his office to make peace when (b) (3)10USC§424, (b)(6) (b)(7)(C) gave her a hug. The following week (b) (3)10USC§424, (b)(6) (b)(7)(C) went back to his office when (b) (3)10USC§424, (b)(6) (b)(7)(C) asked her, "Can I give you a hug again? Does that make you feel uncomfortable?" (b) (3)10USC§424, (b)(6) (b)(7)(C) felt uncomfortable when he asked the question. Later that day, one of (b) (3)10USC§424, (b)(6) (b)(7)(C) friends overheard (b) (3)10USC§424, (b)(6) (b)(7)(C) tell someone that he got his (b) (3)10USC§424, (b)(6) (b)(7)(C) fix." To avoid going into the (b) (3)10USC§424, (b)(6) (b)(7)(C) office spaces, if someone from (b) (3)10USC§424, (b)(6) (b)(7)(C) needs her assistance, (b) (3)10USC§424, (b)(6) (b)(7)(C) will either talk to them on the telephone or have them come to her desk.

(U//FOUO) (b)(6) (b)(7)(C) testified:

(U//FOUO) From October 2017 to April 2019, she was a (b) (3)10USC§424, (b)(6) (b)(7)(C) (b)(6) (b)(7)(C). In April 2019, (b)(6) (b)(7)(C), because she was geographically separated from her spouse and she lost her job due to contract changeover.

(U//FOUO) She supported (b) (3)10USC§424, (b)(6) (b)(7)(C) and described the office atmospherics as normal.

(U//FOUO) (b)(6) (b)(7)(C) often heard office banter but characterized it as normal. Later she noticed "a clash of two personalities" between (b) (3)10USC§424, (b)(6) (b)(7)(C) and (b) (3)10USC§424, (b)(6) (b)(7)(C). She described both women as strong-willed, but opined that (b) (3)10USC§424, (b)(6) (b)(7)(C) was not a great influence and not someone with whom she wanted to continue to associate.

(U//FOUO) She said (b) (3)10USC§424, (b)(6) (b)(7)(C) was very unhappy. One issue that upset (b) (3)10USC§424, (b)(6) (b)(7)(C) was regarding back pay that she was owed during her deployment. (b)(6) (b)(7)(C) said that (b) (3)10USC§424, (b)(6) (b)(7)(C) went above and beyond to help (b) (3)10USC§424, (b)(6) (b)(7)(C) resolve her pay issue. (b)(6) (b)(7)(C) said if things did not move at the speed that (b) (3)10USC§424, (b)(6) (b)(7)(C) desired, she would get very toxic and negative toward anyone who was not in her corner.

(U//FOUO) (b)(6) (b)(7)(C) said that (b) (3)10USC§424, (b)(6) (b)(7)(C) was usually at a meeting, an interview, or at her desk. She described (b) (3)10USC§424, (b)(6) (b)(7)(C) as "extraordinarily" professional and a "consummate professional." (b)(6) (b)(7)(C) also said that (b) (3)10USC§424, (b)(6) (b)(7)(C) was not a friendly person and very "curt."

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) believed that (b) (3)10USC§424, (b)(6) (b)(7)(C) was the recipient of favoritism; however, (b)(6) (b)(7)(C) disagreed.

(U//FOUO) When asked whether she heard about any inappropriate relationships within the office, (b)(6) (b)(7)(C) said, "No."

(U//FOUO) (b)(6) (b)(7)(C) was not aware of anyone within (b) (3)10USC§424, (b)(6) (b)(7)(C) being sexually propositioned. (b)(6) (b)(7)(C) said that she was not sexually propositioned either.

(U//FOUO) (b) (3)10 USC §424, (b)(6) (b)(7)(C) [REDACTED], SI, DISES, SI, NGA, Springfield, testified:

(U//FOUO) Since October 2017, (b) (3)10 USC §424, (b)(6) (b)(7)(C) [REDACTED] has served on a Joint Duty Assignment (JDA) to NGA as the Director, SI. His parent organization is the (b)(6) (b)(7)(C) [REDACTED]

(U//FOUO) As the (b) (3)10 USC §424, (b)(6) (b)(7)(C) [REDACTED] receives CI briefings, decides on various administrative and logistical matters that affect NGA security and facilities.

(U//FOUO) (b) (3)10 USC §424, (b)(6) (b)(7)(C) [REDACTED] did not know (b) (3)10 USC §424, (b)(6) (b)(7)(C) [REDACTED] prior to October 2017. During that time, he heard of a computer infraction for which (b) (3)10 USC §424, (b)(6) (b)(7)(C) [REDACTED] was disciplined. Beyond that infraction, he had not received any derogatory information about him.

(U//FOUO) (b) (3)10 USC §424, (b)(6) (b)(7)(C) [REDACTED] was not aware of the office atmosphere within (b) (3)10 USC §424, (b)(6) (b)(7)(C) [REDACTED]

(U//FOUO) (b) (3)10 USC §424, (b)(6) (b)(7)(C) [REDACTED] met with a "fairly young agent," whose name he did not recall,¹³ about her removal from a CI case. She was concerned because the case was assigned to another female¹⁴ based on favoritism rather than merit.

(U//FOUO) He said that (b) (3)10 USC §424, (b)(6) (b)(7)(C) [REDACTED] brought the matter to his attention. (b) (3)10 USC §424, (b)(6) (b)(7)(C) [REDACTED] explained to (b) (3)10 USC §424, (b)(6) (b)(7)(C) [REDACTED] that the reason he reassigned the case was because it was very sensitive, and he needed someone experienced; so, (b) (3)10 USC §424, (b)(6) (b)(7)(C) [REDACTED] chose the best-qualified agent to work the case.

(U//FOUO) (b) (3)10 USC §424, (b)(6) (b)(7)(C) [REDACTED] searched for a compromise to allow the two agents to work the case together. (b) (3)10 USC §424, (b)(6) (b)(7)(C) [REDACTED] asked the female complainant if she could work with her female colleague. The female complainant responded, "Yes," and (b) (3)10 USC §424, (b)(6) (b)(7)(C) [REDACTED] put her back on the case.

(U//FOUO) When (b) (3)10 USC §424, (b)(6) (b)(7)(C) [REDACTED] was asked why the issue was elevated to his level, he said, "I think because of the inferences that were being made... Inferences in terms of favoritism."

(U//FOUO) (b) (3)10 USC §424, (b)(6) (b)(7)(C) [REDACTED] was aware of the perception of favoritism involving (b) (3)10 USC §424, (b)(6) (b)(7)(C) [REDACTED] and (b) (3)10 USC §424, (b)(6) (b)(7)(C) [REDACTED]. (b) (3)10 USC §424, (b)(6) (b)(7)(C) [REDACTED] thought that the allegation was previously investigated and was not substantiated.

¹³ (U//FOUO) (b) (3)10 USC §424, (b)(6) (b)(7)(C) [REDACTED] remembered that the individual was a female from (b) (3)10 USC §424, (b)(6) (b)(7)(C) [REDACTED]. To maintain the witness's confidentiality, OIG Special Agents did not disclose the witness's name. It is presumed the agent was (b) (3)10 USC §424, (b)(6) (b)(7)(C) [REDACTED]; however, (b) (3)10 USC §424, (b)(6) (b)(7)(C) [REDACTED] did not recall.

¹⁴ (U//FOUO) Presumably (b) (3)10 USC §424, (b)(6) (b)(7)(C) [REDACTED] but (b) (3)10 USC §424, (b)(6) (b)(7)(C) [REDACTED] did not recall.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) was adamant that he had no firsthand knowledge, had not heard through the rumor-mill, or witnessed any inappropriate or sexual activities between (b) (3)10USC§424, (b)(6) (b)(7)(C) and any of his subordinates.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) testified:

(U//FOUO) Since 2013, she has worked as a (b) (3)10USC§424, (b)(6) (b)(7)(C)

(U//FOUO) In her role as a (b) (3)10USC§424, (b)(6) (b)(7)(C) conducts name checks on foreign contacts. She also administers briefings and debriefings, conducts (b)(6) inquiries, and performs risk assessments.

(U//FOUO) Prior to working in (b) (3)10USC§424, (b)(6) (b)(7)(C) She was experienced in working policy and privacy issues for the Federal Government. When she began working in (b) (3)10USC§424, (b)(6) (b)(7)(C), she worked on their privacy documents and later transitioned to being a CI officer.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) described the office atmospherics as collegial. Since (b) (3)10USC§424, (b)(6) (b)(7)(C), he established multifunctional teams by [geographic] AOR (area of responsibility). He ensured that all (b)(6) officers were trained. There were some people who did not like the change and either left or became disgruntled. (b) (3)10USC§424, (b)(6) (b)(7)(C) said that a number of people had a sense of entitlement. She explained that some people believed that they should be promoted because they had been in the office for five years. She said despite the personality differences, the overall culture of the office has gotten a lot better. (b) (3)10USC§424, (b)(6) (b)(7)(C) said, "We've had more opportunities with him as director than we have in the past."

(U//FOUO) She explained that the tone that (b) (3)10USC§424, (b)(6) (b)(7)(C) has taken is like a mentor. He suggested training opportunities and offered his assistance to help employees find new jobs.

(U//FOUO) She described her personality within the office environment as "focused." (b) (3)10USC§424, (b)(6) (b)(7)(C) does not frequently socialize with her colleagues because it is not her style, and she does not have time.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) described her relationship with (b) (3)10USC§424, (b)(6) (b)(7)(C) as a "good working relationship." She said that (b) (3)10USC§424, (b)(6) (b)(7)(C) has been a mentor to her. She said that she has passion for (b)(6), and he has 30 years of (b)(6) experience.

(U//FOUO) Most often, when (b) (3)10USC§424, (b)(6) (b)(7)(C) had discussions in his office, the door was open. Occasionally, they would close the door to discuss private matters or sensitive work-related topics, but that was rare.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) stated that they did not speak on the telephone except for when they worked a (b)(6) inquiry [Stick Shift]. During the inquiry, they spoke telephonically, while they traveled home or first thing in the morning.

(U//FOUO) She said that people within the office complained about her direct access to (b) (3)10USC§424, (b)(6) (b)(7)(C). (b) (3)10USC§424, (b)(6) (b)(7)(C) direct access circumvented her established chain-of-command. When discontent arose, (b) (3)10USC§424, (b)(6) (b)(7)(C) "set the record straight," spoke to management and explained that he was directing the case. (b) (3)10USC§424, (b)(6) (b)(7)(C) said, "It was jealousy of the fact that I was running this case that was the issue."

(U//FOUO) Sometimes when their schedules aligned, (b) (3)10USC§424, (b)(6) (b)(7)(C) and she would arrive at and depart from NCE together.

(U//FOUO) They would email each other about business. She believed that their email communications were infrequent.

(U//FOUO) They did not interact socially. (b) (3)10USC§424, (b)(6) (b)(7)(C) did not meet anyone within (b) (3)10USC§424, (b)(6) (b)(7)(C) family.

(U//FOUO) She was not aware of anyone within SIC being sexually propositioned. (b) (3)10USC§424, (b)(6) (b)(7)(C) said that she was not sexually propositioned. She did not have any sexual interactions with (b) (3)10USC§424, (b)(6) (b)(7)(C).

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) was not aware of (b) (3)10USC§424, (b)(6) (b)(7)(C) engaging in any inappropriate behavior.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) testified:

(U//FOUO) Since December 2017, she has been the (b) (3)10USC§424, (b)(6) (b)(7)(C).

(U//FOUO) Personnel in the (b) (3)10USC§424 hold "ill-will" toward (b) (3)10USC§424, (b)(6) (b)(7)(C). She said that the branch has ill-will because (b) (3)10USC§424, (b)(6) (b)(7)(C) pays a lot of attention to her and no one else in the branch. Typically, (b) (3)10USC§424, (b)(6) (b)(7)(C) is given all of the special projects.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) said that (b) (3)10USC§424, (b)(6) (b)(7)(C) can readily approach him whenever she wants. "I rarely see him, but she... sees him a lot."

(U//FOUO) She said about three people from within the branch, and a former branch chief, intimated to her that they believed (b) (3)10USC§424, (b)(6) (b)(7)(C) and (b) (3)10USC§424, (b)(6) (b)(7)(C) might have had a relationship beyond professional. (b) (3)10USC§424, (b)(6) (b)(7)(C) said, "I can understand how they would draw that conclusion...because perception is reality to many people."

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) believed that it was inappropriate that a pay band 3 has such access to a one-star general equivalent. "That type of access is not normal for me."

(U//FOUO) Although (b) (3)10USC§424, (b)(6) (b)(7)(C) has an open-door policy, it frustrates (b) (3)10USC§424, (b)(6) (b)(7) because of their multiple daily interactions. (b) (3)10USC§424, (b)(6) (b)(7)(C) typically bypasses the branch chief and (b) (3)10USC§424, (b)(6) (b)(7), and goes directly to (b) (3)10USC§424, (b)(6) (b)(7). It adds to (b) (3)10USC§424, (b)(6) (b)(7)(C) frustration because she does not know what is going on. (b) (3)10USC§424, (b)(6) (b)(7) said that it affects the branch and her ability to manage the branch.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7) and (b) (3)10USC§424, (b)(6) (b)(7)(C) occasionally talk, but largely, (b) (3)10USC§424, (b)(6) (b)(7) does not have visibility of the tasks that (b) (3)10USC§424, (b)(6) (b)(7)(C) works because she speaks directly to (b) (3)10USC§424, (b)(6) (b)(7)(C). (b) (3)10USC§424, (b)(6) (b)(7) said, "I don't have any control over her, neither does the branch chief."

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7) characterized the "Stick Shift" case as an "abomination of the process." (b) (3)10USC§424, (b)(6) (b)(7)(C) appointed himself as the case control officer and worked the case with (b) (3)10USC§424, (b)(6) (b)(7)(C). (b) (3)10USC§424, (b)(6) (b)(7) said, "It was ridiculous." She said the division chief and case control was left out of the process, which was "very dangerous." (b) (3)10USC§424, (b)(6) (b)(7)(C) and (b) (3)10USC§424, (b)(6) (b)(7)(C) frequently worked after hours and met with the door closed. They also would arrive and depart together. Their behavior led to a common perception that they were having an affair.

(U//FOUO) Several people have addressed the issue with him including his former deputy director, (b) (3)10USC§424, (b)(6) (b)(7)(C),¹⁵ branch chiefs, and past administrative staff. (b) (3)10USC§424, (b)(6) (b)(7)(C) has not satisfactorily addressed the issue. When (b) (3)10USC§424, (b)(6) (b)(7) attempted to address the issue, she recalled him saying, "Oh, (b) (3)10USC§424, (b)(6) (b)(7), I gave (b) (3)10USC§424, (b)(6) (b)(7) a special project."

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7) and the branch chief are viewed as afterthoughts when it deals with (b) (3)10USC§424, (b)(6) (b)(7)(C). No one else receives the same treatment that (b) (3)10USC§424, (b)(6) (b)(7)(C) provides to (b) (3)10USC§424, (b)(6) (b)(7)(C).

(U//FOUO) Some employees complained to (b) (3)10USC§424, (b)(6) (b)(7) about not being recommended for promotion. The employees expressed their displeasure to (b) (3)10USC§424, (b)(6) (b)(7) about not having the same opportunities to perform as (b) (3)10USC§424, (b)(6) (b)(7)(C). (b) (3)10USC§424, (b)(6) (b)(7)(C) rationale is that "he can give her something to do and it gets done."

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) performance ratings are so high because she is assigned to all of the special projects and high-visibility tasks, and she performs well; whereas, other employees are not afforded the same opportunities to excel, so they are "stuck in that rut."

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7) knew of (b) (3)10USC§424, (b)(6) (b)(7)(C) when they served in the military in the 1980s. She said that (b) (3)10USC§424, (b)(6) (b)(7)(C) was known as a womanizer, "maybe like a predator." (b) (3)10USC§424, (b)(6) (b)(7) knew of an affair that (b) (3)10USC§424, (b)(6) (b)(7)(C) had with a lieutenant

¹⁵ (U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7) worked for (b) (3)10USC§424, (b)(6) (b)(7)(C) (b) (3)10USC§424, (b)(6) (b)(7) retired on 31 December 2017.

while he was deployed. Prior to being employed by NGA, (b) (3)10USC§424, (b)(6) (b)(7) was warned by a friend, who saw that (b) (3)10USC§424, (b)(6) (b)(7)(C) name was on the "Washington Madam"¹⁶ list.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7) recalled a time when she competed for a new job within NGA, and (b) (3)10USC§424, (b)(6) (b)(7)(C) called her into his office to tell her that she got the position. (b) (3)10USC§424, (b)(6) (b)(7) was excited and went to give him a little hug. She said that (b) (3)10USC§424, (b)(6) (b)(7)(C) gave her a hug to where her breasts were "flat up." (b) (3)10USC§424, (b)(6) (b)(7) said that the hug made her feel uncomfortable to the point where she believed she needed to tell her husband. (b) (3)10USC§424, (b)(6) (b)(7) did not express her discomfort to (b) (3)10USC§424, (b)(6) (b)(7)(C) for "self-preservation."

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7) and (b) (3)10USC§424, (b)(6) (b)(7)(C) never had any social interactions. She had not met any of his family members. (b) (3)10USC§424, (b)(6) (b)(7)(C) had never sexually propositioned (b) (3)10USC§424, (b)(6) (b)(7), or asked her to engage in "swinger-like" activities.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) (b) (3)10USC§424, (b)(6) (b)(7)(C), SI, NGA, Springfield, testified:

(U//FOUO) In December 2013, she was assigned to (b) (3)10USC§424, (b)(6) (b)(7)(C). (b) (3)10USC§424, (b)(6) (b)(7)(C) became an NGA government civilian in September 2016. (b) (3)10USC§424, (b)(6) (b)(7)(C) deployed to Jordan from May 2018 to May 2019. In October 2019, she began an extended temporary duty assignment to attend the Criminal Investigator Training Program (CITP) at the Federal Law Enforcement Training Facility in Glynco, Georgia. Her expected graduation date is 31 January 2020.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) said since she was frequently out of the office for extended periods, she did not know much about the office atmospherics. She occasionally heard rumors but did not have first-hand knowledge to corroborate the rumors.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) said that she was not aware of anyone ever being sexually propositioned or asked to engage in "swinger-like" behavior.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) testified that (b) (3)10USC§424, (b)(6) (b)(7)(C) never sexually propositioned her or asked her to engage in "swinger-like" behavior.

(U//FOUO) When asked whether (b) (3)10USC§424, (b)(6) (b)(7)(C) hugged her, she said "Yes." (b) (3)10USC§424, (b)(6) (b)(7)(C) explained that (b) (3)10USC§424, (b)(6) (b)(7)(C) attended the funeral of a close relative to her, and at the funeral, he hugged her. (b) (3)10USC§424, (b)(6) (b)(7)(C) recalled another time when she initiated a hug with him, in the office, when she returned from deployment. She said that because she had not seen him for a while, she hugged him. (b) (3)10USC§424, (b)(6) (b)(7)(C) clarified that the hug was not sexual in nature.

¹⁶ (U) The "Washington Madam" list to which the witness referred is presumed to be the Ashley Madison website hacking, which occurred in July 2015. Ashley Madison is a commercial website billed as enabling extramarital affairs.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) did not recall (b) (3)10USC§424, (b)(6) (b)(7)(C) telling her that we cannot hug in the office.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) testified:

(U//FOUO) From January 2014 to September 2018, she was employed with NGA as a (b) (3)10USC§424, (b)(6) (b)(7)(C).

(U//FOUO) During the time that she was employed as an NGA (b)(6) (b)(7)(C), she was responsible for providing prebriefings, debriefings and working special projects. (b) (3)10USC§424, (b)(6) (b)(7)(C) worked on the cyber team before she was moved to the Operations Branch, which oversaw various activities within (b) (3)10USC§424, (b)(6) (b)(7)(C).

(U//FOUO) During her tenure within (b) (3)10USC§424, (b)(6) (b)(7)(C), (b) (3)10USC§424, (b)(6) (b)(7)(C) worked for three office directors, the last being (b) (3)10USC§424, (b)(6) (b)(7)(C). Under (b) (3)10USC§424, (b)(6) (b)(7)(C) leadership, she described the work environment as toxic. (b) (3)10USC§424, (b)(6) (b)(7)(C) said that (b) (3)10USC§424, (b)(6) (b)(7)(C) played favorites. "His absolute favorite was (b) (3)10USC§424, (b)(6) (b)(7)(C) would circumvent four layers within her chain-of-command and go straight to (b) (3)10USC§424, (b)(6) (b)(7)(C) recalled working on a project for the NGA Deputy Director, and on occasion, had scheduled meetings with (b) (3)10USC§424, (b)(6) (b)(7)(C). Some of those meetings were canceled with him so that he could meet with (b) (3)10USC§424, (b)(6) (b)(7)(C). (b) (3)10USC§424, (b)(6) (b)(7)(C) and (b) (3)10USC§424, (b)(6) (b)(7)(C) relationship was raised to the Director and Deputy Director of SI. The Deputy Director of SI said that he counseled (b) (3)10USC§424, (b)(6) (b)(7)(C); however, there was no change in their behavior.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) recalled (b) (3)10USC§424, (b)(6) (b)(7)(C) and (b) (3)10USC§424, (b)(6) (b)(7)(C) working on a (b)(6) inquiry together. Usually, for (b)(6) inquiries, there is a (b) (3)10USC§424 chain-of-command; however, with this inquiry, there was no chain-of-command for (b) (3)10USC§424, (b)(6) (b)(7)(C). She had a direct-reporting relationship with (b) (3)10USC§424, (b)(6) (b)(7)(C) said, "... It [the relationship] was really inappropriate, and the only one [(b)(6) inquiry] of all of the inquiries that had that." She found the relationship to be very unusual.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) said that he trended toward younger, pretty women, which was consistent with what she heard in the office during his time in the military.

(U//FOUO) She said that some Army (b)(6) (b)(7)(C) who attended the Joint Counterintelligence Training Academy (JCITA) knew that (b) (3)10USC§424, (b)(6) (b)(7)(C) had left the Pentagon for NGA, and because of his history, wanted to warn the women in the office.

(U//FOUO) When asked whether she knew of any other women, besides (b) (3)10USC§424, (b)(6) (b)(7)(C), with whom (b) (3)10USC§424, (b)(6) (b)(7)(C) had a relationship, she mentioned (b) (3)10USC§424, (b)(6) (b)(7)(C).

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) said that she felt like (b) (3)10USC§424, (b)(6) (b)(7)(C) was grooming her when he had closed door sessions with her. He talked about her physical appearance stating things like, "You look nice today," or "Is that a new dress?"

She said that the questions that he asked were not part of the conversation that required the door to be closed.

(U//FOUO) She said that when (b) (3)10USC§424, (b)(6) (b)(7)(C) would call her into his office, rather than sitting behind his desk, he would move to a chair that was really close to her, which made her feel "weird." (b) (3)10USC§424, (b)(6) (b)(7)(C) also recalled a time when (b) (3)10USC§424, (b)(6) (b)(7)(C) made an unsuccessful attempt to hug her. She said it turned out to be an awkward half pat on the back.

(U//FOUO) Confidential Source (CS) testified:

(U//FOUO) In approximately (b) (6) (b)(7)(C), CS became acquainted with (b) (3)10USC§424, (b)(6) (b)(7)(C) (b)(6) (b)(7)(C). They worked on cyber issues of mutual interest to the Source Directorate and the (b) (3)10USC§424. When such issues arose, CS contacted him to de-conflict the issues. For a few months, (b) (3)10USC§424, (b)(6) (b)(7)(C) and CS interacted while establishing the Office of GEOINT Assurance. Informally, (b) (3)10USC§424, (b)(6) (b)(7)(C) helped lead the effort and served in somewhat of an advisory capacity.

(U//FOUO) CS's general impression of him was mixed. There were positive interactions and things about him that were not as positive. (b) (3)10USC§424, (b)(6) (b)(7)(C) tried to build a good partnership between the cyber and counterintelligence domains to produce better products. Conversely, his behavior was somewhat unprofessional when he did not get what he wanted. If there was a compartmented component to which he did not have access, he became frustrated and gave somewhat of a flippant response. CS thought (b) (3)10USC§424, (b)(6) (b)(7)(C) behavior was "exasperating" because it happened more than once. CS had to tell him on more than one occasion that CS was "not interested in him."

(U//FOUO) CS stated that (b) (3)10USC§424, (b)(6) (b)(7)(C) "was very direct in saying that he was interested in me." CS told him, "That is never going to happen. Stop asking me. There's no chance in hell."

(U//FOUO) CS said that about a year ago, (b) (3)10USC§424, (b)(6) (b)(7)(C) "was very blatant about being interested in me sexually and very specific, very blatant." (b) (3)10USC§424, (b)(6) (b)(7)(C) expressed his desires to CS behind closed doors in his office using the excuse that "we were going to talk about something classified or sensitive as a reason why he had to shut the door." CS told him on several different occasions, "This is never going to happen. Stop trying."

(U//FOUO) CS said (b) (3)10USC§424, (b)(6) (b)(7)(C) would summon CS to his office and make it sound like he wanted to discuss something legitimate. He would say, "There's something else I want to ask you about," then get up, close the door, and instead of sitting in his chair behind his desk, he sat catty-corner to CS. (b) (3)10USC§424, (b)(6) (b)(7)(C) made sexual comments to CS. He made comments about being attracted to CS and wanting to "get with" CS. CS declined his advances and directed the conversation and his attention to a picture of his wife that was in his office.

(U//FOUO) CS recalled two separate occurrences when he made sexual advances toward CS. The first time, CS tried to "brush it off." CS told him to "quit...enough already...it's not going to happen...let it go." The second time CS said, "You seem like you're happily married. You have a smiling wife right over there [picture of her on his desk]. What's your problem?"

(U//FOUO) CS interpreted his response as if he was not interested in entering a relationship. "It was like a veiled reference to like he's done this with other women...it's just a sex thing."

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) did not proposition a quid-pro-quo or invitation to partake in dinner, drinks, or movies. CS stated that he never had a chance to ask CS to engage in such activities because CS did not allow the conversations to go any further.

(U//FOUO) CS recalled a time when (b) (3)10USC§424, (b)(6) (b)(7)(C) hugged CS, behind closed doors, which made CS feel uncomfortable. CS said it was like a conciliatory hug after CS initially turned him down. CS said it was "gross." CS did not remember whether (b) (3)10USC§424, (b)(6) (b)(7)(C) tried to lean in for a kiss. CS said, "I just remember just wanting to leave."

(U//FOUO) During the time that (b) (3)10USC§424, (b)(6) (b)(7)(C) expressed his interest in CS, CS was a (b)(6) (b)(7)(C) and he was a DISES. CS stated that he should not be in a leadership position or a position of power. CS said, "It's disgusting to me."

(U//FOUO) CS did not recall whether (b) (3)10USC§424, (b)(6) (b)(7)(C) ever mentioned his wife or propositioned CS to engage in swinger-like behavior with him.

(U//FOUO) Based on conversations with (b) (3)10USC§424, (b)(6) (b)(7)(C), CS said that (b) (3)10USC§424, (b)(6) (b)(7)(C) had a "pervasive culture where women are not treated like it's 2019; they're treated like it's 1963."

(U//FOUO) CS had a confidential conversation with the former NGA Deputy Director, The Honorable (b)(6) (b)(7)(C), about the (b) (3)10USC§424, (b)(6) (b)(7)(C) culture. CS described the conversation as a passing comment about (b) (3)10USC§424, (b)(6) (b)(7)(C).

(U//FOUO) The Honorable (b)(6) (b)(7)(C), former NGA Deputy Director, testified:

(U//FOUO) (b)(6) (b)(7)(C) served as the NGA Deputy Director from January 2015 through August 2017. In August 2017, after departing from NGA, she was confirmed to be the Principal Deputy Director of National Intelligence (PDDNI). In August 2019, (b)(6) (b)(7)(C) resigned from her position as the PDDNI.

(U//FOUO) When (b)(6) (b)(7)(C) served as the NGA Deputy Director, she advised the NGA Director, implemented the NGA Director's direction, and drove the technical transformation of NGA.

(U//FOUO) Occasionally employees complained to her about other NGA senior officials. When those occasions occurred, (b)(6) (b)(7)(C) would confront their leader directly about the complaint and any subsequent actions.

(U//FOUO) When (b) (3)10USC§424, (b)(6) (b)(7)(C) applied for the (b) (3)10USC§424, (b)(6) (b)(7)(C) position, (b)(6) (b)(7)(C) interviewed him when she served on his hiring panel. (b)(6) (b)(7)(C) characterized him as a "complete senior officer," who understood counterintelligence. She saw him as a skilled professional. (b)(6) (b)(7)(C) had a favorable impression of (b) (3)10USC§424, (b)(6) (b)(7)(C).

(U//FOUO) (b)(6) (b)(7)(C) recalled having lunch with the CS, where they discussed the CS's performance and promotion; however, she did not recall discussing any matter where the CS felt uncomfortable around (b) (3)10USC§424, (b)(6) (b)(7)(C).

(U//FOUO) (b)(6) (b)(7)(C) was not aware whether (b) (3)10USC§424, (b)(6) (b)(7)(C) had any inappropriate relationships with anyone.

(U//FOUO) (b)(6) (b)(7)(C) did not recall (b) (3)10USC§424, (b)(6) (b)(7)(C) having any personal relationships with his subordinates or inviting them to social gatherings.

(U//FOUO) She was not aware of whether (b) (3)10USC§424, (b)(6) (b)(7)(C) made any sexual advances towards any of his employees.

(U//FOUO) (b)(6) (b)(7)(C) had not heard of (b) (3)10USC§424, (b)(6) (b)(7)(C) sexually propositioning anyone; asking anyone to engage in swinger-like behavior; or, inappropriately touching anyone.

(U//FOUO) (b)(6) (b)(7)(C) described (b) (3)10USC§424, (b)(6) (b)(7)(C) behavior, as alleged in the complaint, as "abhorrent." Had she known about (b) (3)10USC§424, (b)(6) (b)(7)(C) alleged behavior, she would not have been silent.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C), testified:

(U//FOUO) As the (b) (3)10USC§424, (b)(6) (b)(7)(C), he is responsible for ensuring all (b)(6) activities are executed in accordance with policies, laws, and NGA authorities.

(U//FOUO) While (b) (3)10USC§424, (b)(6) (b)(7)(C) is not authorized to conduct investigations, their (b)(6) inquiries are conducted to determine whether a reasonable belief exists that a person might be working on behalf of a foreign power.

(U//FOUO) Usually the Case Control Officer assigns cases to (b)(6) officers and notifies (b) (3)10USC§424, (b)(6) (b)(7)(C) afterward; however, (b) (3)10USC§424, (b)(6) (b)(7)(C) is the final decision-making authority.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) stated that he does not work cases. "I stay purely in the management of it [cases]." He may involve himself in the debriefing of senior-level NGA employees to observe and provide top cover, but the (b)(6) (b)(7)(C), (b) (3)10USC§424, (b)(6) (b)(7)(C) administer the debriefings.

(U//FOUO) Within six months after (b) (3)10USC§424, (b)(6) (b)(7)(C), he reorganized the office to establish multifunctional teams and eliminate the stovepipes.

(U//FOUO) He described the year that it took to implement the reorganization as "turbulent." During the reorganization, he found that (b) (3)10USC§424 were not properly trained. As such, he sent (b) (3)10 people to the Defense Counterintelligence Agents (DCITA) course in Quantico, Virginia. Several employees did not like the multifunctional teams and wanted to be analysts. Since (b) (3)10USC was not resourced to produce analytical products, (b) (3)10USC§424, (b)(6) (b)(7)(C) revamped the mission to educate the workforce on threats.

(U//FOUO) The consternation that was created by the transition caused employees to complain, in part, about case assignments. Sometimes employees complained about (b) (3)10USC§424, (b)(6) (b)(7)(C) decision to assign a junior CI officer to a case over a more senior person. Employees also complained about junior CI officers assuming a leadership role on cases when they were recent DCITA graduates.

(U//FOUO) Specifically, employees complained about (b) (3)10USC§424, (b)(6) (b)(7)(C), who was a junior CI officer, being assigned to a case dubbed "Stick Shift," which involved potential Russian espionage. (b) (3)10USC§424, (b)(6) (b)(7)(C) rationale was that while (b) (3)10USC§424, (b)(6) (b)(7)(C) was a new CI officer, she lived in Russia for five years and spoke Russian.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C), expressed his concern to (b) (3)10USC§424, (b)(6) (b)(7)(C) about having (b) (3)10USC§424, (b)(6) (b)(7)(C) work the case. (b) (3)10USC§424, (b)(6) (b)(7)(C) suggested having someone more experienced to provide good oversight.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) recalled that others complained about the same issue; however, he did not recall specific names. Because of the complaints, approximately six to nine months into the case, (b) (3)10USC§424, (b)(6) (b)(7)(C) decided to address the complaint with each individual branch by explaining his rationale. He said that everyone would have a role to play so, "Get onboard, we're a team." (b) (3)10USC§424, (b)(6) (b)(7)(C) further communicated that "You may or may not like why a certain person is here, but at the end of the day, we're not going to change...."

(U//FOUO) The extent to which (b) (3)10USC§424, (b)(6) (b)(7)(C) invited employees to out-of-office social gatherings was to partake in office functions at the Yard House¹⁷ or Mike's American Grill¹⁸ where anyone in the office would attend.

(U//FOUO) In the fall of 2017 and the summer of 2018, (b) (3)10USC§424, (b)(6) (b)(7)(C) respectively, prepared to deploy. (b) (3)10USC§424, (b)(6) (b)(7)(C) said, in keeping with Army tradition, "If your schedule permits, I would like to buy you an alcoholic beverage before you deploy, but only if your schedule permits." He said that he made the invitation to each of them in his office while the door was open. They both declined the invitation.

¹⁷ Yard House is a restaurant located in Springfield, VA, in proximity to NCE.

¹⁸ Mike's American Grill is located in Springfield, VA, close to NCE.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) said that when he has conversations with employees, his office door is always open. He caveated his statement by saying, "But if they want to close the door, or if I want to talk to them about a sensitive personnel issue, or what could be considered a personnel matter, I'll say do you mind if we close the door?" He added that he is "very cautious about that."

(U//FOUO) When asked whether he discussed his personal matters with employees, he said, "no." He caveated his statement by saying that he might talk about his Army career. He immediately added, "I don't talk about my personal life. My wife has never met anybody in my office, mainly, because I live in Baltimore County...that's 60 miles each way."

(U//FOUO) He said that he does not discuss his marital status, but everyone knows that he is married.

(U//FOUO) During his testimony, (b) (3)10USC§424, (b)(6) (b)(7)(C) later added a contradictory statement when he said, "...there is [sic] only a handful of people in my office who have ever met my wife and those were public events where they – we interact with them."

(U//FOUO) When asked who had met his wife, he said, "...I had a contractor named (b)(6) (b)(7)(C) that worked for me."

(U//FOUO) He explained that (b)(6) (b)(7)(C) were geographically separated. They were supposed to have been stationed in the National Capital Region; however, due to a last minute change to his orders, (b)(6) (b)(7)(C) had an apartment and job in Virginia, so she decided to stay in Virginia.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) added a statement that contradicted his earlier statement when he said, "...We socialized with them occasionally because of the friendship and the Army connection and the family." He also said that he saw (b)(6) (b)(7)(C) at an Army-Navy football game. (b) (3)10USC§424, (b)(6) (b)(7)(C) and his wife had dinner with (b)(6) (b)(7)(C) and her husband when (b)(6) (b)(7)(C) was in town.

(U//FOUO) The other person from the office who met (b) (3)10USC§424, (b)(6) (b)(7)(C) wife was (b)(6) (b)(7)(C) expressed interest in attending the Army Military Intelligence Ball, and (b) (3)10USC§424, (b)(6) (b)(7)(C) was on the planning committee. (b)(6) (b)(7)(C) purchased tickets for her and her guest. (b) (3)10USC§424, (b)(6) (b)(7)(C) arranged for (b)(6) (b)(7)(C) and her guest to sit at the same table with him and (b) (3)10USC§424, (b)(6) (b)(7)(C), which is where (b)(6) (b)(7)(C) met (b) (3)10USC§424, (b)(6) (b)(7)(C).

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) said that he never spoke to any of his subordinates about any of his alleged extramarital affairs.

(U//FOUO) When asked whether any NGA employee had ever been to his house, (b) (3)10USC§424, (b)(6) (b)(7)(C) said, "No NGA employee has ever been to my house, no."

When Special Agents asked him again, he said, "the only person who has ever [been] to my house would have been (b)(6) (b)(7)(C) (b)(3)10USC§424, (b)(6) (b)(7)(C) explained that he hosted an Army-Navy party at his house that (b)(6) (b)(7)(C) attended. Immediately after (b)(3)10USC§424, (b)(6) (b)(7)(C) answered the question, (b)(6) (b)(7)(C) attorney, requested to take a short break to confer with his client. The interview was recessed at 10:48 a.m. and reconvened at 10:56 a.m.

(U//FOUO) After a brief recess, (b)(3)10USC§424, (b)(6) (b)(7)(C) requested that he be reminded of the last question. Special Agents repeated the question, have any NGA employees ever been to your house? (b)(3)10USC§424, (b)(6) (b)(7)(C) added that beyond the previously mentioned Army-Navy party, he had hosted another Army-Navy party at his house that (b)(6) (b)(7)(C) attended. Additionally, (b)(3)10USC§424, (b)(6) (b)(7)(C) recalled that (b)(6) (b)(7)(C) accompanied him and (b)(3)10USC§424, (b)(6) (b)(7)(C) for three days, to their condominium in North Carolina for Thanksgiving in 2018. (b)(3)10USC§424, (b)(6) (b)(7)(C) explained that unbeknownst to him, his wife invited (b)(6) (b)(7)(C) to spend Thanksgiving with them. (b)(3)10USC§424, (b)(6) (b)(7)(C) felt uncomfortable because (b)(6) (b)(7)(C) was a contract employee, but after conferring with his wife, (b)(3)10USC§424, (b)(6) (b)(7)(C) agreed to invite her. He said that (b)(6) (b)(7)(C) drove herself to North Carolina where he and (b)(3)10USC§424, (b)(6) (b)(7)(C) awaited her arrival. He admitted that he and his wife had a friendly relationship with (b)(6) (b)(7)(C). He added, "I believe I did a good job of keeping those separate from work." (b)(3)10USC§424, (b)(6) (b)(7)(C) had several conversations with (b)(3)10USC§424, (b)(6) (b)(7)(C) and said, "...I understand the Army connections, I understand it, but we have to manage this carefully to not create any kind of perception." (b)(3)10USC§424, (b)(6) (b)(7)(C) also had conversations with (b)(6) (b)(7)(C). He said to her, "... You're a good employee, you do good work. I know you and (b)(6) (b)(7)(C) we know you guys, we have socialized, but we have to be careful. We can't give the perception that there is favoritism or something unethical going on here."

(U//FOUO) (b)(3)10USC§424, (b)(6) (b)(7)(C) remembered another occasion when he met (b)(6) (b)(7)(C) in Oklahoma when they attended the Army-Oklahoma game. Since (b)(3)10USC§424, (b)(6) (b)(7)(C) is from Oklahoma, he and his family had a family tailgate party before the Army-Oklahoma game in September 2018, and had invited (b)(6) (b)(7)(C) to attend.

(U//FOUO) He said that there might have been another time when they stopped by the house but could not recall any specifics.

(U//FOUO) (b)(3)10USC§424, (b)(6) (b)(7)(C) stated that he was careful. He punctuated, "I never saw (b)(6) (b)(7)(C) on my own, never after work; ... my wife was always with me all of the time."

(U//FOUO) When asked if he recalled any other interaction with any NGA employee, he said during the summer 2016, he ran into (b)(6) (b)(7)(C) at Walker's

Grille in Metro Park.¹⁹ (b) (3)10USC§424, (b)(6) (b)(7)(C) explained that one day, after work, there was heavy traffic on his route home; so rather than sitting in traffic, he decided to have a beer at Walker's Grille. When he parked, he noticed (b)(6) (b)(7)(C). During this time, (b)(6) (b)(7)(C) was a contractor employed with Leidos. Walker's Grille and Leidos were co-located in the same complex. When he saw (b)(6) (b)(7)(C), (b) (3)10USC§424, (b)(6) (b)(7)(C) invited her to join him for a drink and hors d'oeuvres. After about an hour, he drove home.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) said that he never behaved in a manner that could be perceived as flirtatious. He has not engaged in flirtatious conversations or banter. Immediately after denying engaging in flirtatious banter, he said, "...flirtatious banter maybe with employees that I might be comfortable with and have known for a while. But I mean, like, even a person like (b)(6) (b)(7)(C)], I might have bantered with (b)(6) (b)(7)(C)."

(U//FOUO) He said that he has engaged in flirtatious banter with (b)(6) (b)(7)(C).²⁰ As an example of his flirtatious banter toward (b)(6) (b)(7)(C), (b) (3)10USC§424, (b)(6) (b)(7)(C) said that when she came in his office, they closed the door, and he said to her, "You're a psychologist, aren't you supposed to have a couch, or aren't you supposed to lay down here or something?"

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) further explained,

I'm not a flirtatious guy but -- and I'm not -- with the majority of my employees, in fact, most of my employees, I maintain eye contact. I am very careful and try to make sure that my employees don't feel uncomfortable that I don't do this...I don't, um, routinely check them out. Yes, I have engaged in flirtatious banter with probably -- with (b)(6) (b)(7)(C) and probably with (b)(6) (b)(7)(C), but that's it.

(U//FOUO) When asked about "checking out" employees, he said that he might notice someone nicely dressed or "If a woman looks nice in her work outfit." He said that he does not walk down the hall and watch women from their backside. (b) (3)10USC§424, (b)(6) (b)(7)(C) said that he is very cautious and added,

It's just -- if I was -- if I was a man and a woman was doing that to me, I would feel uncomfortable. I try [not] to do it -- I try to be very careful not to make any of my employees uncomfortable, right. And I think you can sense that as a manager, you know when your people are uncomfortable.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) recalled a time, in his office, when he made (b) (3)10USC§424, (b)(6) (b)(7)(C) feel uncomfortable. After having a conversation with (b) (3)10USC§424, (b)(6) (b)(7)(C), (b) (3)10USC§424, (b)(6) (b)(7)(C) told (b)(6) (b)(7)(C), "That [meeting] made me feel a little uncomfortable because I felt like it was too intimate." (b) (3)10USC§424, (b)(6) (b)(7)(C) explained that

¹⁹ (U) Metro Park is a 37-acre office campus located in Alexandria, VA, in proximity to NCE.

²⁰ (U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) SI, NGA, Springfield, declined to be interviewed.

while speaking to (b) (3)10USC§424, (b)(6) (b)(7)(C) in his office, he came from around his desk and sat in one of the guest chairs, a few feet away from (b) (3)10USC§424, (b)(6) (b)(7)(C). After speaking with (b) (3)10USC§424, (b)(6) (b)(7)(C), (b)(6) (b)(7)(C) spoke to (b) (3)10USC§424, (b)(6) (b)(7)(C) and suggested that he stay behind his desk next time. (b) (3)10USC§424, (b)(6) (b)(7)(C) heeded (b)(6) (b)(7)(C) advice and sat behind his desk for future meetings with (b) (3)10USC§424, (b)(6) (b)(7)(C).

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) did not recall anyone telling him to “stop trying to hit on me” or “it’s never going to happen.”

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) denied touching any of his employees, which could be perceived as inappropriate. He said that he has had employees hug him, but not that he has ever initiated. “I have had women employees give me hugs, not behind closed doors. I have actually had a couple [women] give me hugs right there as they leave.” (b) (3)10USC§424, (b)(6) (b)(7)(C) added that he may have occasionally given someone, with whom he felt comfortable, a pat on the shoulder.

(U//FOUO) When women gave him a hug, (b) (3)10USC§424, (b)(6) (b)(7)(C) felt uncomfortable. He said when (b) (3)10USC§424, (b)(6) (b)(7)(C) who recently returned from deployment, gave him a hug, it made him feel uncomfortable. She gave him a hug because (b) (3)10USC§424, (b)(6) (b)(7)(C) had supported her when she was harassed while deployed, which led her to seek therapy and counseling. He said it was a little hug, almost like a man-hug. It was nothing romantic. (b) (3)10USC§424, (b)(6) (b)(7)(C) hugged (b) (3)10USC§424, (b)(6) (b)(7)(C) twice, but he tried to avoid hugging her. (b) (3)10USC§424, (b)(6) (b)(7)(C) said to her,

(b) (3)10USC§424, we can’t do that in public or private because people misread that. I know your heart is in the right place. I know that you know I have supported you well. I have made sure you have gotten through your treatment. I have looked after you as a person and an employee but that doesn’t look right.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) denied ever having sexual contact with any NGA employee.

(U//FOUO) He denied ever sexually propositioning any NGA employee.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) was familiar with the “swinging” lifestyle; however, he denied ever asking an NGA employee to engage in that type of lifestyle. He said, “First of all, my wife and I are not into that lifestyle. Second, no, I have never asked an NGA employee to engage in that lifestyle.”

(U//FOUO) He denied ever buying any of his employees any gifts. (b) (3)10USC§424, (b)(6) (b)(7)(C) recalled (b)(6) (b)(7)(C), and he gave her a “retro” cocktails book that he had in his personal library. He had an extra copy, which was valued at \$10 to \$15, and gifted it to (b)(6) (b)(7)(C). (b) (3)10USC§424, (b)(6) (b)(7)(C) did not buy her a blender.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) also denied ever going to any of his subordinates’ houses.

(U//FOUO) He said that he was not surprised by the OIG questions regarding social interactions or interacting with (b)(6) (b)(7)(C) since she was a contractor; however, he was surprised by the sexual contact questions because, "I never made them feel uncomfortable. I never did anything inappropriate." (b) (3)10USC§424, (b)(6) (b)(7)(C) said that he never put himself in a situation where his sexual conduct would be questioned.

(U//FOUO) In 40 years, this was the first time that he had ever been questioned about anything involving his sexual behavior.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) was familiar with rumors about him inviting employees to have alcoholic beverages. He said that (b)(6) (b)(7)(C) mentioned to him that people believed that he propositioned someone to have a drink.

(U//FOUO) He never had any allegation regarding having any sexual contact with anyone.

(U//FOUO) When asked whether he had ever been disciplined for anything of a sexual nature, (b) (3)10USC§424, (b)(6) (b)(7)(C) answered,

Well, I mean the only thing is since I have been here you -- obviously, you know the IG investigation²¹ about I did download some images that were considered inappropriate. I received a Letter of Reprimand for that. That's the only time in my entire career I have ever been disciplined for anything ever.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) had a good relationship with (b) (3)10USC§424, (b)(6) (b)(7)(C), but she had a habit of popping into his office. She liked to gossip about people they knew, especially people from the Defense Intelligence Agency (DIA).²² (b) (3)10USC§424, (b)(6) (b)(7)(C) rarely had contact with (b) (3)10USC§424, (b)(6) (b)(7)(C), other than "this whole situation with the chairs" and offering to buy her an adult beverage. He said, sometimes (b) (3)10USC§424, (b)(6) (b)(7)(C) made him feel uneasy: "I didn't always trust her motives for popping in and talking to me," so he made sure his door was always open when engaging with her. (b) (3)10USC§424, (b)(6) (b)(7)(C) said that he did not trust her motives because (b) (3)10USC§424, (b)(6) (b)(7)(C) could be flirtatious in a very subtle way, and he picked up on it early on. He described occasions when (b) (3)10USC§424, (b)(6) (b)(7)(C) gossiped; however, he did not provide testimony to support his claim of her flirtatious tendency. "My relationship with her is purely professional and nothing outside of that."

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) described his relationship with (b) (3)10USC§424, (b)(6) (b)(7)(C) as very professional. (b) (3)10USC§424, (b)(6) (b)(7)(C) and when they met in his office, the door was typically open, unless they discussed a personnel situation. Beyond going to Mike's American Grill for her farewell, they never engaged in any outside-of-the-office functions. During the farewell gathering, he said that

²¹ (U//FOUO) NGA OIG case 18-043.

²² (U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) previously worked at DIA and had mutual acquaintances.

(b) (3)10USC§424, (b)(6) (b)(7)(C) invited him for a future drink, since she no longer worked for him. He may have given her a hug at the event; however, he did not specifically recall.

(U//FOUO) He knew (b) (3)10USC§424, (b)(6) (b)(7) from the Army. When there was a pay band 5 vacancy within (b) (3)10USC§424, (b)(6) (b)(7)(C) contacted her and urged her to apply. When (b) (3)10USC§424, (b)(6) (b)(7) was hired by NGA, she was in a part-time billet. NGA later converted a part-time billet into a full-time billet for which (b) (3)10USC§424, (b)(6) (b)(7) had to compete. (b) (3)10USC§424, (b)(6) (b)(7) was selected for the full-time pay band 5 position. When (b) (3)10USC§424, (b)(6) (b)(7)(C) notified (b) (3)10USC§424, (b)(6) (b)(7) that she was selected, she became excited, jumped up, and gave (b) (3)10USC§424, (b)(6) (b)(7)(C) a hug. She immediately said, "Oh, I shouldn't have done that," and they both laughed. He described their relationship as professional.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) relationship with (b)(6) (b)(7)(C) was both personal and professional. They often spoke about her being a single mother of three daughters, her relationship with her ex-husband, and her challenges trying to make ends meet. Attending the Military Intelligence Ball and their brief encounter at Walkers Grill were their only social interactions. (b)(6) (b)(7)(C) solicited career advice from (b) (3)10USC§424, (b)(6) (b)(7)(C). She expressed interest in becoming a government employee, and he told her that they were looking for credentialed CI officers and suggested that she be patient.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) described (b) (3)10USC§424, (b)(6) (b)(7)(C) as a hard working, "laser-focused," and "passionate CI officer."

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) knows little about her personal life. They frequently have professional conversations. "She soaked up knowledge from me about my experience in the CI world..." (b) (3)10USC§424, (b)(6) (b)(7)(C) was inquisitive about various CI cases. "It was kind of a mind meld sometimes about how she wanted to know more about this business."

(U//FOUO) Sometimes (b) (3)10USC§424, (b)(6) (b)(7)(C) irritates people in the office because she is not as social as others are; but she can be trusted to handle the toughest challenge.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) heard rumors that he favored (b) (3)10USC§424, (b)(6) (b)(7)(C) because he assigned her, as a new CI officer, to a high-profile case. He explained that the case was (b) (3)50USC§3024 -focused; she had previously lived in Russia, and spoke the language.

(U//FOUO) Initially, the case was assigned to (b) (3)10USC§424, (b)(6) (b)(7)(C) and another CI officer;²³ however, due to a policy violation, (b) (3)10USC§424, (b)(6) (b)(7)(C) removed the other CI officer from the case. Although (b) (3)10USC§424, (b)(6) (b)(7)(C) had assigned someone to replace the CI officer, over time, (b) (3)10USC§424, (b)(6) (b)(7)(C) and (b) (3)10USC§424, (b)(6) (b)(7)(C) began working the case together.

²³ (U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C), SI, NGA, Springfield. (b) (3)10USC§424, (b)(6) (b)(7)(C) separated from NGA on 12 May 2018.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) began having daily meetings with the (b) (3)10US leadership team. He said,

Part of that was because I was concerned about that perception of favoritism; and so I wanted to spread that a little bit and show that, you know, I'm not the one leading this case. She's not working directly for me. There is[sic] other people involved in the decision-making. So I did that in response to some of those things I heard. I am sure people think that, you know, that that case and stuff made her, you know, my favorite. That's not true. I admire her work. She's a talented, hard-working lady. Yes, that's all true; but from the point of favoritism, no.

(U//FOUO) He said that (b)(6) (b)(7)(C) asked him about (b) (3)10USC§424, (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) told him, "... So who is this (b) (3)10USC§424, (b)(6) (b)(7)(C) lady? I hear...people think that she is ...one of your favorites."

(U//FOUO) (b)(6) (b)(7)(C) also spoke to him about concerns that she heard from "trusted people." She told (b) (3)10USC§424, (b)(6) (b)(7)(C), "Listen, you need to think about this."

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) tried to address the common perception by reducing the amount of time that he spent with (b) (3)10USC§424, (b)(6) (b)(7)(C). He said that during the "Stick Shift" case, there were times that they spoke a lot and departed together at 5:30 or 6:00 p.m.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) said that (b) (3)10USC§424, (b)(6) (b)(7)(C) was not good at using the chain of command; so when she had a question, she would stop in his office. On several occasions, (b) (3)10USC§424, (b)(6) (b)(7)(C) told (b) (3)10USC§424, (b)(6) (b)(7)(C) to use her chain of command; however, she inconsistently followed his direction. When she did not use the chain of command, (b) (3)10USC§424, (b)(6) (b)(7)(C) would speak to her about the perception it created. (b) (3)10USC§424, (b)(6) (b)(7)(C) expounded,

Now, the fairness to her, she's had the worse branch chiefs²⁴ I have had over time. The first branch chief didn't care of [sic] this case, didn't think that there was anything to it, tried to -- tried to stop it, I mean, and I replaced him. We moved him out somewhere else... In (b) (3)10USC case, because the case was already ongoing he kind of said, well, (b) (3)10US, just do what you've been doing, keep me in the loop. If you need to see the boss, go see the boss. So, he had a much more laid back managerial style, almost too laid back.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) made his supervisor, (b) (3)10USC§424, (b)(6) (b)(7)(C), aware of the perception issue that he had with (b) (3)10USC§424, (b)(6) (b)(7)(C). He told (b) (3)10USC§424, (b)(6) (b)(7)(C) that he and (b) (3)10USC§424, (b)(6) (b)(7)(C) were working a case, which required lots of interaction between them. He assured (b) (3)10USC§424, (b)(6) (b)(7)(C) that he was taking every step to ensure the situation was managed carefully.

²⁴ (U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) referred to (b) (3)10USC§424, (b)(6) (b)(7)(C), SI, NGA, Springfield, and (b) (3)10USC§424, (b)(6) (b)(7)(C), SI, NGA, Springfield.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) told (b) (3)10USC§424, (b)(6) (b)(7)(C), "I'm just bringing this to your attention. You have a favoritism issue." (b) (3)10USC§424, (b)(6) (b)(7)(C) responded that he was aware and trying to address the issue.

(U//FOUO) Prior to "Stick Shift," (b) (3)10USC§424, (b)(6) (b)(7)(C) visited (b) (3)10USC§424, (b)(6) (b)(7)(C) just like anyone else.

(U//FOUO) Occasionally, (b) (3)10USC§424, (b)(6) (b)(7)(C) visited (b) (3)10USC§424, (b)(6) (b)(7)(C) to discuss the [SIC] reorganization. He was cautious about talking to her, but did not discourage her from visiting and chatting with him. "We have a great professional relationship." He said that (b) (3)10USC§424, (b)(6) (b)(7)(C) loves the CI field, and he has 30 years' experience. "It was all about sharing my experience and my knowledge."

(U//FOUO) After "Stick Shift," (b) (3)10USC§424, (b)(6) (b)(7)(C) attended the National Intelligence University (NIU) as a full-time student.

(U//FOUO) When (b) (3)10USC§424, (b)(6) (b)(7)(C) attended NIU, (b) (3)10USC§424, (b)(6) (b)(7)(C) and (b) (3)10USC§424, (b)(6) (b)(7)(C) would communicate via Jabber.²⁵ (b) (3)10USC§424, (b)(6) (b)(7)(C) served as (b) (3)10USC§424, (b)(6) (b)(7)(C) reader for her (b)(6) (b)(7)(C) degree thesis. He said that they Jabbered perhaps twice a day, but there was nothing inappropriate.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) attributed the numerous phone calls to discussing her thesis and her case, which had been referred to the Federal Bureau of Investigations.

(U//FOUO) When asked to explain the 371 telephone calls between him and (b) (3)10USC§424, (b)(6) (b)(7)(C) from 9 November 2015 to 26 February 2019, he said,

So, yes, we talked a lot. I received a lot of calls from my division chiefs. There is other stuff on my personal cell phone, so you wouldn't see those records. I'd talked to other CI officers on my personal phone. Is that a large number of calls? Yes, I understand on the surface it looks bad, no argument there. We have a professional relationship; and we probably talk more than we should, but it's purely professional. I enjoy sharing my knowledge. We enjoy talking about this business but that's the extent of it.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) added that he has never met anyone who loves CI, and as he approaches the end of his career, he talks to (b) (3)10USC§424, (b)(6) (b)(7)(C). "And, yes, so I understand that the way it looks is not good."

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) provided a more detailed explanation of the perception of his relationship with (b) (3)10USC§424, (b)(6) (b)(7)(C). He said,

So the perception, yes, I won't argue; but I mean it's hard to explain. She's not your normal Pay Band 3. She has a senior-level kind of focus because of where she worked before. And so, yes, we talk, I agree, more

²⁵ Jabber is an Instant Messaging application on the Common Operating Environment domain.

than we should from that perspective; but it has always been from a professional standpoint. I'm not sure I can explain it. I have never seen her outside of work. I have never talked to her late at night. I have never done the things that you would think that a person would do who is having -- in some kind of an inappropriate relationship. It's hard to say, but I have mentored her from a CI perspective I think. I get the perception. I can't argue that.

(U//FOUO) When confronted with ACRs that showed 54 times that (b) (3)10USC§424, (b)(6) (b)(7)(C) and (b) (3)10USC§424, (b)(6) (b)(7)(C) arrived simultaneously, he said, "I don't recall us ever walking—if we have walked in together, I don't recall it. I'm not saying it didn't happen."

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) said that he was not surprised when Special Agents revealed that he departed from the building 167 times with (b) (3)10USC§424, (b)(6) (b)(7)(C). (b) (3)10USC§424, (b)(6) (b)(7)(C) said that he walks out with other people, albeit, not at the same frequency.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) added,

So, but I mean I get the perception issue. I have tried to do the best I can to tamp it down. I mean one of the reasons, you know, from my perspective is if she'd have come in my office all of those times instead of talking on the phone, right, I mean the perception would have been off the roof. So being able to continue our work and talk about issues after the fact was a little bit more discreet. I get it when you look at the phone records it looks in a negative light. But, from my perspective, it was better to talk after -- after duty hours and chat, at least on my way home when it's -- legitimate to talk about the case rather than have her sit in my office for two hours, which would look worse. And so that was my, you know, kind of my thought process on that.

(U//FOUO) When (b) (3)10USC§424, (b)(6) (b)(7)(C) was asked whether he helped (b) (3)10USC§424, (b)(6) (b)(7)(C) try to find a job, he said, "No."

(U//FOUO) After Special Agents presented him with a 13 August 2018 email to (b) (3)50USC§3024, (b)(6) (b)(7)(C) that requested her assistance to find (b) (3)10USC§424, (b)(6) (b)(7)(C) a GG-14 position, he said, "I did send that email. It's a joint (b) (3)50USC§3024 is all a joint duty assignment." (b) (3)10USC§424, (b)(6) (b)(7)(C) said that he helped others obtain career assignments too.

(U) OTHER MATTER

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) may have violated Title 7 of the Civil Rights Act of 1964 when he hugged three women who felt uncomfortable by his actions. Although (b) (3)10USC§424, (b)(6) (b)(7)(C) testified that all the women hugged him, three women testified to the contrary, and said that they felt uncomfortable. Additionally, another woman testified that (b) (3)10USC§424, (b)(6) (b)(7)(C) continued to make sexual advances toward her, which caused her to exclaim, "This is

never going to happen. Stop trying.” The appropriate authority for determining whether sexual harassment occurred is the Office of Diversity, Inclusion, and Equal Employment Opportunity (ODE). We have advised the three women to contact NGA ODE for further guidance.

(U) CONCLUSIONS

(U//FOUO) The OIG did not acquire sufficient evidence to support the allegation that (b) (3)10USC§424, (b)(6) (b)(7)(C) had inappropriate relationships and engaged in sexually harassing behavior, with female subordinates in SIC, which caused some employees to resign from NGA. Additionally, the OIG did not develop sufficient evidence to support the claim that (b) (3)10USC§424, (b)(6) (b)(7)(C) sexually propositioned NGA employees. The anonymous complaint suggested that he propositioned employees to engage in “swinger-like behavior;” however, no witness testified to ever being propositioned by (b) (3)10USC§424, (b)(6) (b)(7)(C) to engage in such behavior.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) stated that (b) (3)10USC§424, (b)(6) (b)(7)(C) invited her to accompany him for dinner and drinks, which made her feel uncomfortable. While (b) (3)10USC§424, (b)(6) (b)(7)(C) admitted that he asked (b) (3)10USC§424, (b)(6) (b)(7)(C) for drinks, he said that his invitation was part of military tradition to buy drinks for those who deploy. (b) (3)10USC§424, (b)(6) (b)(7)(C) testified that he did not intend for his invitation to be construed as a private endeavor, and she could have invited whomever she wanted and he would have bought the first round of drinks. (b) (3)10USC§424, (b)(6) (b)(7)(C) said that he extended the same invitation to a male deployer who also declined.

(U//FOUO) The OIG did develop evidence that (b) (3)10USC§424, (b)(6) (b)(7)(C) had a close personal relationship with a contractor who directly supported his mission. (b) (3)10USC§424, (b)(6) (b)(7)(C) and (b)(6) (b)(7)(C) had dinner; attended three major college football games; attended a family tailgate party in Oklahoma; and spent three days in his condominium, with (b) (3)10USC§424, (b)(6) (b)(7)(C), in North Carolina for Thanksgiving in 2018.

(U//FOUO) The OIG developed sufficient evidence to support the allegation that (b) (3)10USC§424, (b)(6) (b)(7)(C) had an unprofessional relationship in the workplace. There was a common perception in (b) (3)10USC§424, (b)(6) (b)(7)(C) that (b) (3)10USC§424, (b)(6) (b)(7)(C) was partial to and favored (b) (3)10USC§424, (b)(6) (b)(7)(C). (b) (3)10USC§424, (b)(6) (b)(7)(C) actions adversely affected unit cohesion in (b) (3)10USC§424, (b)(6) (b)(7)(C). The relationship between (b) (3)10USC§424, (b)(6) (b)(7)(C) and (b) (3)10USC§424, (b)(6) (b)(7)(C) negatively affected her immediate chain of command’s ability to effectively execute their duties as her supervisors. Persons who worked in (b) (3)10USC§424, (b)(6) (b)(7)(C) and other divisions within the agency raised the concern to (b) (3)10USC§424, (b)(6) (b)(7)(C). (b) (3)10USC§424, (b)(6) (b)(7)(C) agreed (with explanation) that the perception of favoritism was present with (b) (3)10USC§424, (b)(6) (b)(7)(C).

(U) RECOMMENDATION

(U//FOUO) The OIG recommends that the NGA Director review this report and in consultation with the Office of General Counsel, take appropriate action.

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NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY

Know the Earth... Show the Way... Understand the World



**Office of Inspector General
Investigations Division**

(U) Title: Improper Relationship with a Contractor/Conflict of Interest

OIG Case Number 19-008

20 July 2020

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(U) The Investigations Division, Office of Inspector General, NGA, prepared this report. If you have questions about the report, contact the Office of Inspector General, NGA.

Telephone: 571-557-7500 • (DSN 547-7500)

Fax (unclassified): 571-558-3273 • (DSN 547-3273) • (secure) 571-558-1035

e-mail: ig@nga.mil

Mail: National Geospatial-Intelligence Agency
Attention: Inspector General
Mail Stop N-75
7500 GEOINT Drive
Springfield, VA 22150



National Geospatial-Intelligence Agency
OFFICE OF INSPECTOR GENERAL

IG@nga.mil

IG@nga.ic.gov

800-380-7729 (Voice/TTY)

312-547-4849 (DSN/TTY)

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NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY
OFFICE OF INSPECTOR GENERAL

EXECUTIVE SUMMARY

(U) OIG CASE NUMBER: 19-008

(U) TITLE: Improper Relationship with a Contractor/Conflict of Interest

(U) SUBJECT

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C)

[REDACTED], Defense Intelligence Senior Level (DISL), Chief Information Officer and Information Technology Services Directorate (CIO-T), NGA, Springfield, Virginia

(U) ALLEGATION

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) is giving preference to an NGA contractor as a result of a close professional and personal relationship that (b) (3)10USC§424, (b)(6) (b)(7)(C) has with a consultant who works for the contractor.

(U) INVESTIGATION

(U) The investigation determined the following with respect to the allegation.

(U//FOUO) OIG's investigation did not substantiate (b) (3)10USC§424, (b)(6) (b)(7)(C) is giving preference to an NGA contractor as a result of a close professional and personal relationship that (b) (3)10USC§424, (b)(6) (b)(7)(C) has with a consultant who works for the contractor. OIG found no evidence that indicated (b) (3)10USC§424, (b)(6) (b)(7)(C) gave preference to (b)(6) (b)(7)(C) with respect to NGA acquisitions, as a result of her close professional and personal relationship with him. Although (b) (3)10USC§424, (b)(6) (b)(7)(C) used to work for (b)(6) (b)(7)(C) at NGA, and there is evidence that shows that they remain friends and engage with each other socially, OIG found no evidence to support the allegation.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) was issued a Letter of Caution on 1 March 2016 for failing to disclose her relationship with (b)(6) (b)(7)(C) on a Source Selection Participant Agreement for a contract acquisition and for giving the Technical Evaluation Panel the impression that she was attempting to influence the final selection and appearing to favor (b)(6) (b)(7)(C) [REDACTED], Native Joint Ventures Corporation.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) stated in her interview that she did not believe that going on a vacation with (b)(6) (b)(7)(C) could give the perception she has a conflict of interest because she said no one at NGA or other contract vendors would have knowledge that she and (b)(6) (b)(7)(C) went on a joint vacation. At the time of (b) (3)10USC§424, (b)(6) (b)(7)(C) and (b)(6) (b)(7)(C) joint vacation (April 2018), (b) (3)10USC§424, (b)(6) (b)(7)(C) was in email communication with (b)(6) (b)(7)(C) in his capacity as a GDIT consultant, and GDIT was a potential bidder for future contracts at

NGA (GDIT was the incumbent on the Data Center Services contract) and GDIT ended up responding to the Transport follow on contract Draft Request For Proposal. Taking into consideration (b) (3)10USC§424, (b)(6) (b)(7)(C) and (b)(6) (b)(7)(C), personal friendship and professional roles, their relationship could be perceived as (b) (3)10USC§424, (b)(6) (b)(7)(C) giving (b)(6) (b)(7)(C) (hence GDIT) more access to NGA CIO-T management than other vendors competing for NGA IT contracts.

(U) RECOMMENDATIONS

(U) OIG recommends that the Director, CIO-T, review this report, and in consultation with the Director, Office of Contract Services, and the Office of the General Counsel, take appropriate action.

(U) OIG recommends that the Director, Security and Installations, review the Other Matter section of the attached report and take appropriate action.

REPORT OF INVESTIGATION

(U) **OIG CASE NUMBER:** 19-008

(U) **TITLE:** Improper Relationship with a Contractor/Conflict of Interest

(U) **SUBJECT**

1. (U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) [REDACTED], Defense Intelligence Senior Level (DISL), Chief Information Officer and Information Technology Services Directorate (CIO-T), NGA, Springfield, Virginia

(U) **ALLEGATION**

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) is giving preference to an NGA contractor as a result of a close professional and personal relationship that (b) (3)10USC§424, (b)(6) (b)(7)(C) has with a consultant who works for the contractor.

(U) **BACKGROUND**

(U//FOUO) On 10 October 2018, NGA OIG received an anonymous letter alleging that (b) (3)10USC§424, (b)(6) (b)(7)(C) was maintaining an improper relationship with (b)(6) (b)(7)(C) [REDACTED] who is an independent consultant who owns (b)(6) (b)(7)(C), and as a consultant, (b)(6) (b)(7)(C) works for General Dynamics Information Technology (GDIT). (b)(6) (b)(7)(C) [REDACTED] who was (b) (3)10USC§424, (b)(6) (b)(7)(C). The letter stated that (b) (3)10USC§424, (b)(6) (b)(7)(C) was going to be the Source Selection Authority for the Transport follow on contract (TCS), which would be awarded in the next few months and GDIT would be one of the bidders. The letter further noted that (b)(6) (b)(7)(C) had been heard saying to other contractors, "I talk with (b) (3)10USC§424, (b)(6) (b)(7)(C) every day;" "I mentored her, and she owes me;" and "We can shape this contract" (the TCS contract). The author of the letter alleged that (b) (3)10USC§424, (b)(6) (b)(7)(C) is engaging in an improper relationship with (b)(6) (b)(7)(C) given that she is going to be named the Source Selection Authority for the TCS contract, and (b)(6) (b)(7)(C) works for GDIT who may be one of the bidders for the TCS contract.

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(U) SCOPE

(U) NGA OIG conducted this investigation in accordance with the standards set forth in NGA Manual 7410.11, *Inspector General Operations*, 2 June 2014, and the *Quality Standards for Investigations*, 15 November 2011, set forth by the Council of the Inspectors General on Integrity and Efficiency. NGA OIG obtained testimony from individuals believed to have information pertinent to the allegations and issues. NGA OIG also reviewed pertinent documents and data.

(U) APPLICABLE STATUTORY AND REGULATORY STANDARDS

- **(U) 18 United States Code (USC) § 208, Acts Affecting a Personal Financial Interest**, states:

(a) Except as permitted by subsection (b) hereof, whoever being, being an officer or employee of the executive branch of the United States Government, or of any independent agency of the United States, a Federal Reserve bank director, officer, or employee, or an officer or employee of the District of Columbia, including a special Government employee, participates personally and substantially as a Government officer or employee, through decision, approval disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a judicial or other proceeding, application, request for a ruling or other determination, contract claim, controversy, charge, accusation, arrest, or other particular matter in which, to his knowledge, he, his spouse, minor child, general partner, organization in which he is serving a officer director, trustee, general partner or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest.

- **(U) 41 USC § 423, Restrictions on disclosing and obtaining contractor bid or proposal information or source selection information**, states:

(a) Prohibition on disclosing procurement information

(1) A person described in paragraph (2) shall not, other than as provided by law, knowingly disclose contractor bid or proposal information or source selection information before the award of a Federal agency procurement contract to which the information relates.(2) Paragraph (1) applies to any person who —

(A) is a present or former official of the United States, or a person who is acting or has acted for or on behalf of, or who is advising or has advised the United States with respect to, a Federal agency procurement; and

(B) by virtue of that office, employment, or relationship has or had access to contractor bid or proposal information or source selection information.

- **(U) 5 Code of Federal Regulations (CFR) § 2635.502 Personal and Business Relationships**, states:

(a) Consideration of appearances by the employee. Where an employee knows that a particular matter involving specific parties is likely to have a direct and predictable effect on the financial interest of a member of his household, or knows that a person with whom he has a covered relationship is or represents a party to such matter, and where the employee determines that the circumstances would cause a reasonable person with knowledge of the relevant facts to question his impartiality in the matter, the employee should not participate in the matter unless he has informed the agency designee of the appearance problem and received authorization from the agency designee in accordance with paragraph (d) of this section.

- **(U) 5 CFR § 2635.702 Subpart G, Misuse of Position**, states:

An employee shall not use his public office for his own private gain, for the endorsement of, or a service, or for the private gain of friends, relatives, or person with whom the employee is affiliated in a nongovernmental capacity, including nonprofit organizations of which the employee is an officer or member, and persons with whom the employee has or seeks employment or business relations.

(d) Performance of official duties affecting a private interest. To ensure the performance of his official duties does not give rise to an appearance of use of public office for private gain or of giving preferential treatment, an employee whose duties would affect the financial interests of a friend, relative or person with whom he is affiliated in a nongovernmental capacity shall comply with any applicable requirements of § 2635.502.

- **(U) 5 CFR § 2635.703, Use of Nonpublic Information**, states:

An employee shall not engage in a financial transaction using nonpublic information, nor allow the improper use of nonpublic information to further his own private interest or that of another, whether through advise or recommendation, or by knowing unauthorized disclosure.

- **(U) 5 CFR § 2635.101, Basic obligation of public service**, states:

(a) Public service is a public trust. Each employee has a responsibility to the United States Government and its citizens to place loyalty to the Constitution, laws and ethical principles above private gain. To ensure that every citizen can have complete confidence in the integrity of the Federal Government, each employee shall respect and adhere to the principles of ethical conduct set forth in this section, as well as

implementing standards contained in this part and in supplemental agency regulations.

(b) (2) Employees shall not hold financial interests that conflict with the conscientious performance of duty.

(b) (8) Employees shall act impartially and not give preferential treatment to any private organization or individual.

- **(U) Federal Acquisition Regulation 3.101-1, Standards of Conduct, states:**

Government business shall be conducted in a manner above reproach and, except as authorized by statute or regulation, with complete impartiality and with preferential treatment for none. Transactions relating to the expenditure of public funds require the highest degree of public trust and an impeccable standard of conduct. The general rule is to avoid strictly any conflict of interest or even appearance of a conflict of interest.

- **(U) Department of Defense (DoD) Directive 5500.07, Standards of Conduct, paragraph 4.3, states:**

DoD personnel shall perform their official duties lawfully and comply with the highest ethical standards.

- **(U) NGA Instruction 1000.7 R1, Personal Relationships in the Workplace, states:**

(6) (c) (1) Managers, Supervisors, and Official Superiors:

Maintain professional work relationships and conduct themselves to avoid any real or perceived favoritism regarding their official work duties.

Appendix 2: Unprofessional relationships. Unprofessional relationships are relationships, whether pursued on or off-duty, that detract from the authority of supervisors and managers or result in, or reasonably create the appearance of, favoritism, misuse of office or position, or the abandonment of organizational goals, and adversely affect the efficiency of the Agency. Unprofessional relationships can exist between civilian employees (including team leaders and team members), military personnel and civilian employees, between officers, between enlisted members, between officers and enlisted members, between contractor personnel and military personnel, between contractor personnel and civilian employees, between recruiters and applicants, and between instructors and trainees (students).

(U) FACTS

(U) *Investigative Methods*

(U//~~FOUO~~) NGA OIG investigators identified and reviewed the following information/records to determine whether (b) (3)10USC§424, (b)(6) (b)(7)(C) and (b)(6) (b)(7)(C) were engaging in an improper relationship.

1. Open Source Internet websites
2. Investigative databases
3. TCS Source Selection Plan
4. TCS Draft Request For Proposal (DRFP) and vendor responses
5. TCS Request For Proposal (RFP)
6. NGA Access Control Record (ACR) Data
7. Letter of Caution issued to (b) (3)10USC§424, (b)(6) (b)(7)(C) on 1 March 2016
8. (b) (3)10USC§424, (b)(6) (b)(7)(C) SBU, COE Emails and Jabber Messages from June 2017 through November 2019 and H Drive

(U) NGA OIG investigators interviewed individuals to obtain information related to the allegation. NGA OIG investigators analyzed the information and applied it against applicable laws, policies, and regulations.

(U) *Review of Documents*

(U//~~FOUO~~) NGA OIG investigators reviewed the information and records listed above and identified the following significant information.

TCS Source Selection Plan- Dated 21 August 2019

(U//~~FOUO~~) The TCS Source Selection plan showed that although several employees who report to (b) (3)10USC§424, (b)(6) (b)(7)(C) through her management chain were listed as members of the Source Selection Team, (b) (3)10USC§424, (b)(6) (b)(7)(C) was not a member of the Source Selection Team. (b) (3)10USC§424, (b)(6) (b)(7)(C) was named the Source Selection Authority for the TCS contract acquisition. OIG found no evidence that (b) (3)10USC§424, (b)(6) (b)(7)(C) was officially in consideration to be named the Source Selection Authority for the TCS contract.

TCS DRFP – Dated 30 May 2019

(U//~~FOUO~~) The TCS DRFP was issued to vendors who were potential bidders for the TCS contract and were afforded the opportunity to respond with comments about the scope and requirements of the TCS contract that would be included in the Final RFP and the Performance Work Statement (PWS). GDIT was one of the vendors that responded with comments. However, GDIT did not submit a proposal to win the award for the TCS contract. Consolidated Analysis Center Incorporated (CACI) submitted a

proposal that included GDIT as a subcontractor to provide services in support of the TCS contract. The TCS contract was awarded to Lockheed Martin Corporation in April 2020.

Access Control Records Data

(U//FOUO) According to NCE ACR data, between the period of 1 June 2019 and 17 June 2020, (b)(6) (b)(7)(C) entered the NGA NCE building once on 10 October 2019.

Letter of Caution – Issued 1 March 2016

(U//FOUO) A 2014 OIG investigation¹ found that (b) (3)10USC§424, (b)(6) (b)(7)(C) had failed to make appropriate disclosures in the acquisition process for the Transport contract. As a result, (b) (3)10USC§424, (b)(6) (b)(7)(C) was issued a Letter of Caution. The Letter of Caution provided the following reasons for issuance:

(b)(6) (b)(7)(C)



The letter was signed by then-Chief Information Officer and Director of IT Services, (b) (3)10USC§424, (b)(6) (b)(7)(C).

SBU, COE Emails and Jabber Messages From 1 November 2017 to 15 August 2019 and H Drive

(U//FOUO) A forensic examination of (b) (3)10USC§424, (b)(6) (b)(7)(C) email account, hard drive, and systems activity did not identify any communications or actions, which would indicate that (b) (3)10USC§424, (b)(6) (b)(7)(C) was giving preference to (b)(6) (b)(7)(C) over other vendors attempting to win contracts at NGA. Further, the examination did not find any communications between (b)(6) (b)(7)(C) and (b) (3)10USC§424, (b)(6) (b)(7)(C) that would indicate (b)(6) (b)(7)(C) was attempting to obtain TCS source-selection-sensitive information to gain advantage for GDIT in bidding on the TCS contract.

(U//FOUO) The examination revealed that (b)(6) (b)(7)(C) sent emails to (b) (3)10USC§424, (b)(6) (b)(7)(C) in which he inquired about the status of an RFP, provided ideas about integrating phases on a

¹ (U//FOUO) OIG Case 14-133.

contract, and asked about changes to the Desktop Environment services platform.

(b) (3)10USC§424, (b)(6) (b)(7)(C) responded to these emails. The examination found the following four items of interest:

- 1) (b) (3)10USC§424, (b)(6) (b)(7)(C) H drive contained a document which reflected a colleague who had provided (b) (3)10USC§424, (b)(6) (b)(7)(C) feedback (dated 22 January 2014) on her resume that questioned her using (b)(6) (b)(7)(C) as a reference. The colleague pointed out that naming (b)(6) (b)(7)(C) as a reference may be perceived as a conflict of interest given he is a contractor on one of the contracts for which she provides management oversight.
- 2) In a 16 September 2019 COE Jabber message, (b) (3)10USC§424, (b)(6) (b)(7)(C), DISL, (b) (3)10USC§424, SI, NGA, St. Louis, Missouri, sent a jabber message to (b) (3)10USC§424, (b)(6) (b)(7)(C) asking her if she was comfortable with NGA employees on her team receiving a GDIT demonstration of their capabilities and services since some follow-on contracts were beginning the acquisition process. (b) (3)10USC§424, (b)(6) (b)(7)(C) characterized the demonstration as “innocuous” but wanted to ensure (b) (3)10USC§424, (b)(6) (b)(7)(C) was comfortable with GDIT providing the demonstration. (b) (3)10USC§424, (b)(6) (b)(7)(C) advised, “I think that would be fine.” This jabber chat between (b) (3)10USC§424, (b)(6) (b)(7)(C) and (b) (3)10USC§424, (b)(6) (b)(7)(C) indicated (b) (3)10USC§424, (b)(6) (b)(7)(C) awareness that the timing of the demonstration could potentially give the appearance that NGA is giving GDIT an advantage over other vendors in the early stages of the acquisition process for upcoming contracts. (b) (3)10USC§424, (b)(6) (b)(7)(C) did not dismiss (b) (3)10USC§424, (b)(6) (b)(7)(C) question but conveyed to him that she did not believe there was any issue with GDIT providing the demonstration.
- 3) For the period between May 2017 and August 2018, the examination also identified a few email communications between (b)(6) (b)(7)(C) and (b) (3)10USC§424, (b)(6) (b)(7)(C) in which they discuss engaging in some social activities together (such as dinner or brunch) or going to (b)(6) (b)(7)(C), Florida, together. These communications did not reveal any indication that (b)(6) (b)(7)(C) was attempting to influence (b) (3)10USC§424, (b)(6) (b)(7)(C) decision-making with respect to IT contracts at NGA.
- 4) (b)(6) (b)(7)(C) emailed (b) (3)10USC§424, (b)(6) (b)(7)(C) two white papers (in attachments) in which GDIT outlined technical and operational requirements that NGA should consider in its Performance Work Statements for the NGA Enterprise Service Center and the program management for engineering and administrative support. (b) (3)10USC§424, (b)(6) (b)(7)(C) did not respond to this email. Therefore, it is unclear whether (b) (3)10USC§424, (b)(6) (b)(7)(C) opened the email or read the white papers. The body of the email contained the following:

Hi (b) (3)10USC§424,

Hope vacation was wonderful, the pics on Facebook were great. Know you enjoyed it. No practice vacation this time. GD wanted me to send these to you. These along with all the other suggestions we sent in the earlier round. Do with them what you wish. Hope you are good.

(b) (6) (b) (7) (C)

(U) Testimony

(U//FOUO) (b) (6) (b) (7) (C) testified he is a consultant for Peraton,² and he serves in a part-time advisory role to the Peraton program manager assigned to NGA. (b) (6) (b) (7) (C) stated that he consults on several contracts across the Intelligence Community. (b) (6) (b) (7) (C) advised that when Peraton assigns him to NGA-related tasks, he works with (b) (3)10USC§424, (b) (6) (b) (7) (C) group. (b) (6) (b) (7) (C) said that prior to being a consultant, he was an NGA senior executive in CIO-T.

(U//FOUO) (b) (6) (b) (7) (C) said that he worked for (b) (6) (b) (7) (C) when he worked at NGA and when he resigned from NGA, (b) (6) (b) (7) (C) hired him to work for him at NJVC [Native Joint Ventures Corporation]. (b) (6) (b) (7) (C) said that (b) (6) (b) (7) (C) has his own company and consults part-time to GDIT on its contracts at NGA but also does work for SAIC [Science Applications International Corporation]. (b) (6) (b) (7) (C) work with these companies consists of assisting them to win contracts. (b) (6) (b) (7) (C) characterized (b) (6) (b) (7) (C) as his “mentor” and a “heroic figure” in his life.

(U//FOUO) (b) (6) (b) (7) (C) said he had not been in meetings with (b) (6) (b) (7) (C) at NGA recently but has seen (b) (6) (b) (7) (C) socially. (b) (6) (b) (7) (C) was asked if he had ever heard (b) (6) (b) (7) (C) talk about having (b) (3)10USC§424, (b) (6) (b) (7) (C) “in his back pocket” with respect to having influence over her. (b) (6) (b) (7) (C) advised that he had never heard (b) (6) (b) (7) (C) say anything that resembled that kind of a comment and maintained that he did not believe that comment was characteristic of something (b) (6) (b) (7) (C) would say. (b) (6) (b) (7) (C) is aware that (b) (6) (b) (7) (C) was (b) (3)10USC§424, (b) (6) (b) (7) (C) mentor when he was in her management chain at NGA.

(U//FOUO) (b) (6) (b) (7) (C) was asked if he received the anonymous complainant’s letter, which alleged an improper relationship between (b) (3)10USC§424, (b) (6) (b) (7) (C) and (b) (6) (b) (7) (C). (b) (6) (b) (7) (C) stated he never received the letter even though at the conclusion of the letter it reflects (b) (6) (b) (7) (C) name as being copied on the letter.

(U//FOUO) OIG investigators advised (b) (6) (b) (7) (C) that NGA OIG’s inquiries into this matter are confidential and not to inform (b) (6) (b) (7) (C) that he met with NGA OIG.

² (U//FOUO) Peraton is a defense contract firm located in Reston, Virginia. Peraton was formerly known as Harris.

(b)(6) (b)(7)(C) stated he would not tell (b)(6) (b)(7)(C) about meeting with NGA OIG and declared that if he believed (b)(6) (b)(7)(C) was engaging in unethical activities, he would have notified NGA OIG despite his personal friendship with (b)(6) (b)(7)(C).

(U//FOUO) (b)(6) (b)(7)(C) testified he is the GDIT program manager for NGA and is in charge of business operations including cost analysis, scheduling, logistics, and material procurements. (b)(6) (b)(7)(C) stated he reports to GDIT Vice President (b)(6) (b)(7)(C) and that he mostly interacts with the NGA contracting officer, (b) (3)10USC§424, (b)(6) (b)(7)(C), Office of Contract Services, NGA, Springfield.

(U//FOUO) (b)(6) (b)(7)(C) explained that there are four different types of contractors that GDIT provides to NGA as part of its services: GDIT employees, subcontractors, vendors, and corporate clearance holds. (b)(6) (b)(7)(C) stated that (b)(6) (b)(7)(C) has his own company as a subcontractor for GDIT and is a corporate clearance hold type of contractor. (b)(6) (b)(7)(C) advised that corporate clearance hold contractors are consultants who maintain NGA facilities access badges to provide specialized services to NGA such as technical guidance for programs and selling GDIT's services. (b)(6) (b)(7)(C) said that (b)(6) (b)(7)(C) primary function at GDIT is to sell business. (b)(6) (b)(7)(C) said that (b)(6) (b)(7)(C) bills an hourly rate to GDIT for the time he spends attempting to win contracts for GDIT.

(U//FOUO) (b)(6) (b)(7)(C) acknowledged that (b)(6) (b)(7)(C) would have access to (b) (3)10USC§424, (b)(6) (b)(7)(C) because they knew each other professionally from when (b)(6) (b)(7)(C) worked at NGA in the (b) (3)10USC§424 group but did not know the extent of their personal relationship. (b)(6) (b)(7)(C) said that (b)(6) (b)(7)(C) helps GDIT with NGA proposals and provides guidance on strategies to employ when GDIT tries to win NGA contracts.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) testified she is a Defense Intelligence Senior Level employee and serves as the (b) (3)10USC§424, (b)(6) (b)(7)(C) advised that she is responsible for overseeing approximately (b) (3)10US NGA employees and approximately (b) (3)10USC§424 contractors who support the four primary IT contracts at NGA.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) stated that she could not think of any reason why anyone would raise concerns over a conflict of interest that she may have. (b) (3)10USC§424, (b)(6) (b)(7)(C) acknowledged that a few years ago she was the subject of an OIG complaint which prompted a conflict of interest investigation surrounding the NGA Transport contract. (b) (3)10USC§424, (b)(6) (b)(7)(C) was asked if she recalled the findings of the OIG investigation:

OIG: And what were the findings of that investigation?

³ (U//FOUO) (b)(6) (b)(7)(C) brought up (b)(6) (b)(7)(C) as an example of a corporate clearance hold contractor without OIG asking about (b)(6) (b)(7)(C).

Subject: The findings was [sic] that I had a relationship with this person, which I did, because he was my mentor at one point when he was in the Government. And then since he's left the government, we still have contact.

OIG: Okay, and....

Subject: But that's one person.

OIG: And who is this you are referring to?

Subject: (b)(6) (b)(7)(C).

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) was asked about the outcome from the OIG's findings.

OIG: Anything else as far as findings?

Subject: I think there was like a Letter of Caution and on the type of communication that I would have with people who had left NGA.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) said that she is responsible for managing four NGA IT contracts but tries not to be involved in the source selection process, because she works closely with the contractors who work on these projects. (b) (3)10USC§424, (b)(6) (b)(7)(C) stated that some of her subordinates are on the Source Selection Team for these IT contracts. (b) (3)10USC§424, (b)(6) (b)(7)(C) advised that she has been selected as the Source Selection Authority for the upcoming Enterprise Management contract award, and she decided to accept this role because this contract was going to be a small business set aside and she did not have any close relationships or ties to contractors who work for small businesses.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) declared that she was never under consideration to be the Source Selection Authority for the Transport follow-on contract (TCS). (b) (3)10USC§424, (b)(6) (b)(7)(C) said that her only involvement with TCS was ensuring the contract bidding process was meeting scheduled deadlines.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) acknowledged she had a personal, mentor-type relationship with (b)(6) (b)(7)(C) but did not see him often because he lives in Florida. (b) (3)10USC§424, (b)(6) (b)(7)(C) said she engages with (b)(6) (b)(7)(C) socially outside of NGA. (b) (3)10USC§424, (b)(6) (b)(7)(C) advised that she and (b)(6) (b)(7)(C), and each of their spouses, went on vacation together to (b)(6) (b)(7)(C) (off the coast of Florida) about three or four years ago. (b) (3)10USC§424, (b)(6) (b)(7)(C) said the group stayed in a bed and breakfast and each couple paid for their half of the lodging and other expenses. (b) (3)10USC§424, (b)(6) (b)(7)(C) stated she received nothing of value from (b)(6) (b)(7)(C) on this trip. (b) (3)10USC§424, (b)(6) (b)(7)(C) recalled that the last time she spoke with (b)(6) (b)(7)(C) was about two months prior to 12 May 2020 when OIG interviewed her.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) testified that she did not believe there could be a perception of a conflict of interest by going on a vacation with (b)(6) (b)(7)(C).

(b) (3)10USC§424, (b)(6) (b)(7)(C) contended that nobody would know that she went on vacation with (b)(6) (b)(7)(C) so she did not believe that anyone could form an impression that she had a conflict of interest in her relationship with (b)(6) (b)(7)(C) and her work at NGA. (b) (3)10USC§424, (b)(6) (b)(7)(C) did not think (b)(6) (b)(7)(C) was doing any consulting work for GDIT currently but recalled that he was doing some consulting work for GDIT about a year and a half ago.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) was asked if she ever received emails at work about (b)(6) (b)(7)(C) work at GDIT or any white papers produced by GDIT.

OIG: Have you received emails from him (b)(6) (b)(7)(C) about his work at GDIT?

Subject: Not that I can think of.

OIG: Have you ever received white papers from him or things of that nature?

Subject: No – Let me put it this way, I don't read all my emails. So I'm just caveating that. I get a tremendous amount of emails from every corporation, every person out there that is trying to sell something, or any corporation or company that's trying to sell something to NGA. I don't always read all my emails, so I don't get through my emails on the Unclass or high side. And most of the time when it is a vendor, I don't usually engage.

OIG: Got it.

Subject: From a work perspective.

OIG: Has (b)(6) (b)(7)(C) ever reached out to you and asked you for information about what your thoughts were on an upcoming contract?

Subject: Not that I can think of, no.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) advised she had completed her annual Standards of Conduct training and did not believe that her relationship with (b)(6) (b)(7)(C) and her role, with respect to contracts at NGA, were inconsistent with the spirit and letter of Standards of Conduct.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) did not recall ever being at a GDIT industry presentation for CIO-T in which (b)(6) (b)(7)(C) was in attendance. However, (b) (3)10USC§424, (b)(6) (b)(7)(C) qualified that it was possible she was at a meeting with him, and she just did not recall it. (b) (3)10USC§424, (b)(6) (b)(7)(C) said she has a lot of meetings with GDIT contractors because they hold a major IT contract at NGA.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) did not know why whoever raised concerns about her potential conflict of interest identified her and not others at NGA who also are involved in acquisitions and have relationships with contractors.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) expressed concern that somehow she is giving people the impression that she has conflicts of interest in her role. (b) (3)10USC§424, (b)(6) (b)(7)(C) asserted she makes a concerted effort to ensure the source selections for contracts she oversees are beyond reproach so that no vendor protests a contract award.

(U//FOUO) The NGA OIG did not to interview (b)(6) (b)(7)(C) because NGA OIG did not develop any information during this investigation that indicated (b)(6) (b)(7)(C) was engaging in any improper activities at NGA.

(U) CONCLUSION

(U//FOUO) OIG's investigation did not substantiate (b) (3)10USC§424, (b)(6) (b)(7)(C) is giving preference to an NGA contractor as a result of a close professional and personal relationship that (b) (3)10USC§424, (b)(6) (b)(7)(C) has with a consultant who works for the contractor. OIG found no evidence that indicated (b) (3)10USC§424, (b)(6) (b)(7)(C) gave preference to (b)(6) (b)(7)(C) with respect to NGA acquisitions, as a result of her close professional and personal relationship with him. Although (b) (3)10USC§424, (b)(6) (b)(7)(C) used to work for (b)(6) (b)(7)(C) at NGA, and there is evidence that shows that they remain friends and engage with each other socially, OIG found no evidence to support the allegation.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) was issued a Letter of Caution on 1 March 2016 for failing to disclose her relationship with (b)(6) (b)(7)(C) on a Source Selection Participant Agreement for a contract acquisition and for giving the Technical Evaluation Panel the impression that she was attempting to influence the final selection and appearing to favor (b)(6) (b)(7)(C) company, Native Joint Ventures Corporation.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) stated in her interview that she did not believe that going on a vacation with (b)(6) (b)(7)(C) could give the perception she has a conflict of interest because she said no one at NGA or other contract vendors would have knowledge that she and (b)(6) (b)(7)(C) went on a joint vacation. At the time of (b) (3)10USC§424, (b)(6) (b)(7)(C) and (b)(6) (b)(7)(C) joint vacation (April 2018), (b) (3)10USC§424, (b)(6) (b)(7)(C) was in email communication with (b)(6) (b)(7)(C) in his capacity as a GDIT consultant, and GDIT was a potential bidder for future contracts at NGA (GDIT was the incumbent on the Data Center Services contract) and GDIT ended up responding to the Transport follow on contract Draft Request For Proposal. Taking into consideration (b) (3)10USC§424, (b)(6) (b)(7)(C) and (b)(6) (b)(7)(C), personal friendship and professional roles, their relationship could be perceived as (b) (3)10USC§424, (b)(6) (b)(7)(C) giving (b)(6) (b)(7)(C) (hence GDIT) more access to NGA CIO-T management than other vendors competing for NGA IT contracts.

(U) OTHER MATTER

(U//FOUO) Based upon OIG's interview with (b)(6) (b)(7)(C) and C - Cure records (the system used to administer badge access to NGA facilities), OIG confirmed that (b)(6) (b)(7)(C) has a contractor access badge (green badge) that was issued to him on 13 March 2018 under the Data Center Services (DCS) contract (HM047617D0013). NGA contract

records reflect that (b)(6) (b)(7)(C) is a GDIT contractor working under the DCS contract and assigned to the GDIT Patriot Ridge location in Springfield, Virginia.

(U//FOUO) According to (b)(6) (b)(7)(C), (b)(6) (b)(7)(C) primary responsibility as a "corporate clearance hold" contractor (consultant) is to sell business at NGA. (b)(6) (b)(7)(C) did not mention that (b)(6) (b)(7)(C) is working on any projects at NGA. The Contracting Officer's Representative (COR) is responsible for approving E-Nom requests from vendors who are requesting a contractor be issued a contractor access badge. It is unclear how the COR determines which contractors should be issued a contractor access badge.

(U//FOUO) According to (b) (3)10USC§424, (b)(6) (b)(7)(C), (b)(6) (b)(7)(C) and ACR data reflects that he is infrequently in NGA facilities yet he has a contractor badge which allows him access to NGA facilities to sell GDIT products and services, and he does not provide any services or deliverables to NGA. This issue has been identified in other OIG investigations and has been referred to the OIG Inspections Division to conduct an examination of the contractor badge issuance, tracking, and collection process.

(U) RECOMMENDATIONS

(U) OIG recommends that the Director, CIO-T, review this report, and in consultation with the Director, Office of Contract Services, and the Office General Counsel, take appropriate action.

(U) OIG recommends that the Director, Security and Installations, review the Other Matter section of the attached report and take appropriate action.

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REPORT OF INVESTIGATION

(U) OIG CASE NUMBER: 19-016

(U) TITLE: Inappropriate and Unprofessional Relationship/Misuse of Government Property; False Claim

(U) SUBJECTS

(U//FOUO) (b)(3) 10 USC §424, (b)(6), (b)(7)(C)

Analysis
Directorate (A), NGA, Springfield, Virginia

(U//FOUO) (b)(6), (b)(7)(C), A, NGA,
Springfield

(U) ALLEGATIONS

1. (U//FOUO) (b)(3) 10 USC §424, (b)(6), (b)(7)(C) misused government resources and facilities to conduct an inappropriate and unprofessional relationship in the workplace.
2. (U//FOUO) (b)(6), (b)(7)(C) falsified her time sheets, causing her contract company, H2M Group, LLC, to submit a false claim to NGA for labor she did not perform.

(U) BACKGROUND

(U//FOUO) On 31 October 2018, the OIG received a referral from the (b) (3)10USC§424 Security and Installations Directorate, NGA, Springfield, regarding (b)(3) 10 USC §424, (b)(6), (b)(7)(C), who appear to be engaged in an unprofessional relationship together, conducting unethical behavior, and possibly committing time and attendance fraud. According to the (b) (3)10USC§424 analysis, it appears that (b)(3) 10 USC §424, (b)(6), (b)(7)(C) may have engaged in sexual activity within NCE during the workday and have been sending sexually explicit messages to each other through NGA Information Systems.

(U) SCOPE

(U) NGA OIG conducted this investigation in accordance with the standards set forth in NGA Manual 7410.11, *Inspector General Operations*, 2 June 2014, and the *Quality Standards for Investigations*, 15 November 2011, set forth by the Council of the Inspectors General on Integrity and Efficiency.

(U) During the investigation, we obtained testimony from (b)(3) 10 USC §424, (b)(6), (b)(7)(C), and other NGA employees believed to have information relevant to the allegations and issues. We also reviewed pertinent documents and data.

(U) ALLEGATION 1

(U//FOUO) (b)(3) 10 USC §424, (b)(6), (b)(7)(C) misused government resources and facilities to conduct an inappropriate and unprofessional relationship in the workplace.

(U) APPLICABLE STATUTORY AND REGULATORY STANDARDS

- **(U) Title 5 Code of Federal Regulations (CFR) § 2635.101, Basic obligation of public service:**

(b) (5) states:

(U) Employees shall put forth honest effort in the performance of their duties.

(b) (14) states:

(U) Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards set forth in this part.

- **(U) 5 CFR § 2635.704, Use of Government Property, states:**

(a) Standard. An employee has a duty to protect and conserve Government property and shall not use such property, or allow its use, for other than authorized purposes.

(b) Definitions. For purpose of this section:

(1) Government property includes any form of real or personal property in which the Government has an ownership, leasehold, or other property interest as well as any right or other intangible interest that is purchased with Government funds, including the services of contractor personnel. The term includes office supplies, telephone and other telecommunications equipment and services, the Government mails, automated data processing capabilities, printing and reproduction facilities, Government records, and Government vehicles.

- **(U) Department of Defense 5500.7, Joint Ethics Regulation, August 23, 1993, including changes 1-7 (November 17, 2011):**

(U) Paragraph 2-301a "Communications Systems" states: Federal government communication systems and equipment (including Government owned telephones, facsimile machines, electronic mail, internet systems, and commercial systems when use is paid for by the Federal Government) shall be for official use and authorized purposes only.

(2) Authorized purposes include...personal communications from the DoD employee's usual work place that are most reasonably made while at the work place (such as checking in with spouse or minor children; scheduling doctor and auto or home repair appointments; brief internet searches...) when the Agency Designee permits categories of communications, determining such communications:

- (a) Do not adversely affect the performance of official duties by the DoD employee or the DoD employee's organization;
- (b) Are of reasonable duration and frequency, and whenever possible, made during the DoD employee's personal time such as after duty hours or lunch periods;
- (c) Serve a legitimate public interest...;
- (d) Do not put Federal Government communications systems to uses that would reflect adversely on DoD or the DoD Component...

(U) Paragraph 12-401(b) "Integrity" states: Being faithful to one's convictions is part of integrity. Following principles, acting with honor, maintaining independent judgment and performing duties with impartiality help to maintain integrity and avoid conflicts of interest and hypocrisy.

(U) Paragraph 12-401(d) "Accountability" states: DoD employees are required to accept responsibility for their decisions and the resulting consequences. This includes avoiding even the appearance of impropriety because appearances affect public confidence. Accountability promotes careful, well thought out decision-making and limits thoughtless action.

- **(U) NGA Directive 7400R5, Oversight and Assessment, 12 January 2013, ¶3b**, states:

(U) POLICY. It is NGA policy to: Ensure full and complete cooperation and support to audit, inspection, investigation, and assessment activities. Personnel must provide accurate, candid, complete, and forthcoming responses to questions posed by OIG auditors, investigators, and inspectors.

- **(U) NGA Manual (NGAM) 1455.1, Disciplinary and Adverse Actions, 5 May 2014, enclosure 8 §12**, provides that:

(U) False statements, inaccuracies, or misrepresentation warrant sanctions ranging from a letter of reprimand up to removal.

- (U) NGAM 5200.2, Personnel Security, 10 July 2014, Administrative Update 7 December 2016, Enclosure 2, Responsibilities, ¶4 Employees, Contractors, and Applicants:

4.b. states:

(U) Act in accordance with the standards of conduct, and avoid actions that would affect their continued assignment in a position of trust or access to [Secure Compartmented Information].

4.c. states:

(U) Notify [Personnel Security] of information with potential significance regarding themselves or other persons who have been granted access to SCI, including all reportable information described on the Security and Installations Directorate website.¹

- (U) NGA Instruction (NI) 1000.7R1, Personal Relationships in the Workplace, January 2004, *RESCINDED 16 JANUARY 2019*:

Paragraph 6e states:

(U) Employees. All NGA personnel (civilian and military) share the responsibility for maintaining professional relationships. All NGA civilian and military personnel must comply with the Guidelines for Avoiding Unprofessional Relationships in Appendix 3.

Appendix 2, Definitions, states:

(U) Unprofessional relationships. Unprofessional relationships are relationships, whether pursued on or off-duty, that detract from the authority of supervisors and managers **or result in, or reasonably create the appearance of favoritism, misuse of office or positions, or the abandonment of organizational goals, and adversely affect the efficiency of the Agency.** [Emphasis added] Unprofessional relationships can exist between...contractor personnel and civilian employees...

¹ (U) The SI website states: "Pursuant to Section 4 of NGAM 5200.2, Enclosure 2, NGA personnel are required to report behaviors, incidents, or events that might in some way impact national security and your ability, or that of NGA personnel, to function positively and effectively in a national security environment. NGA personnel must report any of the following issues to NGA Personnel Security (SISP); contractors must also report such issues to their Facility Security Officer." Paragraph 5, Personal Life Changes, includes: Change of name, marital status, including legal separation; Change in co-habitation; Military call-up.

Appendix 3, Guidelines for Avoiding Unprofessional Relationships, states:

(U) Experience has shown that certain kinds of relationships present a high risk for being or developing into unprofessional relationships. While some personal relationships are not in and of themselves unprofessional, they may be or become unprofessional when other facts or circumstances are taken into consideration.

(U) Shared activities. Shared activities include sharing living accommodations, vacations, transportation, and off-duty interests on a frequent or recurring basis.

- **(U) NI 4640.2, International Long-Distance and Cellular Telephone Control and Verification, 30 August 2017, ¶4a, states:**

(U) POLICY. It is NGA policy: To provide NGA personnel with unclassified telephones, cellular telephones, and pagers, hereinafter referred to as *NGA telephone systems*, for official use and authorized purposes only.

GLOSSARY defines Authorized Purpose as:

(U) Authorized purposes include brief personal communications, such as notification of schedule changes; official transportation; medical or auto repair arrangements, made by employees including while on Government business.

- **(U) NI 8470.3, NGA Instruction for Use of Electronic Mail and Other Electronic Communications, 9 January 2006, *Administrative Update 13 November 2015, RESCINDED, 12/18/2018:***

(U) Paragraph 3. Policy, states:

a. Use of NGA electronic communications systems is a privilege. Misuse of electronic communications systems is a violation of the Standards of Ethical Conduct (DoD 5500.7-R, cited in reference 1.b.(1)) and inconsistent with NGA standards of professionalism and responsible behavior.

b. All electronic communications composed, transmitted, or received on NGA electronic communications systems by any individual are and remain the property of NGA. They are not the private property of any NGA personnel.

c. U.S. Government electronic communications systems are subject to monitoring. Anyone's use of U.S. Government electronic communications systems constitutes his or her consent to be monitored. Unauthorized use

may subject the individual to criminal sanctions or other administrative adverse or disciplinary action (such as loss of communications privileges or punishment up to and including removal).

(U) Paragraph 4. Scope and Applicability, states: This instruction applies to all personnel with access to NGA computer networks. It establishes the guidelines for communicating with electronic mail, fax, telephone messaging, or other forms of electronic communications. Guidelines for the use of the Internet, web pages, and Internet browsers are addressed in other NGA instructions.

(U) Paragraph 6. Responsibilities, states:

g. Personnel must

(1) Always consider the potential resource impact to NGA electronic systems before sending electronic communications to wide audiences.

(2) Use common sense and good judgment when using NGA electronic communications systems.

(U) Paragraph 7. Procedures, states:

a. Use of electronic communications systems. In addition to the uses prescribed by the Joint Ethics Regulation (cited in reference 1.b.(1)), employee use of electronic communications must follow the normal courtesies common in official correspondence. Examples of inappropriate uses of NGA electronic communications systems include:

Disparaging or derogatory comments attacking someone's character or integrity, including profanity and other abusive language.

- **(U) H2M Group, Employee Handbook, 1 July 2017, Chapter 6, Employee Conduct, paragraph 6.1, Standards of Conduct, states:**

(U) H2M Group's rules and standards of conduct are essential to our productive work environment. All employees must familiarize themselves with company rules and standards; all employees will be held to them. Any employee who disregards or deviates from company rules or standards may be subject to disciplinary action, up to and including termination of employment.

(U) While not intended to be an all-inclusive list, the examples below represent behavior that is considered unacceptable in the workplace. Behaviors such as these, as well as other forms of misconduct, may result in disciplinary action, up to and including termination of employment:

- Unauthorized use of telephones, computers, or other company-owned equipment

(U) Facts

(U) Investigative Methods Used and Records Obtained

(U//FOUO) OIG investigators obtained testimony from witnesses, (b)(3) 10 USC §424, (b)(6), (b)(7)(C) [REDACTED]. Investigators researched, reviewed, and analyzed the following documentation:

a. (U//FOUO) NGA Insider Threat Office, Centralized Analysis Division Memorandum for Information regarding the “Unprofessional Relationship and Unethical Behavior,” of (b)(3) 10 USC §424, (b)(6), (b)(7)(C), dated 24 October 2018. The overall report is classified SECRET//NOFORN. The UNCLASSIFIED attachment of Jabber messages from 20 September 2018–18 October 2018 (exhibit 1), demonstrates that (b)(3) 10 USC §424, (b)(6), (b)(7)(C) [REDACTED] are engaged in an intimate relationship and that they may have engaged in sexual activity within NGA facilities.

b. (U//FOUO) Analysis of additional Jabber records from 1 March 2017 to 19 September 2018 showed that the personal and intimate nature of the relationship between (b)(3) 10 USC §424, (b)(6), (b)(7)(C) existed as far back as 24 May 2017 (exhibit 2).

c. (U//FOUO) Text analytics of the same Jabber records from 1 March 2017 to 19 September 2018 showed the vast majority of messages between (b)(3) 10 USC §424, (b)(6), (b)(7)(C) [REDACTED] were personal in nature, not official business, based on the frequency of certain words (exhibit 3). The first two words, “screen” and “capture,” were primarily personal emojis; only 29 percent of the “screen captures” were work related.

d. (U//FOUO) Spreadsheets that captured the production metrics of the entire (b)(3) 10 USC §424 [REDACTED] branch showed a decline in the number of (b)(3) 10 USC §424, (b)(6), (b)(7)(C) [REDACTED] production numbers for reports in the database in fiscal year 2016 were 193 (he was a contractor), FY2017 were 53 (government employee), and FY2018 were 34. (b)(6), (b)(7)(C) [REDACTED] production numbers in the database in FYs 2016, 2017, and 2018 were 58, 57, and 56 respectively.

e. (U) Contract Number HM157517D0009, issued on 15 December 2015 to H2M Group, LLC, 11220 Assett Loop, Suite 201, Manassas, Virginia 20109. The document showed Contract Line Item Number 0002 as a Firm Fixed Price Level of Effort Task Order. According to PeopleSoft records, (b)(6), (b)(7)(C) [REDACTED] was working under Task Order 0002: HM157517F0234. Investigators confirmed with the Contracting Officer’s Representative, (b)(3) 10 USC §424, (b)(6), (b)(7)(C) [REDACTED] A, NGA, St. Louis, Missouri, that (b)(6), (b)(7)(C) [REDACTED] was, in fact, working under Task Order 0002.

(U) Testimony

(U//FOUO) (b)(3) 10 USC §424, (b)(6), (b)(7)(C) , A, NGA, Springfield, testified:

(U//FOUO) (b)(3) 10 USC §424, (b)(6), (b)(7)(C) .

(U//FOUO) (b)(3) 10 USC §424, (b)(6), (b)(7)(C) explained that he, as the acting branch chief, supervised (b)(3) 10 USC §424, (b)(6) , who was a team leader, and has worked with him since July 2017.

(U//FOUO) When asked if (b)(3) 10 USC §424, (b)(6) was ever the team lead for (b)(6), (b)(7)(C) , (b)(3) 10 USC §424, (b)(6), (b)(7)(C) said, “[N]o, I don’t think—no. Not since I was there, no.” He explained that (b)(3) 10 USC §424, (b)(6) was a contractor before he became a government employee.²

(U//FOUO) (b)(3) 10 USC §424, (b)(6), (b)(7)(C) said that as the acting branch chief, he had supervisory responsibility over (b)(3) 10 USC §424, (b)(6) , including time sheets, leave requests, and ratings. Investigators asked (b)(3) 10 USC §424, (b)(6), (b)(7)(C) if he had any concerns about (b)(3) 10 USC §424, (b)(6), (b)(7)(C) work when he was the acting branch chief. He said:

[Y]eah—he was not working up to his potential...his team could have been producing more...He was just in and out a lot. I will say his mom died during this period. He did switch teams during this period. So, there were two factors that contributed to his kind of, you know, not being focused on his team.

(U//FOUO) When asked if there was anything else distracting (b)(3) 10 USC §424, (b)(6), (b)(7)(C) said:

I mean, he was spending a lot of time on another team, sitting next to (b)(6), (b)(7)(C) ...People would make comments, but I never was able to assess whether he was over there showing her how to do something, or mentoring her, or if they were just over there chatting.

(U//FOUO) Investigators asked (b)(3) 10 USC §424, (b)(6), (b)(7)(C) if he ever raised his concerns to (b)(3) 10 USC §424, (b)(6) . He said:

No. Because—so, I was put in the role as an acting branch chief in April [2018], and I thought it would be about six weeks, and I just kept...I should have, in retrospect, but I always thought of myself in there for a short while, and...I didn’t fully appreciate how little he was doing, probably

² (U//FOUO) According to PeopleSoft, (b)(3) 10 USC §424, (b)(6), (b)(7)(C) .

until, like, after the rating part in October, when I started looking at what he had accomplished, and going, well, (b)(3) 10 USC § 424, (b)(6), (b)(7)(C), that's not a lot for a team lead...so, that'll be my excuse, is I didn't realize how little he'd done until I got to the rating...six/seven months later, or so.

(U//FOUO) When asked if (b)(3) 10 USC § 424, (b)(6), (b)(7)(C) rating reflected his lack of work, (b)(3) 10 USC § 424, (b)(6), (b)(7)(C) said, "Yeah. It was not a good rating...I mean, it wasn't a horrible rating, but it wasn't a good rating." When asked if it was "successful," he said "Yeah, but successful...doesn't mean anything..."

(U//FOUO) (b)(3) 10 USC § 424, (b)(6), (b)(7)(C) said he did not have any concerns about (b)(3) 10 USC § 424, (b)(6), (b)(7)(C) time and attendance; however, several people raised concerns to him about the amount of time (b)(3) 10 USC § 424, (b)(6), (b)(7)(C) was spending with (b)(6), (b)(7)(C).³

(U//FOUO) Investigators asked (b)(3) 10 USC § 424, (b)(6), (b)(7)(C) if he was concerned about (b)(3) 10 USC § 424, (b)(6), (b)(7)(C) spending time together at work. He said, "Yes. And we did tell them, 'You guys try to stop being around each other so much.'" He also said he "pulled (b)(3) 10 USC § 424, (b)(6), (b)(7)(C) in separately and said, 'You guys need to kind of lay off each other while you're at the office.'" ⁴

(U//FOUO) (b)(3) 10 USC § 424, (b)(6), (b)(7)(C) explained that because (b)(3) 10 USC § 424, (b)(6), (b)(7)(C) was a contractor, he contacted her contract lead, (b)(3) 10 USC § 424, (b)(6), (b)(7)(C), to assist him in talking with her about the time she was spending with (b)(3) 10 USC § 424, (b)(6), (b)(7)(C), telling her, "[Y]ou guys need to kind of focus on your work, and not spend so much time together at work."⁵

(U//FOUO) When asked if they took his advice, he said, "I couldn't tell you if I had noticed a difference, so it probably didn't."

(U//FOUO) Investigators asked (b)(3) 10 USC § 424, (b)(6), (b)(7)(C) if he ever put his concerns in writing to (b)(3) 10 USC § 424, (b)(6), (b)(7)(C). He replied, "No."

(U//FOUO) (b)(3) 10 USC § 424, (b)(6), (b)(7)(C) was asked whether he saw any other behavior that caused him to believe that (b)(3) 10 USC § 424, (b)(6), (b)(7)(C) were involved in a relationship. He said:

I mean, there was [sic] things that, yes, would make me think that. You know, we went out to someone's going away, and those two... disappeared together...since I know they were seeing each other...I

³ (U//FOUO) (b)(3) 10 USC § 424, (b)(6), (b)(7)(C) identified (b)(6), (b)(7)(C), contractor, H2M Group, LLC, NGA, Springfield, specifically as having concerns about the office relationship between (b)(3) 10 USC § 424, (b)(6), (b)(7)(C). He could not remember who else voiced their concerns to him.

⁴ (U//FOUO) (b)(3) 10 USC § 424, (b)(6), (b)(7)(C) could not recall who was with him in the office during the verbal counseling of (b)(3) 10 USC § 424, (b)(6), (b)(7)(C) recorded the date he spoke with only (b)(3) 10 USC § 424, (b)(6), (b)(7)(C) (18 October 2018) because (b)(3) 10 USC § 424, (b)(6), (b)(7)(C) was concerned about comments being made in the workplace about his relationship with (b)(6), (b)(7)(C).

⁵ (U//FOUO) (b)(3) 10 USC § 424, (b)(6), (b)(7)(C), contractor, H2M Group, LLC, NGA, Springfield.

mean it meant two people married to different people going off—I wouldn't want my wife doing that at a going away with an employee, but yeah. So, yeah, I guess I could say yes, there were times when I saw them kind of disappear together.

(U//FOUO) (b)(3) 10 USC §424, (b)(6), (b)(7)(C) confirmed that (b)(3) 10 USC §424, (b)(6), (b)(7)(C) do not sit next to each other but in adjoining cubicle “farms.”

(U//FOUO) When asked if the new acting branch chief, (b)(3) 10 USC §424, (b)(6), (b)(7)(C), had any concerns about (b)(3) 10 USC §424, (b)(6), (b)(7)(C), he said he “went to her on an occasion or two, and also relayed this to her when she was the...Deputy Division Chief and [he] was the acting branch chief.” He did not remember her response, but said, “Yeah, we were all concerned, but not—you know, it was one of those things—hey you guys, just lay off, spend—you know, stop doing this. It's interfering with your work...I didn't think it was to this level.”

(U//FOUO) (b)(3) 10 USC §424, (b)(6), (b)(7)(C) confirmed that the relationship between (b)(3) 10 USC §424, (b)(6), (b)(7)(C) was interfering with their work, which had a mission impact. When asked why there was not a more formal counseling since the mission was being impacted, he replied, “Well, I mean there was. There was a verbal counseling, and I mean the next level would have been going to a, you know, written—it would have been the next step.”

(U//FOUO) Investigators asked (b)(3) 10 USC §424, (b)(6), (b)(7)(C) if the relationship was still having an impact on work. He said, “[O]bviously they're still seeing each other...it's hard to gauge what the impact is...It seemed like they were trying to be less overt about it.”

(U//FOUO) (b)(3) 10 USC §424, (b)(6), (b)(7)(C) further explained:

[T]he whole issue of (b)(3) 10 USC §424, (b)(6), (b)(7)(C) ...[has] taken a lot longer than I thought. It's gone on months...it's been a very squishy situation that maybe, in retrospect, looks a lot more clear that we should have maybe written him up...and then, you know, (b)(3) 10 USC § leaving. And so, it's like, you know “God, the sooner (b)(3) 10 USC § gets out of here the better.” The situation will resolve itself.

(U//FOUO) When asked if (b)(3) 10 USC §424, (b)(6), (b)(7)(C) conducted public displays of affection (PDAs) in the workplace, (b)(3) 10 USC §424, (b)(6), (b)(7)(C) said, “[T]hey were just always sitting next to each other.” He also shared that a coworker in St. Louis asked him, “So what's the deal with (b)(3) 10 USC §424, (b)(6), (b)(7)(C)? Are they going out or what...because every time on the VTC, they're like right next to each other.”⁶

⁶ (U//FOUO) Other witness testimony identified the “coworker in St. Louis” as (b)(3) 10 USC §424, (b)(6), (b)(7)(C), NGA, St. Louis.

(U//FOUO) (b)(3) 10 USC §424, (b)(6), (b)(7)(C) was asked if he was aware of (b)(3) 10 USC §424, (b)(6), (b)(7)(C) leaving the office during the day together. He said:

I know they would disappear...they'd go get coffee together...I assume they'd go to lunch together...they [sic] would—be days—parts of the day, when they suddenly wouldn't be there...they would disappear. They'd come back.

(U//FOUO) (b)(3) 10 USC §424, (b)(6), (b)(7)(C) A, NGA, Springfield, testified:

(U//FOUO) She has been the (b)(3) 10 USC §424, (b)(6), (b)(7)(C)

(U//FOUO) (b)(3) 10 USC §424, (b)(6), (b)(7)(C) has known (b)(3) 10 USC §424, (b)(6) since April 2015 when he was a contractor. She supervises him (and is his rater) in her role as the acting branch chief.

(U//FOUO) When asked if she had any concerns about (b)(3) 10 USC §424, (b)(6), (b)(7)(C) work, (b)(3) 10 USC §424, (b)(6), (b)(7)(C) said, “[H]e’s a ‘Steady Eddie’...Would I like to see more? Yeah, I think he can do better and I told him that.”

(U//FOUO) She was asked if his previous supervisors had any concerns about his work. She said, “the previous supervisor[s] didn’t bring up any issues with (b)(3) 10 USC §424, (b)(6), (b)(7)(C) performance.” She added:

[W]hen I took over [as acting branch chief] in October [2018], there were things going on that I was unaware of from a deputy position. So one of those things was or is—is that (b)(3) 10 USC §424, (b)(6), (b)(7)(C) is having a relationship with one of our contractor employees in the branch.

And he has—had been spending a fair amount of time not in his seat doing other things. When I had my initial feedback session with him in October, one of the things that I stressed for or to him...was that I needed him to be in his seat...that he was to be in his seat monitoring his team...He has [taken that advice]. Could he do better? Yeah.

I didn’t have any concern about his time and attendance. It’s more—he’s not in his seat. He’s in the other aisle. Therefore, he’s not doing his job.

(U//FOUO) (b)(3) 10 USC §424, (b)(6), (b)(7)(C) confirmed that (b)(6), (b)(7)(C) sits in the other aisle. She also confirmed that (b)(3) 10 USC §424, (b)(6), (b)(7)(C) talked to her about (b)(3) 10 USC §424, (b)(6), (b)(7)(C) relationship when she became the acting branch chief.

(U//FOUO) (b)(3) 10 USC §424, (b)(6), (b)(7)(C) said. “It’s obvious that they are spending time together. Everyone in the branch knows that they’re spending time together.” Investigators asked (b)(3) 10 USC §424, (b)(6), (b)(7)(C) if the relationship was causing a problem in the workplace. She said, “It was, yes.”

(U//FOUO) (b)(3) 10 USC §424, (b)(6), (b)(7)(C) talked to (b)(3) 10 USC §424, (b)(6) about his relationship with (b)(6), (b)(7)(C) when he complained to her that he was “getting picked on by the Branch because...everybody knows what (b)(6), (b)(7)(C) and I are doing.” She told him, “Sit in your seat. The problem goes away. If you sit in your seat, nobody has got anything else to say to you.” She said since then he has “been more in his seat than out of his seat.”

(U//FOUO) Investigators asked (b)(3) 10 USC §424, (b)(6), (b)(7)(C) if she noticed whether the relationship was a distraction within the Branch. She said:

I think it was—not I think it was—it was... (b)(3) 10 USC §424, (b)(6), (b)(7)(C) said it’s causing problems (b)(3) 10 USC §424, (b)(6) did not describe to me the level of angst that it was causing in the branch; just that it was causing a problem.

(U//FOUO) When asked if anyone else approached her about the problem the relationship was causing, (b)(3) 10 USC §424, (b)(6), (b)(7)(C) said, “Oh yeah.” She said two other people informed her about (b)(3) 10 USC §424, (b)(6) being out of his seat and always being at (b)(6), (b)(7)(C) desk.⁷

(U//FOUO) (b)(3) 10 USC §424, (b)(6), (b)(7)(C) said she spoke with (b)(6), (b)(7)(C) contract lead, (b)(6), (b)(7)(C), on an issue raised to her regarding (b)(6), (b)(7)(C) use of the NGA unclassified telephone for “protracted,” and often loud, personal business with her spouse. (b)(3) 10 USC §424, (b)(6), (b)(7)(C) asked him to talk to (b)(6), (b)(7)(C) about it.

(U//FOUO) When asked about the behavioral standards for the contractors, regarding breaks and lunch, (b)(3) 10 USC §424, (b)(6), (b)(7)(C) explained:

I think everybody has the working premise that [contractors are] following the same guidelines government workers do. You come in. You have the option to eat lunch at your desk. And/or you take a lunch break and, you know, then you extend so that you have all the hours you need to have.

(U//FOUO) Investigators asked (b)(3) 10 USC §424, (b)(6), (b)(7)(C) what she considered a reasonable amount of time for employees to spend on personal communications during the day. She replied:

I would think for most people the conversations probably don’t tally up to more than a half hour a day, if they’re, you know, doctor’s appointments, school nurse. Things of that nature are the types of home communication I would think that would happen.

⁷ (U//FOUO) (b)(3) 10 USC §424, (b)(6), (b)(7)(C) recalled one of the people that raised concerns to her was (b)(3) 10 USC §424, (b)(6), (b)(7)(C), A, NGA, Springfield; she did not recall the name of the other person.

(U//FOUO) Investigators showed (b)(3) 10 USC §424, (b)(6), (b)(7)(C) the report the NGA (b) (3)10USC§424 sent to the OIG of a month's worth of sexually explicit conversations between (b)(3) 10 USC §424, (b)(6), (b)(7)(C) on Cisco Jabber, an NGA messaging system on the classified computer system. Investigators explained that the time spent on Jabber averaged 30 minutes to an hour a day. (b)(3) 10 USC §424, (b)(6), (b)(7)(C) said, "Well, it's an hour they're not looking at imagery."

(U//FOUO) (b)(3) 10 USC §424, (b)(6), (b)(7)(C) was asked if she had any concerns about the possible counterintelligence (CI) security implications of (b)(3) 10 USC §424, (b)(6), (b)(7)(C) relationship given that it had been going on since 2017 and neither of their spouses knew until recently. She did not think it was viewed that way, but said, "I think it's obviously bad behavior."

(U//FOUO) (b)(3) 10 USC §424, (b)(6), (b)(7)(C) stated that (b)(3) 10 USC §424, (b)(6), (b)(7)(C) was in the process of transitioning to another office at Langley, so "the physical separation between them will obviously stop what's going on in the branch and in the hallways and the elevator, or in wherever else they are."⁸

(U//FOUO) Investigators asked (b)(3) 10 USC §424, (b)(6), (b)(7)(C) if she gave (b)(3) 10 USC §424, (b)(6), (b)(7)(C) a reason to be at NCE on a Saturday night, since they both entered the parking garage on 6 October 2018. She said, "No."

(U//FOUO) (b)(3) 10 USC §424, (b)(6), (b)(7)(C) was asked what she thought should happen to (b)(3) 10 USC §424, (b)(6), (b)(7)(C). She said, "[I]t's obviously a case of poor judgment...on, you know, misuse of computers, the network systems."

(U//FOUO) (b)(3) 10 USC §424, (b)(6), (b)(7)(C), A, NGA, Springfield, testified:

(U//FOUO) (b)(3) 10 USC §424, (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) is one of the analysts on her team.

(U//FOUO) (b)(3) 10 USC §424, (b)(6), (b)(7)(C) was aware that (b)(3) 10 USC §424, (b)(6), (b)(7)(C) are in a relationship. She said, "I think everyone in our branch is aware of it. It is something that I personally picked up on rather quickly."

(U//FOUO) She explained that they are "frequently near each other at work. He will come to her desk." (b)(3) 10 USC §424, (b)(6), (b)(7)(C) also said that (b)(6), (b)(7)(C) is very vocal about her "very nasty" divorce, is aware (b)(3) 10 USC §424, (b)(6), (b)(7)(C) is going through a divorce, and that (b)(3) 10 USC §424, (b)(6), (b)(7)(C) recently moved in together. She said, "So their personal business is...known. I mean...it's out there." (b)(3) 10 USC §424, (b)(6), (b)(7)(C) heard (b)(6), (b)(7)(C) "on the commercial phone line on more than one occasion having very heated, angry phone calls" with (b)(6), (b)(7)(C) soon to be ex-husband.

8. (U//FOUO) As of May 2019, (b)(3) 10 USC §424, (b)(6), (b)(7)(C)

(U//FOUO) Investigators asked (b)(3) 10 USC §424, (b)(6), (b)(7) if the phone calls were having any impact on the morale in the workplace. She said, “I personally can—have considered it a distraction.” She said she spoke to her supervisor, (b)(3) 10 USC §424, (b)(6), (b)(7), about “lengthy phone calls on the commercial phone line” that were “very angry. There was—(b)(6), (b)(7)(C)] was using a lot of profanity. Slamming the phone down at times...I have found it distracting because it has happened on more than one occasion.”

(U//FOUO) When asked if she saw any impact on (b)(6), (b)(7)(C) work, (b)(3) 10 USC §424, (b)(6), (b)(7) explained that she had not reviewed the metrics from before she became the team lead. She did say that (b)(6), (b)(7)(C) told her that, “since the onset of (b)(3) 10 USC §424, (b)(6), (b)(7) relations, he indicated that (b)(6), (b)(7)(C) production had declined.”

(U//FOUO) (b)(3) 10 USC §424, (b)(6), (b)(7) was asked what she considered “normal use” of the unclassified telephone and Internet. She said:

I consider normal use with respect to our unclassified networks as just... no more than a 15-minute phone call on the commercial line to , you know, make appointments or... touch base with your loved ones if you need to take care of day care or...briefly checking, you know, your Gmail inbox...

(U//FOUO) Investigators asked (b)(3) 10 USC §424, (b)(6), (b)(7) if (b)(6), (b)(7)(C) use was over the normal amount. She said, “Again, I can’t speak to her use of the Internet, but I personally started taking notes of how long she had been on the unclassified, the commercial phone—because I felt it was in excess.”⁹

(U//FOUO) When asked if (b)(6), (b)(7)(C) is frequently absent from her desk during the workday, (b)(3) 10 USC §424, (b)(6), (b)(7) said, “There are periods during the day when I have noted that her and (b)(3) 10 USC §424, (b)(6), (b)(7) will go for a walk. Where they go, I don’t know.” (b)(3) 10 USC §424, (b)(6), (b)(7) said she does not see (b)(6), (b)(7)(C) time sheet; (b)(6), (b)(7)(C) approves and verifies the time sheets for the contractors.

(U//FOUO) (b)(3) 10 USC §424, (b)(6), (b)(7)(C) , HD, NGA, Springfield, testified:

(U//FOUO) (b)(3) 10 USC §424, (b)(6), (b)(7)(C) ; for the majority of her time, (b)(3) 10 USC §424, (b)(6) was her team lead.

⁹ (U//FOUO) (b)(3) 10 USC §424, (b)(6) provided a summary of her notes and observations of (b)(6), (b)(7)(C) phone calls to investigators. She noted five separate occasions when (b)(6), (b)(7)(C) was on the phone for periods spanning 30 minutes to almost two hours; two of those phone conversations were described as angry, with a lot of profanity, which (b)(3) 10 USC §424, (b)(6) reported to (b)(3) 10 USC §424, (b)(6) as “disruptive, inappropriate, and unprofessional.”

(U//FOUO) Investigators asked (b)(6), (b)(7)(C) if she had any concerns about the workplace environment. She said:

I did and I brought it up to the...stand-in branch chief at the time (b)(3) 10 USC §424, (b)(6), (b)(7)(C) once I realized that things are just getting way out of hand and it became, like, an infection in the branch.

[W]hen I first got there...there was another analyst who was in the Navy at the time, a female (b)(6), (b)(7)(C), and I don't know if I'm just really good at picking up on the subtle hints people give off, you know. When they don't think people are paying attention or years in the military where people apparently just don't care about their marriages and relationships and...who sees what, but...I got the feeling when I first got there...that something was going on between the two of them...it was like May or June 2017.

[S]he would always ask for his help, and so he would always come over to...where we were sitting and they would sit next to each other...practically, like, sit on top of each other, pretty much, and I was like that is just a very strange way to interact with a coworker, especially someone who is supposed to be a...team lead...he was, like, always over there, always.

When I got back [from maternity leave], she was always, like, coming over...and any time she would come over and talk to him, you know, like, here's his computer, he's sitting here, and then she would be, like—I mean practically like on top of him, leaning in to him.

So I found out that that...they were seeing each other, but it was not just seeing each other. They were sleeping with each other, you know, and so they had---and this affair had probably been going on for at least a year before I even got there...from the way they talked—or the way he (b)(3) 10 USC §424, (b)(6), (b)(7)(C), like explained it to me, had been going on. So at this point, it's probably been close to two years...

(b)(3) 10 USC §424, (b)(6), (b)(7)(C) told me that they were sleeping [having sex] in the conference rooms. Like, he pointed out a specific [conference] room...¹⁰

[A]ny time they fight, right, at work or whatever, they just disappear, and it got to the point where I was like, dude, you need to tell me if you're going to disappear for a couple of hours so that, like, when our branch chief

¹⁰ (U//FOUO) (b)(6), (b)(7)(C) provided investigators the number of the conference room referenced, N54301. Investigators confirmed that it was a small conference room with two chairs in it, two telephones, does not lock and does not have a badge reader for access.

comes over and he's like, "Where is he," I can be like, "Hey, he went for a walk," or "Hey, he went and did this," versus, like, "I don't know" because you're on probation still and you could get fired."¹¹

Not to mention, [(b)(6), (b)(7)(C)] was still in the Navy, so it didn't really matter, like, timesheet wise, but then she out of the Navy and started becoming a contractor and started working for the company that I work for, right? We have to track all of our hours. So if you disappear for a couple of hours and you say that you worked eight hours and you didn't really work eight hours, I don't play that game, and that's what would happen.¹²

(U//FOUO) [(b)(6), (b)(7)(C)] said she informed [(b)(6), (b)(7)(C)] about [(b)(6), (b)(7)(C)] frequent absences, and he spoke to [(b)(6), (b)(7)(C)] about it.

(U//FOUO) [(b)(6), (b)(7)(C)] recounted an incident in mid-2018 where [(b)(6), (b)(7)(C)] and her husband had lunch together at NCE, and he stormed out of the building after [(b)(3) 10 USC §424, (b)(6)] confronted him. She said [(b)(6), (b)(7)(C)] would "look out the window and, like, look to see if...he drives up when he says he's going to or if his car leaves, kind of stuff."¹³

(U//FOUO) She also said that [(b)(3) 10 USC §424, (b)(6)] was 30 minutes late to a meeting with one of the other analysts who needed his review on a product she was getting ready to release.

(U//FOUO) [(b)(3) 10 USC §424, (b)(6), (b)(7)(C)] aware of the relationship issues and impacts when he was the acting branch chief. She said he "had an idea" and told her that no one had actually said anything to him about it. He told her he did not want to confront them based on "assumptions."

(U//FOUO) She stated:

[(b)(3) 10 USC §424, (b)(6), (b)(7)(C)] "would go into our branch meetings and they'd be, like, holding hands...like flirting, like, playing footsie. And I would just stare at the both of them because I don't have any shame about, you know, making people feel uncomfortable when you're doing stuff that you shouldn't be."

¹¹ (U//FOUO) [(b)(3) 10 USC §424, (b)(6), (b)(7)(C)]

¹² (U//FOUO) [(b)(6), (b)(7)(C)] separated from the US Navy and started work as a contractor on 6 November 2017. Based on witness testimony, the relationship with [(b)(3) 10 USC §424, (b)(6)] began before November 2017, well before [(b)(6), (b)(7)(C)] testimony that it began in October 2018.

¹³ (U//FOUO) Witness testimony indicates the relationship existed in at least mid-2018 if not 2017, contrary to [(b)(6), (b)(7)(C)] testimony.

[T]here's a lot of PDA that goes on, like, in the hallways, like, in the elevators and, you know, (b)(3) 10 USC § always talked about how (b)(6), (b)(7)(C)... actually groping him in the hallways while they're walking, like, grab his crotch when other people are around and, like, other things like that..."

(U//FOUO) When asked, (b)(6), (b)(7)(C) described the morale in the workplace as "pretty toxic."

(U//FOUO) (b)(6), (b)(7)(C) said that (b)(3) 10 USC §424, (b)(6) made remarks to her like, "If you weren't gay...I would totally try [to hook up]," and "I would probably try now if...I wasn't married." She said she replied, "Dude, you being married hasn't stopped you"...because there are two other women in this building that he was sleeping with while sleeping with (b)(6), (b)(7)(C)..."¹⁴

(U//FOUO) **Confidential Source (CS) 1** testified:

(U//FOUO) CS 1 has been with the same branch since 2009 as both a team lead and SGA. As an SGA, CS 1 oversees the analytic production for the branch.

(U//FOUO) CS 1 had concerns about the relationship between (b)(3) 10 USC §424, (b)(6), (b)(7)(C) and its impact on the mission. CS 1 said:

[T]hey'd spend a lot of time at (b)(6), (b)(7)(C) desk...and it did seem to impact production...multiple times throughout the day, like every hour, every couple hours... (b)(3) 10 USC § would be at (b)(6), (b)(7)(C) desk and they'd go take walks or, you know---and it was difficult---his production numbers definitely suffered. Hers, not so much. They're both excellent analysts. It just---they did seem to let this [personal relationship] consume a lot of their time.

They just aren't using the time at work always for work things. If this were a let's go for coffee in the morning and let's go get lunch and let's go get coffee in the afternoon, it wouldn't be a problem, but it was more than that...

[T]here was a period of time where it's like every 10 minutes, (b)(3) 10 USC § would be getting up and either looking over there or walking by the well or whatever, and then they'd just disappear for 40 minutes, 30 minutes, randomly throughout the day, in addition to coffee break, lunch, all the rest of it."

(U//FOUO) When CS 1 became a team lead, CS 1 asked (b)(3) 10 USC §424, (b)(6) (also a team lead) to "leave the team alone and stop interrupting team meetings and maybe

¹⁴ (U//FOUO) The two other women were identified as (b)(3) 10 USC §424, (b)(6), (b)(7)(C), Analysis Directorate, NGA, Springfield, and (b)(3) 10 USC §424, (b)(6), (b)(7)(C), no records or further information. PeopleSoft records show that (b)(6), (b)(7)(C) was a government employee assigned to the Source Directorate from (b)(6), (b)(7)(C), not under (b)(3) 10 USC §424, (b)(6) supervision. Neither was interviewed for this case because they were not part of the original complaint.

give us some space so we could all work and not talk all the time, and he didn't do that."

(U//FOUO) CS 1 explained that the conversations weren't "as excessive as the constantly coming over to (b)(6), (b)(7)(C) desk and sitting there while she was working." CS 1 added, "They'd sit very close to each other. There's no need for somebody to be so---two to three inches away from somebody---as closely as they were sitting."

(U//FOUO) CS 1 said the branch chief, (b)(3) 10 USC §424, (b)(6), (b)(7)(C), was aware of the relationship.¹⁵ CS 1 said, "(b)(3) 10 USC §424, (b)(6), (b)(7)(C) told everybody in the branch at a couple of the branch meetings, 'Hey stop. You know, a certain amount of personal time is fine, but then, you know we need to cut some of the cross talk.'"

(U//FOUO) When asked if CS 1 ever requested that (b)(3) 10 USC §424, (b)(6), (b)(7)(C) talk to (b)(3) 10 USC §424, (b)(6) about being in the team's space, CS 1 said, "Yeah. At least once that I can think of. It was probably more than that."

(U//FOUO) Investigators asked CS 1 if he/she witnessed any PDA between (b)(3) 10 USC §424, (b)(6), (b)(7)(C). CS 1 said, "I think I saw her on his lap at one point" in the workplace. CS 1 had not seen them kiss or hold hands in meetings. CS 1 said, "[T]hey definitely let themselves be distracted in meetings. They just stare at each other during meetings, and you can tell they're talking to each other...not...necessarily paying attention to the meeting." CS 1 added that "people in St. Louis have noticed that."¹⁶

(U//FOUO) CS 1 was asked if (b)(3) 10 USC §424, (b)(6) tells sexual jokes. CS 1 said, "Yeah, he's done that. I can't remember exactly what they were, but yeah."

(U//FOUO) CS 1 recounted an incident where (b)(3) 10 USC §424, (b)(6) was accused of "some kind of assault" of a military analyst in the branch. CS 1 could not recall the analyst's name, but said, "(b)(3) 10 USC §424, (b)(6) left the branch as a contractor."

(U//FOUO) CS 1 confirmed that (b)(3) 10 USC §424, (b)(6) came back to the branch as a government employee. CS 1 said he had been a good contractor employee [in terms of production], but was "not to the same extent" as a government employee.¹⁷

¹⁵ (U//FOUO) (b)(3) 10 USC §424, (b)(6), (b)(7)(C), A, NGA, McLean, Virginia.

¹⁶ (U//FOUO) CS 1 identified (b)(3) 10 USC §424, (b)(6), (b)(7)(C), A, NGA, St. Louis, as someone who noticed the close, personal relationship between (b)(3) 10 USC §424, (b)(6) and (b)(6), (b)(7)(C) over video teleconference.

¹⁷ (U//FOUO) (b)(3) 10 USC §424, (b)(6) production numbers for reports in the database in FY2016 were 193 (he was a contractor), FY2017 were 53 (government employee), and FY2018 were 34.

(U//FOUO) (b)(3) 10 USC §424, (b)(6), (b)(7)(C) testified:

(U//FOUO) (b)(3) 10 USC §424, (b)(6), (b)(7)(C)

(U//FOUO) (b)(3) 10 USC §424, (b)(6), (b)(7)(C) stated that, in August 2017, he was visiting NGA Campus East (NCE) from St. Louis and was in a video teleconference with the entire branch, including (b)(3) 10 USC §424, (b)(6), (b)(7)(C). During that meeting, he noticed “very flirtatious, very unusual kind of interaction [between them] during and after the VTC.” He said he thought the interaction was “unusual because it’s enough that it got my attention, so it seemed beyond the normal banter of colleagues in the workplace.” He said:

There was a closeness, there was a physical interaction of some kind. I think kind of pulling over a coffee cup, give it back, that kind of thing. Very unusual things to see. It seemed like they were teasing each other, which—in an intimate kind of way. By that, I mean, very familiar kind of way.

(U//FOUO) Investigators asked (b)(3) 10 USC §424, (b)(6), (b)(7)(C) if anyone else noticed or had an issue with (b)(3) 10 USC §424, (b)(6), (b)(7)(C) behavior. He said, “I know one person, at least who noticed it and that was (b)(3) 10 USC §424, (b)(6), (b)(7)(C).”¹⁸ (b)(3) 10 USC §424, (b)(6), (b)(7)(C) said (b)(3) 10 USC §424, (b)(6), (b)(7)(C) had witnessed several interactions, which they discussed after the VTC. (b)(3) 10 USC §424, (b)(6), (b)(7)(C) also stated that in later conversations, (b)(3) 10 USC §424, (b)(6), (b)(7)(C) informed him that (b)(3) 10 USC §424, (b)(6), (b)(7)(C) were “engaged in a relationship.”

(U//FOUO) When asked about the impact of the relationship in the workplace, (b)(3) 10 USC §424, (b)(6), (b)(7)(C) said that (b)(3) 10 USC §424, (b)(6), (b)(7)(C), the other (b)(3) 10 USC §424, (b)(6), (b)(7)(C), had “expressed...several concerns” to him that “it was causing distractions at the workplace, that it was seen as unprofessional for people to be dating there. I think mostly it was that it was interfering with their productivity.”

(U//FOUO) When asked who keeps track of productivity numbers for (b)(3) 10 USC §424, (b)(6), (b)(7)(C) and (b)(3) 10 USC §424, (b)(6), (b)(7)(C) said, “Generally, (b)(3) 10 USC §424, (b)(6), (b)(7)(C)...She’s the branch senior analyst and she keeps track of all the metrics in terms of production...”

(U//FOUO) (b)(3) 10 USC §424, (b)(6), (b)(7)(C) explained that the concern about (b)(3) 10 USC §424, (b)(6), (b)(7)(C) production was that “it was very limited in terms of his band level (PB 3) and the expectations of his tenure to the point where we were ready to encourage him to

¹⁸ (U//FOUO) (b)(3) 10 USC §424, (b)(6), (b)(7)(C), A, NGA, Springfield.

take a position elsewhere.” Investigators asked him if that was because of the relationship or because his productivity was so low. He said, “That, I do not know. It was sort of spoken about that he was going to take on a new role...My reasoning was specifically the lack of production coming from him.”

(U//FOUO) He reiterated that (b)(3) 10 USC §424, (b)(6) had expressed numerous concerns about performance and just a few days previously (within the last week), (b)(6), (b)(7)(C) had expressed similar performance concerns about (b)(6), (b)(7)(C) in her current position.

(U//FOUO) (b)(3) 10 USC §424, (b)(6), (b)(7) added that there was a perception in the workplace that (b)(3) 10 USC §424, (b)(6) was considered “a favorite of branch management,” specifically (b)(3) 10 USC §424, (b)(6), (b)(7)(C), who was the branch chief from (b)(6), (b)(7)(C)

(U//FOUO) **Confidential Source (CS) 2** testified:

(U//FOUO) CS 2 (b)(3) 10 USC §424, (b)(6), (b)(7)(C)

(U//FOUO) CS 2 had misgivings about making (b)(3) 10 USC §424, (b)(6) a team leader because “he could be pretty immature” and “he does things that are questionable... disrespectful... comments that he would say.” When asked for an example, CS 2 recalled an incident where an enlisted analyst could not afford to pay for an office event, and (b)(3) 10 USC §424, (b)(6) publicized that information. CS 2 thought it was an insensitive thing to do.

(U//FOUO) CS 2 also recounted an incident where (b)(3) 10 USC §424, (b)(6) touched a female coworker in an unwelcome manner. The female coworker did not want to formally report it, but wanted to leave the team. CS 2 decided to move (b)(3) 10 USC §424, (b)(6) instead.¹⁹ (b)(3) 10 USC §424, (b)(6) admitted to CS 2 later that he did, indeed, touch the coworker, saying they were just playing around.

(U//FOUO) Investigators asked CS 2 if he/she informed (b)(3) 10 USC §424, (b)(6) contract lead or contracting officer’s representative (COR), at the time, about the touching incident. CS 2 said, “That’s not my place. I don’t even talk to them.” CS 2 thought the incident had already been reported to the Government Point of Contact but said that after (b)(3) 10 USC §424, (b)(6) was moved out of the branch, CS 2 said, “I had nothing to do with that process after that.”

(U//FOUO) CS 2 said (b)(3) 10 USC §424, (b)(6) asked to come back to the branch when he converted from contractor to government employee in 2016. When asked why he/she approved the request, CS 2 said:

¹⁹ (U) The female coworker also left the branch despite CS 2’s efforts to convince her to stay. There is no evidence that an inquiry or investigation was conducted.

I didn't see any reason ...to negate him if nothing came about from that [touching] situation...I thought it was a—a bad playing around that went wrong...it wasn't like he's trying to touch her sexually...from what I thought [it] is a playful joke basically that went wrong.

(U//FOUO) CS 2 was asked if he/she had any concerns about (b)(3) 10 USC §424, (b)(6), (b)(7)(C) availability to review his team's reports. CS 2 said, "At a point, yeah. At a point, he would get up a lot. I would see him walking around all the time...He usually had [(b)(6), (b)(7)(C)] with him."

(U//FOUO) CS 2 added that "around half of the time" (b)(3) 10 USC §424, (b)(6) was at (b)(6), (b)(7)(C) desk or "around that area." CS 2 talked to (b)(3) 10 USC §424, (b)(6) about it, especially after (b)(6), (b)(7)(C) team lead, (b)(3) 10 USC §424, (b)(6), (b)(7)(C), complained to CS 2 about (b)(3) 10 USC §424, (b)(6) being at (b)(6), (b)(7)(C) desk so much. CS 2 told (b)(3) 10 USC §424, (b)(6), "Hey, you need to sit down," and "Stay out of...that row."

(U//FOUO) CS 2 described (b)(3) 10 USC §424, (b)(6), (b)(7)(C) presence at (b)(6), (b)(7)(C) desk as "help[ing her] out, quote, unquote." CS 2 suspected they were not talking exclusively about work.

(U//FOUO) CS 2 also verbally counseled (b)(3) 10 USC §424, (b)(6) for being insensitive toward (b)(3) 10 USC §424, (b)(6), (b)(7)(C) and followed up with an email, recommending "unbiased training or something along those lines."²⁰

(U//FOUO) CS 2 was officially notified of the relationship between (b)(3) 10 USC §424, (b)(6) and (b)(6), (b)(7)(C) in May 2018 when (b)(3) 10 USC §424, (b)(6) informed CS 2 about it.

(U//FOUO) When asked about the impact of the relationship in the branch, CS 2 said, "There wasn't an impact in the branch, other than the fact that he was...[at (b)(6), (b)(7)(C)] desk." When CS 2 talked to (b)(3) 10 USC §424, (b)(6) about the time he spent at (b)(6), (b)(7)(C) desk, CS 2 "absolutely did not" ask (b)(3) 10 USC §424, (b)(6) if they were in a relationship. When (b)(3) 10 USC §424, (b)(6) informed CS 2 about the relationship in May 2018, CS 2 did not advise (b)(3) 10 USC §424, (b)(6) how to conduct himself with (b)(6), (b)(7)(C) in the workplace, but said if he/she had known before then, CS 2 "would have said something" to (b)(3) 10 USC §424, (b)(6).

(U//FOUO) CS 2 asserted that, although he/she saw (b)(3) 10 USC §424, (b)(6) in (b)(6), (b)(7)(C) workspace (often enough that CS 2 counseled him on it), saw them walking the halls together, and heard from (b)(6), (b)(7)(C) about the relationship prior to May 2018, CS 2 had no idea (b)(3) 10 USC §424, (b)(6) and (b)(6), (b)(7)(C) were in a relationship.

²⁰ (U//FOUO) Investigators obtained an email from CS 2 to (b)(3) 10 USC §424, (b)(6), SUBJECT: Conversations on the South Team, dated 20 February 2018, asking him to "refrain from having personal conversation or [sic] in the South Team's area. I would also recommend joining an Analysis CoHort on Culture."

(U//FOUO) CS 2 learned about a previous incident involving (b)(3) 10 USC §424, (b)(6) and other individuals for misusing (b) (3)10USC§424 version of Jabber, for inappropriate conversations and being fired for it. CS 2 asked (b)(3) 10 USC §424, (b)(6) if that was correct, and he admitted that it was. As a result, (b)(3) 10 USC §424, (b)(6) did not move to a new position at Langley as previously planned in early 2019.

(U//FOUO) In a follow-up interview, CS 2 testified:

(U//FOUO) After (b)(6), (b)(7)(C) told CS 2 that he believed (b)(3) 10 USC §424, (b)(6) and (b)(6), (b)(7)(C) were involved in a personal relationship, CS 2 spoke to (b)(3) 10 USC §424, (b)(6) about staying out of (b)(3) 10 USC §424, (b)(6), (b)(7)(C) workspace but did not talk to (b)(3) 10 USC §424, (b)(6) about the relationship. CS 2 said, “If I cross that line, then I just open myself up for relationship talks. Not my role.” CS 2 was asked if he just did not want to know. CS 2 replied, “Because that’s not my role as a supervisor.”

(U//FOUO) (b)(3) 10 USC §424, (b)(6), (b)(7)(C) testified:

(U//FOUO) (b)(3) 10 USC §424, (b)(6), (b)(7)(C)

(U//FOUO) When asked about the work environment in (b)(3) 10 USC §424 in July 2017, (b)(3) 10 USC §424, (b)(6) said it was the most dysfunctional branch he had ever been associated with. He described the branch chief at the time, (b)(3) 10 USC §424, (b)(6), (b)(7)(C), as “one of the worst,” citing (b)(3) 10 USC §424, (b)(6), (b)(7)(C) “little cliques” and that he “seemed to sort of promote...or protect those especially that had naval backgrounds since he was a former Naval senior...[non-commissioned officer].”

(U//FOUO) (b)(3) 10 USC §424, (b)(6) also cited two individuals (b)(3) 10 USC §424, (b)(6), (b)(7)(C) who “were acting I’d say rather inappropriately. They seemed to be very close.” He said they were “always very close...physically close...it just seemed to kind of look a little odd, as if like carrying on a relationship.” He said (b)(3) 10 USC §424, (b)(6), (b)(7)(C) was in the Navy at the time, and (b)(3) 10 USC §424, (b)(6) was a government employee.

(U//FOUO) He “heard from everyone” in the branch that they also thought (b)(3) 10 USC §424, (b)(6), (b)(7)(C) were involved in a relationship. He said, “it was even so noted that people in our branch in the West could see it on the VTC.²¹ They found it rather strange. They were always together.”

(U//FOUO) (b)(3) 10 USC §424, (b)(6) first suspected the relationship upon his arrival in July-August 2017. He said (b)(3) 10 USC §424, (b)(6) was a team leader, but was not in charge of (b)(3) 10 USC §424, (b)(6), (b)(7)(C) team and had never been her team leader. He said their closeness “got more visible.”

²¹ (U//FOUO) (b)(3) 10 USC §424, (b)(6) believed (b)(3) 10 USC §424, (b)(6) was the individual in the West.

(U//FOUO) (b)(3) 10 USC §424, (b)(6) witnessed them sitting “right near each other” and saw (b)(3) 10 USC §424, (b)(6) “brush (b)(6), (b)(7)(C) hair behind her neck.” (b)(3) 10 USC §424, (b)(6) said he cautioned (b)(3) 10 USC §424, (b)(6) about having a relationship with (b)(6), (b)(7)(C) since she was a contractor and in the same branch. He said (b)(3) 10 USC §424, (b)(6) told him, “It’s not an issue of who I date.” (b)(3) 10 USC §424, (b)(6) advised (b)(3) 10 USC §424, (b)(6) to “get out of here or transfer branches.”

(U//FOUO) (b)(3) 10 USC §424, (b)(6) said he brought his concerns about the relationship and its impact to the division level when he spoke to (b)(3) 10 USC §424, (b)(6), (b)(7)(C) in October 2018. He told her, “It’s impacting work. Everyone knows it’s going on.” He also said that (b)(3) 10 USC §424, (b)(6), (b)(7)(C) “work ethic has dropped to the point where we were seeing very little.” He observed that (b)(6), (b)(7)(C) work “actually began to suffer, and it’s actually sort of come back, but (b)(3) 10 USC §424, (b)(6) has never really recovered.”

(U//FOUO) (b)(3) 10 USC §424, (b)(6) also spoke with (b)(3) 10 USC §424, (b)(6), (b)(7)(C) who was the acting branch chief. (b)(3) 10 USC §424, (b)(6) believed (b)(3) 10 USC §424, (b)(6), (b)(7)(C) informed (b)(3) 10 USC §424, (b)(6), (b)(7)(C) also.

(U//FOUO) Investigators asked (b)(3) 10 USC §424, (b)(6) to describe the impact of the relationship on the team’s morale. He said:

It was just uncomfortable having to watch this thing. You know, we work in a professional environment. We joke, we laugh, but at the same time, it just was so obvious. It was kind of like middle schools. That’s kind of how we all interpreted it. I mean, I was engaged in discussing something with a senior analyst one day, and (b)(3) 10 USC §424, (b)(6) walks [up]...and he said, “Is she looking at me?” And I said, “Is who looking at you?” And he said, “Is she?” I said, “Seriously, we’re having this right now?” [H]e acted like it was just this fun little thing...It was just a joke. It’s okay. Gotten away with it.

(U//FOUO) Regarding production, (b)(3) 10 USC §424, (b)(6) said that he heard from different people that (b)(3) 10 USC §424, (b)(6) had been a fairly productive employee as a contractor, but “when he switched to ‘govvie,’ his work just dropped precipitously.” (b)(3) 10 USC §424, (b)(6) noticed the drop as well. He said (b)(6), (b)(7)(C) work was improving but “there was a period where all of a sudden it sort of slowed down, and it got worse.”

(U//FOUO) (b)(3) 10 USC §424, (b)(6) added, (b)(6), (b)(7)(C) was actually fairly good at her job. (b)(3) 10 USC §424, (b)(6) was having a negative impact on it.”

(U//FOUO) (b)(3) 10 USC §424, (b)(6) noticed that (b)(3) 10 USC §424, (b)(6) and (b)(6), (b)(7)(C) “were just getting up throughout the day...away from the desk. I’d say that’s probably a bigger misuse.” He said that (b)(3) 10 USC §424, (b)(6) bragged in a meeting that he had reached his two-year probation and was “safe now.” One of the junior analysts in that meeting responded by telling (b)(3) 10 USC §424, (b)(6) that now he would have to be in his seat for eight hours a day to actually qualify for being there two years.

(U//FOUO) (b)(3) 10 USC §424, (b)(6) said that (b)(3) 10 USC §424, (b)(6) was moved to another branch “one vault over,” but he sees (b)(3) 10 USC §424, (b)(6) “skulking around every so often still.”

(U//FOUO) (b)(3) 10 USC §424, (b)(6) explained that he thought the behavior was allowed to happen and “put the onus on (b)(3) 10 USC §424, (b)(6), (b)(7)(C)” for setting the conditions.

(U//FOUO) **Confidential Source (CS) 3** testified:

(U//FOUO) CS 3 (b)(3) 10 USC §424, (b)(6), (b)(7)(C)
[REDACTED]
[REDACTED].

(U//FOUO) CS 3 said the (b)(3) 10 USC §424, (b)(6), (b)(7)(C)
[REDACTED], including (b)(6), (b)(7)(C).

(U//FOUO) CS 3 also handles behavioral issues with contractors but stated:

So I don't get everything...that I should probably from all the branch chiefs...the best scenario would be the branch chief addressing issues with me directly so then I could involve my site lead and we can deal with it according to our company policy and following NGA guidelines and stuff like that.

(U//FOUO) CS 3 has known (b)(3) 10 USC §424, (b)(6), (b)(7)(C) since the beginning of 2017, when she was still in the US Navy and she joined CS 3's analytic team.

(U//FOUO) CS 3 has counseled (b)(3) 10 USC §424, (b)(6), (b)(7)(C) on two separate occasions, once in early 2019 he/she recalled, for her “aggressive language” on personal telephone calls, which made some coworkers uncomfortable and which she told CS 3, “happened probably,” and once in mid-to-late 2018, along with (b)(6), (b)(7)(C), contractor, H2M Group, LLC, for her personal relationship with (b)(3) 10 USC §424, (b)(6) and the perception of unprofessionalism it was causing within the branch. CS 3 said he/she specifically discussed with her the “excessive walking around the building” with (b)(3) 10 USC §424, (b)(6) and “them flirting too much...touching.” When asked how she responded to the counseling about her relationship, CS 3 said, “She was embarrassed. She seemed very understanding, though.”²²

(U//FOUO) Investigators asked CS 3 what the company (H2M) policy was on using government resources for personal use. CS 3 said, “It should be in with, I assume, NGA guidance.”²³

²² (U//FOUO) Investigators confirmed through other records that the counseling about the phone usage occurred after 29 January 2019.

²³ (U) NGA guidance on personal use of the government telephone is outlined in NGA Instruction 4640.2, International Long-Distance and Cellular Telephone Control and Verification, 30 August 2017, which was in effect at the time.

(U//FOUO) CS 3 said he/she advised (b)(6), (b)(7)(C) to limit her exposure with (b)(3) 10 USC §424, (b)(6), “make sure that she was being professional,” keep the relationship outside the building, and “keep a professional business role inside of our office.” CS 3 saw a change, an “improvement,” after talking to her, but CS 3 was in and out of the office with a family issue shortly after that. CS 3 had not heard any other complaints, but said, “[W]hat she and him do in front of me may be different from what’s going on when I’m not there.”

(U//FOUO) CS 3 said he/she thought (b)(3) 10 USC §424, (b)(6) moving out of the branch would alleviate the problem, but (b)(3) 10 USC §424, (b)(6) had not moved as of 6 March 2019. CS 3 said, “[W]e were...hoping and waiting for him to leave because he was trying to go on to (b)(3) 10 USC §424, but that has changed and I think he’s currently looking for other work in the building.”²⁴

(U//FOUO) Investigators asked CS 3 to explain the impact of (b)(3) 10 USC §424, (b)(6), (b)(7)(C) and (b)(3) 10 USC §424, (b)(6), (b)(7)(C) relationship in the workspace. CS 3 said:

These are just feelings and atmospherics, if you will. I think people in the branch are upset for whatever reason. It’s caused like the little mini cloud. In particular, there are a couple of personalities that absolutely do not agree with (b)(3) 10 USC §424, (b)(6), (b)(7)(C)...it could just be their personality, but it could be all the rumors that have been going on or something that they’ve seen, but they haven’t told me directly.

In particular, I’m talking about a gentleman, our [Senior GEOINT Officer], his name is (b)(3) 10 USC §424, (b)(6), (b)(7)(C)...he commonly airs out his concerns just out in the open, all the time.

(U//FOUO) When asked what (b)(3) 10 USC §424, (b)(6), (b)(7)(C) concerns were, CS 3 said, “That they’re sitting too close if they’re in a relationship, that he distracts her, that (b)(3) 10 USC §424, (b)(6), (b)(7)(C) hasn’t been productive in the last year because of the relationship or whatever reason it may be.”

(U//FOUO) Regarding (b)(3) 10 USC §424, (b)(6), (b)(7)(C) performance, CS 3 said:

So when you compare her...she’s still stronger than a lot of the other analysts. So from a production standpoint...I would say yes, there has been a decline in the last year, and it’s probably due to the distraction of (b)(3) 10 USC §424, (b)(6), (b)(7)(C) being in the branch.

²⁴ (U//FOUO) (b)(3) 10 USC §424, (b)(6), (b)(7)(C)

(U//FOUO) CS 3 stated that while he/she is friends with (b)(3) 10 USC §424, (b)(6), (b)(7)(C) at work and outside of work, CS 3 told them both:

[D]o not put me in a position to have to choose between my job and our friendship....I made it explicitly clear because if I'm put in a position where I have to fire (b)(6), (b)(7)(C), I'm going to have to fire (b)(6), (b)(7)(C) because there's other contractors to worry about. There's a company we have to worry about. There's a mission that we have to accomplish.

They were upset at first, but then they apologized and said, "[W]e completely understand."

(U//FOUO) CS 3 recalled including (b)(3) 10 USC §424, (b)(6), (b)(7)(C) in the discussion with (b)(6), (b)(7)(C) about her relationship with (b)(3) 10 USC §424, (b)(6).

(U//FOUO) When asked about (b)(3) 10 USC §424, (b)(6), (b)(7)(C) use of the computer or phone for personal business, CS 3 said, "[Y]ou can assume that because everybody uses Jabber. So I don't know how much time that's—the time spent on that." CS 3 confirmed that Jabber chats should be within the NGA guidance for personal communications, brief conversations to inform or coordinate, not all day relationship discussions.

(U//FOUO) CS 3 confirmed that (b)(6), (b)(7)(C) is on a Level of Effort contract.

(U//FOUO) (b)(3) 10 USC §424, (b)(6), (b)(7)(C) testified:

(U//FOUO) (b)(3) 10 USC §424, (b)(6), (b)(7)(C)

(U//FOUO) He was aware that he was being interviewed about his relationship with (b)(6), (b)(7)(C). He said they live together, and he thinks they are "not doing anything wrong" and that "a lot of people have a misconstrued image of what they think is going on."

(U//FOUO) (b)(3) 10 USC §424, (b)(6) has known (b)(6), (b)(7)(C) for three years when she was in the military and he was a contractor. (b)(3) 10 USC §424, (b)(6) was asked when his relationship began with her. He said, "Not until, like, this past fall, October [2018], sometime around then because we've both been married for years."²⁵

²⁵ (U//FOUO) Witness testimony indicates (b)(3) 10 USC §424, (b)(6) told CS 3 about his relationship with (b)(6), (b)(7)(C) in May 2018; Jabber records from a year earlier, 24 May 2017, show (b)(3) 10 USC §424, (b)(6) telling (b)(6), (b)(7)(C) "[I] want nothing but to be around you, but [I] want you 100%" and "You made me realize what it's like to be in love with someone."

(U//FOUO) He explained that he and (b)(6), (b)(7)(C) became friends because they were both going through divorces. He said (b)(6), (b)(7)(C) separated from her husband beginning in October 2017, and (b)(3) 10 USC §424, (b)(6) moved out in October 2018. He said:

[E]verybody in the branch had known both of us for years. They knew I was married. They know she was married. So people just thought we were, like, cheating spouses and all this crap and a lot of people, like, complained or had said something or, like, we've been hearing rumors forever.

(U//FOUO) When asked if his relationship with (b)(6), (b)(7)(C) started in October 2017, (b)(3) 10 USC §424, (b)(6) said, "No, probably later than that. I mean, we were flirty and everything for a while, I'm sure, but I did not move in until this past October, so 2018."

(U//FOUO) (b)(3) 10 USC §424, (b)(6) said their sexual relationship started when they moved in together in October [2018]. Investigators asked if there was any time before October and (b)(3) 10 USC §424, (b)(6) said:

We were sexual with each other, but we didn't have sex...we'd only been outside of work a couple of times with each other. So we went on a date in D.C. and we would kiss and everything like that, and then before that, really it was just, like, hugging and, like, it was more of like an emotional connection type thing, like consoling each other because her divorce was pretty nasty.

(U//FOUO) Investigators asked (b)(3) 10 USC §424, (b)(6) if anyone at work raised concerns about the relationship. (b)(3) 10 USC §424, (b)(6) said, "Yeah...it was never a problem until people started seeing us dating because...we have, like, Facebook friends in the branch and they would see, like, pictures of us together on Facebook."

(U//FOUO) (b)(3) 10 USC §424, (b)(6) said he and (b)(6), (b)(7)(C) were not hiding their relationship. He stated, "So people knew she was married. They knew I was married, but I guess they didn't know that we were, like, divorced....Well, separated."

(U//FOUO) He said the relationship "was, in our eyes, not inappropriate. Like people viewed it as inappropriate because they didn't know what was going on...because it's our personal relationship. We didn't have sex at work. We didn't do anything at work."²⁶

²⁶ (U//FOUO) Jabber records between (b)(3) 10 USC §424, (b)(6), (b)(7)(C) in October 2018 indicate (b)(3) 10 USC §424, (b)(6), (b)(7)(C) had sexual relations in a small conference room at NCE and in the NCE parking garage, contradicting (b)(3) 10 USC §424, (b)(6) testimony (See exhibit 1).

(U//FOUO) (b)(3) 10 USC §424, (b)(6) said that (b)(3) 10 USC §424, (b)(6) was “very outspoken” about the relationship and a senior analyst called him when he and (b)(6), (b)(7)(C) left the building for lunch one day, trying to locate (b)(6), (b)(7)(C).

(U//FOUO) He added that (b)(3) 10 USC §424, (b)(6) was aware of the relationship because he went to her to complain about (b)(3) 10 USC §424, (b)(6) comments. When asked if anyone had raised a concern to him about the relationship within the office, (b)(3) 10 USC §424, (b)(6) said, “No, nobody’s ever raised a concern. It was always just random little comments we would hear.” When asked if anyone had an issue with them sitting really close together, (b)(3) 10 USC §424, (b)(6) did not deny it and said, “No, nobody ever said anything to it. We only even sat really [physically] close together for a couple of months.”

(U//FOUO) (b)(3) 10 USC §424, (b)(6) said no one had pulled him aside to talk to him about the relationship with (b)(6), (b)(7)(C). He said (b)(3) 10 USC §424, (b)(6), (b)(7)(C) knew about the relationship because they were friends outside of work. He said (b)(3) 10 USC §424, (b)(6), (b)(7)(C) cautioned him about getting involved with five kids. He added that (b)(3) 10 USC §424, (b)(6), (b)(7)(C) said “as long as it doesn’t affect work, she doesn’t care.”

(U//FOUO) Investigators asked (b)(3) 10 USC §424, (b)(6) if he reported the affair to NGA security. He said, “No. I mean, I didn’t know that was a thing that I would do or should do or why I would do that.” Investigators explained that there could be a personnel security concern about his involvement with (b)(6), (b)(7)(C), especially before their respective spouses were aware. He replied, “Oh, I didn’t—I wasn’t even aware that that would be, like, a thing to do.”²⁷

(U//FOUO) (b)(3) 10 USC §424, (b)(6) said they “didn’t really get involved” and were “flirty and that kind of stuff” but said (b)(6), (b)(7)(C) husband knew about it back in March of 2017 or 2018. He was not sure. He said that he and (b)(6), (b)(7)(C) “clearly liked each other at that point and her husband had found out” and his wife knew about it.²⁸

(U//FOUO) (b)(3) 10 USC §424, (b)(6) said he does not think his relationship with (b)(6), (b)(7)(C) was “toxic” or a distraction in the workplace. He said, “We don’t kiss at our desks...The only time I [m] ever at her desk is, like, as a group of friends because her area that she sits in, I have, like, three or four friends.”

²⁷ (U//FOUO) Investigators confirmed that (b)(3) 10 USC §424, (b)(6) has not reported his relationship with (b)(6), (b)(7)(C) nor his separation to NGA Personnel Security, in accordance with NGAM 5200.2, as of 31 July 2019.

²⁸ (U//FOUO) On 24 May 2017, (b)(3) 10 USC §424, (b)(6) admitted to (b)(6), (b)(7)(C) that, “[I] want nothing but to be around you, but [I] want you 100%” and “you made me realize what it’s like to be in love with someone.” In a 29 June 2017 Jabber message, he said, “there is only one way to make it work and that is to make you hate me and make you believe that I don’t have feelings for you. it obviously backfired.” On 1 October 2018, (b)(3) 10 USC §424, (b)(6) declared in a Jabber message, “for 2 years I have been executing this plan to get in your pants.”

(U//FOUO) When asked about sitting extremely close to (b)(6), (b)(7)(C) at her desk, (b)(3) 10 USC §424, (b)(6) said, “I don’t think that is true at all. I think people perceive that to be true because that’s how they want to see it, but it’s not any different than two groups of friends sitting next to each other.”

(U//FOUO) (b)(3) 10 USC §424, (b)(6) was asked about his and (b)(6), (b)(7)(C) use of [Microsoft] Word to type back and forth. He said, “Yeah. I mean, if we’re talking about something private and we have a million people listening, of course I’m going to...you’re talking about your personal stuff.” (b)(3) 10 USC §424, (b)(6) also admitted to calling (b)(6), (b)(7)(C) at her desk to have a personal conversation.

(U//FOUO) Investigators asked (b)(3) 10 USC §424, (b)(6) if he and (b)(6), (b)(7)(C) use Jabber frequently for personal or business reasons. He said, “Yeah, every day. Yeah. I mean we’ll talk about personal stuff and work-related and just like you would do with any friend.”

(U//FOUO) (b)(3) 10 USC §424, (b)(6) was asked about a particular Jabber chat between him and (b)(6), (b)(7)(C), indicating that they have used the NGA elevators for sexual activity. (b)(3) 10 USC §424, (b)(6) replied:

So this kind of sounds stupid, but her and I [sic] have, like, this role-play thing where—she likes *50 Shades of Grey*. This is embarrassing. Sorry. She likes *50 Shades of Grey* and she likes that kind of stuff. She likes talking or typing out like a role-play thing and doing like a scenario or whatever...[on] Jabber or texting or wherever...the only time we had done anything in an elevator was I’ve probably kissed her on the forehead or something, like, during a hug. I’m not saying we didn’t touch in the elevator. We have. We’ve hugged, but it’s not—I mean, obviously an elevator ride is five seconds. There’s nothing sexual going on. We haven’t done anything sexual at work.

(U//FOUO) Investigators asked (b)(3) 10 USC §424, (b)(6) about a Jabber chat indicating he and (b)(6), (b)(7)(C) have used the NGA parking garage for sexual activity.²⁹ He said, “That is not true. We did not use the garage...Just a fun—it’s literally role-play.”

²⁹ (U//FOUO) In a Jabber message on 20 September 2018, (b)(6), (b)(7)(C) writes, “that was fun, you sitting on my lap” after they returned from “seeing his car.” In a Jabber message on 1 October 2018, (b)(3) 10 USC §424, (b)(6) writes, “let’s come in early tomorrow, 6:15 in the garage...then we’ll use a car, that is fine, can just go at lunch time today if you want, I am down for that, getting me going just thinking about it.” In a Jabber message on 12 October 2018, (b)(3) 10 USC §424, (b)(6) asked (b)(6), (b)(7)(C), “What [sic] of your cars are broken in?” She replied, “None of them. Just what we did yesterday. Haha. We did the most in that car yesterday then [sic] I have in any car. Not even h34d [head].”

(U//FOUO) (b)(3) 10 USC §424, (b)(6) was also asked about a conference room that he has had sex in. He said, “No, that is also just a scenario³⁰...We get in character.” Investigators asked if the role-play took place on Jabber, an NGA resource. He replied, Yes.”

(U//FOUO) Investigators asked (b)(3) 10 USC §424, (b)(6) if the Jabber chats, including the profanity and sexually explicit language, were an appropriate use of an NGA resource. He said:

I mean, I guess it’s not technically, but I didn’t think that it was anything that was that serious just because it was me talking to one person. It wasn’t like I was talking in a group and...offending somebody.

(U//FOUO) (b)(3) 10 USC §424, (b)(6) was asked why he and (b)(6), (b)(7)(C) came to the NGA garage on Saturday, 6 October 2018, in the evening. He said, “I think that was when we met to go to D.C., actually. We just met here to carpool in or Metro in or something like that...we met at work and dropped her car off, left.” He said, “I’ve done that before for, like, a [Washington Nationals baseball] game or something...it’s a safe place to keep your car...It’s a halfway meeting point between two people’s houses.”

(U//FOUO) Investigators asked (b)(3) 10 USC §424, (b)(6) about a woman named (b)(6), (b)(7)(C)” who he dated at NGA. He said it was “a couple of years ago” in 2017. He said (b)(6), (b)(7)(C) was “very upset about that.” When asked if she was upset because he was also dating (b)(6), (b)(7)(C), he said:

Well, not technically, but we had, like basically said that if it’s not your husband or it’s not my wife, then it’s just us kind of thing. We weren’t, like, dating. [(b)(6), (b)(7)(C)] liked to call us boyfriend and girlfriend, but we had never even hung outside of work, so it was more just like a flirty thing or kind of like a [sic] we knew we liked each other, like a child thing, I guess.

(U//FOUO) (b)(3) 10 USC §424, (b)(6) said that (b)(6), (b)(7)(C) told her husband in March 2017 that she and (b)(3) 10 USC §424, (b)(6) were going to be together and get married. He also said that (b)(6), (b)(7)(C) and her husband tried to “rekindle things” and (b)(3) 10 USC §424, (b)(6) and (b)(6), (b)(7)(C) stopped talking outside of work until October of 2018, when her husband “knew that those two were over.”

³⁰ (U//FOUO) In a Jabber message to (b)(3) 10 USC §424, (b)(6) on 5 October 2018, (b)(6), (b)(7)(C) writes, “my god the power you have over me, you give me so many emotions in that room, starts off as I need to effing touch her [sic], then we go to sweet and one kiss goes to I want him inside of me, then back to sweet then back to please effing eff me, then if we don’t get out of this room we are going to eff” and “haven’t told you this yet, but my favorite place to talk to you will be...I figured this out at the room, it will be after we both finish and you are sitting up, and I am in your lap with my legs wrapped around you...like the most vulnerable position, talking...looking into each other’s eyes.” She added, “welllllllll [sic] today, after we had our talk in the conference room, I did not go to the bathroom...well I just crossed my legs, and I can smell my dried up p2ss juice...also though again, super proud [because] I know how it happens and how much of it happened after you were being sweet then putting your hand around my throat, my god, it kills me...”

(U//FOUO) Investigators asked (b)(3) 10 USC §424, (b)(6) if he reported his relationship with (b)(6), (b)(7)(C) to NGA security. He said, “No, I—I had never heard that that was a thing.” He did acknowledge that he attended the annual CI training.

(U//FOUO) When asked who (b)(3) 10 USC §424, (b)(6) is, (b)(3) 10 USC §424, (b)(6) said, “A friend of mine that’s a Navy girl, never dated her, never even kissed her, never did anything.” He thought her last name was (b)(3) 10 USC §424.

(U//FOUO) Investigators read a few of the sexually explicit Jabber messages to (b)(3) 10 USC §424, (b)(6) about sex in the elevator. He said, “I know. I mean, it’s descriptive for a reason... That kind of talk... it’s just like a dirty talk thing. It’s, like, a scenario...”

(U//FOUO) Regarding the Jabber chats about having sex in a conference room, (b)(3) 10 USC §424, (b)(6) said, “We did not use any room for that. There are rooms up there and we have talked about whatever... Like, it was like this little, like, fun thing and it would like turn her on, the idea of it, just talking about it and that’s just how we turned each other on, I guess...” He acknowledged that the activity took place during work on NGA resources. He said, “I’m not saying that that’s what we should have been doing at work. I’m just saying that’s how we would talk to each other. It’s like a role-play thing.”

(U//FOUO) When asked if the sexually explicit Jabber discussions back and forth all day were distracting him from his actual mission work, (b)(3) 10 USC §424, (b)(6) said:

I don’t think it’s all day. I mean, we’re still getting our job done. It’s—we probably could have been doing it less, I’m sure, but it’s not like it was interfering with anything... I mean, obviously that kind of talk is not appropriate, I’m sure.

(U//FOUO) Investigators asked (b)(3) 10 USC §424, (b)(6) if he knew that every time he logs on the computer, he consents to being monitored. He replied, “I know.” He was also asked if he knew that there is an appropriate use for NGA resources and that personal matters being discussed is not appropriate. He replied, “I understand that.”

(U//FOUO) Investigators asked (b)(3) 10 USC §424, (b)(6) about sexually harassing other women at NGA. He said, “I have no response to that. There is one thing that got investigated and it was deemed ridiculous and just this girl trying to leave the branch.” He explained:

There was a girl that I was friends with. Her name was (b)(3) 10 USC §424. She was an Air Force. There was one time when I literally touched her elbow... and she got moved to an account where she was a little more busy... That was back when I was a contractor... and I had, like, touched her elbow and she went, “Oh, ow, ow,” like literally, like, just like a fake thing or something... It didn’t seem like anything bad, and then they dismissed it.

(U//FOUO) (b)(3) 10 USC §424, (b)(6) said he mentioned the (b)(3) 10 USC §424 incident in his recent background investigation. When asked if he told the investigators that he was involved with (b)(6), (b)(7)(C), he said, “I told them that I was going through a separation, I think...,I don’t know if I offered up whatever...”

(U//FOUO) (b)(3) 10 USC §424, (b)(6) did recall somebody commenting that it was inappropriate for him and (b)(6), (b)(7)(C) to be holding hands or touching hands in the workplace. It was apparently reported to (b)(6), (b)(7)(C) who spoke to (b)(6), (b)(7)(C) about avoiding public displays of affection at work. He thought it was after October 2018.

(U//FOUO) When asked if he and (b)(6), (b)(7)(C) “play footsie” in official meetings, (b)(3) 10 USC §424, (b)(6) said:

I mean, we would sit next to each other and just sometimes, I guess, we’d probably touch...feet. Just a way to show affection, I guess. I don’t know...It was under the table. It’s not, like. Anybody—except between the two of us...Nobody has ever said anything to us about that. The only time, like I said, was (b)(3) 10 USC §424, (b)(6), (b)(7)(C) He’s the only person I’ve ever even heard like comment about our relationship.

(U//FOUO) Investigators asked (b)(3) 10 USC §424, (b)(6) if there was a concern about inappropriate messaging when he was working as a contractor (b)(6) (b)(7)(C) He said, “Yeah. There was, like, a group chat thing...and somebody said something inappropriate in their chat...and then there was another girl...I think it was that girl that got offended by something somebody said.” He said it was not something he said. He added, “And then they literally fired, like, eight or nine people, I think it was.” (b)(3) 10 USC §424, (b)(6) was one of the people fired. He admitted that he was part of the conversation “about one of the girls’ butts or something.”

(U//FOUO) When asked if he was aware of the consequences of inappropriate conversations on government systems based on the (b)(6) (b)(7) incident, he said, “Yeah, but before, it was literally because the girl got offended...That’s why I was saying earlier, like. When you’re just talking one-on-one to somebody, I didn’t think that was inappropriate because you’re not offending anybody.”

(U//FOUO) Investigators pointed out that the personal conversations were taking place on government equipment and had nothing to do with the mission. He replied, “That’s true. I know...I agree with you that it doesn’t. I’m just saying I did not think of it like that.”

(U//FOUO) (b)(6), (b)(7)(C) testified:

(U//FOUO) She has been (b)(3) 10 USC §424, (b)(6), (b)(7)(C)

(U//FOUO) (b)(6), (b)(7)(C) was asked if she read the employee handbook that H2M Group, LLC, provided. She replied, "Yes."

(U//FOUO) Investigators asked (b)(6), (b)(7)(C) how long she has known (b)(3) 10 USC §424, (b)(6). She said since December 2015. When asked when their relationship began, she said, "This past fall [2018]." (b)(6), (b)(7)(C) was asked if there was a relationship between December 2015 and October/November 2018. She said, "No, we were just friends...We were just good friends before [October 2018]."³¹

(U//FOUO) (b)(6), (b)(7)(C) said her marital separation from her husband began in October 2017.

(U//FOUO) (b)(6), (b)(7)(C) was asked if she reported her separation to NGA security. She said, "No. I didn't know that I had to. I just thought that once you were, like, divorced, you had to report it...I'm still waiting for all of that to go through."

(U//FOUO) (b)(6), (b)(7)(C) said she did not try to reconcile with her husband during the one-year separation period from October 2017 to October 2018. She thought (b)(3) 10 USC §424, (b)(6) knew that but said she did not think she "ever just openly just talked about [her husband] and that relationship."³²

(U//FOUO) When asked if anyone in the workplace had raised concerns about her relationship with (b)(3) 10 USC §424, (b)(6), (b)(7)(C) said, "No, no one's came [sic] to me in a concern about it. No." She added, "[W]ell, (b)(6), (b)(7)(C) had told me and (b)(6), (b)(7)(C) before, they just said that it was obvious that we were together as a couple...so they just told us not to [sit so close to each other], so we stopped doing that."

(U//FOUO) (b)(6), (b)(7)(C) thought everyone in her branch supported her relationship with (b)(3) 10 USC §424, (b)(6), except (b)(3) 10 USC §424, (b)(6), who spoke negatively about it.

³¹ (U//FOUO) In a Jabber message to (b)(3) 10 USC §424, (b)(6) on 5 October 2018, (b)(6), (b)(7)(C) said, "when I was still in the navy, and we started all of this, before we were even kissing...I went home and had to change my panties every day...[because] I had at some point in the day wet a55panties [because] of you, like looking at you, getting turned on by thinking about touching your hand, basically dried up p2ss juice...I actually remembered being proud of it every day [because] I just knew how much I liked you."

³² (U//FOUO) The Jabber messages between (b)(3) 10 USC §424, (b)(6), (b)(7)(C) contradict her testimony regarding conversations about her husband. From 1 March 2017 to 19 September 2018, (b)(6), (b)(7)(C) mentioned her husband, (b)(6), (b)(7)(C), in Jabber messages to (b)(3) 10 USC §424, (b)(6) 70 times.

(U//FOUO) Investigators asked (b)(6), (b)(7)(C) if she uses Jabber frequently and for what purposes. She said, “Yes...Just any and everything. I’ve used it for work. I’ve used it for just regular chitchat.” When asked if she knew the rules governing use of Jabber, she said, “I guess there’s rules. I thought that it was just—we could just talk in that. I guess not. I don’t know.” When asked if she read the H2M handbook, she said, “Yes, but I don’t remember it covering what we could and couldn’t talk about in Jabber.” She acknowledged that Jabber is an official NGA resource.

(U//FOUO) Referring to the sexually explicit Jabber chats in exhibit 1, investigators asked (b)(6), (b)(7)(C) if she used any NGA facilities for sexual activity with (b)(3) 10 USC §424, (b)(6). She said, “No.”³³ She was asked why she “Jabbered” about it. She said, “So it’s kind of embarrassing, but we’ll role-play type thing. It’s just personal, like sexual role-play thing.”

(U//FOUO) Investigators asked (b)(6), (b)(7)(C) why they were having sexual discussions in September 2018 if they were not in a relationship until October 2018. She said, “[W]e were close with each other in September.” When asked how long they have been having the role-play conversations, she said, “I’m not sure. Not that far back...I was not in anything serious like that with him in 2017.” (b)(6), (b)(7)(C) was asked when the sexual banter started. She replied, “2018,” but was not sure when.

(U//FOUO) (b)(6), (b)(7)(C) was asked again about using NGA facilities for sexual activity, specifically the elevator mentioned in her Jabber chat with (b)(3) 10 USC §424, (b)(6). She said, “I mean, we role-play a lot of stuff. Like, we’ve even gone to other places outside of work and role-played things too.” She said they were not using NGA facilities for sexual activity.³⁴

³³ (U//FOUO) In a Jabber chat on 12 October 2018, (b)(3) 10 USC §424, (b)(6) said, “I am going to have to [get] used to this hurry up and only I finish thing lol.” (b)(6), (b)(7)(C) replied, “[O]nly here...not at home. And only because we have to hold that door...[because] I could have [orgasmed] just then...I’m so glad that just happened...but I just feel so relieved that its done...I literally get to walk around with you in me the rest of the day.” (b)(3) 10 USC §424, (b)(6) added, “That was a long Or4sm [sic] too.” She replied, “Now we just need a different place, more private.” (b)(3) 10 USC §424, (b)(6) replied, “I can get my windows tinted, plenty of room back there.” He asked (b)(6), (b)(7)(C), “What of your cars are broken in, all of them?” She replied, “None of them. Just what we did yesterday...we did the most in that car yesterday then [sic] I have in any car. Not even h34d [head].”

³⁴ (U//FOUO) In another Jabber chat on 12 October 2018, (b)(6), (b)(7)(C) said, “I left at 2 yesterday. Just because we were effing on 6 until 4 doesn’t count.” Access control records confirmed that (b)(6), (b)(7)(C) and (b)(3) 10 USC §424, (b)(6) departed the building at 2:08 p.m. (b)(3) 10 USC §424, (b)(6) returned into the building at 3:46 p.m. (b)(6), (b)(7)(C) did not. The “6” suggests the 6th floor of the parking garage. In a Jabber chat on 15 October 2018, (b)(3) 10 USC §424, (b)(6) said, “I tried to go as fast as I could. Usually it is the opposite I try to not [go fast].” (b)(6), (b)(7)(C) replied, “Good boy—learning what a q28ckie [quickie] is...it’s been 3 days, I was dying.” She asked (b)(3) 10 USC §424, (b)(6) if (b)(6), (b)(7)(C) had ever taken his wife, who also works at NGA, “in one of those places.” He replied, “No idea. I doubt it. He has always complained that she is [sic] way higher s3x [sex] drive than him. You and I are on par with each other.” In a Jabber chat on 18 October 2018, (b)(6), (b)(7)(C) reminded (b)(3) 10 USC §424, (b)(6) that they had kissed in the elevator in front of two friends/coworkers.

(U//FOUO) When asked about the “small room” mentioned in their Jabber chats, (b)(6), (b)(7)(C) said:

I mean, I’ve gone into a room with him to have a conversation, like a private conversation on the phone with someone...I’ve had discussions with my lawyer and whatnot on the phone here and then I allow time for it as far as later in the day...We role-play a lot.³⁵

(U//FOUO) Investigators asked (b)(6), (b)(7)(C) if she thought she should be “role-playing” on NGA systems during the workday. She replied, “I’m able to multitask. I have no issues with my production levels.”

(U//FOUO) (b)(6), (b)(7)(C) acknowledged that she left her car in the NGA parking garage on Saturday, 6 October 2018, to rendezvous with (b)(3) 10 USC §424, (b)(6).³⁶

(U//FOUO) Investigators asked (b)(6), (b)(7)(C) why she was upset about (b)(3) 10 USC §424, (b)(6) dating (b)(3) 10 USC §424, (b)(6), (b)(7)(C) in 2017 if she and (b)(3) 10 USC §424, (b)(6) were “just friends.” She said, “It just did. I just didn’t care for that relationship...I just didn’t like it.”

(U//FOUO) (b)(6), (b)(7)(C) admitted that she and (b)(3) 10 USC §424, (b)(6) call each other on their government phones to discuss personal business as well as official business. When asked if anyone had concerns about her use of the government phone, she said (b)(6), (b)(7)(C) spoke to her about a phone call she had with her ex-husband. She said she has used the NGA phone for extended phone calls but “it’s not like a daily thing.”

(U//FOUO) (b)(6), (b)(7)(C) said she had worried that her ex-husband might use his Intelligence Community badge to confront her in the workplace.

(U//FOUO) (b)(6), (b)(7)(C) was asked to explain the sexually explicit conversations in September 2018. She said, “We were not having sex in September [2018]... I’m not saying we weren’t more than friends. We were, like, best friends, but we did not start dating until late October [2018]...We role-play all the time.”

³⁵ (U//FOUO) In a Jabber chat on 16 October 2018, (b)(3) 10 USC §424, (b)(6) said, “I would definitely not fk [fuck] you right now, don’t need you farting and me breathing that in. That small room would become stifling” and “I meant like in that room, your m0uth on me...I want your body against me...I don’t know how long it’s been since I’ve gotten to kiss you.” At 2:26 p.m. (b)(3) 10 USC §424, (b)(6) suggested they go for a walk. At 2:52 p.m., (b)(6), (b)(7)(C) sent him a Jabber message, “jeeeeeezzzzuuuuusssss, the things you do to me, and to think, you are going to be my husband...I get to c0me like that for the rest of my life!” In a Jabber chat on 17 October 2018, (b)(6), (b)(7)(C) told (b)(3) 10 USC §424, (b)(6), “I am not used to having s3x this much” and “you are in my p8ssy far more that [sic] (b)(6), (b)(7)(C) was.” In a Jabber message on 18 October 2018, (b)(3) 10 USC §424, (b)(6) told (b)(6), (b)(7)(C), “I am not going to like not f-ing today. I am in the mood.”

³⁶ (U//FOUO) Access control records showed that (b)(6), (b)(7)(C) entered the parking garage at 7:20 p.m. and likely departed around 2:00 a.m., but did not indicate that either of them entered the building.

(U) CONCLUSION

(U//FOUO) Our investigation developed evidence that (b)(3) 10 USC §424, (b)(6), (b)(7)(C) violated 5 CFR § 2635.101 (b) (5), Basic obligation of public service; Department of Defense 5500.7, Joint Ethics Regulation; and NI 1000.7R1, Personal Relationships in the Workplace, by conducting an inappropriate and unprofessional relationship in the workplace, abandoning organizational goals, adversely affecting the efficiency of the Agency, and creating the appearance of impropriety. The preponderance of witness testimony described the interactions between (b)(3) 10 USC §424, (b)(6), (b)(7)(C) as distracting, inappropriate, uncomfortable, and unprofessional. Three branch chiefs and several coworkers counseled or cautioned (b)(3) 10 USC §424, (b)(6) about his behavior with (b)(6), (b)(7)(C) contract lead and a representative from her contract company verbally counseled her about her behavior with (b)(3) 10 USC §424, (b)(6). Two witnesses saw (b)(3) 10 USC §424, (b)(6) and (b)(6), (b)(7)(C) physically touching each other in separate instances, one of which (b)(3) 10 USC §424, (b)(6) admitted. Senior analysts within the branch were concerned about the decline in (b)(3) 10 USC §424, (b)(6), (b)(7)(C) productivity.

(U//FOUO) (b)(3) 10 USC §424, (b)(6), (b)(7)(C) violated 5 CFR 2635.704, Use of Government Property, and NI 8470.3, Use of Electronic Mail and Other Electronic Communications (in effect at the time), by inappropriately using government electronic communications (Jabber) for unofficial purposes, using profane language on a government-owned system, and using government facilities for sexual activities.

(U//FOUO) (b)(3) 10 USC §424, (b)(6), (b)(7)(C) violated NGA Directive 7400R5¶3b, Oversight and Assessment and NGAM 1455.1 Disciplinary and Adverse Actions, enclosure 8 §12, by failing to provide accurate and complete responses to investigators' questions about their relationship in the workplace and their misuse of government facilities for sexual activities.

(U) OTHER MATTERS

(U//FOUO) During the course of the investigation, investigators found that (b)(6), (b)(7)(C) violated NI 4640.2, ¶4a. by using her unclassified telephone for other than official or authorized purposes for protracted amounts of time.

(U//FOUO) During the course of the investigation, investigators found that (b)(3) 10 USC §424, (b)(6), (b)(7)(C) failed to notify Personnel Security of the changes in their respective marital statuses, including legal separation, and changes in cohabitation, in violation of Section 4 of NGAM 5200.2, Enclosure 2.

(U) RECOMMENDATION

(U//FOUO) On the basis of our investigative findings, OIG recommends that this report be forwarded to the (b)(3) 10 USC §424, Human Development Directorate, and the Office of Contract Services for appropriate action and that any action taken be coordinated with the Director of Analysis and the Office of General Counsel, as appropriate.

(U) ALLEGATION 2

(U//FOUO) (b)(6), (b)(7)(C) falsified her time sheets, causing her contract company, H2M Group, LLC, to submit a false claim to NGA for labor she did not perform.

(U) APPLICABLE STATUTORY AND REGULATORY STANDARDS

- **(U) Title 18 USC § 287, False, fictitious or fraudulent claims, states:**

Whoever makes or presents to any person or officer in the civil, military, or naval service of the United States, or to any department or agency thereof, any claim upon or against the United States, or any department or agency thereof, knowing such claim to be false, fictitious, or fraudulent, shall be imprisoned not more than five years and shall be subject to a fine in amount provided in this title.

- **(U) 48 CFR 31.201-2, Determining allowability, states:**

(a) A cost is allowable only when the cost complies with all of the following requirements:

- (1) Reasonableness.
- (2) Allocability.
- (3) Standards promulgated by the cost accounting standards (CAS) Board, if applicable, otherwise, generally accepted accounting principles and practices appropriate to the circumstances.
- (4) Terms of the contract.
- (5) Any limitations set forth in this subpart.

(c) When contractor accounting practices are inconsistent with this Subpart 31.2, costs resulting from such inconsistent practices in excess of the amount that would have resulted from using practices consistent with this subpart are unallowable.

(d) A contractor is responsible for accounting for costs appropriately and for maintaining records, including supporting documentation, adequate to demonstrate that costs claimed have been incurred, are allocable to the contract, and comply with applicable cost principles in this subpart and agency supplements. The contracting officer (CO) may disallow all or part of a claimed cost that is inadequately supported.

- **(U) H2M Group, Employee Handbook, 1 July 2017, Chapter 6, Employee Conduct, paragraph 6.1, Standards of Conduct, states:**

(U) H2M Group's rules and standards of conduct are essential to our productive work environment. All employees must familiarize themselves with company rules and standards; all employees will be held to them. Any employee who disregards or deviates from company rules or standards may be subject to disciplinary action, up to and including termination of employment.

(U) While not intended to be an all-inclusive list, the examples below represent behavior that is considered unacceptable in the workplace. Behaviors such as these, as well as other forms of misconduct, may result in disciplinary action, up to and including termination of employment:

- Falsification of timekeeping records

(U) Facts

(U) Investigative Methods Used and Records Obtained

(U//FOUO) OIG investigators obtained testimony from witnesses and (b)(6), (b)(7)(C). Investigators researched, reviewed, and analyzed the following documentation:

a. (U//FOUO) Access Control Records for (b)(3) 10 USC §424, (b)(6), (b)(7)(C) revealed that they take frequent daily breaks together outside the NGA Sensitive Compartmented Information Facility (SCIF).

b. (U//FOUO) (b)(3) 10 USC §424, (b)(6), (b)(7)(C) time sheet records from 1 November 2017 to 31 October 2018. The records did not reveal a shortage of time due to extended work hours.

c. (U//FOUO) (b)(6), (b)(7)(C) time sheet records from 1 November 2017 to 31 October 2018. The records initially revealed a shortage of 75.61 hours. (b)(6), (b)(7)(C) provided records that mitigated the shortage to 58.06 hours, worth (b)(6) (b)(7)(C), that (b)(6), (b)(7)(C) did not work but submitted to her contract company, H2M Group (exhibit 4). Her company subsequently falsely billed the government.

(U) Testimony:

(U//FOUO) (b)(3) 10 USC §424, (b)(6), (b)(7)(C) testified:

(U//FOUO) When asked if he was aware of (b)(3) 10 USC §424, (b)(6), (b)(7)(C) leaving the office during the day together, (b)(3) 10 USC §424, (b)(6), (b)(7)(C) said:

I know they would disappear...they'd go get coffee together...I assume they'd go to lunch together...they [sic] would—be days—parts of the day, when they suddenly wouldn't be there...they would disappear. They'd come back.

(U//FOUO) Investigators asked (b)(3) 10 USC §424, (b)(6), (b)(7)(C) again if he was concerned about (b)(3) 10 USC §424, (b)(6), (b)(7)(C) time and attendance. He said, "No."³⁷

(U) Confidential Source (CS 3) testified:

(U//FOUO) (b)(3) 10 USC §424, (b)(6), (b)(7)(C)

(U//FOUO) CS 3 explained that the timesheet or billing sheet process is "self-certification." CS 3 said:

What we do is kind of make sure they're accurate, that it's charged correctly, if there's any, like, errors in charging to the appropriate line, like billing code. We do try to do our best to, like, see if there's inaccuracies, and what I mean by that is if someone's charging for eight hours, and it doesn't seem or feel like they've been at work for eight hours, then we start to raise questions [to the individual] and ask and make sure that they're, you know, charging their time appropriately, if that makes any sense.

(U//FOUO) CS 3 suspected that (b)(6), (b)(7)(C) timesheets may be short because of the relationship with (b)(3) 10 USC §424, (b)(6) and her later work hour schedule, but when CS 3 inquired, there was only one case where she mischarged and quickly corrected her time sheet. When asked about the breaks during the day, CS 3 thought that had been dealt with from a previous conversation with her since (b)(6), (b)(7)(C) stopped getting up from her desk in the last four or five months.

(U//FOUO) Investigators showed CS 3 a spreadsheet of (b)(6), (b)(7)(C) time and attendance, including breaks outside the secure areas (2nd through 8th floors), compared to what she charged the government, resulting in a shortage of about 75 hours. CS 3 explained that as analysts, "if you have writer's block and you're doing a product, one thing that is advocated is, hey, go do a lap around the building really quick or you need to talk about an issue, we do a lot of walking meetings with SGAs and SGOs." Investigators explained that the breaks on the spreadsheet were breaks taken in areas like the atrium and the garage.

³⁷ (U//FOUO) Investigators analyzed (b)(3) 10 USC §424, (b)(6) time and attendance and found no shortage. (b)(6), (b)(7)(C) contractor time sheets showed a shortage of 58.06 hours that were mischarged to the government as time worked.

(U//FOUO) (b)(3) 10 USC §424, (b)(6), (b)(7)(C) testified:

(U//FOUO) When asked if anyone raised concerns about him being absent from his desk frequently, (b)(3) 10 USC §424, (b)(6), (b)(7)(C) said:

No. I mean, the only time I'd heard comments about that, again, they were just people who had no idea of what was going on. Like, when we went to lunch or something, anytime we were away from our desks, the hours were made up or we would stay late or whatever.

(U//FOUO) (b)(6), (b)(7)(C) testified:

(U//FOUO) She thought her contract supervisor was possibly (b)(6), (b)(7)(C), but was "not sure how that whole chain works." She said (b)(6), (b)(7)(C) approves her timesheet.³⁸

(U//FOUO) Investigators showed (b)(6), (b)(7)(C) her time and attendance spreadsheet from 1 November 2017 to 31 October 2018 and explained the shortage of hours due to the frequent breaks outside the SCIF. (b)(6), (b)(7)(C) was given an opportunity to provide documentation to mitigate any shortages.³⁹

(U) CONCLUSION

(U//FOUO) Our investigation developed evidence that (b)(6), (b)(7)(C) violated the H2M Group Employee Handbook by taking frequent and prolonged breaks during the workday and falsifying her time sheets to reflect labor she did not perform. This caused her company, H2M Group, LLC, to submit a false claim to the government, in violation of 18 USC § 287, False, fictitious or fraudulent claims, and 48 CFR § 31.201-2, Determining allowability. We found that there was a shortage of 58.06 hours, worth (b)(6) (b)(7)(C)

(U) RECOMMENDATION

(U//FOUO) On the basis of our investigative findings, OIG recommends that this report be forwarded to the Special Activities Staff, Human Development Directorate, and the Office of Contract Services for appropriate action and that any action taken be coordinated with the Director of Analysis and the Office of General Counsel, as appropriate.

³⁸ (U//FOUO) (b)(6), (b)(7)(C) are contractors with H2M Group; (b)(6), (b)(7)(C) works outside NGA and (b)(6), (b)(7)(C) works at NGA.

³⁹ (U//FOUO) On 3 April 2019, (b)(6), (b)(7)(C) provided documentation to mitigate some of the missing time; investigators updated the T&A Spreadsheet as appropriate.

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NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY

Know the Earth... Show the Way... Understand the World



Office of Inspector General Investigations Division

(U) Reprisal and Hostile Work Environment

OIG Case Number 19-050

2 March 2020

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(U) The Investigations Division, Office of Inspector General, NGA, prepared this report. If you have questions about the report, contact the Office of Inspector General, NGA.

Telephone: 571-557-7500 • (DSN 547-7500)

Fax (unclassified): 571-558-3273 • (DSN 547-3273) • (secure) 571-558-1035

e-mail: ig@nga.mil

Mail: National Geospatial-Intelligence Agency
Attention: Inspector General
Mail Stop N-75
7500 GEOINT Drive
Springfield, VA 22150



National Geospatial-Intelligence Agency
OFFICE OF INSPECTOR GENERAL

IG@nga.mil

IG@nga.ic.gov

800-380-7729 (Voice/TTY)

312-547-4849 (DSN/TTY)

578-4849 (secure)

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NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY
OFFICE OF INSPECTOR GENERAL

EXECUTIVE SUMMARY

(U) **OIG CASE NUMBER:** 19-050

(U) **TITLE:** Reprisal and Hostile Work Environment

(U) **SUBJECTS**

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) [REDACTED],
Defense Intelligence Senior Level (DISL), Analysis Directorate (A), National Geospatial
Intelligence Agency (NGA), Springfield, Virginia.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) [REDACTED]
A, (b)(6) (b)(7)(C) [REDACTED] NGA, Springfield, VA.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) [REDACTED]
[REDACTED], A, (b)(6) (b)(7)(C) [REDACTED] NGA, Springfield, VA.

(U) **ALLEGATION:** (b) (3)10USC§424, (b)(6) (b)(7)(C) [REDACTED], reported
that his management reprimed against him by removing him from his team lead
position and created a hostile work environment.

(U) **INVESTIGATION**

(U//FOUO) Based on the analysis of the elements of reprisal, we found that neither
(b) (3)10USC§424, (b)(6) (b)(7)(C) [REDACTED] reprimed against (b) (3)10USC§424, (b)(6) (b)(7)(C) [REDACTED] for making a
protected disclosure. The allegations of reprisal and hostile work environment are
unsubstantiated.

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REPORT OF INVESTIGATION

(U) **OIG CASE NUMBER:** 19-050

(U) **TITLE:** Reprisal and Hostile Work Environment

(U) **SUBJECTS:**

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C)
Defense Intelligence Senior Executive, Analysis Directorate (A), National Geospatial
Intelligence Agency (NGA), Springfield, Virginia

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) A,
(b)(6) (b)(7)(C) NGA, Springfield, VA

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C)
A, (b)(6) (b)(7)(C) NGA, Springfield, VA

(U) **ALLEGATION:** (b) (3)10USC§424, (b)(6) (b)(7)(C), reported that his management reprised against him by removing him from his team lead position and created a hostile work environment.

(U) **BACKGROUND:** (b) (3)10USC§424, (b)(6) (b)(7)(C) provided the following information:

(U//FOUO) On or around 28 September [2018] I was verbally informed by (b) (3)10USC§424, (b)(6) (b)(7)(C) that he and the management chain – he did not name all of them, but did mention the (b) (3)10USC§424, (b)(6) (b)(7)(C) and the (b) (3)10USC§424, (b)(6) (b)(7)(C) – were interviewed by the IG following the IG complaint I made concerning the Band Feedback Mix-up incident.¹ This occurred one week before my sudden removal as Team Lead on 3 October [2018] – no warning or feedback had been provided that my behavior and performance as Team Lead had reached a point where removal from the position was at risk. The timing may be coincidental, but seems far too closely related to be attributed to mere accident – at least from my perception, particularly considering the sudden severity of the action of not just removing me as Team Lead but in that same meeting directing that I needed to depart (b) (3)10USC§424, (b)(6) (b)(7)(C) as soon as possible. I had also issued a request for an Informal Reconsideration on my DCIPS [Defense Civilian Intelligence Personnel System] Final Close-Out Evaluation on 2 November [2018], received a response on 7 November [2018], only for this (b)(6) (b)(7)(C) to follow little more than a week later (16 November [2018]) – while the timing may again be mere coincidence and the (b)(6) (b)(7)(C) was, as indicated in the meeting, in work previous to the Reconsideration request's submission from my perspective the events appear linked.

¹ (U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) was contacted by NGA OIG requesting information regarding the feedback mix-up with (b) (3)10USC§424, (b)(6) (b)(7)(C) and his brother. (b) (3)10USC§424, (b)(6) (b)(7)(C) were not contacted or interviewed by NGA OIG regarding the feedback mix-up incident.

(U//FOUO) I also wanted to make particular mention of the full breadth of the punitive actions taken against me that are related to this (b)(6) (b)(7), as I feel it is important to highlight the level of potential reprisal/hostile work environment/workplace bullying that I feel is occurring against me.

(U//FOUO) In the span of a month I was removed from my position as a Team Lead of the (b) (3)10USC§424 (3 October [2018]), then forced to relocate my desk while remaining in (b) (3)10USC§424 (8 October [2018]), forced through direct reassignment from (b) (3)10USC§424 to (b) (3)10USC§424 26 October {2018}), and soon after submitting an informal reconsideration form concerning my DCIPS score (2 November [2018]) I was then handed this (b)(6) (b)(7)(C) (16 November [2018]). To me it feels as if a malicious and vindictive campaign is being conducted against me to damage if not destroy my career and coerce me to resign from the Agency.

(U//FOUO) My main and immediate concern is that submitting this (b)(6) (b)(7)(C) under the current policy guidance, including from HD's (b) (3)10USC§424 team, would see me submitting this (b)(6) (b)(7)(C) to the same managerial chain that is directly involved in these events and who I feel would be biased against any response.

(U) SCOPE

(U) NGA OIG conducted this investigation in accordance with the standards set forth in NGA Manual 7410.11, Inspector General Operations, 2 June 2014, and the *Quality Standards for Investigations*, 15 November 2011, set forth by the Council of the Inspectors General on Integrity and Efficiency. We obtained testimony from (b) (3)10USC§424, (b)(6) (b)(7)(C) [REDACTED].

(U) APPLICABLE STATUTORY AND REGULATORY STANDARDS

- **50 U.S.C. Section 3234. Prohibited personnel practices in the Intelligence Community states:**

(a) Definitions:

Personnel action. The term "personnel action" means, with respect to an employee in a position in a covered intelligence community element –

- (A) an appointment;
- (B) a promotion;
- (C) a disciplinary or corrective action;
- (D) a detail, transfer, or reassignment;
- (E) a demotion, suspension, or termination; a reinstatement or restoration;
- (F) a performance evaluation; a decision concerning pay, benefits, or awards; a decision concerning education or training if such education or training may reasonably be expected to lead to an appointment, promotion, or performance evaluation; or

(G) any other significant change in duties, responsibilities, or working conditions.

(b) In general

Any employee of an agency who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or fail to take a personnel action with respect to any employee of a covered intelligence community element as a reprisal for a lawful disclosure of information by the employee to the Director of National Intelligence (or an employee designated by the Director of National Intelligence for such purpose), the Inspector General of the Intelligence Community, the head of the employing agency (or an employee designed by the head of that agency for such purpose), the appropriate inspector general of the employing agency, a congressional intelligence committee, or a member of a congressional intelligence committee, which the employee reasonably believes evidences –

- (1) A violation of any Federal law, rule, or regulation; or
- (2) Mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

- **(U) Presidential Policy Directive (PPD) 19, Protecting Whistleblowers with Access to Classified Information, 10 October 2012, states:**

Any officer or employee of a Covered Agency who has authority to take, direct others to take, recommend, or approve any Personnel Action, shall not, with respect to such authority, take or fail to take, or threaten to take or fail to take, a Personnel Action with respect to any employee serving in an Intelligence Community Element as a reprisal for a Protected Disclosure.

(U) Documents Reviewed

(U//FOUO) We reviewed (b) (3)10USC§424, (b)(6) (b)(7)(C) : [redacted] :
OIG complaint [OIG Case Number x18-154], which revealed that on 28 August 2018, he reported concerns regarding his feedback sheet for the (b)(6) (b)(7)(C) promotion process. (b) (3)10USC§424, (b)(6) (b)(7)(C) : [redacted] : claims that he was mixed up with his brother who was also an analyst and that it affected his possible promotion. It was revealed in (b) (3)10USC§424, (b)(6) (b)(7)(C) : [redacted] : feedback sheet that there were several sections that were mixed up with his brother. According to (b) (3)10USC§424, (b)(6) (b)(7)(C) : [redacted] : , the mix up brought up questions as to whether this might have or even has happened previously. In addition, it raised the question of how much of the two packets were confused and intermixed throughout the entire promotion process. (b) (3)10USC§424, (b)(6) (b)(7)(C) : [redacted] : reported that, at a minimum, it raises serious questions about the professionalism of those involved and the efficacy of the process, and questions the validity of the results. (b) (3)10USC§424, (b)(6) (b)(7)(C) : [redacted] : said his division management brushed this error off as a simple mix-up.

(U//FOUO) We reviewed the 26 September 2018 coordination between the OIG investigator and (b) (3)10USC§424, (b)(6) (b)(7)(C) informed the investigator that the promotion package feedback error was corrected. OIG closed the inquiry.

(U//FOUO) We reviewed a memorandum provided by (b) (3)10USC§424, (b)(6) (b)(7)(C) detailing discussions with (b) (3)10USC§424, (b)(6) (b)(7)(C) regarding his actions and management concerns regarding his interactions with the members on his team. A timeline of relevant events pertaining to the alleged reprisal follows:

(U) **10 September 2018:** (b) (3)10USC§424, (b)(6) (b)(7)(C) met privately with (b) (3)10USC§424, (b)(6) (b)(7)(C) to discuss expectations of a team lead, his work hours, and the fact that he had shut down for the past two weeks over the promotion decision. He advised (b) (3)10USC§424, (b)(6) (b)(7)(C) that communication and being present was one of the most important things a team lead does. (b) (3)10USC§424, (b)(6) (b)(7)(C) expressed disappointment that nobody had supported him when the feedback from his promotion application was mixed up with that of his brother. He felt betrayed by those around him and no longer wanted to make an effort with his branch mates.

(U) (b) (3)10USC§424, (b)(6) (b)(7)(C) agreed to resume a more regular work schedule (arriving at work around (b) (6) (b)(7)(C) and working 8-hour days Monday to Friday). He withdrew his request to work from (b)(6) (b)(7)(C), which he acknowledged was intended to minimize his interactions with his teammates and management.

(U) They discussed some of the specific, tangible responsibilities of a team lead: approving remarks, providing input on production decisions, being aware of major intelligence developments and occasionally checking the imagery and collateral reporting to ensure the analytic conclusions made by the team are accurate. (b) (3)10USC§424, (b)(6) (b)(7)(C) told (b) (3)10USC§424, (b)(6) (b)(7)(C) that he should not be looking at all of the team's targets and that delegation and trust were important for a team lead. (b) (3)10USC§424, (b)(6) (b)(7)(C) acknowledged that the lead would occasionally miss or get things wrong.

(U) The next day, (b) (3)10USC§424, (b)(6) (b)(7)(C) followed up on this conversation with one-on-one and small group meetings with his teammates to explain his actions in the past two weeks. (b) (3)10USC§424, (b)(6) (b)(7)(C) was informed by one of the team members that during these meetings, (b) (3)10USC§424, (b)(6) (b)(7)(C) refused to apologize for his actions and told some people that he was only having the conversation to keep his team lead position.

(U//FOUO) **24 September 2018:** (b) (3)10USC§424, (b)(6) (b)(7)(C) met with (b) (3)10USC§424, (b)(6) (b)(7)(C) to discuss (b) (3)10USC§424, (b)(6) (b)(7)(C) explained that (b) (3)10USC§424, (b)(6) (b)(7)(C) has made some improvements since the discussion and is engaging much more frequently with the team. (b) (3)10USC§424, (b)(6) (b)(7)(C) demeanor

² (U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C), Defense Intelligence Senior Level, (b) (3)10USC§424, (b)(6) (b)(7)(C), A

³ (U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C), A

appeared more positive, and he heard no additional complaints about (b) (3)10USC§424, (b)(6) behavior from the branch. They discussed potentially removing (b) (3)10USC§424, (b)(6) (b)(7)(C) as team lead. (b) (3)10USC§424, (b)(6) (b)(7)(C) argued against that course of action, urging to give (b) (3)10USC§424, (b)(6) (b)(7)(C) more time to correct his behavior, which he (b) (3)10USC§424, (b)(6) (b)(7)(C) believed had improved. Everyone in the meeting agreed that the outlook was not good considering (b) (3)10USC§424, (b)(6) (b)(7)(C)' past pattern of behavior, but that in the short term, he would be given a chance.

(U//FOUO) 2 October 2018: (b) (3)10USC§424, (b)(6) (b)(7)(C) (b) (3)10USC§424, (b)(6) (b)(7)(C), and I met to discuss new information related to (b) (3)10USC§424, (b)(6) (b)(7)(C) performance as Libya Team Lead. One of the team members expressed concerns to (b) (3)10USC§424, (b)(6) (b)(7)(C) about (b) (3)10USC§424, (b)(6) (b)(7)(C)' recent behavior. The team member detailed a number of problems with (b) (3)10USC§424, (b)(6) (b)(7)(C) over the past couple of months that were making it so unpleasant for her to come to work that she had begun looking for new assignments. She said her interactions with (b) (3)10USC§424, (b)(6) (b)(7)(C) left her feeling uncertain about her responsibilities and insecure about how well she was performing. He was undermining her on her own account by repeatedly interrupting and contradicting her in a meeting, sending emails about her assigned area without consulting her, and telling her openly that she was not in charge of the account everyone understood to be hers. His communication with her and others tends to be very direct, negative, and terse, and she feels like she never receives any support or backup from him. She was nervous about confronting him about his leadership style because he has reacted to past conversations by shutting down and refusing to talk to teammates. These examples, combined with the recent discussions among the (b) (3)10USC§424, (b)(6) (b)(7)(C) leadership team about his lack of leadership skills, led the group to adopt a new course of action: removing him from his leadership position and moving an open Band 4 billet from (b) (3)10USC§424, (b)(6) (b)(7)(C) to select a new team lead.

(U//FOUO) 3 October 2018: (b) (3)10USC§424, (b)(6) (b)(7)(C) met [with] (b) (3)10USC§424, (b)(6) (b)(7)(C) to explain that the team lead position was no longer a good fit. It was time for a fresh start for (b) (3)10USC§424, (b)(6) (b)(7)(C) and the team. This particular conversation followed several informal sessions in recent months during which (b) (3)10USC§424, (b)(6) (b)(7)(C) detailed challenges that had been affecting your ability to lead and identified potential ways to overcome them.⁴

(U//FOUO) 4 October 2018: (b) (3)10USC§424, (b)(6) (b)(7)(C) met with (b) (3)10USC§424, (b)(6) (b)(7)(C) again at your request to go over the reasons for your removal. (b) (3)10USC§424, (b)(6) (b)(7)(C) stated he outlined the following:

(U) I revisited our discussion about your reaction to the Band (b) (6) (b) promotion process and problems with the feedback you received from

⁴ (U//FOUO) The memorandum provided detailed information regarding the meeting on 3 October 2018; however, the information was classified and was not included in this report.

ACS, specifically your decision to stop talking to your teammates and to change your work hours to avoid engaging with them because you felt they were not offering sufficient support. I noted that this had exacerbated tensions with them and told you my perception from talking to members of the branch was that even though you had made some effort after our early September discussion to address this issue, it was too late to fix these long-standing problems. Several branch members also expressed to me that they had seen a similar pattern when you encountered previous setbacks, that the damage to those relationships had already been done, and that they were unconvinced your change in demeanor would last.

(U) Your conversations with teammates after our initial discussion in early September about your lack of communication did not help the situation, as evidenced by the fact that you told some of them that you were having the discussions to avoid losing your team lead position. You explained that you made those comments to inform your teammates that you were having those conversations as a result of the discussion you and I had about team leadership expectations. We discussed the fact that there often appears to be a mismatch between the messages you intend to convey and how others receive them, and that this is an issue underlying many of the other problems you have had as a team lead.

(U) We discussed the issue of you looking at other peoples' targets, which they see as second-guessing and criticizing them rather than supporting and teaching them.

(U//FOUO) **22 October 2018:** (b) (3)10USC§424, (b)(6) (b)(7)(C) met with (b) (3)10USC§424, (b)(6) (b)(7)(C) to discuss an incident involving a remark he wrote that was outside his area of responsibility.⁵

(U//FOUO) **16 November 2018,** (b) (3)10USC§424, (b)(6) (b)(7)(C) was issued a (b)(6) (b)(7)(C) which stated:

(U//FOUO) (b)(6) (b)(7)(C)

[REDACTED]

[REDACTED]

⁵ (U//FOUO) The memorandum provided detailed information regarding the meeting on 22 October 2018; however, the information was classified and was not included in this report.

(b)(6) (b)(7)(C)

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) filed a 15 page formal grievance outlining why he did not concur with findings of the (b)(6) (b)(7)(C).

(U//FOUO) 23 January 2019, the Grievance Deciding Official Determination letter reflected that the (b)(6) (b)(7)(C) by (b) (3)10USC§424, (b)(6) (b)(7)(C) reviewed numerous electronic submissions from (b) (3)10USC§424, (b)(6) (b)(7)(C), from his management chain and branch team members, as well as written voluntary character references. He also conducted individual interviews with current (b) (3)10USC§424 management chain, as well as current and past team members referred by (b) (3)10USC§424, (b)(6) (b)(7)(C) and the management.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) findings:

(U//FOUO) The (b) (3)10USC§424 management was within its prerogative to restrict (b) (3)10USC§424, (b)(6) (b)(7)(C) from working other accounts within the branch and removing (b) (3)10USC§424, (b)(6) (b)(7)(C) as Team Lead.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) persistent mentoring of junior analysts, while well intentioned on his part, was not positively received by a majority of his teammates or by the cadre. In some cases the activities, actions, and communication could well have been received as bullying or intimidation.

(U//FOUO) As for the expressed concern that this (b)(6) (b)(7)(C) are connected, they are not. The issue of "owning the issue" from these two cases are conflated by (b) (3)10USC§424, (b)(6) (b)(7)(C) that his actions were damaging to the team writ large.

(U//FOUO) It is of particular note that to a person, everyone interviewed remarked that (b) (3)10USC§424, (b)(6) (b)(7)(C) is an exceptionally bright and skilled analyst.

(U//FOUO) While a sustained gap of the (b) (3)10USC§424 and a series of acting leaders likely contributed to miscommunication at times, the instructions were not followed.

(U) Testimony

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) testified:

(U//FOUO) It started in August when he received the feedback from Career Services promotion cycle. They tried providing sheets to every employee who had applied for their Band (b)(6) promotion. (b) (3)10USC§424, (b)(6) (b)(7)(C) did not feel like he got a lot of

⁶ (U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C), Defense Intelligence Senior Executive Service, NGA.

support from his management. He felt the issue was mishandled to the point that he submitted a complaint to the IG for the PB (b)(6) feedback mix-up.

(U//FOUO) He was informed by (b) (3)10USC§424, (b)(6) (b)(7)(C) about being interviewed by the IG. He believed (b) (3)10USC§424, (b)(6) (b)(7)(C) was just trying to provide a good faith update. The conversation was during a meeting where (b) (3)10USC§424, (b)(6) (b)(7)(C) briefed (b) (3)10USC§424, (b)(6) (b)(7)(C) on what was going on that day, since he was the team lead at the time. Subsequently, he was removed as team lead, forced to move his desk, and then forced onto a direct assignment.

(U//FOUO) During this time, (b) (3)10USC§424, (b)(6) (b)(7)(C) emailed Career Services to try to get to the bottom of what happened. He felt spurned by his team and management. He did not think anyone cared about what happened to him, which caused him to pull back some of his personal engagement. He talked to (b) (3)10USC§424, (b)(6) (b)(7)(C) about changing his work schedule to come in earlier to reduce the time he was present during normal working day hours. (b) (3)10USC§424, (b)(6) (b)(7)(C) was frustrated with everything and felt that if no one was going to be his friend, then why should he continue to be their friend.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) admitted that on 3 October 2018, he received verbal guidance from his management; on 4 October 2018, he received written guidance from the branch senior GEOINT analyst; and on 18 October 2018, he went against previous guidance to work solely on his assigned duties. Because of his actions, not because of his coming to the OIG, he was (b)(6) (b)(7)(C).

(U) (b) (3)10USC§424, (b)(6) (b)(7)(C) testified:

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) was a talented analyst, very good writer, and got his work done quickly. He had some issues with some of the teammates. He was not very good at communicating interpersonally with people, which caused some problems as a team lead, which he was at the time. (b) (3)10USC§424, (b)(6) (b)(7)(C)' approach to leadership was if he found someone doing something wrong, he would not help them fix it; he would just sort of do it himself to prove a point to them, which rubbed a lot of people the wrong way. There was an issue where he got some bad news that his promotion process got a little messed up and he felt that the team was not supporting him so he shut down and stopped talking to people.

(U//FOUO) He talked to (b) (3)10USC§424, (b)(6) (b)(7)(C) about being team lead required him to talk his team every day; however, (b) (3)10USC§424, (b)(6) (b)(7)(C) did not want to talk to some people and that affected his performance as a team lead.

(U//FOUO) He told (b) (3)10USC§424, (b)(6) (b)(7)(C) that he was interviewed by OIG so he would know it was moving forward. He was not aware that (b) (3)10USC§424, (b)(6) (b)(7)(C) had contacted the OIG until he (b) (3)10USC§424, (b)(6) (b)(7)(C) was contacted for an interview. The interview with OIG was telephonic, and it was a recap of what he knew about the feedback mistake made by career service. There were other issues

regarding (b) (3)10USC§424, (b)(6) (b)(7)(C) during the same time, but they were not related to the OIG investigation.

(U//FOUO) The main reason (b) (3)10USC§424, (b)(6) (b)(7)(C) was removed was because he stopped talking to his team. During this timeframe, members of (b) (3)10USC§424, (b)(6) (b)(7)(C) team complained about personal comments (b) (3)10USC§424, (b)(6) (b)(7)(C) made, and it was clear that he was not going to be effective as a team lead anymore. A decision was made to remove him from his team lead position.

(U//FOUO) He (b) (3)10USC§424, (b)(6) (b)(7)(C) and (b) (3)10USC§424, (b)(6) (b)(7)(C) met with (b) (3)10USC§424, (b)(6) (b)(7)(C) to talk to him about his failure to communicate with his team. He had a follow up meeting with (b) (3)10USC§424, (b)(6) (b)(7)(C) because (b) (3)10USC§424, (b)(6) (b)(7)(C) requested a meeting. He had another meeting with (b) (3)10USC§424, (b)(6) (b)(7)(C) to inform him that he had to move to another desk. Finally, he and office leadership had a meeting with (b) (3)10USC§424, (b)(6) (b)(7)(C) to (b)(6) (b)(7)(C).

(U//FOUO) The (b)(6) (b)(7)(C) had nothing do with (b) (3)10USC§424, (b)(6) (b)(7)(C) reporting anything to OIG. He had no problem with (b) (3)10USC§424, (b)(6) (b)(7)(C) reporting his concerns to the OIG. He felt (b) (3)10USC§424, (b)(6) (b)(7)(C) was justified to question the process regarding the mistake made by career service.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) testified:

(U//FOUO) Because of the feedback mix up with (b) (3)10USC§424, (b)(6) (b)(7)(C) and his brother, (b) (3)10USC§424, (b)(6) (b)(7)(C) basically stopped talking to his team. (b) (3)10USC§424, (b)(6) (b)(7)(C) felt he had been stabbed in the back by them, which was not the case because his team had nothing to do with the selection process. (b) (3)10USC§424, (b)(6) (b)(7)(C) had also requested to change his work schedule so he would have minimal interaction with his teammates, which was denied.

(U//FOUO) Everyone knew there were issues with (b) (3)10USC§424, (b)(6) (b)(7)(C), and it was something that they needed to work with (b) (3)10USC§424, (b)(6) (b)(7)(C) on. During that time, (b) (3)10USC§424, (b)(6) (b)(7)(C) engaged in regular conversations with (b) (3)10USC§424, (b)(6) (b)(7)(C). However, (b) (3)10USC§424, (b)(6) (b)(7)(C) took actions that he was instructed in writing not to do. The decision was made to remove him as team lead and begin the process of moving him to another element within the division or directorate.

(U//FOUO) He was not aware that (b) (3)10USC§424, (b)(6) (b)(7)(C) had reported his concerns to OIG and even if he would have known, it would not have changed the actions taken. Everything they did was completely by the book, and it was not done out of vengeance or anything of an ill-will towards (b) (3)10USC§424, (b)(6) (b)(7)(C). It was the fact that leadership wanted to work with (b) (3)10USC§424, (b)(6) (b)(7)(C) to see if they could get him back to the level of performance that was needed in a team lead position.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) testified:

(U//FOUO) She was not aware that (b) (3)10USC§424, (b)(6) (b)(7)(C) had filed a complaint with the OIG, and she had not been contacted by the OIG regarding (b) (3)10USC§424, (b)(6) (b)(7)(C) complaint about the PB (b)(6) feedback mix-up.

(U//FOUO) She was aware that (b) (3)10USC§424, (b)(6) (b)(7)(C) had been removed from his team lead position. There were complaints on his team about his actions. Some of it was related to the fact that he had become withdrawn and was not communicating with his team members, and when he did communicate, it was not in a manner that a team lead should communicate with team members. The team had a good working relationship and when the dynamics deteriorated, (b) (3)10USC§424, (b)(6) (b)(7)(C) was removed from his duties.

(U//FOUO) She was briefed on (b) (3)10USC§424, (b)(6) (b)(7)(C) behavior by his supervisory chain. (b) (3)10USC§424, (b)(6) (b)(7)(C) was instructed to move his desk to take him out of the situation [and] to make him and other team members more comfortable. She was also aware that (b) (3)10USC§424, (b)(6) (b)(7)(C) received an (b)(6) (b)(7)(C).

(U) Analysis

(U) The elements of reprisal are protected disclosure; actual or constructive knowledge of the protected disclosure on the part of the responsible management official (RMO); a personnel action taken, threatened, or withheld; and a causal connection between the protected disclosure and the personnel action. If the evidence establishes that the personnel action would not have been taken, threatened, or withheld absent the protected disclosure, then the complaint is substantiated. Conversely, if the evidence establishes that the action would have been taken, threatened, or withheld absent the protected disclosure, then the complaint is not substantiated. Below, we analyze each of the elements.

(U) During our investigation, we analyzed each of the elements of reprisal as provided in sections A to D.

A. (U) Did Complainant make or prepare to make a protected disclosure, or was Complainant perceived as having made or prepared to make a protected communication?

(U//FOUO) Yes. On 28 August 2018, (b) (3)10USC§424, (b)(6) (b)(7)(C) reported an issue to the NGA OIG regarding the feedback sheet for the (b)(6) (b)(7)(C) promotion process. (b) (3)10USC§424, (b)(6) (b)(7)(C) claimed that his promotion package had several sections in which he was mistaken for his brother, who is also an NGA analyst. He believed that the mix-up affected his possible promotion. Because of the mix-up, he questioned his management's professionalism, efficacy of the process, and the validity of the results. (b) (3)10USC§424, (b)(6) (b)(7)(C) reported the incident because he did not like how his management brushed off the error as a simple mix-up.

B. (U) Was an unfavorable personnel action taken or threatened against Complainant, or was a favorable personnel action withheld or threatened to be withheld from Complainant?

(U//FOUO) Yes. (b) (3)10USC§424, (b)(6) (b)(7)(C) was removed from his Team Lead position and received an (b)(6) (b)(7)(C) as Team Lead.

C. (U) Did the responsible management official(s) have knowledge of Complainant's protected communication(s) or perceive Complainant as making or preparing protected disclosure(s)?

(U//FOUO) Yes. (b) (3)10USC§424, (b)(6) (b)(7)(C) became aware that (b) (3)10USC§424, (b)(6) (b)(7)(C) provided information to NGA OIG after he was contacted by NGA OIG requesting information regarding (b) (3)10USC§424, (b)(6) (b)(7)(C) complaint.

(U//FOUO) No. (b) (3)10USC§424, (b)(6) (b)(7)(C) were not aware that (b) (3)10USC§424, (b)(6) (b)(7)(C) had filed a complaint with NGA OIG.

D. (U) Does the evidence establish that the personnel action would have been taken, withheld, or threatened if the protected disclosure had not been made?

(U//FOUO) Based on the analysis of the elements of reprisal, we found that neither (b) (3)10USC§424, (b)(6) (b)(7)(C) reprised against (b) (3)10USC§424, (b)(6) (b)(7)(C) for making a protected communication. The allegations of reprisal and hostile work environment are unsubstantiated.

(U) CONCLUSION

(U//FOUO) Based on the analysis of the elements of reprisal, we found that neither (b) (3)10USC§424, (b)(6) (b)(7)(C) reprised against (b) (3)10USC§424, (b)(6) (b)(7)(C) for making a protected communication. The allegations of reprisal and hostile work environment are unsubstantiated

(U) RECOMMENDATION

(U) We make no recommendations in this matter.

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REPORT OF PRELIMINARY INQUIRY

(U) OIG CASE NUMBER: 19-072

(U//FOUO) SUBJECT: (b) (3)10USC§424, (b)(6) (b)(7)(C) [REDACTED], Source Directorate (S), NGA, Springfield, Virginia

(U) ALLEGATION: Misuse of Government Property - Pornography

(U) BACKGROUND

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) [REDACTED], Security and Installations Directorate (SI), NGA, Springfield, advised that a coworker observed (b) (3)10USC§424, (b)(6) (b)(7)(C) [REDACTED] view pornography on the unclassified government computer system.

(U) SCOPE

(U) OIG investigators conducted this investigation in accordance with the standards set forth in NGA Directive 7410, Inspector General Operations, 2 June 2014, and the Quality Standards for Investigations, 15 November 2011, set forth by the Council of the Inspectors General on Integrity and Efficiency. The investigators reviewed SBU computer activity available that pertained to the allegation from 1 January 2018 to 3 March 2019.

(U) APPLICABLE STATUTORY AND REGULATORY STANDARDS

- (U) NGA Instruction (NI) 8470.2R8, Internet Usage
- (U) NI 8470.3R8, Use of Electronic Mail and Other Electronic Communications

(U) FACTS

(U) Records Reviewed

- (U//FOUO) Review of records available on NGA's sensitive but unclassified (SBU) network from 1 January 2018 to 3 March 2019 did not reveal (b) (3)10USC§424, (b)(6) (b)(7)(C) [REDACTED] misused his government computer system.

(U) CONCLUSION

(U//~~FOUO~~) OIG investigators did not obtain specific computer forensic information to support the allegation that (b) (3)10USCS424, (b)(6) (b)(7)(C) misused government computer systems.

(U) RECOMMENDATION

(U) Close this case without further investigation.

U-136-19/OIG

MAY 07 2019

MEMORANDUM FOR CHIEF INFORMATION OFFICER AND IT SERVICES

SUBJECT: (U) Referral of Complaint, OIG Case No. 19-085

1. (U//FOUO) The Director, Mission Oversight and Compliance (MOC), NGA, provided this office the following information regarding Questionable Intelligence Activity (QIA):

(U//FOUO) The (b) (3)10USC§424 offers program developers imagery base map layers that can be incorporated into intelligence tools. The (b) (3)10USC Terms of Use require that systems that provide access to domestic imagery through base map layers include access control measures and log audible information about personnel accessing domestic imagery. However, a number of currently deployed NGA and IC tools allow intelligence personnel to gain unrestricted access to domestic imagery without indicating their underlying mission purpose or providing a Proper Use Memorandum (PUM) for foreign intelligence or counterintelligence missions. These tools include, but not limited to: (b) (3)10USC§424

2. (U//FOUO) The activity above is contrary to National Geospatial-Intelligence Agency Instruction 8900.5, Domestic Imagery, 23 January 2018 in which:

Paragraph 4.g states:

Data Stewards responsible for systems that provide access to domestic imagery ensure compliance with this instruction by applying access control measures and logging auditable information about each access request.

Enclosure 2, Paragraph 5 states:

Chief Information Officer and Director, Information Technology Services.

- a. Promulgates access control system standards for implementation by programs of record.
- b. Enables stewards to restrict domestic imagery to specific users with a validated mission requirement. Data stewards must be capable of adding and removing authorized users as mission requirements change.
- c. Configures domestic imagery systems to log auditable information concerning the domestic imagery accessed by specific users.

Enclosure 2, Paragraph 8 states:

Data Stewards.

- a. Identify domestic imagery stored on NGA information systems to ensure that access to domestic imagery is restricted to those with a valid mission

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U-136-19/OIG

SUBJECT: (U) Referral of Complaint, OIG File No. 19-085

requirement. Coordinate proposed access control measures with (b) (3)(1), OGC, and CIO-T to ensure sufficiency and uniformity.

- b. Maintain auditable information about access requests for domestic imagery on NGA information systems. Data stewards are not required to tag or otherwise associate stored domestic imagery with a PUM number.

Enclosure 5, Paragraph 4 states:

Data stewards are responsible for maintaining auditable information about access requests for domestic imagery on their information systems. At a minimum, this information must identify the individual requesting access, the time and date of that access, and the underlying mission requirement. Data stewards of systems with stored domestic imagery may meet this requirement by utilizing an automated system that records a user's response to queries about their request.

Enclosure 5, Paragraph 5 states:

Data stewards are not required to tag or otherwise associate stored domestic imagery with a PUM number. Access to stored domestic imagery obtained under the authority of a PUM is determined by the requesting office's mission requirement for that imagery at the time of the access request and not the terms of the original PUM. Personnel requesting access to stored domestic imagery for an IF/CI purpose must be covered by a current PUM.

3. (U) We are providing this information for your review and action. We request that you inform the OIG of action taken within 60 days of receiving this package. An N-CERTS tasker has been opened to track the suspense.

4. (U//FOUO) If you have any questions about this memorandum, please contact (b) (3)10USC§424, (b)(6) (b)(7)(C)

[REDACTED]
[REDACTED]@coe.ic.gov, or (b) (3)10USC§424, (b)(6) (b)(7)(C) [REDACTED]
[REDACTED]@coe.ic.gov. Thank you for your attention to this matter.

(b) (3)10USC§424, (b)(6) (b)(7)(C)

Inspector General

cc:
Associate Director for Capabilities

REPORT of PRELIMINARY INQUIRY

(U) OIG CASE NUMBER: 19-119

(U) TITLE: Inappropriate Government/Contractor Relationship

(U) SUBJECTS

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C)

[REDACTED] Source Operations and Management Directorate (S), NGA, Springfield, Virginia (VA)¹

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C)

[REDACTED], S, NGA, Springfield

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C)

[REDACTED], S, NGA, Springfield

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C)

[REDACTED], S, NGA, Springfield

(U) ALLEGATIONS:

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C)

[REDACTED], each maintained an inappropriate relationship with employees of the service/contract provider DigitalGlobe (DG).

(U) BACKGROUND

(U//FOUO) On 20 May 19, a confidential source (CS) alleged that the G-EGD PMO maintains an inappropriate relationship with employees of the service/contract provider, DigitalGlobe (DG). DG is the prime for contract #HM021013CN002, EnhancedView Service Level Agreement (SLA). CS alleged that members of [REDACTED] (b) (3)10USC§424, (b)(6) (b)(7)(C) have traveled with DG contractors marketing their capability. [REDACTED] (b) (3)10USC§424, (b)(6) (b)(7)(C) members have also engaged in dinners and “happy hours” with those representatives. CS said another concern is DG seemed aware of renegotiating positions related to the potential of a “decision to expand the EnhancedView contract for (b) (3)10USC§424, (b)(6) (b)(7)(C)” and the potential for including the funding request in the presidential budget request.

1. At the time of the complaint (b) (3)10USC§424, (b)(6) (b)(7)(C) According to PeopleSoft records [REDACTED] (b) (3)10USC§424, (b)(6) (b)(7)(C) was promoted to Defense Intelligence Senior Level on 1 March 2020.

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(U) APPLICABLE STATUTORY AND REGULATORY STANDARDS

- (U) Title 5 Code of Federal Regulations (CFR) § 2635.101(a), Basic obligation of public service
- (U) 18 United States Code (USC) § 208, (a), Acts Affecting a Personal Financial Interest
- (U) 5 CFR § 2635.702 Subpart G, Misuse of Position
- (U) NGA Instruction 1000.7 R1, Personal Relationships in the Workplace
- (U) Department of Defense (DoD) Directive 5500.07, Standards of Conduct, paragraph 4.3
- (U) FAR 3.101-1, Standards of Conduct

(U) FACTS

(U) Investigative Methods

(U//FOUO) During the investigation, OIG Special Agents assessed whether [REDACTED] have or had an inappropriate relationship with employees of the service/contract provider DigitalGlobe.

(U) Review of Emails

(U//FOUO) We reviewed emails for the period of 1 January 2017 to 11 December 2019 of the following individuals:

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

(U//FOUO) We reviewed emails and other pertinent information, which did not provide any information suggesting that [REDACTED] have an inappropriate relationship with employees of the service/contract provider Digital Globe.

(U) Review of Documents

(U) DigitalGlobe Offer

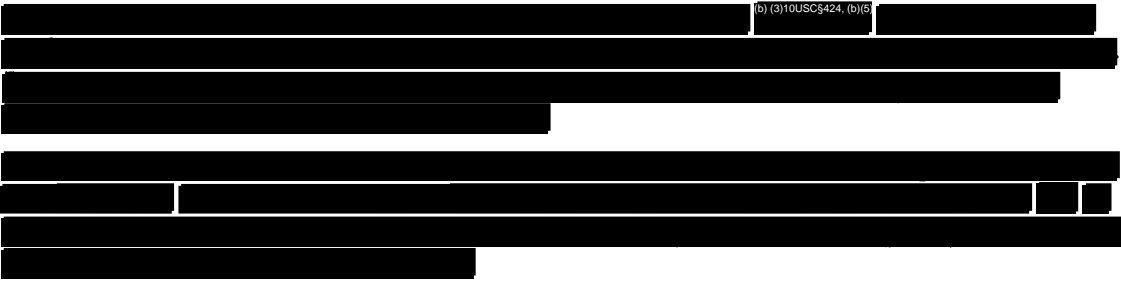
(U//FOUO) We reviewed the DG offer provided by the CS, dated sometime in 2019 that listed the following under Conditions (applied to all options):

- NGA written commitment to budget/POM for more than (b) (3)10USC§42 G-EGD program by name in presidential budget submission for FY 21, 22, and 23.

(U) Global Enhanced GEOINT Delivery: Enhanced G-EGD Price Estimate

(U//FOUO) We reviewed the Global Enhanced GEOINT Delivery: Enhanced G-EGD Price Estimate that was submitted to NGA by DigitalGlobe, Inc., on 30 August 2018. The price estimate adds access to the DG commercially-available WorldView-4 archive through the G-EGD platform. NGA was provided a cost estimate of (b) (3)10USC§424, (b)(5) for all the features available in the program as shown below:

(U//FOUO) Figure 1: Pricing (Page 5 of the Price Estimate)



The table content is almost entirely redacted with black bars. A small redaction code (b) (3)10USC§424, (b)(5) is visible in the upper right portion of the table area.

		(b) (3)10USC§424, (b)(5)
[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]

Table 2. Total G-EGD Price

(Figure is UNCLASSIFIED)

(U//FOUO) Figure 2: Additional Assumptions and Conditions (Page 5 of the Price Estimate)



(Figure is UNCLASSIFIED)

(U)Testimony

(U//FOUO) CS testified:

(U//FOUO) In the original complaint made by CS, CS said that (b) (3)10USC§424, (b) was particularly involved in operation involving DG and had previously directed that he was the only one allowed to “Direct DigitalGlobe,” which was out of scope with DoD contracting procedures. (b) (3)10USC§424, (b) was previously the program manager (PM) for the DG contract vehicle. In the telephone interview, the CS stated:

I don't know if I said that exactly. So (b) (3)10USC§424, (b) was a previous program manager for the activity, the enhanced view contract with DigitalGlobe. At the time when we were having some issues with DigitalGlobe, specifically, the issues were being able to provide our contracting suppliers access to the G-EGD holding.

(b) (3)10USC§424, (b) who is not the program manager, apparently was the only one that could direct DigitalGlobe to give our suppliers access to their holding. The program manager at the time, (b) (3)10USC§424, (b)(6) (b)(7)(C), apparently could not direct them to do anything. And I don't understand why, but (b) (3)10USC§424, (b) who had no contractual authority, was the one who would provide direction to DigitalGlobe.

(U//FOUO) We asked the CS if the relationship between (b) (3)10USC§424, (b) and the DG contractors was the result of a personal versus professional relationship. The CS stated:

I don't know the background behind it. My pure speculation was that he had the business relationship with them for a number of years, and just from years of experience with them, they relied on (b) (3)10USC§424, (b)(6) (b)(7)(C) to provide advice and guidance.

(U//FOUO) CS originally stated that members of (b) (3)10USC§424 have traveled with representatives of DG marketing their capability and engaged in dinners and “happy hours” with those representatives. In the telephone interview he clarified that the

information was hearsay and was told to him by (b) (3)10USC§424, (b)(6) (b)(7)(C) [REDACTED], NGA, which the members were at ADF-Colorado for a valid program management review then after work members of (b) (3)10USC§424 [REDACTED] went to happy hour with DG contractors. CS was unable to confirm exactly which members and whether the happy hour was paid for by DG contractors.

(U//FOUO) The CS confirmed the information he provided in his original complaint that DG seemed aware of renegotiating positions related to the potential decision to expand the contract for (b) (3)10USC§424, (b)(5) and included it in the presidential budget request. The CS stated:

I could speculate it happened one of two ways. Either somebody gave it to them or, through their lobbying with congressional staffers, one of the staffers shared with what they were going to put in the language. And, again, it wouldn't surprise me if it went either way.

I would hope that the government wouldn't give that to a contractor. But I do know they have some pretty powerful lobbyists. So it wouldn't surprise me if -- a whole lot if they had some insight. It was just ironic that their proposal came forward with those numbers in it. And you know, I gave a copy of that to the individuals I met out here. And it stunned a lot of us that they had that information.

(U//FOUO) The CS said that the contract in question was sole-sourced. According to the CS there are no competitors due to the type of imagery that DG is able to provide. The CS stated, "Maybe it's acquisition-sensitive versus source-selection sensitive".

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) [REDACTED]

[REDACTED], S, NGA, testified:

(U//FOUO) He agreed with the CS in that members of (b) (3)10USC§424 have an inappropriate relationship with employees of DigitalGlobe. He stated:

Not that I have witnessed anything, but I've been aware of a situation where, you know, that [they] would have sidebars and often times, they would -- you know, it would be just that one on one relationship to have the talk. My concern in respect with that is, and I have let the CO (b) (3)10USC§424, (b)(6) (b)(7)(C) know that, "Hey, you know, you can't have those type of conversations unless the CO or the COR is involved. You just can't. You know, someone has to be present."²

And I will -- I was always trained that way as a COR, if you're having conversations in relationship to the contract, someone from contracting needs to be involved so that inappropriate discussions don't happen where you can kind of intercede and say, "Hey, stop. Probably we don't want to talk about that in that terms and stuff,"

2. (b) (3)10USC§424, (b)(6) (b)(7)(C) [REDACTED]

[REDACTED] Contract Services (OCS), NGA.

(U//FOUO) We asked (b) (3)10USC§424, (b)(6) (b)(7) about his knowledge of NGA employees attending happy hours with DG contractors and the contractors paying the bill. He said that he did not know of any time that DG contractors paid for NGA employees when going out together for happy hour. He said that they had visited ADF-Colorado a few weeks ago and received approval from the contracting officer to have dinner with the DG contractors. (b) (3)10USC§424, (b)(6) (b)(7) said that the NGA employees paid their own bill.

(U//FOUO) We asked (b) (3)10USC§424, (b)(6) (b)(7) about his knowledge of DG knowing that the new contract had a (b) (3)10USC§424, (b)(5) for renegotiations. He said that during negotiations (b)(6) (b)(7)(C) would not lower the cost of the contract and made a comment that he knew NGA had (b) (3)10USC§424, (b)(5).³

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7) said that the Director of Source would only approve the contract at (b) (3)10USC§424, (b)(5). (b) (3)10USC§424, (b)(6) (b)(7) said he believes she was upset that DG knew the NGA budget for the new contract.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) testified:

(U//FOUO) When he started working at NGA he was the (b) (3)10USC§424, (b)(6) (b)(7)(C) and in 2013 he became the program manager (PM) of the DigitalGlobe contract. In 2018, he left the PM position and became the Deputy of the (b) (3)10USC§424, (b)(6) (b)(7)(C). In this role he was administering oversight of (b) (3)10USC§424, (b)(6) (b)(7)(C) and the PM's of the DG contract.

(U//FOUO) We asked (b) (3)10USC§424, (b)(6) (b)(7)(C) maintains an inappropriate relationship with employees of the service contract provider DG. He responded, "No, I don't."

(U//FOUO) We asked (b) (3)10USC§424, (b)(6) (b)(7)(C) to explain his response further. He stated:

We have a contractor or a government and contractor relationship. So we have very good set of contracting officers that oversaw the execution of the contract. I was a program Level DAWIA, a program management Level 3, certified. We knew what the rules were as far as what we could share with, with the vendor prior to a contract being executed with that vendor, and then kind of what the, what the rules were after the contract was already signed and you got into execution mode.

So everyone, I think, was, was well-trained and, and knowledgeable of what the, the do's and don'ts were. So, without knowing the specifics, it's -- kind of hard to say, you know, exactly what. But I certainly emphasized to my team to maintain that, that line between what the government responsibilities were and what the, what the vendor responsibilities were.

3. (b)(6) (b)(7)(C), Senior Vice-President, US Government Contracts, DigitalGlobe.

(U//FOUO) We asked (b) (3)10USC§424, (b) if he knew of any reason someone would make the allegation. He stated:

I think there was some speculation that we had been telling DG, as we were going through the negotiations, what, what the amount of money was that we could afford. We had kind of restructured the contract, so we didn't have a good feel for what the final price would be. And so there was some speculation that we had been telling DigitalGlobe, "all right, here's how much money we have in NGA availability, so this is what your bid should come in." There was speculation about that.

We knew the price that DG was going to be coming in with because DG had given us a white paper describing what capabilities they were going to provide and what price they were going to bid on, or what price they were going to put forward to the government. So it wasn't a secret as to what their plans were.

But, for some reason, that was taken as kind of a, a reverse role that we were dictating "well, that's exactly how much we have." Well, no, it wasn't. It was, it was the price that they were proposing to the government.

(U//FOUO) (b) (3)10USC§424, (b) said that the price estimate that DG provided in August 2018 was what his office used to provide Source the budget requirements for the expanded EnhancedView contract and not the other way around.

(U//FOUO) We asked (b) (3)10USC§424, (b) who is point of contact was at DG. He said that (b)(6) (b)(7)(C) has always been the person he was worked with at DG. We asked (b) (3)10USC§424, (b) where he would meet (b)(6) (b)(7)(C). He stated:

It varied. Sometimes here. We would do our, our monthly PMRs on a rotating basis. So, every other month, we would travel to their facility in, in Longmont, Colorado. On the alternating months, they would travel here. Sometimes we would meet at other locations if we had business at NRO or, or wherever the case may be.

(U//FOUO) We asked (b) (3)10USC§424, (b) if he ever had meetings with (b)(6) (b)(7)(C) behind closed doors. He stated, "Yes, yes. On a regular basis." We asked (b) (3)10USC§424, (b) what they discussed. He stated:

Just the dynamics of how we were executing the contract. The how they were executing and whether that was in line with our thinking from a, from a security standpoint. From a capacity standpoint, are we getting the, the production. So it was a firm-fixed price contract, right? So there was no -- really no turning of the knobs. Once you signed the contract, which was signed back in 2010, there was really no, no money that would change hands based on -- you know, there was no incentives. There was nothing like that.

So, at that point, it was just a matter of DigitalGlobe was always willing to kind of lean forward and say, we're still within the scope of the contract. If you would like to -- you know, if the scope is this, if you would like to focus us on this or if you want to focus down here, we're more than willing to make those changes. I always thought that was a great characteristic of the company, that they were willing to, to provide that flexibility to

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the government -- based on our changing needs. But, as a whole, their personnel have a lot of military experience, so they really appreciate the military support that we were leveraging the contract for.

And they knew what we -- most of our, our utilization of the imagery that we got for them was for our military customer. So they always were willing to do that. But that was really the context in which we were operating, of "here's the scope. How can we adjust within the scope in order to better meet our customer needs?"

(U//FOUO) We asked (b) (3)10USC§424, (b) if he met with (b)(6) (b)(7)(C) outside of NGA. He said he has on occasion met with (b)(6) (b)(7)(C) for a drink after work. We asked (b) (3)10USC§424, (b) if he shared government sensitive information with (b)(6) (b)(7)(C). He stated, "Absolutely not."

(U//FOUO) We asked (b) (3)10USC§424, (b) if members of (b) (3)10USC§424, (b) have traveled with representatives of DG marketing their capability to include attending dinners and/or happy hours with those representatives. (b) (3)10USC§424, (b) said that during visits DG will host a dinner night for the NGA team that travels to Colorado and vice versa. We asked (b) (3)10USC§424, (b) who pays for those dinners and he stated, "We each pay for our own."

(U//FOUO) (b) (3)10USC§424, (b) said that outreach is a deliverable on the DG contract. (b) (3)10USC§424, (b) said to follow the contract requirements the government team markets DG's capabilities to as many government agencies as possible. (b) (3)10USC§424, (b) stated:

So we're on contract already, and it's free to the U.S. government as a whole. So we wanted to market this to as many U.S. government agencies as possible, so we made that a deliverable of the contract. On a number of occasions, we have accompanied them to ensure that the recipients of the message, the other government agencies, were getting not only the vendor version but the government version of what was available to them.

We wanted to emphasize that "this is no cost to you. This is the capability we've already paid for. All you need is an account and you get access to millions of square kilometers of imagery that might be able to benefit your mission".

I (b) (3)10USC§424, (b) took a trip to, to Europe with them [DG]. We were hitting a lot of significant COCOM areas at the time. We've had people travel to the Pacific with them. We've had them travel all around the U.S. Here, locally, hitting a lot of the civil agencies down to the COCOMs, SOUTH COM, SOCOM, CENTCOM, you know, just about anywhere where there's some significant specifically war fighter presence.

(U//FOUO) We asked (b) (3)10USC§424, (b) if (b) (3)10USC§424, (b)(6) (b)(7)(C) of the G-EGD PMO maintains an inappropriate relationship with employees of the service/contract provider DG. (b) (3)10USC§424, (b) stated, "Not at all."

(U) CONCLUSION

(U//FOUO) Based on (b) (3)10USC§424, (b)(6) (b) testimony and information available to the NGA OIG, there is insufficient evidence to support that (b) (3)10USC§424, (b) has an inappropriate relationship with employees of the service/contract provider DG.

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- (U//FOUO) We found that “Outreach” is a deliverable on the DG contract and a part of that is for the government team to market DG’s capabilities to as many government agencies as possible.
- (U//FOUO) We found that DG provided NGA with their price estimate of (b) (3)10USC§424, (b)(5) in August 2018, and this is how (b) (3)10USC§424 developed their (b) (3)10USC§424 cost estimate that was submitted as part of the Presidential Budget.

(U//FOUO) We did not interview (b) (3)10USC§424, (b)(6) (b)(7)(C) due to insufficient evidence to support that they have an inappropriate relationship with employees of the service/contract provider DG.

(U) RECOMMENDATION

(U) Close this case without further investigation.

APPROVAL SHEET for PRELIMINARY INQUIRY

OIG CASE NUMBER 19-119

Investigator Approval:

SIGNATURE: (b) (3)10USC§424, (b)(6) (b)(7)(C) DATE: 3/22/20
Special Agent

DAIGI Approval:

SIGNATURE: (b) (3)10USC§424, (b)(6) (b)(7)(C) DATE: 4/27/20
Deputy AIGI

OIGC COORDINATION:

SIGNATURE: REVIEWED 4/28/20 DATE: _____
(b) (3)10USC§424, (b)(6) (b)(7)(C) Counsel to the IG SEE SUGGESTED REVISIONS
+ COMMENTS ATTACHED (b) (3)10USC§424, (b)(6) (b)(7)(C) 5/4/20

AIGI APPROVAL:

SIGNATURE: (b) (3)10USC§424, (b)(6) (b)(7)(C) DATE: 5/1/20
Assistant IG for Investigations

9 March 2020

MEMORANDUM FOR RECORD

SUBJECT: OIG Case: 19-131, Case Closure, Procurement Integrity.

1. (U//FOUO) On 27 June 2019, The NGA Office of Inspector General (OIG) received a walk-in complaint from an NGA employee who requested that his identity be kept confidential and who will be identified hereafter as a CS.¹ The CS alleged concerns regarding contractor access to Organizational Conflict of Interest (OCI) data and making Inherently Governmental Decisions. Specifically that (b) (3)10USC§424, (b)(6) (b)(7)(C) misused his position by allowing (b)(6) (b)(7)(C), Contractor, SEIN contract # HM028514CN001 to make inherently governmental decisions at meetings with NRO representatives and allowing unauthorized contractor personnel to have access to OCI data in the form of budget and program files that were located in an A Directorate shared folder.^{2 3}

2. (U//FOUO) On 24, 29 July and 27 August 2019, we requested to interview the CS and each time he accepted and then declined due to more important engagements. Due the CS's inability to meet with OIG Special Agents, we sent him questions to clarify his concerns. The CS provided the following:

- (U) We asked what concerns he had with (b) (3)10USC§424, (b)(6) (b)(7)(C). He responded:

(U//FOUO) "He (b) (3)10USC§424, (b)(6) (b)(7)(C) sides with the contractors at all time. He allows contractors to make decisions for the government and supports the contractors over the government. When we [CS and unknown others] asked to have an acquisition NDA [non-disclosure agreement] signed by each System Integrator working on our programs, (b) (3)10USC§424, (b)(6) (b)(7)(C) indicated that the current NDA is all they contractors need."

- (U) We asked what concerns he had with (b)(6) (b)(7)(C). He responded:

(U//FOUO) "We [CS and unknown others] were told that (b)(6) (b)(7)(C) told NRO in a meeting that he was the architect for the PHX [Phoenix] program and that he made the decisions. This is direct contradiction to what his role was supposed to be as only the representative for ISM [Integrated Source Management]."

¹ Confidential Source is (b) (3)10USC§424, (b)(6) (b)(7)(C), (b) (7)(D)

² (b) (3)10USC§424, (b)(6) (b)(7)(C)

A, NGA.

³ (b) (3)10USC§424, (b)(6) (b)(7)(C)

NGA.

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- (U) We asked what concerns he had with OCI information. He responded:

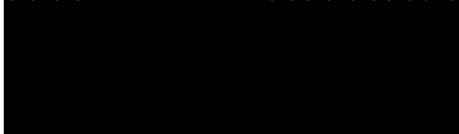
(U//FOUO) Unauthorized contractor personnel may have access to a folder that housed budget and program files.

3. (U//FOUO) Due to the complainant failing to meet with Special Agents, we relied on the responses he provided to our questions to conduct a preliminary investigation. We reviewed the emails of (b) (3)10USC§424, (b)(6) (b)(7)(C) and (b)(6) (b)(7)(C) and found no evidence to support the allegations.

(U//FOUO) Concerning the folder that housed budget and program files, the CS acknowledged that A Directorate government personnel moved the data to a Safehouse folder with limited access.

5. (U) Recommend that no further investigative work be conducted on this case and that this matter be closed.

(b) (3)10USC§424, (b)(6) (b)(7)(C)



Special Agent

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APPROVAL SHEET for MFR

OIG CASE NUMBER 19-131

D/AIGI Coordination:

Concur / Non-Concur

SIGNATURE: **(b) (3)10USC§424, (b)(6) (b)(7)(C)**

Deputy Assistant IG for Investigations

DATE: 4/27/20

OIGC Coordination:

Concur / Non-Concur

SIGNATURE: SEE ATTACHED EMAIL.
(b) (3)10USC§424, (b)(6) (b)(7)(C)
Counsel to the IG

*SUGGESTED CHANGES
NOT NECESSARY.*

DATE: _____

(b) (3)10USC§424, (b)(6) (b)(7)(C)
5/4/20

AIGI Approval

Approve / Disapprove

SIGNATURE: **(b) (3)10USC§424, (b)(6) (b)(7)(C)**

Assistant IG for Investigations

DATE: 5/1/20

REPORT OF PRELIMINARY INQUIRY

(U) **OIG CASE NUMBER:** 19-137

(U//FOUO) **SUBJECT:** (b)(6) (b)(7)(C)
Buckley Air Force Base, Colorado

(U) **ALLEGATION:** Conflict of Interest

(U) BACKGROUND

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C)
, Security and Installations Directorate (SI), NGA, Buckley Air Force Base, Colorado, made a complaint to NGA OIG alleging that (b)(6) (b)(7)(C) owned the company PricewaterhouseCoopers and that (b)(6) (b)(7)(C) had previously worked for NGA as a full-time Federal employee. (b)(3)10USC§424, (b)(6) (b)(7)(C) stated that after separating from NGA, (b)(6) (b)(7)(C) came back to NGA a week later as a contractor with his own contracting company. (b)(3)10USC§424, (b)(6) (b)(7)(C) believed there was possibly a conflict of interest.

(U) SCOPE

(U) OIG investigators conducted this investigation in accordance with the standards set forth in NGA Directive 7410, Inspector General Operations, 2 June 2014, and the Quality Standards for Investigations, 15 November 2011, set forth by the Council of the Inspectors General on Integrity and Efficiency. The investigators reviewed documents and obtained witness testimony.

(U) APPLICABLE STATUTORY AND REGULATORY STANDARDS

- (U) Title 18 U.S. Code (USC) § 208, Acts affecting a personal financial interest
- (U) Title 18 U.S. Code (USC) § 207, Restrictions on former officers, employees, and elected officials of the executive and legislative branches

(U) FACTS

(U) Records Reviewed

- (U//FOUO) Review of the DD Form 2945, Post-Government Employment Advice Opinion Request, and the NGA Office of General Counsel's response letter, 22 February 2016, showed that NGA OGC determined that (b)(6) (b)(7)(C) was not

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subject to any restrictions under the Procurement Integrity Act, had no life-time prohibition due to being personally or substantially involved with specific parties, did not have a two-year prohibition based on official responsibility, and was not covered by the one-year prohibition for senior employees.

- (U//FOUO) Review of NGA PeopleSoft records showed that (b)(6) (b)(7)(C) was hired as a full-time NGA employee 1 October 2006. He separated from NGA on 7 July 2017. (b)(6) (b)(7)(C) was a contractor working at NGA for PricewaterhouseCoopers (now Guidehouse) from 17 July 2017 until the present.
- (U//FOUO) (b)(6) (b)(7)(C) does not own Guidehouse. The public sector business of PricewaterhouseCoopers was acquired by a private equity firm and that sector was renamed Guidehouse.

(U) Testimony

U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C)

, NGA, Arnold, Missouri, testified via email:

- The public sector business of PricewaterhouseCoopers is now Guidehouse.
- (b)(6) (b)(7)(C) started with PricewaterhouseCoopers public sector (now Guidehouse) on 10 July 2017 on contract HM047615A0006 that expired on July 30, 2018 supporting many offices in Denver and NCE. (b)(6) (b)(7)(C) current contract he is on started 31 July 2018 to 30 July 2021. Each task order had its own Period of Performance (PoP).

Task Order 1 PoP 7/31/18-7/30/19

Task Order 15 PoP 7/31/19-7/30/21

Task Order 19 PoP 7/30/19-7/29/20

- (b)(6) (b)(7)(C) consulting support covered many different things in strategy development, strategy implementation, change management, governance, and functional management.

(U) CONCLUSION

(U//FOUO) OIG investigators did not find any evidence to support the allegation that (b)(6) (b)(7)(C) had a conflict of interest when seeking employment outside of NGA.

(U) RECOMMENDATION

(U) Close this case without further investigation.

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**NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY
OFFICE OF INSPECTOR GENERAL**

REPORT OF PRELIMINARY INQUIRY

(U) **OIG CASE NUMBER:** 19-148

(U) **TITLE:** Violation of Uniformed Services Employment and Reemployment Rights Act (USERRA)

(U) **SUBJECT**

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C)

[REDACTED] Analysis Directorate (A), NGA,
St. Louis, Missouri

(U) **ALLEGATION**

(U) Violation of USERRA by NGA employee(s)

(U) **BACKGROUND**

(U) The NGA Office of Inspector General (OIG) received a complaint from [REDACTED], A, NGA, St Louis, Missouri, in which he believed his supervisor, [REDACTED], is "abusing her position and comments she has made are in direct violation of USERRA." He stated that in regards to potential USERRA violations, [REDACTED] made a comment when informing him that he would not be recommended for promotion that implied a contributing factor for [REDACTED] was [REDACTED] "had placed his civilian career on the back burner in relation to his military career." [REDACTED] related that this comment occurred during a discussion pertaining to his opting to decline military orders to "focus on his civilian obligations and promotion package." The comment and discussion were witnessed by only him and [REDACTED]. [REDACTED] further stated that he believed the ultimate goal of the [REDACTED] leadership is to downgrade the billet he currently occupies from a developmental [REDACTED]. He identified that he was told "that regardless of his performance, they were not going to recommend [REDACTED] (for promotion) in an effort to make that happen."

(U) **APPLICABLE STATUTORY AND REGULATORY STANDARDS:**

- (U) **Title 38, US Code, Chapter 43 – Employment and Reemployment Right of Member of the Uniformed Services, Subchapter II – Employment and Reemployment Rights and Limitations; Prohibitions, § 4311.**

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Discrimination against persons who serve in the uniformed services and acts of reprisal prohibited.

- (U) **20 CFR § 1002.22, Who has the burden of proving discrimination or retaliation in violation of USERRA?**
 - The individual (employee) has the burden of proving that a status or activity protected by USERRA was one of the reasons that the employer took action against him or her, in order to establish that the action was discrimination or retaliation in violation of USERRA. If the individual succeeds in proving that the status or activity protected by USERRA was one of the reasons the employer took action against him or her, the employer has the burden to prove the affirmative defense that it would have taken the action anyway.”

- (U) **NGA Manual 1406.1, NGA Instruction for Uniformed Services Employment and Reemployment Rights Act.**
 - To recognize that many NGA employees serve in the United States military and that USERRA protects NGA employees from being penalized for performing military duty or subjected to retaliation for asserting their rights under USERRA. This protection extends to witnesses who assist or testify in an investigation involving USERRA.
 - That unless precluded by military necessity, NGA employees who are activated for military duty are required to provide supervisors advance notice, orally or in writing. Failure to provide notice could result in a denial of the protection of USERRA.

(U) **FACTS**

(U) **Investigative Methods**

(U) OIG Special Agents reviewed relevant records and obtained pertinent testimony.

(U) **Records Reviewed:**

(U) **Various Documents as Submitted by** (b) (3)10USC§424, (b)(6) (b)(7)(C)

(U) OIG Special Agents reviewed various documents submitted by (b) (3)10 [redacted] for consideration in this matter to include: 1.) a self-prepared timeline; 2) various email communications; and 3.) Joint Duty Rotation Endorsement Form.

(U) (b) (3)10USC§424, (b)(6) (b)(7)(C) **NGA Classified Common Operating Environment (COE) Computer Network Account**

(U//FOUO) OIG certified forensic examiners reviewed (b) (3)10USC§424, (b)(6) (b)(7)(C) COE computer network account for records and/or communication relevant to this matter.

(U//FOUO) OIG certified forensic examiners did not locate any information to support the allegation that (b) (3)10USC§424, (b)(6) (b)(7)(C) violated USERRA, that (b) (3)10USC§424, (b)(6) (b)(7)(C) military service was a determining factor in his overall performance or non-promotion recommendation, or that an effort to down grade his duty position regardless of performance was underway or being considered.

(U) (b) (3)10USC§424, (b)(6) (b)(7)(C) **2019 Promotion Recommendation Form, First Line Supervisor Narrative**

(U//FOUO) Review of (b) (3)10USC§424, (b)(6) (b)(7)(C) Promotion Recommendation Form, First Line Supervisor narrative as authored by (b) (3)10USC§424, (b)(6) (b)(7)(C) identified the following statement: (b) (3)10USC§424, (b)(6) (b)(7)(C)

[REDACTED]

(b) (3)10USC§424, (b)(6) (b)(7)(C)
[Redacted]

(U) (b) (3)10USC§424, (b)(6) (b)(7)(C) **2019 Promotion Recommendation Form, Second Line Supervisor Narrative**

(U//FOUO) Review of (b) (3)10USC§424, (b)(6) (b)(7)(C) Promotion Recommendation Form, Second Line Supervisor narrative as authored by (b) (3)10USC§424, (b)(6) (b)(7)(C) [Redacted] A, NGA, St Louis, Missouri, identified the following statement: (b) (3)10USC§424, (b)(6) (b)(7)(C) [Redacted]

[Redacted]

(U) **Coordination, (b) (3)10USC§424, (b)(6) (b)(7)(C), Defense Civilian Personnel System (DCIPS) Final Performance Evaluation Score**

(U) OIG Special Agents coordinated with (b) (3)10USC§424, (b)(6) (b)(7)(C) to identify his most recent DCIPS Final Performance Evaluation Score. He related that his "most recent DCIPS appraisal that came out earlier this month (November 2019) placed me in the (b)(6) (b)(7)(C) [Redacted]. This was the first DCIPS

score that I have received from this branch and my previous two were a (b)(6) (b)(7)(C) so it is relatively consistent with an upward progression.”

(U) Testimony:

(U) (b) (3)10USC§424, (b)(6) (b)(7)(C) testified:

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) identified that when (b) (3)10USC§424, (b)(6) (b)(7)(C) was selected for the (b) (3)10USC§424, (b)(6) (b)(7)(C) he was counseled that there was no guarantee of promotion to accompany the position.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) stated that during his tenure in the (b) (3)10USC§424, (b)(6) (b)(7)(C) position, the Team Lead for the accreditation team of which he was assigned “expressed challenges with (b) (3)10USC§424, (b)(6) (b)(7)(C) picking up the job,” specifically the audit portion of the compliance inspection. She described his shortfall in this aspect as “(b) (3)10USC§424, (b)(6) (b)(7)(C)

[REDACTED]

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) related that she believed contributing factors to Mr. Jackson’s (b) (3)10USC§424, (b)(6) (b)(7)(C)

[REDACTED]

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) identified that military obligations were not a factor in his overall performance and promotion considerations, rather that it (b) (3)10USC§424, (b)(6) (b)(7)(C) (b) (3)10USC§424, (b)(6) (b)(7)(C) did not recall (b) (3)10USC§424, (b)(6) (b)(7)(C) missing a large volume, “if any,” time away from his (b)(6) (b)(7)(C) position due to

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military obligations. She stated that she had never denied any requests by (b) (3)10USC§424, (b)(6) (b)(7)(C) to participate in military obligations.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) related no effort to restrict (b) (3)10USC§424, (b)(6) (b)(7)(C) promotion opportunity in order to downgrade the (b)(6) (b)(7)(C) duty position. Rather, she related that the duty position is now a (b)(6) (b)(7)(C) duty position.

(U//FOUO) When asked to compare (b) (3)10USC§424, (b)(6) (b)(7)(C) performance against other members of his team, (b) (3)10USC§424, (b)(6) (b)(7)(C) identified that at the time (b) (3)10USC§424, (b)(6) (b)(7)(C)

[REDACTED]

[REDACTED], A, NGA, St Louis, Missouri, agreed with her performance and promotion assessment(s).

(U) (b) (3)10USC§424, (b)(6) (b)(7)(C) testified:

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) stated that (b) (3)10USC§424, (b)(6) (b)(7)(C) joined (b) (3)10USC§424 (b)(6) (b)(7)(C) position. He opined that some personnel believed that if you were placed in a developmental position that you were almost guaranteed promotion, which is “most certainly not the case.”

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) stated that in terms of performance, (b) (3)10USC§424, (b)(6) (b)(7)(C) [REDACTED]” He identified one instance in which (b) (3)10USC§424, (b)(6) (b)(7)(C) [REDACTED]

(b) (3)10USC§424, (b)(6) (b)(7)(C) considers himself very forgiving but stated that “his boss and (b) (3)10USC§424, (b)(6) (b)(7)(C) [REDACTED] He stated that comparatively speaking, (b) (3)10USC§424, (b)(6) (b)(7)(C) [REDACTED]

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) stated that based on performance issues noted, both he and (b) (3)10USC§424, (b)(6) (b)(7)(C) made the decision to (b) (3)10USC§424, (b)(6) (b)(7)(C) [REDACTED] for promotion. He specifically noted that (b) (3)10USC§424, (b)(6) (b)(7)(C) Individual Talent Profile (ITP) was “very thin.” (b) (3)10USC§424, (b)(6) (b)(7)(C) stated that (b) (3)10USC§424, (b)(6) (b)(7)(C) did (b) (3)10USC§424, (b)(6) (b)(7)(C) [REDACTED]

He stated that (b) (3)10USC§424, (b)(6) (b)(7)(C) was rated at this level not only in his current position

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but historically at previous positions as well. (b) (3)10USC§424, (b)(6) (b)(7)(C) identified that comparatively speaking, other personnel in the Division doing similar work operated at a (b)(6) (b)(7)(C)

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) stated that military obligations played no role in the performance evaluation or promotion recommendation for (b) (3)10USC§424, (b)(6) (b)(7)(C). He identified that both were strictly job performance based and he was unaware of any personal circumstances that would have impacted (b) (3)10USC§424, (b)(6) (b)(7)(C) performance and related "frankly I cannot consider those circumstances too much but only evaluate him on how he is doing in his job."

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) was unaware of any effort to restrict or deny (b) (3)10USC§424, (b)(6) (b)(7)(C) military obligations, stating "no way, we are not dumb enough" to take such action. He identified that both he and (b) (3)10USC§424, (b)(6) (b)(7)(C) are retired US Service Members and "would never tell a Reservist you need to choose between this job and your reserve responsibility."

(U) (b) (3)10USC§424, (b)(6) (b)(7)(C) testified:

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) stated that military obligations played no role in the determination of (b) (3)10USC§424, (b)(6) (b)(7)(C) performance or promotion evaluations. He stated that (b) (3)10USC§424, (b)(6) (b)(7)(C) is a "tough supervisor that has high standards" but is fair and balanced in her evaluations. (b) (3)10USC§424, (b)(6) (b)(7)(C) stated that she is well aware of military obligations and their legal requirements. He identified that there has been no effort to restrict or deny any military obligations for any member of (b) (3)10USC§424, (b)(6) (b)(7)(C)

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) stated that he has personally had performance feedback sessions with (b) (3)10USC§424, (b)(6) (b)(7)(C) and highlighted his performance shortfalls. (b) (3)10USC§424, (b)(6) (b)(7)(C)

(b) (3)10USC§424, (b)(6) (b)(7)(C) cited a specific incident in which (b) (3)10USC§424, (b)(6) (b)(7)(C)

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) opined that there was some assumption that "if you were in a developmental billet that you were set for promotion" and that is not the case. He identified that there was some organizational restructuring in (b) (3)10USC§424, (b)(6) (b)(7)(C) that took place shortly after he arrived in the summer 2018 but that any effort to move personnel or position billets was completely independent of incumbent personnel and solely focused on manpower right sizing.

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(U) CONCLUSION

(U//FOUO) OIG Special Agents did not identify or obtain information to support the allegation that USERRA violations occurred. Further we found that by preponderance of the evidence that his military service was not a determining factor in his performance evaluation or non-promotion recommendation.

(U//FOUO) OIG Special Agents also did not identify or obtain information to support the allegation that (b) (3)10USCS424, (b)(6) (b)(7)(C) performance was being unfairly evaluated based on efforts to downgrade his duty position. Further we found that by preponderance of the evidence that (b) (3)10USCS424, (b)(6) (b)(7)(C) performance was being evaluated consistent with established IC and NGA performance standards and any effort to move personnel or position billets was completely independent of incumbent personnel and solely focused on manpower right sizing.

(U) RECOMMENDATION

(U) Close this case with no further investigation from OIG.

APPROVAL SHEET for PRELIMINARY INQUIRY

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APPROVAL SHEET for PRELIMINARY INQUIRY

OIG CASE NUMBER 19-148

Signature: _____ Date: _____

(b) (3)10USC§424, (b)(6) (b)(7)(C)

Special Agent

Signature: _____ Date: 2/27/2020

(b) (3)10USC§424, (b)(6) (b)(7)(C)

Deputy Assistant IG for Investigations

(b) (3)10USC§424, (b)(6) (b)(7)(C)

Signature: _____ Date: 27 Feb 20

Counsel to the IG

Signature: _____ Date: 2 | 28 | 20

(b) (3)10USC§424, (b)(6) (b)(7)(C)

Assistant IG for Investigations

Close.

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MEMORANDUM FOR RECORD

6 April 2020

SUBJECT: (U) Questionable Intelligence Activity (QIA), Office of Inspector General Case Number 19-158

1. (U//FOUO) On 2 August 2019, the NGA Intelligence Oversight Program Manager referred a complaint to the NGA OIG of a possible QIA involving inappropriate use of polygraph systems to conduct an unauthorized surveillance.

2. (U//FOUO) In the complaint, (b) (3)10USC§424, (b)(6) (b)(7)(C) [redacted] Security and Installations Directorate (SI), NGA, Springfield, Virginia, provided the following to the NGA Office of General Counsel (OGC): "Yesterday I was interviewed by the Insider Threat Office concerning a project I am completing for my doctorate degree. It was obvious to me based on our conversations that I was reported by someone in my office and that the information provided was not 100% factual. It was also obvious the information provided to them was based on a conversation I had with a co-worker in my private office in which the door was closed. Each polygraph suite has a camera and microphone that can be turned on by any other polygraph suite. In order for this information to have been overheard, one of my co-workers would have had to turn my room A/V system on and conduct unauthorized surveillance/monitoring of me. I also believe screen shots of me and my co-worker sitting in my office were taken."

3. (U//FOUO) Investigators obtained a copy of an investigation conducted by the (b) (3)10USC§424 [redacted], Case Number F0004250, into (b) (3)10USC§424, (b)(6) (b)(7)(C) [redacted] possible misuse of NGA equipment and systems (government handheld cassette recorder to conduct non-official interviews and use of government systems to communicate with colleagues regarding said interviews). During the course of its investigation, (b) (3)10USC§424, (b)(6) (b)(7)(C) [redacted] learned that the "co-worker" alleged to have taken the screen-shots was (b) (3)10USC§424, (b)(6) (b)(7)(C) [redacted], SI, NGA, Springfield. (b) (3)10USC§424, (b)(6) (b)(7)(C) [redacted] provided its report to (b) (3)10USC§424, (b)(6) (b)(7)(C) [redacted].

4. (U//FOUO) In her interview with (b) (3)10USC§424, (b)(6) (b)(7)(C) [redacted] stated that, on 15 July 2019, she intended to view a polygraph session from her office that she believed (b) (3)10USC§424, (b)(6) (b)(7)(C) [redacted] was going to conduct. When she logged in, she noticed a tape recorder sitting on (b) (3)10USC§424, (b)(6) (b)(7)(C) [redacted] desk. Based on the conversation that she heard, she realized it was not a polygraph. (b) (3)10USC§424, (b)(6) (b)(7)(C) [redacted] indicated that at that point, she moved the camera to view who was in the room and took a quick screen shot and shut down her system. She reported the information to (b) (3)10USC§424, (b)(6) (b)(7)(C) [redacted], SI, NGA, Springfield, the following day. A day later, (b) (3)10USC§424, (b)(6) (b)(7)(C) [redacted] walked into (b) (3)10USC§424, (b)(6) (b)(7)(C) [redacted] office and observed a tape recorder on (b) (3)10USC§424, (b)(6) (b)(7)(C) [redacted] purse. (b) (3)10USC§424, (b)(6) (b)(7)(C) [redacted] returned to her own office, electronically accessed (b) (3)10USC§424, (b)(6) (b)(7)(C) [redacted] office, took a screen shot of the purse, and provided it to (b) (3)10USC§424, (b)(6) (b)(7)(C) [redacted].

5. (U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) [redacted] consulted with (b) (3)10USC§424, (b)(6) (b)(7)(C) [redacted]

(b) (3)10USC§424, (b)(6) (), OGC, NGA, Springfield, about the information she received from (b) (3)10USC§424, (b)(6) (b)(7)(C), (b) (3)10USC§424, (b)(6) (b)(7)(C) provided the following response on 5 August 2019, via email, SUBJECT: RE: Legal question:¹

(b) (3)10USC§424, (b)(5) (b)(6) (b)(7)(C)

(b) (3)10USC§424, (b)(5) (b)(6) (b)(7)(C)

(b) (3)10USC§424, (b)(5) (b)(6) (b)(7)(C)

(b) (3)10USC§424, (b)(5) (b)(6) (b)(7)(C)

(b) (3)10USC§424, (b)(5) (b)(6) (b)(7)(C)

(b) (3)10USC§424, (b)(5) (b)(6) (b)(7)(C)

¹ (U) Although unmarked, the following may be NGA Office of General Counsel Attorney Client Privileged material.

6. (U//~~FOUO~~) Investigators obtained a copy of (b) (3)10USC§424-SOPv3, Procedures for Conducting NGA Polygraph Examinations, 19 July 2013. Investigators spoke with (b) (3)10USC§424, (b)(6) (b)(7)(C) in February 2020 about the Polygraph SOP and she said it is in the process of being updated, partially because it doesn't specifically preclude the use of polygraph cameras for other purposes. (b) (3)10USC§424, (b)(6) (b)(7)(C) said the new SOP will address camera use specifically.

7. (U//~~FOUO~~) All NGA organizations and employees have a duty to “[i]dentify and report to OIG instances of fraud, waste, abuse, and corruption” in accordance with NGA Directive 7400R5, Oversight and Assessment, 12 January 2013. Per NGA Directive 7410, Inspector General Operations, 2 June 2014, Administrative Update 16 November 2016, NGA employees “must notify their supervisor or the OIG when they become aware of activity possibly constituting violations of law, rule, regulation, gross mismanagement, gross waste of funds, or abuse of authority.”

8. (U//~~FOUO~~) Based on a review of the evidence provided and obtained as a part of this investigation, OIG investigators found the actions of observing and the taking of a snapshot of (b) (3)10USC§424, (b)(6) (b)(7)(C) in an NGA polygraph suite was not done for the purpose of Intelligence Oversight. The evidence indicates that (b) (3)10USC§424, (b)(6) (b)(7)(C) purpose of observing (b) (3)10USC§424, (b)(6) (b)(7)(C) was because she believed (b) (3)10USC§424, (b)(6) (b)(7)(C) was going to conduct a routine polygraph. Upon determining that (b) (3)10USC§424, (b)(6) (b)(7)(C) actions might be in violation of NGA's policy on using government equipment for personal use, (b) (3)10USC§424, (b)(6) (b)(7)(C) then took the snapshot to share with her management.

//signed//

(b) (3)10USC§424, (b)(6) (b)(7)(C)
Investigator, (b) (3)10USC

(U) DEFENSE HOTLINE COMPLETION REPORT

1. (U) **Name of Official Conducting Inquiry:** (b) (3)10USCS424, (b)(6) (b)(7)(C)
2. (U) **Rank or Grade of Official:** Pay Band (b)(6)
3. (U) **Duty Position and Telephone Number:** Special Agent; (b)(6) (b)(7)(C)
4. (U) **Organization:** NGA Office of Inspector General (OIG)
5. (U) **Hotline Control Numbers:**
 - 20190607-058501-CASE 02 (OIG Case 20-005)
 - 20190607-058484-CASE 03 (OIG Case 20-006)
6. (U) **Scope of Inquiry, Findings, Conclusions, and Recommendations:**
 - a. (U) **Scope of Inquiry.** On 27 February 2020, the NGA OIG completed its inquiry in OIG Case Numbers 20-005 and 20-006.

(U//FOUO) On 3 July 2019 and 12 September 2019, the NGA OIG received DoD Inspector General Hotline referrals alleging that (b)(6) (b)(7)(C) Federal Emergency Management Agency (FEMA), Department of Homeland Security (DHS), Washington District of Columbia (D.C.) was committing fraud, waste and abuse by tasking multiple government agencies to provide the same geospatial support.^{1 2 3}

- b. (U) **Findings.** NGA OIG Special Agents found that FEMA and its employees were the subjects of the case. On 11 December 2019, we contacted DHS OIG who informed NGA OIG they reviewed the DoD IG Hotline complaint and declined to take any action.
- c. (U) **Conclusions and Recommendations.** We found that in October 2019, NGA OIG Auditors had completed an Audit of NGA's Analysis Event Response for National Security and Natural Disasters, Project Number 17-A08. This audit covered NGA's support to FEMA and the audit results were provided to the appropriate offices for review and action. The report is classified and can be provided via a classified system, if required.

1. During our inquiry, we learned that the anonymous complaint made on 3 July 2019 was made by the confidential source (CS) for the complaint made on 12 September 2019.
2. NGA did not investigate the case due to (b)(6) (b)(7)(C) affiliation with FEMA.
3. Effective 19 January 2020, the CS terminated his employment with NGA.

d. (U) We recommend no further investigative work be conducted and close OIG Case number 20-005 and 20-006 cases.

7. (U) **Criminal or Regulatory Violations Substantiated**

a. Not Applicable

8. (U) **Disposition.**

(U//FOUO) The audit objective of Project Number 17-A08 was to determine whether NGA's Analysis component-related crisis and event response plans were in place, executed, and managed effectively. The report contains 10 recommendations to improve (b) (3)10USC§424 readiness capabilities to respond to natural disasters and national security crises, data gathering processes for decision making, and use of lessons learned to enhance crisis response. Among the findings was a recommendation to communicate to the NGA workforce a clear vision for the Analysis component's role within NGA's support of domestic and international Humanitarian Assistance and Disaster Response crises and Special Security Events.

9. (U) **Specification of Security Classification of Information.** The classification contained in this Hotline Completion Report is Unclassified//~~For Official Use Only~~.

10. (U) **Location of Field Working Papers and Files.** All case records are located in the NGA OIG Case Management Tracking System (CMTS) and the NGA OIG shared folder in accordance with records management regulations.

11. (U//FOUO) If you have questions or require additional information, please contact (b) (3)10USC§424, (b)(6) (b)(7)(C) @nga.mil, or (b) (3)10USC§424, (b)(6) (b)(7)(C) @nga.mil.

(U) DEFENSE HOTLINE COMPLETION REPORT

1. (U) **Name of Official Conducting Inquiry:** (b) (3)10USC§424, (b)(6) (b)(7)(C)
2. (U) **Rank or Grade of Official:** Pay Band (b) (7)(C)
3. (U) **Duty Position and Telephone Number:** Special Agent; (b) (3)10USC§424, (b)(6) (b)(7)(C)
4. (U) **Organization:** NGA Office of Inspector General (OIG)
5. (U) **Hotline Control Numbers:**
 - 20190607-058501-CASE 02 (OIG Case 20-005)
 - 20190607-058484-CASE 03 (OIG Case 20-006)
6. (U) **Scope of Inquiry, Findings, Conclusions, and Recommendations:**
 - a. (U) **Scope of Inquiry.** On 27 February 2020, the NGA OIG completed its inquiry in OIG Case Numbers 20-005 and 20-006.

(U//FOUO) On 3 July 2019 and 12 September 2019, the NGA OIG received DoD Inspector General Hotline referrals alleging that (b) (3)10USC§424, (b)(6) (b)(7)(C) Federal Emergency Management Agency (FEMA), Department of Homeland Security (DHS), Washington District of Columbia (D.C.) was committing fraud, waste and abuse by tasking multiple government agencies to provide the same geospatial support. ^{1 2 3}

b. (U) **Findings.** NGA OIG Special Agents found that FEMA and its employees were the subjects of the case. On 11 December 2019, we contacted DHS OIG who informed NGA OIG they reviewed the DoD IG Hotline complaint and declined to take any action.

c. (U) **Conclusions and Recommendations.** We found that in October 2019, NGA OIG Auditors had completed an Audit of NGA's Analysis Event Response for National Security and Natural Disasters, Project Number 17-A08. This audit covered NGA's support to FEMA and the audit results were provided to the appropriate offices for review and action. The report is classified and can be provided via a classified system, if required.

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 3. Effective 19 January 2020, the CS terminated his employment with NGA.

d. (U) We recommend no further investigative work be conducted and close OIG Case number 20-005 and 20-006 cases.

7. (U) **Criminal or Regulatory Violations Substantiated**

a. Not Applicable

8. (U) **Disposition.**

(U//FOUO) The audit objective of Project Number 17-A08 was to determine whether NGA's Analysis component-related crisis and event response plans were in place, executed, and managed effectively. The report contains 10 recommendations to improve (b) (3)10USC§424 readiness capabilities to respond to natural disasters and national security crises, data gathering processes for decision making, and use of lessons learned to enhance crisis response. Among the findings was a recommendation to communicate to the NGA workforce a clear vision for the Analysis component's role within NGA's support of domestic and international Humanitarian Assistance and Disaster Response crises and Special Security Events.

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NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY

Know the Earth... Show the Way... Understand the World



Office of Inspector General Investigations Division

(U) Title: Misuse of Resources

OIG Case Number 20-014

13 April 2020

(U) The Investigations Division, Office of Inspector General, NGA, prepared this report. If you have questions about the report, contact the Office of Inspector General, NGA.

Telephone: 571-557-7500 • (DSN 547-7500)

Fax (unclassified): 571-558-3273 • (DSN 547-3273) • (secure) 571-558-1035

e-mail: ig@nga.mil

Mail: National Geospatial-Intelligence Agency
Attention: Inspector General
Mail Stop N-75
7500 GEOINT Drive
Springfield, VA 22150



National Geospatial-Intelligence Agency
OFFICE OF INSPECTOR GENERAL

IG@nga.mil

IG@nga.ic.gov

800-380-7729 (Voice/TTY)

312-547-4849 (DSN/TTY)

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Contractor Fraud

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Violations of Law, Rule or Regulation

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NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY
OFFICE OF INSPECTOR GENERAL

EXECUTIVE SUMMARY

(U) **OIG CASE NUMBER:** 20-014

(U) **TITLE:** Misuse of Resources

(U) **SUBJECT**

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C)

Analysis Directorate (Analysis), NGA, Springfield, Virginia

(U) **ALLEGATION**

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) used an NGA printer to print out hundreds of copies of a wedding program.

(U) **INVESTIGATION**

(U) The investigation determined the following with respect to the allegation.

(U//FOUO) OIG substantiated the allegation that (b) (3)10USC§424, (b)(6) (b)(7)(C) used an NGA printer to print out over a hundred copies of programs for his wedding. NGA Instruction (NGAI) 8470.2 establishes the appropriate use of NGA Information Technology (IT) resources and specifically states that excessive printing is prohibited and unacceptable use of NGA IT resources. (b) (3)10USC§424, (b)(6) (b)(7)(C) acknowledged he used an NGA printer to print his wedding programs but believed his actions were not in violation of NGAI 8470.2 and did not interfere with other employees' printing activities. Although NGAI 8470.2 does not define what is considered excessive use of a printer, (b) (3)10USC§424, (b)(6) (b)(7)(C) use of the printer caused it to jam repeatedly and his printing took between one and two work hours. The preponderance of the evidence indicates that (b) (3)10USC§424, (b)(6) (b)(7)(C) actions do not appear to be consistent with NGAI 8470.2.

(U) **RECOMMENDATION**

(U) The OIG recommends that the (b) (3)10USC§424 review this report, and in consultation with the Director of Analysis, take appropriate action.

REPORT OF INVESTIGATION

(U) **OIG CASE NUMBER:** 20-014

(U) **TITLE:** Misuse of Resources

(U) **SUBJECT**

(U//FOUO) [REDACTED] (b) (3) 10USC§424, (b)(6) (b)(7)(C)
[REDACTED], Analysis Directorate (Analysis), NGA, Springfield, Virginia

(U) **ALLEGATION**

(U//FOUO) [REDACTED] (b) (3)10USC§424, (b)(6) (b)(7)(C) used an NGA printer to print out hundreds of copies of a wedding program.

(U) **BACKGROUND**

(U//FOUO) On 9 October 2019, an anonymous complainant submitted an NGA OIG online complaint which alleged [REDACTED] (b) (3)10USC§424, (b)(6) (b)(7)(C) misused NGA resources when he printed hundreds of copies of a wedding program from an NGA printer. The complainant stated that [REDACTED] (b) (3)10USC§424, (b)(6) (b)(7)(C) placed the wedding programs in a canvass bag and the bag had "inches of these printouts." The complainant advised that [REDACTED] (b) (3)10USC§424, (b)(6) (b)(7)(C) printed out these flyers (wedding programs) on 9 October 2019, on NCE Service Hub N6C302, printer NCEUOMMN6C302. The complainant attached a copy of the wedding program to the complaint.

(U) **SCOPE**

(U) NGA OIG conducted this investigation in accordance with the standards set forth in NGA Manual 7410.11, *Inspector General Operations*, 2 June 2014, and the *Quality Standards for Investigations*, 15 November 2011, set forth by the Council of the Inspectors General on Integrity and Efficiency. OIG obtained testimony from employees believed to have information pertinent to the allegations and issues. OIG also reviewed pertinent documents and data.

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(U) Applicable Statutory and Regulatory Standards

- **(U) NGA Instruction (NGAI) 8470.2, Acceptable Use of Information Technology Resources, 3, Prohibited and Unacceptable Use of NGA IT Resources, 18 December 2018, states:**

(a) Any use of NGA IT [Information Technology] resources that:

(4) Overburdens the IT resources (e.g. network broadcasts and group mailings) or involves excessive use of NGA IT for non-work related activities (e.g. excessive printing, streaming audio and video, computer games, and personal use of the Internet).

- **(U) Title 5 CFR § 2635.704 (a) Use of Government Property, states:**

An employee has a duty to protect and conserve Government property and shall not use such property, or allow its use, for other than authorized purposes.

- **(U) Title 5 CFR § 2635.101 (b) (5), states:**

Employees shall put forth honest effort in the performance of their duties.

(U) Facts

(U) Investigative Methods

(U//FOUO) OIG investigators obtained and reviewed a copy of (b) (3)10USC§424, (b)(6) (b)(7)(C) wedding program. OIG investigators interviewed (b) (3)10USC§424, (b)(6) (b)(7)(C) to determine the extent of his printing activity and other systems use that may not be related to (b) (3)10USC§424, (b)(6) (b)(7)(C) job duties.

(U) Testimony

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) testified he is an (b)(6) (b)(7)(C) and works in the (b) (3)10USC§424 in the Analysis Directorate. (b) (3)10USC§424, (b)(6) (b)(7)(C) advised that he has worked in his current role between (b)(6) (b)(7)(C) years. (b) (3)10USC§424, (b)(6) (b)(7)(C) has worked as an (b) (3)10USC§424, (b)(6) (b)(7)(C) at NGA for approximately (b)(6) (b)(7)(C) years.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) acknowledged he used an NGA printer to print off wedding programs for his wedding. (b) (3)10USC§424, (b)(6) (b)(7)(C) said that he used his own paper to print the wedding programs because he wanted to print the programs on a particular card stock. (b) (3)10USC§424, (b)(6) (b)(7)(C) estimated he printed over a 100 copies of the

wedding program. (b) (3)10USC§424, (b)(6) (b)(7)(C) surmised that over his (b)(6) (b)(7)(C)-year career at NGA, he has printed out between 200 and 300 documents, unrelated to work, on the unclassified printers.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) contended that he did not believe he was misusing government resources when he printed out his wedding programs. (b) (3)10USC§424, (b)(6) (b)(7)(C) said he attempted to print off the wedding programs at around 4:00PM or 5:00PM at a time when his coworkers did not frequently use the printers so he did not interfere with their productivity. (b) (3)10USC§424, (b)(6) (b)(7)(C) advised that he did not conceal what he was doing because he believed he was not doing anything wrong.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) stated his printing did not interfere with any coworker's print jobs and indicated that he assumed the cost of ink from the printer was nominal. (b) (3)10USC§424, (b)(6) (b)(7)(C) assured that he would be willing to reimburse NGA for whatever resources he cost the agency for printing his wedding programs.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) said he had forwarded an electronic copy of the wedding program from his personal email account to his SBU email and then printed off the program from his workstation. (b) (3)10USC§424, (b)(6) (b)(7)(C) recalled that the printer kept jamming so it took a couple hours to print the wedding programs. (b) (3)10USC§424, (b)(6) (b)(7)(C) said he sent batches of 10 to 20 copies and then the printer would jam.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) said he used an NGA printer to print out the programs because the formatting was better than his home computer. (b) (3)10USC§424, (b)(6) (b)(7)(C) advised that he was having trouble printing the programs from his home computer. (b) (3)10USC§424, (b)(6) (b)(7)(C) said, "But again, I didn't think I was using government time excessively [to print the programs]."

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) advised that he did not believe he needed to receive permission or approval from his management to use the NGA printer to print off his wedding programs. (b) (3)10USC§424, (b)(6) (b)(7)(C) advised he was not sure what his management would have said if he had asked them permission to use the printers for personal use.

OIG: What do you think [management] they would have said if you asked them? Do you think they would have cleared it? Do you think they would have advised you not to do it?

Subject: I guess I'm not sure. I guess, given that we are having this conversation, I guess that maybe they would have been concerned.

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) said that he was aware of the policy (NGAI 8470.2) that covers misuse of NGA resources such as excessive printing. (b) (3)10USC§424, (b)(6) (b)(7)(C) advised that he checked the policy to see if there was any information that provided limits for the number of pages printed (for personal use) that would be considered excessive (no limits are provided in the policy).

(U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) advised that in retrospect he should have consulted with a third-party (Office of General Counsel, management, etc.) to determine whether printing his wedding programs off an NGA printer may violate NGA policies.

(b) (3)10USC§424, (b)(6) (b)(7)(C) maintained that he did not believe his actions were inconsistent with NGA policies.

(U) Conclusion

(U//FOUO) OIG substantiated the allegation that (b) (3)10USC§424, (b)(6) (b)(7)(C) used an NGA printer to print out over a hundred copies of his wedding program. NGAI 8470.2 establishes the appropriate use of NGA IT resources and specifically states that excessive printing is prohibited and an unacceptable use of NGA IT resources. (b) (3)10USC§424, (b)(6) (b)(7)(C) acknowledged he used an NGA printer to print his wedding programs but believed his actions were not in violation of NGAI 8470.2 and did not interfere with other employees' printing activities. Although NGAI 8470.2 does not define what is considered excessive use of a printer, (b) (3)10USC§424, (b)(6) (b)(7)(C) use of the printer caused it to jam repeatedly and his printing took between one and two work hours. The preponderance of the evidence indicates that (b) (3)10USC§424, (b)(6) (b)(7)(C) actions do not appear to be consistent with NGAI 8470.2.

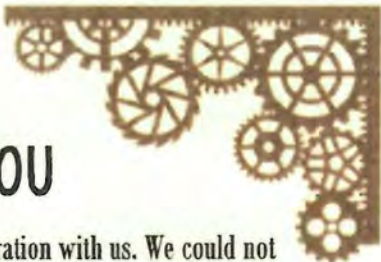
(U) Recommendation

(U//FOUO) OIG recommends that the (b) (3)10USC§424 review this report, and in consultation with the Director of Analysis, take appropriate action.

(U) EXHIBIT 1

1. (U//FOUO) (b) (3)10USC§424, (b)(6) (b)(7)(C) Wedding Program

EXHIBIT 1



THANK YOU

We are grateful to all of you for sharing this celebration with us. We could not have survived without your support and extreme patience. Your contributions include Hora selection, outfit counseling, and talking (b)(6) (b)(7)(C) out of baking the desserts herself. Several people contributed not only their time and forbearance but their considerable talents. (b)(6) (b)(7)(C) sculpted the centerpieces. (b)(6) (b)(7)(C) designed the ketubah art. (b)(6) (b)(7)(C) produced the ketubah engraving. (b)(6) (b)(7)(C) and (b)(6) (b)(7)(C) provided vital Hebrew skills. (b)(6) (b)(7)(C) created the floral arrangements, boutonnieres, corsages, and other wedding accessories. (b)(6) (b)(7)(C) baked the cookies you are about to inhale. (b)(6) (b)(7)(C) is trying to keep all of us on track today.

FYI

Both (b) (3)10USC§424, (b)(6) (b)(7)(C) are keeping their last names.

IN LOVING MEMORY

(b)(6) (b)(7)(C)



(b)(6) (b)(7)(C)

&

(b) (3)10USC§424, (b)(6) (b)(7)(C)



(b)(6) (b)(7)(C)

Baltimore
Museum of
Industry





THE CEREMONY

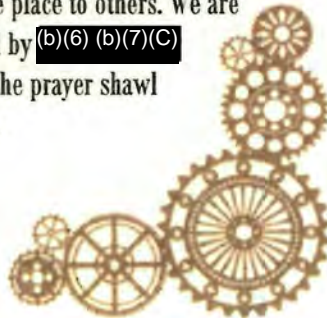
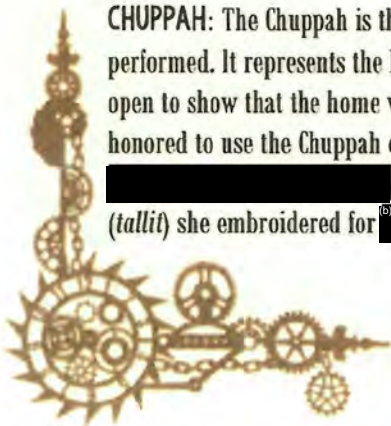
Rev. Dr. (b)(6) (b)(7)(C)
Officers

Please do not take pictures during the ceremony. We like you, not your phone.

Our ceremony is modified from the traditional Jewish marriage ceremony.
Don't worry, we also had to Google a lot of what's going on here.

KETUBAH: The Ketubah is the Jewish marriage contract. Traditionally it spells out the groom's responsibilities to the bride, the dowry, and the sum he owes his wife upon divorce. Despite the part where it is essentially a bill of sale for the bride, the Ketubah is actually a feminist innovation in Judaism. With the development of the Ketubah, women for the first time had enforceable rights against their husbands. (b)(3)10USC§424, (b)(6) (b)(7)(C) originally thought it would be neat to honor this history by keeping the traditional text in Aramaic, which no one would be able to read, followed by a personalized text in English. After being assured by (b)(6) (b)(7)(C), that he could, in fact, read it, they abandoned that plan and have written their own, egalitarian Ketubah. Look for it at the reception.

CHUPPAH: The Chuppah is the canopy under which the marriage ceremony is performed. It represents the home the couple will build together. The walls are open to show that the home will always be a welcome place to others. We are honored to use the Chuppah created and embroidered by (b)(6) (b)(7)(C). The roof is formed by the prayer shawl (*tallit*) she embroidered for (b)(6) (b)(7) for her Bat Mitzvah.



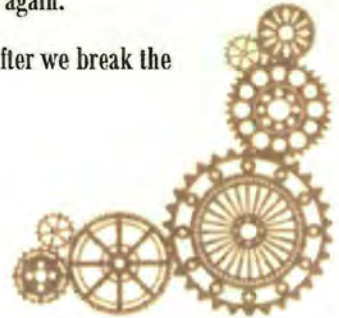
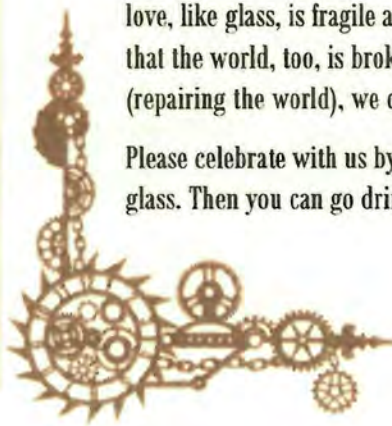
SHEVA B'RACHOT (SEVEN BLESSINGS): The seven blessings are the centerpiece of the traditional ceremony. They start with the blessing over the wine, followed by praise of creation itself, the creation of human beings, the joy of the couple, and the establishment of a household. They end with an ode to joy that links this individual celebration with the time when joy and gladness will reign everywhere.

Intrepid officers (b)(6) (b)(7)(C) will bravely recite the traditional blessings in Hebrew. The first blessing will be followed by a candle lighting in honor of the Christian tradition. Following each of the remaining blessings, friends of the couple will give their own blessings in the form of six readings of their selection.

RING CEREMONY: The traditional Jewish wedding requires a ring ceremony, but no vows. We will exchange rings and vows. Please note this is not the end! Hold your applause until...

BREAKING THE GLASS: No Jewish occasion is complete without a reminder that we lost the Temple in Jerusalem two thousand years ago. More to the point of today's occasion, this tradition teaches that, in times of joy, we remind ourselves that life also brings sorrow. It warns us that love, like glass, is fragile and must be protected. It helps us remember that the world, too, is broken and that with acts of *tikkun olam* (repairing the world), we can help to make it whole again.

Please celebrate with us by shouting "Mazel Tov!" after we break the glass. Then you can go drink.



Full. P. 1 - 012-157

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NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY

7500 GEOINT Drive
Springfield, Virginia 22150

JAN 14 2020

U-007-20/OIG

MEMORANDUM FOR INSPECTOR GENERAL, DEPARTMENT OF DEFENSE

ATTENTION: DIRECTOR, INVESTIGATION OF SENIOR OFFICIALS

SUBJECT: (U//~~FOUO~~) Final Action, Allegation Regarding an NGA Senior Official (NGA OIG Case Number 20-034), DCATS Number 20191211-061985

REFERENCES: a. (U//~~FOUO~~) DoD Directive 5505.06, 6 June 2013, Investigations of Allegations Against Senior DoD Officials
b. (U//~~FOUO~~) NGA Memorandum, U-364-19/OIG, Notification of Allegation Regarding an NGA Senior Official (NGA OIG Case Number 20-034), 10 December 2019

1. (U//~~FOUO~~) The NGA Office of Inspector General (OIG) previously notified your office (reference b) that (b)(3) 10 USC §424, (b)(6), (b)(7)(C) [REDACTED], Defense Intelligence Senior Executive Service, (b)(3) 10 USC §424 [REDACTED], Analysis Directorate, NGA, Springfield, Virginia, misused NGA computers to access adult pornography sites. (b)(3) 10 USC §424, (b)(6), (b)(7)(C) [REDACTED] resigned from NGA effective 18 December 2019.

2. (U//~~FOUO~~) As the Component-Designated Official, I am forwarding this notice of action to you in accordance with the references. (b)(3) 10 USC §424, (b)(6), (b)(7)(C) [REDACTED] resigned from NGA before any action was proposed to address his computer misuse. We do not plan to take any further action, and we consider this matter closed.

3. (U//~~FOUO~~) If you have questions or require additional information, please contact (b)(3) 10 USC §424, (b)(6), (b)(7)(C) [REDACTED] @nga.mil, or (b)(3) 10 USC §424, (b)(6), (b)(7)(C) [REDACTED] @nga.mil.

(b)(3) 10 USC §424, (b)(6), (b)(7)(C) [REDACTED]

Inspector General

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NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY

7500 GEOINT Drive
Springfield, Virginia 22150

SEP 17 2020



U-152-20/OIG

MEMORANDUM FOR INSPECTOR GENERAL, DEPARTMENT OF DEFENSE

ATTENTION: DIRECTOR, INVESTIGATION OF SENIOR OFFICIALS

SUBJECT: (U//~~FOUO~~) Allegation and Notification of Results Regarding an
NGA Senior Official (NGA OIG Case Number 20-050)

REFERENCE: (U//~~FOUO~~) DoD Directive 5505.06, 6 June 2013, Investigations
of Allegations Against Senior DoD Officials

1. (U//~~FOUO~~) The NGA Office of Inspector General (OIG) received a complaint that (b) (3)10USC§424, (b)(6) (b)(7)(C) Defense Intelligence Senior Executive Service, (b) (3)10USC§424, NGA, Springfield, Virginia, may have violated the Hatch Act. We referred the activities that may have violated the Hatch Act to the Office of Special Counsel (OSC) for review and response back to the NGA OIG. A copy of the complaint is included with this memorandum.

2. (U//~~FOUO~~) The OSC completed a review of the allegation and concluded that (b) (3)10USC§424 did not violate the Hatch Act.

3. (U//~~FOUO~~) Based on the review conducted by OSC, NGA OIG considers this investigation closed.

4. (U//~~FOUO~~) If you have questions or require additional information, please contact (b) (3)10USC§424, (b)(6) (b)(7)(C) @nga.mil, or (b) (3)10USC§424, (b)(6) (b)(7)(C) @nga.mil.

(b) (3)10USC§424, (b)(6) (b)(7)(C)

Inspector General

Enclosure

(U) Complaint documents

(U) OSC Memorandum, 9 September 2020

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(b) (3)10USC§424, (b)(6) (b)(7)(C) USA CIV

From: (b) (3)10USC§424, (b)(6) (b)(7)(C) USA CIV
Sent: Tuesday, November 24, 2020 3:48 PM
To: (b) (3)10USC§424, (b)(6) (b)(7)(C) USA CIV
Cc: (b) (3)10USC§424, (b)(6) (b)(7)(C) USA CIV; (b) (3)10USC§424, (b)(6) (b)(7)(C) USA CIV; (b) (3)10USC§424, (b)(6) (b)(7)(C) -OIG USA CIV
Subject: Re: Need (b) (3)10USC§424, (b)(6) (b)(7)(C) Organization Charts

(b) (3)10USC§424, (b)(6) (b)(7)(C): This email is in response to the email exchange we had this summer and that you more recently had with (b) (3)10USC§424, (b)(6) (b)(7)(C) of my office in late September. After (b) (3)10USC§424, (b)(6) (b)(7)(C) advised me that you were still concerned about the management inquiry that was conducted by (b) (3)10USC§424, (b)(6) (b)(7)(C) and that (b) (3)10USC§424, (b)(6) (b)(7)(C) also had concerns about the inquiry report, I addressed the matter with the IG, (b) (3)10USC§424, (b)(6) (b)(7)(C), since this involved very senior management. The actions that you brought to our attention did not appear to be matters that we would investigate, but I thought (b) (3)10USC§424, (b)(6) (b)(7)(C) may want to address it with the appropriate senior management. After reviewing the details of this matter with (b) (3)10USC§424, (b)(6) (b)(7)(C), he advised me to convey to you that should (b) (3)10USC§424, (b)(6) (b)(7)(C) have concerns about the management inquiry and its results, she can reach out to him to discuss her concerns with him.

I apologize that I did not get this response to you sooner.

(b) (3)10USC§424, (b)(6) (b)(7)(C)

Sent from my iPad